know just how much he has meant not only to Detroit hockey but hockey in the NHL, one of the great players of all time.

We in Michigan refer to Detroit as ''Hockeytown U.S.A.'' That has been our designation, but I think this victory, coupled with last year's victory, will make it clear, to everyone who may have had some doubts as to where the ultimate center of hockey spirit in this country is, that at least until they are dethroned, Detroit, MI, is that center and the Detroit Red Wings are the team that deserve the accolades they were able to achieve on Tuesday night.

Mr. President, I now ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD at the appropriate place as if read.

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

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 251), with its preamble, reads as follows:

S. RES. 251

Whereas on June 16, 1998, the Detroit Red Wings defeated the Washington Capitals, 4–1, in Game 4 of the championship series;

Whereas this victory marks the second year in a row that the Red Wings won the Stanley Cup in a four game sweep;

Whereas the Stanley Cup took its first trip around the rink in the lap of Vladimir Konstantinov, the Red Wings defenseman who was seriously injured in an accident less than a week after Detroit won the Cup last year;

Whereas Vladi and his wife Irina, whose strength and courage are a source of pride and inspiration to our entire community are an exemplary Red Wings family and Vladi's battle is an inspiration to all Americans;

Whereas Marian and Mike Ilitch, the owners of the Red Wings and community leaders in Detroit and Michigan, have brought the Stanley Cup back to Detroit yet again;

Whereas the Red Wings, as one of the original six NHL teams, have always held a special place in the hearts of all Michiganders;

Whereas it was a profound source of pride for Detroit when the Wings brought the Cup back to Detroit in 1954 and 1955, the last time the Wings won consecutive NHL championships;

Whereas today, Detroit continues to provide Red Wings fans with hockey greatness and Detroit, otherwise known as ''Hockeytown, U.S.A.'' is home to the most loyal fans in the world;

Whereas the Red Wings are indebted to Head Coach Scotty Bowman, who has brought the Red Wings to the playoffs 3 times in the last 4 years, and with this year's victory, has earned his eighth Stanley Cup victory, tying him with his mentor Toe Blake for the most championships in league history;

Whereas the Wings are also lucky to have the phenomenal leadership of Team Captain Steve Yzerman, who in his fifteenth season in the NHL, received the Conn Smythe Trophy, given to the most valuable player in the NHL playoffs;

Whereas each one of the Red Wings will be remembered on the premier sports trophy, the Stanley Cup, including Slava Fetisov, Bob Rouse, Nick Lidstrom, Igor Larionov, Mathieu Dandenault, Slava Kozlov, Brendan Shanahan, Dmitri Mironov, Doug Brown, Kirk Maltby, Steve Yzerman, Martin Lapointe, Mike Knuble, Darren McCarty, Joe Kocur, Aaron Ward, Chris Osgood, Kevin Hodson, Kris Draper, Jamie Macoun, Brent Gilchrist, Anders Eriksson, Larry Murphy, Sergei Federov, and Tomas Holmstrom: Now, therefore, be it

Resolved, That the U.S. Senate congratulates the Detroit Red Wings on winning the 1998 National Hockey League Stanley Cup Championship.

Mr. ABRAHAM. Mr. President, I again thank the Senator from New Mexico for giving us the chance to do this today. I appreciate his indulgence. I thank the Chair.

Mr. REID. 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.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mr. DOMENICI. Mr. President, I call for the regular order.

AMENDMENT NO. 2713

The PRESIDING OFFICER. The regular order is amendment No. 2713.

Mr. DOMENICI. We have no objection to Senator INOUYE's amendment No. 2713.

The PRESIDING OFFICER. If there is no further debate on the amendment, without objection, the amendment is agreed to.

The amendment (No. 2713) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, parliamentary inquiry. Is it correct that the Coats amendment is now the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I ask Senator COATS what is his pleasure.

Mr. COATS. Mr. President, we are awaiting word from New Jersey, one of the States that is affected by this amendment, an exporting State. We are assured that we will have an answer one way or the other. It really rests in their hands. I think we have consensus to go forward, but there seems to be a problem with that State. I see the Senators from those States now. I think we will be able to give an answer very shortly.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I can say to my friend, the manager of the bill—and I say this with some reluctance because I have such great respect for the junior Senator from Indiana—I have received calls from Connecticut, Montana, and there are others——

Mr. DOMENICI. Illinois.

Mr. REID. Illinois. I think the New Jersey problem is not the problem. There are many problems related to this. This is not going to go away. I wish I had better news, but we have a number of States that are very concerned about this.

