work—hardly be called constructive builders who participate in helping build the political system that the American people want.

My hope is that in the coming weeks—we have just 1 week left before there is an August break, and then about 4 or 5 weeks left before we will adjourn for the election—my hope is that during that time we will see substantially more cooperation, substantially less confrontation, and legislation enacted by the House and the Senate that addresses the central questions of people's concerns. I mentioned a few of them. Are they safe? Can they walk the streets? What about crime? Do they have jobs for themselves and their children? Does the education system work? Are our schools good enough? If not, what will make them better?

Can we fix the health care system to deal with preexisting conditions and portability of health care coverage, and make health care affordable for all people? Can we address the issue of those frozen at the bottom of the economic ladder working for very low wages who have been frozen for 7 years? Can we adjust the minimum wage?

Those are the central kinds of questions that if the Congress does address, will, I think, relate to the concerns of most of the American people.

Mr. President, I will yield the floor. My hope is that, although we are going to run through some appropriations bills this week, my hope is that a number of these other issues coming out of conference will be addressed as well.

SENATOR BENNETT JOHNSTON

Mr. DORGAN. Mr. President, let me make one final observation. The Senator who is on the Democratic side of the aisle working on this bill, Senate BENNETT JOHNSTON, as was mentioned by Senator KEMPTHORNE and others today, is one of, I think, the most admired Senators in this country.

He does it the right way. He addresses public issues in a thoughtful and responsible way. He is going to leave the Congress. I believe Members from both political parties would look at Senator JOHNSTON's public record and, with admiration, say this is someone who has served long and well in public service in this country and someone to whom we owe a debt of thanks and gratitude.

I know this will likely be the last bill that he is involved in managing with the Senator from New Mexico on the floor of the Senate. I did want to take the opportunity to wish him well in whatever new career he chooses. I am sure there are many opportunities ahead of him.

Mr. President, I yield the floor, and I make a point of order that a quorum is not present.

The PRESIDING OFFICER (Mr. JEFFORDS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997

The Senate continued with consideration of the bill.

LAKE TRAVERSE

Mr. DORGAN. Mr. President, I want to take just a couple of minutes, I will be very brief, to make a point to those managing this legislation.

My understanding is an amendment has been noticed dealing with the issue of Lake Traverse. I want it to be clear that if an amendment is offered on Lake Traverse, I will oppose that amendment.

The issue is a lake in South Dakota. There is some concern about the water level in that lake. The water level and the amount of water held for flood control disadvantages people around Lake Traverse. It is also true, that Lake Traverse is used less for flood control and as the lake water level is lowered, more water would be flushed out of the lake and into the Red River, adversely affecting a good number of communities along the Red River.

We did have a meeting with the St. Paul District, Corps of Engineers folks and the staffs of a number of congressional delegations about what kind of collaborative effort could be developed to make sure the interests of all parties are resolved in an appropriate way.

Legislation introduced here in the Senate, if such an amendment is introduced, would represent a unilateral way to do this. I will not support that.

It seems to me we have a circumstance where a lake project was authorized many, many years ago for the purpose of flood control. I understand some of the controversy about it. If the Congress is going to instruct the Corps to manage that lake in a way that diminishes opportunity for flood control, then the question is, who is going to bear the cost of that?

There will be a number of communities in North Dakota and Minnesota up on the Red River that will bear the cost of it. To the extent this problem is addressed and resolved, it must be resolved in a collaborative way, not through this kind of legislation.

If such an amendment is offered and I understand one has been referenced, I intend to oppose it. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 5101

Mr. JOHNSTON. Mr. President, I am sending to the desk a sense-of-the-Senate resolution on behalf of the distinguished Senator from West Virginia, Mr. ROCKEFELLER, and others regarding the United States-Japan semiconductor trade agreement which is set to expire on July 31 of this year.

His resolution, after recounting the history of this agreement, resolves that: It is the sense of the Senate that, if a new United States-Japan semiconductor agreement is not concluded by July 31 of this year, that, first, it ensures continued calculation of foreign market share in Japan according to the formula set forth in the current agreement, and, second, provides for continuation of current measures to deter renewed dumping of semiconductors in the United States and in third country markets, the President shall do three things: First, direct the Office of the Trade Representative to provide for unilateral United States Government calculation and publication of the foreign share of the Japanese semiconductor market, according to the formula set forth in the current agreement; second, report to the Congress on a quarterly basis regarding the progress, or lack thereof, in increasing foreign market access to the Japanese semiconductor market; and, third, take all necessary and appropriate actions to ensure that all United States trade laws with respect to foreign market access and injurious dumping are expeditiously and vigorously enforced with respect to the United States-Japan semiconductor trade.

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON), for Mr. ROCKEFELLER, for himself, Mr. CRAIG, Mr. BYRD, Mr. BINGAMAN, Mr. KEMPTHORNE, and Mr. DOMENICI, proposes an amendment numbered 5101.

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

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

The amendment is as follows:

At the appropriate place, insert:

SECTION 1. FINDINGS.

The U.S.-Japan Semiconductor Trade Agreement is set to expire on July 31, 1996;

The Governments of the United States and Japan are currently engaged in negotiations over the terms of a new U.S.-Japan agreement on semiconductors;

The President of the United States and the Prime Minister of Japan agreed to the G–7 Summit in June that their two governments should conclude a mutually acceptable outcome of the semiconductor dispute by July 31, 1996, and that there should be a continuing role for the two governments in the new agreement;

The current U.S.-Japan Semiconductor Trade Agreement has put in place both government-to-government and industry-to-industry mechanisms which have played a vital role in allowing cooperation in replace conflict in these important high technology sector such as by providing for joint calculation of foreign market share in Japan, deterrence of dumping, and promotion of industrial cooperation in the designing of foreign semiconductor devices;

Despite the increased foreign share of the Japanese semiconductor market since 1986, a gap still remains between the share U.S. and other foreign semiconductor makers are able to capture in the world market outside of Japan through their competitiveness and the sales of these suppliers in the Japanese market, and that gap is consistent across the full range of semiconductor products as well as a full range of end-use applications;

The competitiveness and health of the U.S. semiconductor industry is of critical importance to the United States' overall economic well-being as well as the nation's high technology defense capabilities;

The economic interests of both the United States and Japan are best served by well-functioning, open markets and deterrence of dumping in all sectors, including semiconductors;

The Government of Japan continues to oppose an agreement that (1) ensures continued calculation of foreign market share in Japan according to the formula set forth in the current agreement, and (2) provides for continuation of current measures to deter renewed dumping of semiconductors in the United States and in the third country markets; and

The United States Senate on June 19, 1996, unanimously adopted a sense of the Senate resolution that the President should take all necessary and appropriate actions to ensure the continuation of a government-to-government U.S.-Japan semiconductor trade agreement before the current agreement expires on July 31, 1996:

SEC. 2.

It is the sense of the Senate that if a new U.S.-Japan Semiconductor Agreement is not concluded by July 31, 1996, that (a) ensures continued calculation of foreign market share in Japan according to the formula set forth in the current agreement, and (b) provides for continuation of current measures to deter renewed dumping of semiconductors in the United States and in third country markets, the President shall—

(1) Direct the Office of the United States Trade Representative and the Department of Commerce to establish a system to provide for unilateral U.S. Government calculation and publication of the foreign share of the Japanese semiconductor market, according to the formula set forth in the current agreement;

(2) Report to the Congress on a quarterly basis regarding the progress, or lack thereof, in increasing foreign market access to the Japanese semiconductor market; and

(3) Take all necessary and appropriate actions to ensure that all U.S. trade laws with respect to foreign market access and injurious dumping are expeditiously and vigorously enforced with respect to U.S.-Japan semiconductor trade, as appropriate.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask unanimous consent that I be added as an original cosponsor.