If I can get the attention of the Senator from Indiana, I do not think the Senator from Indiana heard what I said. I say this with the greatest respect for my friend from Indiana, we have not only received calls from the New Jersey delegation, but have received calls from Illinois, Montana, Connecticut. Some people may not have a concern with this bill but have one of their own dealing with the transportation of waste, trash. I just have told them to stay in their offices until we see if we can get this worked out. I am really concerned about this kind of bogging things down, for lack of a better description.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I had a discussion earlier with the Senator from New Mexico. I had a discussion with the chairman of the Appropriations Committee. I told the Senator from New Mexico that it is not my intention to bog down this bill. I understand the dilemma the Senate is in due to the 4 weeks we spent on the tobacco bill without resolution. We have appropriations bills that need to move.

I assured the Senator from New Mexico that it was not my intent to do this. I was operating on the assumption that the agreement that we so torturously reached in 1996, that received the unanimous support of every Senator, including the Senators from New York and the Senators from New Jersey, including the Senators from Illinois and exporting States, after days and weeks and months of negotiations, that that would still be operative.

Now it seems that everything has changed. I am not going to insist on my rights to allow this amendment to tie up this appropriations bill. I think there is important work in the Senate that needs to be done. I will just say to my fellow Senators, this is an issue that is not going to go away. I said it in 1990. I have said it every year since. It has passed the Senate five times, sometimes by unanimous consent, sometimes by 94 votes.

Importing States are at a tremendous disadvantage, and they have no say in the ways in which they can manage their own environmental destiny as it regards municipal solid waste. Exporting States can continue to make promises about what they are going to do. The fact of the matter is they apparently are not delivering on those promises. We were assured time after

time that if they just bought a little more time, they would achieve the capacity necessary to deal with their own waste, but they found it convenient to ship it somewhere else so that somebody else can deal with their problems.

It appears now that the evidence is in that they are not doing anything to deal with their own waste, and that puts those of us who are importing States at a great disadvantage. By the way, that is 31 States.

We agreed we are going to continue to work on this. We will continue to work on this. We will attempt to achieve another consensus so that we can move this legislation, but, in the meantime, I think it is important that we go ahead with other work in the Senate that has been planned.

With that in mind, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 2716, as modified) was withdrawn.

Mr. DOMENICI. Mr. President, I thank the Senator from Indiana, the very distinguished Senator from Indiana. I thank him personally for accommodating us today. I think he does make a point, and maybe he should not give up, because it seems to me, with a little bit of negotiation—this catches some people by surprise—but we have cleared that very bill—well, it was an amendment when we cleared it. We had taken it to the House and had trouble in the House with it. Clearly, we haven't had problems in the Senate. The situation is such that somebody can talk on it and not let us vote. The distinguished Senator from Indiana agrees with the Senator from New Mexico—and I thank him for that—that we ought to proceed and finish this bill. That is what he has done. I very much appreciate it, and the Senate appreciates it.

Mr. REID. Mr. President, if I can also elaborate on what my friend, the manager of the bill, has said, there is no Senator in this body who has been more diligent on an issue than has the Senator from Indiana been on this issue of transportation of waste. He has rendered a great service not only to the people of the State of Indiana, but this country. I join in his appreciation for the Senator from Indiana allowing this bill to move forward.

Mr. DOMENICI. Mr. President, we have one amendment that is working its way through the clearance process, but it has not been cleared yet. Having said that, it is my understanding that there is no amendment pending at this point, is that correct, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENTS NOS. 2717 THROUGH 2725, EN BLOC

Mr. DOMENICI. Mr. President, I send to the desk nine amendments and ask that they be considered en bloc.

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

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes amendments numbered 2717 to 2725, en bloc.

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

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

The amendments are as follows:

AMENDMENT NO. 2717

(Purpose: To set aside funding for the Omaha District of the Army Corps of Engineers to pay certain claims)

On page 9, line 3, after ''expended,'' insert ''of which $460,000 may be made available for the Omaha District to pay pending takings claims for flooding of property adjacent to the Missouri River caused by actions taken by the Army Corps of Engineers, of which $2,540,000 shall be available for the project on the Missouri River between Fort Peck Dam and Gavins Point in South Dakota and Montana, under section 9(f) of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved December 22, 1944 (102 Stat. 4031)''.

AMENDMENT NO. 2718

On page 8, line 7, add the following before the period:

'': *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers is directed to use $500,000 of funds appropriated herein to continue construction of the Joseph G. Minish Passaic River waterfront park and historic area, New Jersey project''.

AMENDMENT NO. 2719

On page 8, line 9, before the period at the end insert '': *Provided further*, That of amounts made available by this Act for project modifications for improvement of the environment under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), $500,000 may be made available for demonstration of sediment remediation technology under section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note: 104 Stat. 4644)''.

AMENDMENT NO. 2720

On page 27, line 21, delete ''.'' and insert in lieu thereof the following:

'': *Provided further*, That of the amount appropriated herein $30,000,000 is to be available for the Initiatives for Proliferation Prevention program: *Provided further*, That of the amount appropriated herein $30,000,000 shall be available for the purpose of implementing the 'nuclear cities' initiative pursuant to the discussions of March 1998 between the Vice President of the United States and the Prime Minister of the Russian Federation and between the U.S. Secretary of Energy and the Minister of Atomic Energy of the Russian Federation.''

AMENDMENT NO. 2721

On page 8, line 9, insert the following before the period:

'': *Provided further*, That the Secretary of the Army may make available $100,000 for the Belle Isle Shoreline Erosion Protection, Michigan project; $100,000 for the Riverfront Towers to Renaissance Center Shoreline Protection, Michigan project; and $200,000 for the Great Lakes Basin, Sea Lamprey Control, Section 206, Michigan, project''.

AMENDMENT NO. 2722

(Purpose: To provide funding for the isotope ratio capabilities at the University of Nevada Las Vegas)

On page 22, line 19, insert the following before the period:

'': *Provided further*, That $500,000 of the unobligated balances may be applied to the identification of trace element isotopes in environmental samples at the University of Nevada-Las Vegas''.

AMENDMENT NO. 2723

On page 3, line 8, insert the following before the period:

'': *Provided further*, That the Secretary of the Army may make available $500,000 for the Atlanta Watershed, Atlanta, Georgia project''.

AMENDMENT NO. 2724

(Purpose: To set aside funding for support of the National Contaminated Sediment Task Force)

On page 10, line 7, before the period insert '', of which $250,000 may be made available to support the National Contaminated Sediment Task Force established by section 502 of the Water Resources Development Act of 1992 (33 U.S.C. 1271 note; Public Law 102–580)''.

AMENDMENT NO. 2725

On page 22, line 14, strike: ''2,669,560,000'' and replace it with ''2,676,560,000''.

Mr. DOMENICI. Mr. President, the amendments are as follows: Senator DASCHLE, flood damage claims; Senators LEVIN and GLENN, a section 1135 project; Senators BIDEN and DOMENICI, an IPP and nuclear cities amendment; Senator LEVIN, Michigan continuing authorities projects; Senator REID, trace element isotopes; Senator CLELAND, Atlanta watershed project; Senator LEVIN, contaminated sediment task force; and Senators DOMENICI-REID on science.

Are these cleared on your side, I ask the Senator?

Mr. REID. No objection.

Mr. DOMENICI. No objection on your side?

Mr. REID. No objection.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendments, en bloc.

Without objection, the amendments are agreed to.

The amendments (Nos. 2717 through 2725), en bloc, were agreed to.

Mr. DOMENICI. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BIDEN. Mr. President, I thank the distinguished Senators from New Mexico and Nevada for including an idea that I proposed in the managers' amendment to the energy and water appropriations bill. I am confident that together we will lessen the risk that former Soviet scientists will help any rogue state to build nuclear, chemical or biological weapons.

This amendment does two things. First, it earmarks an additional $15

million for the Department of Energy's Initiative for Proliferation Prevention, or IPP, program which was unfairly cut from the President's budget request. And second, it earmarks start-up funds for the ''nuclear cities'' initiative that was endorsed by both Vice President AL GORE and Russian Prime Minister Chernomyrdin.

Initiatives for Proliferation Prevention, or IPP, is a program that creates employment opportunities for former Soviet arms specialists by helping them develop their ideas for commercially viable goods and services. As an idea reaches fruition, IPP brings the arms specialists into joint ventures with outside investors, who gradually take over the funding. For example, thanks to IPP, a U.S. firm is working with Ukrainian scientists to develop and market a device for decontaminating liquids. This device will enable the Ukrainian dairy industry to produce fresh milk despite the lingering effects of the Chernobyl reactor meltdown.

IPP had a slow start. It is hard to come up with really viable commercial ventures, to find investors, and to make sure they can invest safely.