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

Mr. ROCKEFELLER. Mr. President, I am offering an amendment that is the result of the calendar. I appreciate, therefore, the cooperation from the bill managers in allowing us to use the Energy-Water appropriations bill as a vehicle for drawing attention to an important issue for Americans. Today is July 29, and in 2 days, on July 31, the Semiconductor Agreement between the governments of the United States and Japan expires.

That is why I rise, on behalf of myself, and Senators CRAIG, BYRD, KEMPTHORNE, BINGAMAN, DOMENICI, and BOXER to offer a resolution expressing the sense of the Senate that if our negotiators are unable to reach a compromise on this important issue with the Government of Japan, that we should continue calculating the foreign share of the Japanese semiconductor market—with or without their formal cooperation. We need to do this in order to ensure continued access to the Japanese market, and to prevent illegal dumping into our market.

Since 1986, when the first Semiconductor Agreement was signed, the U.S. share of the Japanese market has grown from 8.5 percent to a little more than 17 percent. The United States share of the world market, excluding Japan, is about 54 percent. Mr. President, each point of the Japanese market is worth about $420 million in sales to the American economy and jobs, which translates into about $46.2 million in increased research and development, and $63 million in new capital investment. With numbers like that, I think it is clear how important it is that we ensure continued American access to the Japanese semiconductor market.

Mr. President, I had hoped that we would start off this week expressing relief that a new agreement between Japan and the United States has been reached. But unfortunately, that has not happened yet. This remains an example of a situation in which American trade negotiators still are unable to succeed in convincing their Japanese counterparts that it is in our mutual interest to resolve a trade-related issue that is about market access and ensuring fair trade.

What surprises me is that industry on both sides of the Pacific, and around the world, have generally applauded the two Semiconductor Agreements. Things have come a long way since 1986, when the first Semiconductor Agreement was reached and the U.S. semiconductor industry was on death's door. Since then, that agreement and the subsequent 1991 agreement, along with initiatives like Sematech, have helped American industry regain its footing and become the world leader that it is today. Markets around the world are expanding, profits are up, and the outlook for the entire industry is good.

But this period of improving market access for the U.S. semiconductor market and injecting more fairness in our trade relationship has also been short enough that we still need another agreement to avoid setbacks or suprises that could otherwise easily confront us and escalate trade-related tension unnecessarily.

Because the stakes are so high, I offer this Sense-of-the-Senate Resolution to call for appropriate action that should be taken if an agreement is not reached. Our resolution says: if an agreement on semiconductors is not reached by July 31—the date when the current agreement expires, and the date that Prime Minister Hashimoto agreed to—then the United States should unilaterally establish a system to monitor the Japanese semiconductor market, and report to Congress on a quarterly basis the progress, or lack thereof, in increasing foreign access to the Japanese semiconductor market.

I have spent many years studying and working on issues involving Japan, especially in the trade area. For that reason, I have watched the semiconductor agreement with keen interest. Many observers think or talk of this particular issue as one that just affects the businesses and communities tied to making this technology. But we are actually talking about a product often called chips that play a key role in the condition and prospects of many other industries. This type of chips, these semiconductors, form the guts of all those things shaped out of the steel that my State of West Virginia produces, along with plastics and practically everything else that makes our trains run on time, inflates the airbags in our cars, makes the elevator stop on our floors, and of course, powers our computers.

My State does not have an Intel or a Motorola that actually makes the chips. But West Virginia and many other states have industries that fall somewhere in what is called the high technology food chain. Semiconductors are the result of companies and workers who make and provide the materials that go into the end-product—sophisticated chips that make the United States one of the world's powerhouses in high-tech, and generate business and profits for many other industries around the country.

Earlier this month, I visited PPG Industries in West Virginia. PPG started more than 100 years ago as the Pittsburgh Plate Glass Co. They are still one of the leading flat glass companies in the world, but they no longer resemble their ancestor of the 19th century, or even the early 20th century. They are a 21st century company that makes high performance thermoplastics that go into the housing for Pentium chips—the most advanced semiconductors in today's personal computers [PC's]. When Japan buys more American made semiconductors and computers, the benefits are reaped all the way down the high technology food chain to companies like PPG.

My hope is that Japan will see how they benefit, in so many ways, from finding common ground with the United States in settling our trade disputes and maintaining the fair and open trade arrangements we seek in the case of semiconductors. The United States and Japan have deep, meaningful ties with one another, from our security relationship which forms the bedrock of security and stability in East Asia to the leading role we both play in the world's economy. We must continue as friends and as major economic players

in the world to try to make bilateral trade another area where we resolve our differences, adhere to the principle of reciprocity and fairness, and play by the same rules. In the case of semiconductors, the United States should not be asked to risk going back to the days, from not very long ago, when we could not reach the Japanese market with products that are the best in the world. I hope Japan will soon agree, but until that happens, I offer this resolution to highlight Americans' stake in the outcome and to propose the steps that should be taken to protect our economic interests.

Mr. DOMENICI. Mr. President, we have no objection to the amendment on our side.

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

The amendment (No. 5101) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 5099 TO AMENDMENT NO. 5098, AS FURTHER MODIFIED

Mr. JOHNSTON. Mr. President, earlier this afternoon, Senator DOMENICI introduced an amendment on his behalf and on my behalf a second-degree amendment, and later we struck a paragraph of that amendment. I now, Mr. President, would like to further correct our action.

On the first page of amendment No. 5098 to S. 1959, on the first page we should strike the following language—strike the paragraph that begins: ''Insert where appropriate: 'MAINTENANCE OF SECURITY'" et cetera, and ending with the phrase: ''SECURITY AT THE GASEOUS DIFFUSION PLANTS;''.

I would like to vitiate that action with respect to that paragraph.

Mr. DOMENICI. Reserving the right to object, did we not do that?

Mr. JOHNSTON. We took out part of it but not all of it.

Mr. DOMENICI. I understand that there is a McConnell amendment, and we have the right in his behalf of offering it freestanding. Now, as soon as we contact him, we will in short order offer it. This would not preclude us from offering that; is that correct? I ask a parliamentary inquiry.

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 5099) to amendment No. 5098, as further modified, is as follows:

In Amendment No. 5098, strike lines 3 through 9 and insert in lieu thereof:

On page 19, line 3, strike ''2,749,043,000,'' and insert in lieu thereof ''2,764,043,000,'' and on page 20, line 9, strike ''220,200,000 and insert in lieu thereof ''205,200,000.''

Insert where appropriate: Within available funds, up to $2,000,000 is provided for demonstration of stir-melter technology developed by the Department and previously intended to be used at the Savannah River site. In carrying out this demonstration, the Department is directed to seek alternative use of this technology in order to maximize the investment already made in this technology.''

Insert where appropriate: ''*Provided*, That, funds made available by this Act for departmental administration may be used by the Secretary of Energy to offer employees voluntary separation incentives to meet staffing and budgetary reductions and restructuring needs through September 30, 1997 consistent with plans approved by the Office of Management and Budget. The amount of each incentive shall be equal to the smaller of the employee's severance pay, or $20,000. Voluntary separation recipients who accept employment with the Federal Government, or enter into a personal services contract with the Federal Government within 5 years after separation shall repay the entire amount to the Department of Energy.''

On page 2, between lines 24 and 25, insert the following: ''Tahoe Basin Study, Nevada and California, $200,000; Walker River Basin restoration study Nevada and California, $300,000;''

On page 3, line 20, strike ''construction costs for Montgomery Point Lock and Dam, Arkansas, and''

On page 13, line 21, after ''expended'' insert '':*Provided further*, That within available funds, $150,000 is for completion of the feasibility study of alternatives for meeting the drinking water needs of Cheyenne River Sioux Reservation and surrounding communities''.

On page 7, line 19, add the following before the period: ''*:Provided further*, That the Secretary of the Army is directed to use $600,000 of funding provided herein to perform maintenance dredging of the Cocheco River navigation project, New Hampshire.''

On page 5, after line 2, insert the following: ''Mill Creek, Ohio, $500,000;''.

On page 5, line 8, strike ''$6,000,000'' and insert in lieu thereof: ''$8,000,000''.

On page 23, line 22, strike ''$5,615,210,000'' and insert ''$5,605,210,000''; and on page 23, line 8, strike ''$3,978,602,000'' and insert ''$3,988,602,000''.

On page 14, on line 12, after ''amended'' insert ''$12,500,000 shall be available for the Mid-Dakota Rural Water System''.

On page 6, line 24, strike ''1,700,358,000'' and insert ''1,688,358,000.''

On page 3, line 15, strike ''1,024,195,000'' and insert ''1,049,306,000.''

On page 5, line 25, insert the following before the period: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to initiate construction on the following projects in the amounts specified:

''Lake Harbor, Alaska, $4,000,000;

''Helena and Vicinity, Arkansas, $150,000;

''San Lorenzo, California, $200,000;

''Panama City Beaches, Florida, $400,000;

''Chicago Shoreline, Illinois, $1,300,000;

''Pond Creek, Jefferson City, Kentucky, $3,000,000;

''Boston Harbor, Massachusetts, $500,000;

''Poplar Island, Maryland, $5,000,000;

''Natchez Bluff, Mississippi, $5,000,000;

''Wood River, Grand Isle, Nebraska $1,000,000;

''Duck Creek, Cincinnati, Ohio, $466,000;

''Saw Mill River, Pittsburgh, Pennsylvania, $500,000;

''Upper Jordan River, Utah, $1,100,000;

''San Juan Harbor, Puerto Rico, $800,000; and

''Allendale Dam, Rhode Island, $195,000: *Provided further*, That no fully allocated funding policy shall apply to construction of the projects listed above, and the Secretary of the Army is directed to undertake these projects using continuing contracts where sufficient funds to complete the projects are not available from funds provided herein or in prior years.''

On page 14, line 1, strike ''$410,499,000'' and insert ''$398,596,700''.

On page 15, line 13, insert the following before the period: *: Provided further*, That $1,500,000 shall be available for construction of McCall Wastewater Treatment, Idaho facility, and $1,000,000 shall be available for Devils Lake Desalination, North Dakota Project''.

On page 29, between lines 5 and 6, insert the following:

''SALARIES AND EXPENSES

''For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $342,000.''

On page 33, between lines 7 and 8, insert the following:

''SALARIES AND EXPENSES

''For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $322,000.''

On page 17, line 19, strike ''$48,971,000'' and insert ''$48,307,000''.

On page 7, line 19, insert the following before the period: ''*Provided further*, That $750,000 is for the Buford-Trenton Irrigation District, Section 33, erosion control project in North Dakota''.

Mr. DOMENICI. Mr. President, in behalf of the leader, I ask unanimous consent—and I understand this has been approved by the minority—at the hour of 9:30 a.m. on Tuesday, that is, July 30, there be 20 minutes for closing remarks under the control of myself and Senator JOHNSTON or their designees, and at the hour of 9:50 a.m. there be 10 minutes under the control of Senator MCCAIN, and that at the hour of 10 a.m. there be 2 minutes for debate to be equally divided in the usual form prior to the vote in relation to amendment No. 5094, to be followed by votes on or in relation to amendments Nos. 5095 and 5096, with the same 2 minutes for debate between each vote to be equally divided, provided that no second-degree amendments be in order to these amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. Just a moment.

I further ask unanimous consent that following the first stacked rollcall vote, each remaining vote be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOMENICI. Mr. President, I think we have appropriately reserved what everyone wanted us to preserve and protect, and if I understand correctly—and perhaps Senator JOHNSTON can listen and see if I am right—Senator GRAMS' amendment on the Appalachian Regional Commission is not provided for in this. Therefore, it will be taken up in due course tomorrow. But none of this agreement with reference to time limits and/or amendments applies.

Mr. JOHNSTON. The Senator is correct.

Mr. DOMENICI. I understand Senator MCCAIN has an amendment pending striking section 503. It has not been disposed of, or provided for, I should say, in this unanimous consent request. So unless we can dispose of it, it will be pending also tomorrow. I understand that on the Democratic side, you are trying to get Senator FEINGOLD, if he can, to come to the floor with reference to an Animas LaPlata amendment.

Is there any hope that that will be forthcoming soon, Senator FEINGOLD on Animas LaPlata?

Mr. JOHNSTON. I am advised he has an amendment, but we do not have a copy of it.

We are advised he is on his way.

Mr. DOMENICI. All right. There has been time provided for Senator CAMPBELL in a previous unanimous consent agreement, but I believe if the amendment is offered tonight, the Senator has the privilege of 10 minutes in opposition to it.

AMENDMENT NO. 5095

Mr. JOHNSTON. Mr. President, I send a letter to the desk addressed to me dated today and signed by Terry R. Lash, Director of the Office of Nuclear Energy, Science and Technology, which details the principal arguments against terminating the advanced light water reactor program and, among other things, points out that in the fifth year of a 5-year program, the cost to terminate this program would exceed the Government's obligation, which is $22 million in this budget. So it would seem foolhardy at best to do so.

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

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

DEPARTMENT OF ENERGY,
Washington, DC, July 29, 1996.

Hon. J. BENNETT JOHNSTON,
Ranking Minority Member, Subcommittee on Energy and Water Development, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR JOHNSTON: We are pleased to respond to your request for additional information about our Advanced Light Water Reactor (ALWR) program. As we indicated in our recent letter to Senator Domenici, the Department of Energy opposes the amendment to eliminate funding for the ALWR program from the FY 1997 Energy and Water Development Appropriations Bill. This amendment appears to be based on several important misconceptions about the Department's ALWR program.

One misconception is that it is ''corporate welfare.'' We strongly disagree with this characterization. The program uses limited federal funds to encourage U.S. industry to pursue R&D that is clearly in the long-term interests of the United States. The preservation of the nuclear energy option is vital to the future energy supply in this country.

In addition to serving the national interest, this program is designed such that industry provides the majority of program funding. With the Department's leadership, a unique alliance of electric utilities, technology vendors, and government have come together to conduct a highly focused and goal-oriented technology development program. Since the ALWR program began in 1986, the Department has conducted $800 million in program activities with a taxpayer investment of only $300 million. Further, the federal government will receive reimbursements when the technology developed by the FOAKE program is sold. For example, the federal government should receive approximately $3 million from General Electric as a result of its sale of ABWRs to Taiwan (which, unlike the plants GE previously sold to Japan, are based on technology developed by the Department's program). Westinghouse Electric Corporation has agreed to pay $25 million to the government with the sale of its first AP600 to repay design certification funding and an additional $4 million for each reactor sold to repay federal FOAKE contributions.

Second, critics of the program have stated that the program's authority under the Energy Policy Act of 1992 (EPACT) ends in FY 1996. In truth, the EPACT limits the First-of-A-Kind Engineering (FOAKE) program to five years and limits total program funding to $100 million. The EPACT became law in fiscal year 1993. The Department is, therefore, fully authorized under the EPACT to apply funds to the FOAKE program in FY 1997. Further, the Department has spent only about $82 million on the FOAKE activity program since it began in 1992. There have been significant increases in program cost, but these have been absorbed by industry. In any event, the Department's General Counsel has determined that the Department is also fully authorized by the Atomic Energy Act to conduct nuclear energy research and development programs and the EPACT does not limit this authority.

Third, there have been recent statements to the effect that there is no U.S. utility interested in building new ALWRs. In our view, the fact that the electric utility industry has provided hundreds of millions of dollars to conduct ALWR activities indicates that utility executives remain interested in the nuclear option. The Department is aware of an invalid recent survey which indicates that 89 percent of utility CEOs would not consider ordering new nuclear power plants, but even a casual examination of the response data finds that its accuracy is suspect. This survey received responses from only 397 of nearly 3600 U.S. electric utilities—and it is not clear that the respondents include the 44 utilities that currently own and operate nuclear power plants.