The executive branch thought that IPP had unspent funds from past years. So they cut its budget by 50 percent—down from $30 million to $15 million.

But IPP has begun to take off. As of this April, 15 projects had achieved completely commercial funding and 77 had found major private cofunding. As a result, IPP does not have unobligated funds lying around.

Now is not the time to cut the IPP program. Rather, we should encourage IPP and the many weapons specialists in the former Soviet Union who are searching for new careers in the civilian economy, by maintaining IPP's funding stream.

The ''nuclear cities'' initiative is an effort to improve employment opportunities for Russian personnel from their nuclear weapons labs and manufacturing facilities. This initiative, too, will focus on finding commercially viable projects and bringing in outside investors. The challenge is to find projects that can work at these somewhat isolated cities, which are more or less the Russian equivalent of Los Alamos.

When we fun the ''nuclear cities'' initiative, we get two benefits. First, Russia's Minister of Atomic Energy has announced that they will downsize their nuclear weapons establishment. And second, by providing civilian job opportunities for the personnel who are let go, we will help protect against Russian weapons specialists going off to work for programs in states like Iran, Iraq or Libya.

The ''nuclear cities'' initiative was developed by a group of U.S. and Russian specialists, and was endorsed at the last meeting of the Gore-Chernomyrdin commission. Later this spring, Energy Secretary Peña and Russian Atomic Energy Minister Adamov also endorsed it.

According to the group that developed this new initiative, it can usefully spend up to $30 million in fiscal year 1999. I don't know how much the executive branch will want to devote to ''nuclear cities,'' but my amendment gives them the opportunity to fund a realistic program.

By earmarking funds both for the ''nuclear cities'' initiative and for the IPP program, moreover, we make sure that the price of the new initiative will not be the death an existing program. If there is clear overlap between the IPP program and the ''nuclear cities'' initiative, such overlap should be eliminated. But I have the distinct impression that there are excellent IPP projects that will have nothing to do with Russia's ''nuclear cities,'' and such projects should not be sacrificed.

Once again, I thank and congratulate the senior Senator from New Mexico and the senior Senator from Nevada. They have given us a fine example of bipartisan cooperation and effectiveness.

Mr. BYRD. Mr. President, I rise today in support of the Fiscal Year 1999 Energy and Water Development appropriations bill. This is a bill that addresses many of our Nation's most critical water infrastructure requirements, as well as important energy research functions, and management of our nuclear waste and environmental remediation programs. This bill is also a component of our national security portfolio, due to the atomic weapons production programs of the Department of Energy that are funded in this bill.

In approving the recommendations of the subcommittee, the committee has reported a bill that does an excellent job of balancing the many competing demands which fall within the jurisdiction of the Energy and Water Development Subcommittee. I wish to commend the subcommittee chairman, Senator DOMENICI, for all his hard work in crafting the bill brought before the Senate, together with his very able counterpart, Senator REID. While both of these Senators come from the arid west, where the water management issues are very different from the challenges facing other regions of the country, they have been very responsible in trying to maintain critical investments in flood control and navigation and irrigation, while also ensuring that our energy research and nuclear waste management and weapons production responsibilities are met.

Their task was made particularly difficult this year by the disgraceful budget request for Fiscal Year 1999 put forward by the administration for the Army Corps of Engineers. Despite strong support for an aggressive Corps construction program from both sides of the aisle and all regions of the country, the administration proposed a significant reduction in spending for Corps construction—some $689 million, or 47 percent, below last year's funding level.

This budget gap created a huge hole that needed to be filled, and I commend our committee chairman, Senator STEVENS, for his sensitivity to the challenges presented to the Energy and Water Development Subcommittee by the President's request. Senator STEVENS knows all too well the value and need for critical infrastructure investments that will help communities enhance their economic opportunity. I was pleased to join with the chairman in recommending a 302(b) allocation to the Energy and Water Development Subcommittee which was substantially above the President's request and above a freeze for the non-defense discretionary portion. Nonetheless, the requests for funding far exceeded the subcommittee's allocation.

Nearly every state had ongoing water projects that the Corps expressed a capability of being able to execute at a program level far in excess of the President's request. So to try and maintain ongoing projects, as well as to protect investments, funding was added to many of these projects. The costs associated with the administration's short-sighted proposal were considerable. Not only would there have been increased costs due to the additional time it would have taken to complete projects, but there would also have been considerable contract termination costs associated with ending or reducing work that had been initiated recently.