Fourth, there has also been considerable discussion about General Electric's decision to terminate its Simplified Boiling Water Reactor (SBWR) activities. The program's critics theorize that this action was taken because there is no market for small plants, including the Westinghouse-designed AP600. It must be recognized that GE's market strategy is very focused on the east Asian market—particularly Japan. In many of these countries, there is considerable incentive to build large plants with high power capacity. Press accounts indicate that GE's intent apparently is to abandon this small reactor in favor of a significantly larger plant with the same technical approach as the SBWR.

Other potential markets are more interested in factors such as lower capital cost and lower complexity—attributes natural to mid-sized plants. These attributes are very attractive to U.S. utilities and others as well. Currently twenty-two countries contribute funds and personnel to the AP600 program. The Department believes that this represents a significant international interest in advanced mid-sized nuclear power plants with passive safety systems.

Regarding recent concerns about termination costs, the Department has been informed by its program contractors that significant termination costs may be sought from the Department if the FOAKE program is terminated prematurely. Many of these costs would result from the early termination of personnel and subcontractors. Westinghouse, for example, estimates that the early termination of its portion of the design certification program would cost about $28 million. Westinghouse also estimates that its FOAKE termination costs would be approximately $10 million. Other contractors would be expected to seek lesser amounts, because their participation in the program is nearly complete. The Advanced Reactor Corporation, which manages the FOAKE program, has indicated that it may seek as much as $24 million from the Department if the program is terminated at this stage.

Since the potential that these costs might have to be paid by DOE has been raised only recently, we have not fully evaluated the accuracy of this claim. The contract appears to offer some protection from these costs, but it is possible that the federal government could be held liable for some termination expenses. A legal analysis has been initiated to investigate this and other ramifications of an early shutdown of the ALWR program.

I hope this information is of assistance to you. Do not hesitate to call me if you would like additional information.

Sincerely,

TERRY R. LASH, DIRECTOR,
Office of Nuclear Energy, Science and Technology.

Mr. DOMENICI. Mr. President, might I ask the Senator from Louisiana a question? In that $40 million that we have been talking to with reference to——

Mr. JOHNSTON. It is $22 million.

Mr. DOMENICI. Senator MCCAIN's amendment on the light water reactor, can the Senator inform me again what portion is the light water reactor and what portion is now for wrapping up the program? There are two pieces, are there not, 22 and 18?

Mr. JOHNSTON. Yes, that is correct.

Mr. DOMENICI. The 18 is for termination costs?

Mr. JOHNSTON. Of the first-of-a-kind engineering program.

Mr. DOMENICI. Right.

Mr. President, in the afternoon when I spoke about the $40 million program, two programs that are being stricken by the McCain amendment, I alluded to those collectively at 40 and as the light water reactor. As a matter of fact, that is incorrect; $22 million is for the light water reactor and $18 million is for termination of first-of-a-kind engineering. Wherever I alluded to that, I ask unanimous consent that the RECORD be corrected and there be the distinction made as to the two parts of the $40 million.

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

Mr. DOMENICI. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, before Senator FEINGOLD is recognized, I wonder if I could offer first an amendment that has been approved on the other side on behalf of Senator SIMON. It is an amendment regarding $5 million being made available for research in converting saline water to fresh water.

AMENDMENT NO. 5102

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. SIMON, proposes an amendment numbered 5102.

On page 19, line 4 add the following before the period: ": *Provided, That* $5,000,000 shall be available for research into reducing the costs of converting saline water to flush water".

Mr. DOMENICI. Is there objection to the amendment that is pending?

Mr. JOHNSTON. We are in full agreement with that amendment.

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

The amendment (No. 5102) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 5103

(Purpose: To provide that $10,000,000 shall be available for the electrometallurgical treatment of spent nuclear fuel at Argonne National Laboratory)

Mr. DOMENICI. In behalf of Senator KEMPTHORNE and Senator CRAIG, I offer an amendment with reference to the Environmental Restoration Waste Management Program, a $5 million add-on for the electrometallurgical treatment of spent nuclear fuel at Argonne Laboratory. It has been approved on the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Mr. KEMPTHORNE, for himself and Mr. CRAIG, proposes an amendment numbered 5103.

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

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

The amendment is as follows:

At the appropriate place, insert the following: "Of amounts appropriated for the Defense Environmental Restoration and Waste Management Technology Development Program, $5,000,000 shall be available for the electrometallurgical treatment of spent nuclear fuel at Argonne National Laboratory.".

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

The amendment (No. 5103) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 5104

Mr. DOMENICI. Mr. President, I offer an amendment which also has been cleared on the other side in behalf of Senator HATFIELD, an amendment, "Opportunity to review and comment by the State of Oregon on certain remedial actions at Hanford Reservation." I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. HATFIELD, proposes an amendment numbered 5104.

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

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

The amendment is as follows:

On page 37 add the following new section:

SEC. . OPPORTUNITY FOR REVIEW AND COMMENT BY STATE OF OREGON ON CERTAIN REMEDIAL ACTIONS AT HANFORD RESERVATION, WASHINGTON

"(a) OPPORTUNITY.—

(1) Subject to subsection (b), the Site Manager at the Hanford Reservation, Washington, shall, in consultation with the signatories to the Tri-Party Agreement, provide the State of Oregon an opportunity to review and comment upon any information the Site Manager provides the State of Washington under the Hanford Tri-Party Agreement if the agreement provides for the review and comment upon such information by the State of Washington.

(2) In order to facilitate the review and comment of the State of Oregon under paragraph (1), the Site Manager shall provide information referred to in that paragraph to the State of Oregon at the same time, or as soon thereafter as is practicable, that the Site Manager provides such information to the State of Washington.

(b) CONSTRUCTION.—This section may not be construed—

(1) to require the Site Manager to provide the State of Oregon sensitive information on enforcement under the Tri-Party Agreement or information on the negotiation, dispute resolution, or State cost recovery provisions of the agreement;

(2) to require the Site Manager to provide confidential information on the budget or procurement at Hanford under terms other than those provided in the Tri-Party Agreement for the transmission of such confidential information to the State of Washington;

(3) to authorize the State of Oregon to participate in enforcement actions, dispute resolution, or negotiation actions, conducted under the provisions of the Tri-Party Agreement;

(4) to authorize any delay in the implementation of remedial, environmental management, or other programmatic activities at Hanford; or

(5) to obligate the Department of Energy to provide additional funds to the State of Oregon.

SEC. . SENSE OF THE SENATE, HANFORD MEMORANDUM OF UNDERSTANDING.

It is the Sense of the Senate that—

(1) the State of Oregon has the authority to enter into a memorandum of understanding with the State of Washington, or a memorandum of understanding with the State of Washington and the Site Manager of the Hanford Reservation, Washington, in order to address issues of mutual concern to such States regarding the Hanford Reservation; and

(2) such agreements are not expected to create any additional obligation of the Department of Energy to provide funds to the State of Oregon.

Mr. DOMENICI. We have no objection to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 5104) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 5105

Mr. DOMENICI. Mr. President, Senator MCCAIN is not present today. He has asked me to submit—he had three reservations. This is the third one striking section 503 from the bill. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. MCCAIN, proposes an amendment numbered 5105.

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

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

The amendment is as follows:

Strike section 503 of the bill.

Mr. DOMENICI. Mr. President, this is not going to be accepted today. It is an amendment which will be pending at the close of business today. I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I ask the pending amendment be set aside.

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

AMENDMENT NO. 5106

(Purpose: To eliminate funding for the Animas-LaPlata Participating Project)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 5106.

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

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

The amendment is as follows:

On page 14, lines 1 through 5, strike "$410,499,000, to remain available until expended, of which $23,410,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d)," and insert "$400,999,000, to remain available until

expended, of which $13,910,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d) (of which no amount may be used for the Animas-LaPlata Participating Project),''.

Mr. DOMENICI. Mr. President, I wonder if the Senator will yield for a question?

Mr. FEINGOLD. I yield for a question.

Mr. DOMENICI. The next bill up will be legislative appropriations. They are wondering when we will conclude. I understand this is the last matter of business pertaining to this bill. Could the Senator indicate to us how much time he might need?

Mr. FEINGOLD. Mr. President, my statement, in answer to the question of the Senator from New Mexico, is about 15 to 20 minutes at the most.

Mr. DOMENICI. Would the Senator agree to 20 minutes for himself and 10 minutes for the opposition, which will be used at a later time?

Mr. FEINGOLD. I agree to that, Mr. President.

Mr. DOMENICI. I ask unanimous consent there be 20 minutes allotted to Senator FEINGOLD, and the order already has 10 minutes in it for Senator CAMPBELL.

The PRESIDING OFFICER (Mr. CAMPBELL). Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I thank the managers, the Senator from Mexico and Louisiana, for their management of the bill and for their cooperation in making it possible for me to offer this amendment at this time.

I rise today to discuss a matter of concern to me and many other Senators, the $10 million in funding for the initiation of construction of the Animas LaPlata water project that is contained in the Senate version of the fiscal year 1997 energy and water appropriations bill.

This project is a perfect example of water policy from a by-gone era. For those who are unfamiliar with it, the Animas LaPlata project is a $714 million taxpayer-funded water development project planned for southwest Colorado and northwest New Mexico. Designed to supply 191,230 feet of water, the Animas LaPlata project consists of two major reservoirs, seven pumping plants, and 200 miles of canals and pipes. The project will pump water over 1,000 feet uphill, consuming enough power to run a city of 60,000, to supply municipal, industrial, and irrigation interests.

I am concerned about this project because of its extremely high projected cost to the taxpayer. This is among the last of the big Federal water projects, and the kind I believe we can no longer afford. The cost to the Federal Government of this project will amount to $481 million, nearly 68 percent of the total cost—an expense which has led opponents of the project to label it ''Jurassic Pork.'' My fiscal concerns are compounded by the likelihood that, as a remedy to address the legitimate water rights concerns of the Ute Mountain Ute and Southern Ute tribes, it may fall short of achieving even its nonmonetary benefits.

The high cost of the project makes the water it seeks to store incredibly expensive. The construction cost allocated to irrigation amounts to $7,467 per acre of irrigated land—for land currently worth about $500 per acre. The project provides an average irrigation subsidy of over $2 million per farm over the 100-year life of the project. I believe that the Congress should act to seek the consideration of lower-cost alternatives and terminate this project rather than initiate construction. My concerns are heightened now that the House has acted to terminate Animas LaPlata. I believe it would be additionally costly and wasteful to allow Animas LaPlata to move forward with limited appropriations in this and the next few fiscal years only to find the project will be terminated in the coming years. This seems pretty wasteful.

I would like to discuss each of my concerns in greater detail, and to try to provide more extensive background on the history of this matter.

First, while there are concerns about the fulfillment of Ute tribal water rights now associated with this project, I wanted to make it clear to my colleagues that this project was not initiated as a way to address these claims. Animas LaPlata has a much longer history. It was authorized in 1968 as a project to supply irrigation water to farmers growing low value forage crops. Even back then in the days of big water projects, this one was so bad it could not get going. In 1988, nearly 20 years after it was authorized, the settlement of the Ute Indian water rights claims became an additional justification for pushing the project through; but it was an additional justification, not the initiation. Yet, as with any bad idea that is dressed up to appear better, this project continues to be riddled with many problems.

By way of background, I do not need to tell the current Presiding Officer, he knows very well, this project is scheduled to be built in two phases. Phase 1 of the project is to be constructed entirely at Federal cost in two stages, A and B. And then phase 2 is to be constructed at non-Federal cost.

At the present time, there are at least 6 overlapping impediments to this project going forward successfully:

First, conflicts under the Endangered Species Act;

Second, failure to comply with the National Environmental Policy Act, NEPA;

Third, violation of the Water Supply Act of 1954 regarding repayment of construction costs;

Fourth, a 1994 inspector general's audit determining that the project is not economically feasible;

Fifth, the Bureau of Reclamation's own 1995 economic analysis supporting the 1994 IG's report conclusions;

And finally, six, persistent questions about the ability of this project to meet the regional Indian water rights claims, even if that was the original purpose, which it was not.

I would like to discuss each of these concerns a little bit more. In 1990, the Bureau was notified that the project would trigger Endangered Species Act protections because withdrawal of water from the rivers affected would result in the demise of certain fish native to the area.

The issue was reviewed, and the Bureau is currently permitted to build only one-third of the project, the portion known as phase 1, stage A. Building only this portion of the project would not allow the project to actually fulfill the tribal water rights claims that are often cited as the reason to go forward.

In 1992, the Bureau was sued because it had failed to comply with the National Environmental Policy Act, and the court upheld that claim. The Bureau of Reclamation took 3 years to complete its supplemental environmental impact statement, and within days, the EPA promptly found the supplemental EIS unsatisfactory, and now the project is a likely candidate for referral to the Council on Environmental Quality.

In May 1996, the EPA wrote to the Bureau to express its concerns. All Members of the Senate should have received a copy of the EPA letter when they received my Dear Colleague letter on this amendment last Friday. A letter to Mr. Martinez, Bureau Director, from Richard Sanderson, Director of EPA's Office of Federal Activities, dated May 1, 1996, states:

> We remain concerned that the Bureau of Reclamations's present formulation of the Animas LaPlata project will result in unacceptable adverse environmental impacts that should be avoided.

The letter cites, among those consequences, impacts to water quality, Navajo water rights, mitigation concerns, and impacts associated with municipal and industrial uses. The letter concludes:

> It is unclear whether the fully sized Animas LaPlata project will ever be constructed if the current constraints remain unchanged. We believe that the Bureau of Reclamation needs to reexamine whether there are more appropriate alternatives that meet these constraints instead of merely constructing stage A of the Animas LaPlata project.

In addition, municipal and industrial users are required under the Water Supply Act of 1958 to fully repay all the construction costs and operation and maintenance costs attributable to the supply of municipal and industrial water. Those repayment contracts are to be in place before construction begins.

Currently, a number of repayment contracts have not been signed. Those that have been signed and those that

are anticipated to be signed are over $100 million short of the projected municipal and industrial cost. It is questionable if the project will ever comply with the law and obtain full reimbursement of municipal and industrial costs from the project beneficiaries.

In addition, in 1994, the Interior Department's inspector general audited the project and declared that the project was neither financially feasible nor economically justifiable.

A July 1995 economic analysis by the Bureau of Reclamation, the only analysis that used economic procedures approved for Bureau analyses and a current discount rate, reported that the project's benefit cost ratio is 36 to 1. That is 36 to 1. In other words, the project will only return 36 cents for every tax dollar invested. That is not a very good ratio.

Given all of these failures to comply with the Federal laws designed to protect the taxpayer and the environment, Mr. President, one has to question the advisability of moving forward with such a troubled project.

In addition to Federal law concerns, the project does face some State legal problems, as raised by the attorney general of the State of New Mexico in a letter to the distinguished chairman of the Appropriations Committee on July 17, 1996. Our colleagues should have received a copy of this letter on Friday, as well, in their offices. Attorney General Udall's letter states, ''The ALP project threatens to violate or exacerbate existing violations of multiple State water quality standards, including selenium, mercury, and others.''

Now, Mr. President, having listed these six concerns, I want to specifically address the issue of the effect of the termination of this project on the legitimate water rights claims of the Ute Mountain Ute and Southern Ute tribes. This is an issue of grave concern to me, and I know it is of paramount importance to the occupant of the chair, the junior Senator from Colorado, who has longstanding ties to the Ute Nations that predate his service in the U.S. Senate. As a Senator from a State with 11 federally recognized tribes, I take tribal issues extremely seriously and know, as does the junior Senator from Colorado, that tribal issues are often the least well understood and can be very divisive.