So I commend the subcommittee members for their fine work. Their responsiveness to local concerns will mean a great deal to the communities in my state that were on the short end of the administration's budget. In places like Marmet, the Greenbrier Basin, and the Tug Fork Valley, where people have been waiting years for assistance from the Federal government to improve upon flood control and enhance navigation channels that feed our economy, this bill will be of great assistance. I have seen the mud, muck, and misery that accompany flooding when the waters rise in the creeks and streams and rivers that flow through the mountains of West Virginia. Some criticize these types of projects. I contend that they are critical to improving the lives and enhancing the safety of our constituents.

Mr. President, as is true with most appropriations bills, not every Senator has 100 percent of his or her priorities addressed fully. That is the very essence of compromise and balance, which are at the center of what it takes to produce an acceptable, and signable, appropriations bill. The President, in gutting the Corps' construction program, proposed significant increases to programs favored by the administration. But every Senator should be clear that, to pay for those increases, the President proposed reductions in funding requested for flood protection and other water infrastructure development. I commend Senator DOMENICI and Senator REID for trying to maintain stability across the multitude of programs funded in this bill.

Finally, I wish to acknowledge the very fine work done on this appropriations bill by the majority and minority staff of the Energy and Water Development Subcommittee—Alex Flint, David Gwaltney, Greg Daines, Liz Blevins, Lashawnda Leftwich, and Sue Masica. There are many details associated with all of the water projects and energy research items in this bill, and this team does an excellent job of serving not only Senators DOMENICI and REID, but also all other Senators.

Mr. GLENN. Mr. President, I rise today to make a few comments concerning S. 2138, the Fiscal Year 1999 Energy and Water Development Appropriation Bill.

The West Columbus Floodwall Project is an extremely important infrastructure project currently under development by the City of Columbus and the Army Corps of Engineers. Once completed this project will protect over 2,800 acres of urban development, and approximately 6,200 homes and businesses. Construction of this $118 million project was initiated in 1993 and was on schedule and budget for completion in 2002.

The fiscal year 1999 civil works budget request for the U.S. Army Corps of Engineers provided only $1.8 million for continued construction of this important project. The Committee increased the fiscal year 1999 funding to a total $7.5 million. Although I am grateful for the Committee's action, I am concerned because this project requires $16 million to keep it on track and moving forward.

Mr. President, this project is unlike a lot of other flood projects in that it does not provide vitally needed flood protection for West Columbus until it is fully completed. Funding for this project at less than $16 million could delay it for up to one year and this area will continue to be exposed to an increased potential for flood damages of up to $455 million. In addition, the homeowners and businesses in this area will face continued zoning restrictions, and development of 2800 acres will be delayed.

The city of Columbus has been damaged in the past by severe flooding of the Scioto River, which runs through the heart of its downtown. In 1913, 1937 and 1959, the city was devastated by flood disasters resulting in millions of dollars in damage to commercial and residential property, destruction of homes and businesses, and the loss of many lives. In 1990 and 1992, the city again experienced serious flood scares. If the West Columbus project were in place during previous recent flood events, damages would have been prevented.

Mr. President, during the December 1990 rainfall and flood event, inundation and localized flood damages occurred in the Phase 1B/McKinley Avenue area. The Scioto River rose to a flood level approaching a 20-year frequency. If the project features had been in place at that time, the interior runoff would have drained to the stormwater pump station ST–8 and would have been pumped out of the interior. Instead, an existing storm sewer flap gate was held shut by the high Scioto River flood stage, preventing the interior runoff from draining to the river. Adjacent businesses were flooded until the Scioto River receded to a level that permitted the flap gate to open and allow interior runoff to drain to the river.

During the July 1992 storm, rainfall in excess of 4 inches fell over the interior area along with a moderate rise in the Scioto River. An existing storm sewer flap gate was held shut and interior runoff could not drain to the river. If the proposed Dodge Park stormwater pump station had been available, it could have pumped excess runoff to the river, thus preventing flood damages that occurred along Rich Street.

Mr. President, I understand that sufficient funding was not available for the many critically needed flood protection projects contained in this bill. For this reason I will not offer an amendment, however, I thought it was important to express my concerns and address the potential impacts of not funding this project at the required level of $16 million. I am pleased that the House was able to fully fund this project in their bill and it is my hope that during Conference, the Senate will recede to the House's position and provide $16 million for the West Columbus Floodwall Project.

Thank you, Mr. President.