I believe it is of paramount importance to fulfill the Federal Government's obligations to the tribes. And as the junior Senator from Colorado will undoubtedly state, both Ute tribal governments do formally support Animas LaPlata. However, it is also important to place the Ute's interest in perspective. Of the 191,230 acre-feet of water supplied by the project, two-thirds of that water will go to nontribal interests with only 62,000 acre-feet of the total to be supplied to both tribes.

I am concerned that the Animas LaPlata, despite the best of intentions and arguments of proponents' attorneys, simply cannot meet the needs of the tribes because the initial construction phase of the project will neither provide the delivery system nor the quantity of water needed to fully honor the Federal Government's commitments to the tribe. We should not spend hundreds of millions of dollars and still find the tribal needs potentially unmet. Instead, we should begin to have the Bureau examine alternatives that would fully meet the needs of the tribes in a timely way and at less cost.

There is at least a portion of the Southern Ute tribe, as you well know, Mr. President, that shares these concerns. From the perspective of the tribal councils, majority rules and the majority position of the councils is to support this project. However, we in the Senate know well the importance of protecting minority voices. Indeed, that is exactly what this body is designed to do. Those in the Southern Ute Tribe who oppose Animas LaPlata, the Southern Ute Grassroots Organization, are on the committee of elders and have strong concerns.

On Friday, every Member of this body should have received another copy of the letter they sent to Members of the Senate in April 1995. That letter specifically asked Congress to refuse to appropriate money to the Animas LaPlata until the Bureau thoroughly studies the other alternatives. I think it important for all Members of the Senate to be aware that there is actually a substantial division among the members of the Southern Ute Tribe about the wisdom of this project.

If we do not reexamine this project, a future Senate will be right back where we are today. The Ute Tribes' water rights settlement says if the project isn't built and fully functional by the year 2000, the tribes may, and are able to, void the settlement and go back into negotiations or litigation. The Bureau of Reclamation, most in this body would agree, is not an agency whose operating history has been free from cost overruns and delays. The Bureau now indicates, before the commencement of the project, that it cannot complete the project at least before the year 2003, Mr. President.

I am afraid what will likely happen if Congress moves forward with this project is that the project may be in some sort of state of construction in 2003, the tribal governments will examine the cost they will have to pay for Animas LaPlata water, which will be about twice the local cost for municipal and industrial water, and they simply might decide they will not be able to use the water or sell it. It is not unreasonable to expect the Utes may seek to avoid their settlement, wherein the non-Indian irrigators will get their project with its $5,000 an acre subsidy and Congress, in the year 2005 or so, will have to fund a new water rights settlement anyway, without resolving the legitimate concerns of the two tribes.

Mr. President, I also want to raise another question relating to tribal water rights, and that is the rights of the Navajo Nation who live downstream of this project in New Mexico.

The Navajo Nation has not formally opposed this project, but they are concerned about the impacts it will have on their nation. In an August 1995 letter to the Bureau of Reclamation Denver office, the Navajo Nation indicated that the Animas LaPlata project would adversely affect their trust water resources by decreasing the amount of water in the San Juan River basin for their use and development. The Navajo Nation as expressed in their letter ''exert sovereign control over its water resources through the Navajo Nation Water Code * * * Depletions resulting from ALP development will affect the sovereign administration and management of Navajo water resources. Projected ALP development and Navajo reservoir operation may require the reevaluation of existing water uses permitted under the Water Code, with potentially adverse consequences for the Navajo Nation.''

So, Mr. President, my understanding is that Navajo's rights to use water within the San Juan River have not yet been adjudicated, yet as the San Juan is the only reliable developable source of water in the northern portion of the Navajo Nation these issues will continue to be important.

I want to make the record clear however, that the Navajo Nation, in a follow-up letter, clearly stated its concern that they did not want to adversely affect the Utes' legitimate claims. Nevertheless, their Nation has made it clear that they are prepared and ready to assert their own water claims.

In other words, Mr. President, the continuation of Animas LaPlata is not likely to settle tribal water rights claims in this region. Therefore, it is critical before construction begins, that we take a second look at whether there is a better way, a small, less controversial means of satisfying the Ute claims without the massive Animas LaPlata project.

By every indication, even the Bureau recognizes the massive project originally envisioned will never be built. At best, a much smaller, less ambitious project is the only feasible outcome. Yet the Bureau has never formally acknowledged this fact, nor has Congress taken an active role in shaping a project modification. Instead we are asked to continue to appropriate funds for an infeasible project.

There are those in the Senate that may ask why this Senator has such significant concerns about a very old water project for which some individuals have such strong support. I have some personal experience, Mr. President, of a situation like this in Wisconsin because people in the western part of my State are living with the legacy of a failed Army Corps of Engineers water project, the La Farge Dam. In 1962 Congress authorized $15.5 million—which would today cost about $102 million to build the same thing—for La

Farge dam and lake to be constructed along the Kickapoo River in Wisconsin. They touted the tourism opportunities of lake and flood control for neighboring residents not unlike the Animas LaPlata. And 144 farms and homes were condemned. Families were relocated. It Impacted both the tax base and local business. Construction began in 1971 and was their discontinued in 1975, due to its environmental impact and the presence of native archeological sites, when the project was three-quarters complete.

At one point passions over this issue became so intense that former Senators Proxmire and Nelson, and former Governor Lucey were burned in effigy. The area, already struggling economically prior to the dam's development, was devastated. By 1990, it was estimated that annual losses resulting from the cessation of family farm operations and the unrealized tourism benefits that had been promised with the dam totaled more 300 jobs and $8 million for the local economy per year.

In fact, Mr . President, the only remaining legacy of the project is a fragmented landscape. It is dotted with scattered remains of former farm homes, and a 103 foot tall, concrete shell of the dam, with the Kickapoo River flowing unimpeded through a 1,000-foot gap. The most important benefit of the dam, its flood control protection, was never realized. The legacy of La Farge, which only recently has begun to have a silver lining with the passage last month of language to deauthorize the project and turn the lands over to control by the State and the Ho Chunk Nation, a Wisconsin tribe, is one that I think should not be forgotten. It is a serious example of the Federal Government's mistake with a big project that did not work.

Last week, as you well know, the House of Representatives finally voted 221–200 to stop the funding for the Animas LaPlata project as it is currently designed. That effort was led by my colleagues from Wisconsin, Representative PETRI, and Congressman DEFAZIO from Oregon. Members in the other body made it very clear that they want the Department of the Interior to review and develop a sensible alternative that will effectively meet the legitimate needs of the tribes in a more cost-effective and environmentally sound fashion.

We should do the same in the Senate for the sake of the taxpayers, sound water policy and those tied to a project that will not deliver what was promised. However, even if we do not do the correct thing, the wise thing, let us make no mistake: The project as currently designed is dead, and we will impose far greater costs if we decide to continue to make infrastructure investments in its future when it is never going to go anywhere.

The House has heard the voices of citizen groups and taxpayer groups, tribal members and environmentalists. The House is no longer going to support this bad idea. It is no longer a question of whether the project will die. It is now a question of how much money and time will be wasted in the end game. Yes, we could go back and forth for a few years with the House terminating funding and then the Senate restoring the money. That has happened before in other projects where we wasted money. But eventually, the House will resist, and ultimately—hopefully, sooner rather than later—so will the Senate. Meanwhile we will waste millions more of taxpayers' money.

That is why, Mr. President, it is time for us to step up now and put this matter on a positive track. Let us stop funding this project as currently designed and tell the Bureau of Reclamation to use the unobligated funds available in the Animas account to size the project to legitimate water needs and then explore all the alternatives to meeting those needs in an effective, environmentally sound and cost-efficient manner. Mr. President, to conclude, my amendment is identical to that which passed the House, and I strongly urge my colleagues to lend their support.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. DOMENICI. Did the Senator use all his time?

The PRESIDING OFFICER. The Senator has used all of his time.

Mr. DOMENICI. Mr. President, I have a couple of items I have to clean up before I take a few minutes in opposition. For Senator MACK, who is waiting, it will not be long. We will be through very soon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, for purposes of timing, I yield myself 5 minutes in opposition.

Mr. President, before I start using that time, I say to the Senate, we are within a couple of minutes of completing the work on this bill. I understand that pursuant to the understanding, the next bill will be legislative appropriations. So we will not be long.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. Mr. President, I want to take 5 minutes to talk about the Animas LaPlata project. The occupant of the chair is very familiar with the fact that there are two issues—big, big issues—in this Animas LaPlata.

One issue is frequently forgotten when people talk about whether this project has earned its spurs in terms of costs to the taxpayer. Frequently, the only thing that is used is the dollars versus what physical improvements we will produce and what they mean in terms of a cost-benefit ratio. That is well and good. And we will say that cost-benefit ratio is not very high.

There is a second part to this bill. It is a very, very big part of this bill. We do not even know how many millions of dollars it would cost the Federal Government, but we know this: The U.S. Government is assumed and presumed by many to have violated the rights of two Indian tribes with reference to taking care of their water. The United States of America, as evidenced in other cases, can be liable in dollars for that when there is no other way to give to the Indian people what we had committed as a nation to do for them. In this case, that is frequently forgotten in terms of a justification for this project.

The Southern Utes and the Mountain Ute Tribes will have no remedy for the abuse of their water if this project is not completed, and thus we give them water, irrigatable land, and a way to use water that is available to them which would otherwise disappear because of malfeasance on the part of the U.S. Government.

Now, I, for one, have taken that very seriously, even though it is not totally applicable to my State, the State of New Mexico. Most of those claims and most of that water and most of the Indians represented by those two groups of Indians are in the State of Colorado, the State that the occupant of the chair represents in this body.

Speaking for my own State, so that it is clear, I know there is a letter from our attorney general, but let me say the cities of Farmington, Aztec, and Bloomfield all need the water provided in this project. All these communities are strongly committed to the projects. They committed resources to it to meet repayment obligations under the 1986 cost sharing.

In addition, the State of New Mexico is strongly committed to the project, as shown by the 1986 cost-sharing agreement for the project, to support for the Colorado Ute water rights settlement, allocation of consumptive use required for the project from New Mexico's apportionment on the Colorado River basin compact, and fourth, participation of the San Juan River recovery implementation program.

Having said that, obviously, there will be more said on this amendment and probably much more eloquently and in a more relevant matter by the distinguished occupant of the chair who has time reserved to make an argument against the amendment. I do not intend to spend any more time on it. I am ready to finish the bill and yield whatever time I might have had with reference to it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, I have five amendments that I will submit en bloc. Let me quickly describe them and then submit them en bloc.

I offer one in behalf of Senator HUTCHISON regarding the abatement of payments because of drought on two projects in the State of Texas; one in behalf of Senator MCCONNELL, which has been totally worked out now with Senator GLENN, and that is Enrichment Corporation, with reference to the presence of an adequate number of security guards and a few other items relating to that; third, I offer in behalf of Senator CHAFEE a 50 percent match program on the Seekonk River, Rhode Island Bridge; the last one, two distinct amendments for Senator BOXER regarding the Bolinas Lagoon restoration study, and the other is regarding a facility on Compton Creek Channel in Los Angeles.

AMENDMENTS NOS. 5107 THROUGH 5111

Mr. DOMENICI. I send the amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], proposes amendments en bloc numbered 5107 through 5111.

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

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

The amendments en bloc (No. 5107 through 5111) are as follows:

AMENDMENT NO. 5107

On page 37 add the following after line 25:

SEC. . CORPUS CHRISTI EMERGENCY DROUGHT RELIEF.

For the purpose of providing emergency drought relief, the Secretary of the Interior shall defer all principal and interest payments without penalty or accrued interest for a period of one year for the city of Corpus Christi, Texas, and the Nueces River Authority under contract No. 6–07–01–X0675 involving the Nueces River Reclamation Project, Texas.

SEC. 2. CANADIAN RIVER MUNICIPAL WATER AUTHORITY EMERGENCY DROUGHT RELIEF.

The Secretary shall defer all principal and interest payments without penalty or accrued interest for a period of one year for the Canadian River Municipal Water Authority under contract No. 14–06–500–485 as emergency drought relief to enable construction of additional water supply and conveyance facilities.

AMENDMENT NO. 5108

On page 20 after line 2 add the following:

''Section 161k. of the Atomic Energy Act of 1954 (42 U.S.C. 2201k) with respect to the Paducah Gaseous Diffusion Plant, Kentucky, and the Portsmouth Gaseous Diffusion Plant, Ohio, the guidelines shall require, at a minimum, the presence of an adequate number of security guards carrying side arms at all times to ensure maintenance of security at the gaseous diffusion plants;''

Section 311(b) of the USEC Privatization Act (Public Law 104–134, title III, chapter 1, subchapter A) insert the following:

''(3) The Corporation shall pay to the Thrift Savings Fund such employee and agency contributions as are required or authorized by sections 8432 and 8351 of title 5, United States Code, for employees who elect to retain their coverage under CSRS or FERS pursuant to paragraph (1).''

Mr. MCCONNELL. Mr. President, I am pleased to offer this amendment to protect the safety of employees at the Paducah Gaseous Diffusion Plant, as well as the safety of the greater Paducah community.

The Paducah Gaseous Diffusion Plant produces enriched uranium and employs some 1,800 people. By all who live in the Paducah area, the Gaseous Diffusion Plant, which occupies more than 3,400 acres, is regarded as a nuclear plant. This year, the plant is undergoing a transition from being a Department of Energy owned and operated facility to one owned by the U.S. Enrichment Corporation and operated by private contract. The plant will be under the regulatory authority of the Nuclear Regulatory Commission by year's end.

Historically, the Paducah Gaseous Diffusion Plant has maintained an on-premises security force to protect the plant and employees from sabotage, theft or unauthorized control of the nuclear material. The security personnel are currently authorized to make arrests, and they carry firearms in support of their mission. In the past several years, these plant security officers have foiled a number of unauthorized entries onto plant premises, protected the facility from disgruntled former employees and enforced security rules against contract employees who have access to the plant. In an era of domestic terrorism, as in the World Trade Center and Oklahoma City bombings, these security employees perform an increasingly vital function.

In the transition from DOE to NRC supervision, the security force currently employed at the Paducah Gaseous Diffusion Plant, absent adoption of this amendment, will be downgraded. under current NRC regulations, they will lose their authority to make arrests and carry firearms. But privatization does not change the nature of the work or the risk at the Paducah Gaseous Diffusion Plant. The plant will continue to produce radioactive enriched uranium.

The amendment simply continues the authority of the plant security personnel at enriched uranium facilities to execute arrests and carry firearms. Without this authority for the security officers at the plant, the plant will have to rely on area law enforcement officials to respond in emergency situations. The city of Paducah has informed plant officials that their response time for their police and firefighters will be approximately 20 minutes. The Kentucky State Police has a special response team which would assist the Paducah facility in the event of a threat to public safety. That special response team is located in Frankfort, halfway across the State from Paducah and it would take 4 hours to have a helicopter respond to an emergency at the Paducah plant. The McCracken County Sheriff's Department has expressed serious concern at the prospect of the security force losing its arrest authority. McCracken County Sheriff Frank Augustus has advised the U.S. Enrichment Corporation of the problems his department would encounter in responding to an emergency call by the Paducah plant:

If a hostile situation should occur, I could not guarantee adequate personnel or response time due to our department's manpower shortage. When only seconds matter I am very much afraid it would take many minutes to adequately respond.

I ask unanimous consent that the letter of Sheriff Augustus be printed in the RECORD.

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

SHERIFF OF MCCRACKEN COUNTY,
Paducah, KY, July 10, 1996.

BERN STAPLETON,
Safeguard and Security Associate, U.S. Enrichment Corp., Bethesda, MD.

DEAR MR. STAPLETON: It has recently been brought to my attention that Security personnel at the Paducah Gaseous Diffusion Plant may possibly lose their arrest authority and their ability to be armed. This issue causes me a great deal of concern.

I understand the police operation of the Paducah Gaseous Diffusion Plant is responsible for the protection of classified material, sensitive nuclear material, government property, and over 2,200 employees situated on 3,423 acres, including 748 acres of fenced area. In contrast, the McCracken County Sheriff's department is responsible for patrolling over 250 square miles in order to meet the needs of our County's citizens. Since I took office in 1994, citizens' calls for law enforcement have increased by 23,000 calls. Crime is on the rise in McCracken County and due to financial constraints, my department has only 17 full-time road deputies to handle these increases.

I am extremely concerned that if a major problem should arise at the Paducah Gaseous Diffusion Plant it would be extremely difficult for my department to provide proper security for such a sizable site until more enforcement could arrive. If a hostile situation should occur, I could not guarantee adequate personnel or response time due to our department's manpower shortage. When only seconds matter I am very much afraid it would take many minutes to adequately respond.

Another issue that must be addressed is our officers' lack of knowledge in regard to the actual facility and surrounding grounds. As noted above, the immense size of this facility poses many problems in regard to providing adequate safety to plant employees as well as my deputies.

In my opinion, the current security staff is of immense value to the safety of the plant facility and the employees that work within. I fully understand the move toward privatization necessitates many changes in operations that have been in place for many years. I would like to strongly recommend, however, that a long serious look be taken at proposed changes in the security force at the Paducah Plant before a final decision is made. I am sure that your utmost concern,

as well as it is mine, is for the safety of the people of McCracken County as well as the safekeeping of the Plant, whether it remains a government facility or is privatized in the future.

I would be more than happy to discuss this matter with you in more detail at your convenience. Please feel free to call me.

Very truly yours,

FRANK AUGUSTUS,
McCracken County Sheriff.

Mr. MCCONNELL. The bottom line, Mr. President, is that the employees of the Gaseous Diffusion Plant, as well as the residents of Paducah are entitled to an immediate response to an emergency situation. While the security force may need assistance in the event of a serious threat, the employees should not be left unprotected while local law enforcement responds.

This amendment does not add any additional security protection to the Paducah Gaseous Diffusion Plant; it maintains the status quo, allowing the current security officers to continue doing their job, protecting the plant and employees from danger. I urge the adoption of my amendment.

AMENDMENT NO. 5109

On page 5 add the following between lines 2 and 3: ''Seekonk River, Rhode Island bridge removal $650,000;''.

AMENDMENT NO. 5110

(Purpose: To provide funding for the Secretary of the Army to maintain Compton Creek Channel, Los Angeles County drainage area, California)

On page 7, line 6, after ''facilities'', insert the following: '', and of which $500,000 shall be made available for the maintenance of Compton Creek Channel, Los Angeles County drainage area, California''.

AMENDMENT NO. 5111

(Purpose: To provide funding for the Secretary of the Army to carry out the restoration study for Bolinas Lagoon, Marin County, California)

On page 2, between lines 24 and 25, insert the following: ''Bolinas Lagoon restoration study, Marin County, California, $500,000;''.

Mr. DOMENICI. For the record, let me state these have all been approved by the minority. They have no objection, or, in some instances, they were the supportive cause for a couple of the amendments.

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

The amendments (Nos. 5107 through 5111) en bloc were agreed to.

Mr. DOMENICI. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I believe that is all the amendments I know of regarding this energy and water bill. I believe we can announce in the morning further amplification of the record, but I think we know we will start with 20 minutes of debate by the managers, to be followed by 10 minutes by Senator MCCAIN regarding the McCain amendment, and then there is a list of amendments that would follow with time limits, and 2 minutes for each side.

We have four or five amendments pending that have not been agreed to in that sequence, and we will just have to attend to those in due course in the morning.

I yield the floor. I thank the Senate for its consideration.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997

Mr. MACK. Mr. President, I ask unanimous consent the Senate now turn to the consideration of the legislative appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 3754), making appropriations for the Legislative Branch for the fiscal year ending September 30, 1997, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Mr. President, I am pleased to present the fiscal year 1997 legislative branch appropriations bill to the Senate. The subcommittee builds upon the success that the Congress achieved last year in reducing the size and the cost of the legislative branch, and again demonstrates this Congress' leadership in making strides toward the imperative of a balanced budget.

The subcommittee's recommendation is an appropriation of $2,165,081,000. This is a reduction of $22.275 million, or approximately 1 percent below the program levels in fiscal year 1996. The bill is $174 million below the requested amount, and compared to fiscal 1995, the bill reflects a $225 million reduction.

While the legislative branch bill is the smallest in terms of dollars appropriated, with the adoption of this bill, we will have contributed nearly one-half billion dollars toward deficit reduction in just 2 fiscal years.

The recommended funding for the Senate is $441.208 million, approximately $14 million above the 1996 enacted amount. However, the amount is $48 million below the request.

In large part, the increases reflected in the bill are for cost of living adjustments for Senate employees and expenses for the Sergeant at Arms. I point out that Senate employees did not receive the 1996 COLA that was granted to other Federal employees.

Specifically, the Senate's amendment to the bill provides $208 million for Senators' official personnel and office expense account. This amount is a 2 percent increase from last year's level. The increase is sufficient to accommodate an expected cost-of-living adjustment for Senate employees in the 1997 calendar year. The recommended funding for committees is $69.5 million, a $3 million increase, again, for cost-of-living adjustments.

For the official mail cost, the funding is reduced by 9 percent. The recommended funding of $10 million is sufficient, however, to cover projected costs for fiscal year 1997. Again, Mr. President, I just say that while this is a reduction from $11 million last year to $10 million last year, in analyzing the trends and expenditures for mail, we believe we can make this reduction without requiring the Senators to make any reduction in their mailing. As you know, last year, we eliminated mass mailing. So we are talking about mail now that is primarily for the purpose of responding to inquiries from our constituents.

Funding for salaries and expenses of the Secretary of the Senate is $14.225 million. That is an increase of $831,000. Funding for salaries and expenses of Sergeant at Arms is $99.968 million. That is an increase of $8.880 million. I bring my colleagues' attention to the fact that combined funding recommendations for the Secretary and the Sergeant at Arms fiscal year 1997 are still $8 million below the 1995 enacted levels.

The subcommittee appreciates the leadership demonstrated by the Secretary of the Senate and the Sergeant at Arms. Each office is managing a substantial reduction this is fiscal year along with the compounded challenges rendered by the Congressional Accountability Act. I remind Members that, last year, we made reductions in the accounts of the Sergeant at Arms and Secretary of the Senate of between 12.5 and 14 percent. While they have been managing these reduced amounts, they have also been given an additional responsibility as a result of the Congressional Accountability Act.

During the subcommittee hearings, the Secretary and Sergeant at Arms outlined a series of initiatives regarding technology. The subcommittee is pleased that under the direction of the Senate Rules Committee, the Senate is taking a long-term strategic planning approach in this area. The subcommittee looks forward to working with the Rules Committee on this issue of common concern.

In addition, the subcommittee wishes to thank each of the legislative branch agencies for their cooperation and contributions in the development of this year's bill. On a special note, the subcommittee commends the General Accounting Office for its successful management of a 2-year, 25-percent reduction in its budget. Managing a funding reduction of such magnitude in a relatively short period has been very difficult, and the subcommittee wishes to commend the Comptroller General and the entire staff at GAO for an outstanding job.

We had quite a discussion at our hearing with the Comptroller General as to the approach that was taken to downsize this Government agency 25 percent in a 2-year period. That is a substantial reduction. I would recommend to my colleagues that we