Mr. LIEBERMAN. Mr. President, I rise to express my concern about the portion of this bill dealing with the Nuclear Regulatory Commission, and particularly the Committee report. While I appreciate that Senators DOMENICI and REID have made very significant changes to an earlier version of the report, I remain troubled.

Let me say first that I am a supporter of nuclear energy. I believe it can be part of the solution to solving the world's energy, environment and global warming problems. But in order for there to be a future for this industry, it is critical for the public to maintain confidence in the industry—a confidence that must be supported by a strong, competent and effective Nuclear Regulatory Commission.

I do not believe that the current NRC over-regulates, inspects too much, enforces too much or has adopted an overly restrictive body of regulations. I base this conclusion on the extensive oversight I conducted as chairman during the 103rd Congress of the Clean Air and Nuclear Regulation subcommittee of the Environment and Public Works Committee; the oversight work I have conducted during the last three years as a member of the Environment Committee, particularly growing out of my concern about the shutdown of Connecticut's nuclear power plants; and two extensive reports prepared for me by the General Accounting Office.

In fact, I believe that as a result of new safety initiatives undertaken by NRC Chairman Jackson, such as: limiting inappropriate use of enforcement discretion; requiring utilities to verify whether they are operating in accordance with their design basis; undertaking a review of NRC oversight of changes made by utilities without prior NRC approval; improving the inspection process;, increased attention to use of quantitative performance indicators; and reforms of the senior management oversight process, the NRC has finally moved toward regaining some of the public confidence which is so important. Also critical to restoring this confidence has been Chairman Jackson's openness and responsiveness to the public, including whistleblowers. Many of these initiatives came in response to a very unfortunate situation in Connecticut, where the nuclear power plants were shut down and put on the NRC Watch List of most troubled plants.

I appreciate that the Appropriations Committee believes that there should be an in-depth review of the NRC. As a member of the Senate Environment Committee with authorization oversight responsibilities, I have been urging the Committee to conduct hearings on the NRC since the start of the Congress. In particular, I have urged the Committee to hold a hearing to examine the issues raised in two General Accounting Office reports : one prepared for Senator BIDEN and me, Nuclear Regulation: Preventing Problem Plants Requires More Effective NRC Action, and one prepared for Congressman DINGELL and me on whistleblower protections.

The GAO raised serious concerns about instances in the past in which the NRC has neither taken aggressive enforcement action nor held nuclear plant licensees accountable for correcting their problems on a timely basis. The GAO criticized the NRC for problems in the inspection process, such as not including timetables for the completion of corrective action and for not evaluating the competency of the licensees' plant managers as part of the on-going inspection process. In addition, the GAO found that the senior management meeting, designed to focus attention on those plants with declining safety performance, was not serving its goal of being an early warning tool.

To her credit, Chairman Jackson has responded to many of these GAO recommendations positively and swiftly. Nevertheless, oversight hearings are needed to evaluate the NRC's responses.

Finally, although I appreciate that the Committee increased the NRC's funding levels from the subcommittee's approach and eliminated any directions to cut nuclear reactor safety, I am still concerned that the bill includes $17.3 million less in funding than the NRC's budget request. I think a more prudent approach would be to have a detailed discussion of the NRC's proposed initiatives in the authorizing

Environment Committee to avoid any negative impact on the NRC's ability to maintain a strong, healthy regulatory program for nuclear power plants or to limit any new initiatives that the NRC believes are important. In the 103rd Congress, I was pleased that we were able to report an authorizing bill for the NRC, but unfortunately it did not become law. We need to move forward again with such a bill.

TOOELE CITY WASTEWATER TREATMENT AND REUSE PROJECT

Mr. BENNETT. Mr. President, I would like to ask the distinguished Senator from New Mexico, the Chairman of the Energy and Water Subcommittee, a question related to a project in my State. Am I correct in stating that the bill before the Senate today contains $3 million in funding for the Tooele City Wastewater Treatment and Reuse Project?

Mr. DOMENICI. The Senator is correct.

Mr. BENNETT. Mr. President, I appreciate the Senator from New Mexico's support for this project. I have recently become aware of a problem with this project related to the Bureau of Reclamation's interpretation of the project's authorization which I hope we can clarify. As the Senator knows, I am a strong advocate for the concept of water recycling and reuse. In arid States such as ours we simply have to make every gallon of available water stretch as far as we can. It is for that reason that I sponsored the legislation that eventually became Public Law 104–266. The passage of that legislation expanded the Bureau of Reclamation's water recycling program and authorized the Tooele City project. Under this program the Bureau is authorized to contribute up to twenty-five percent of the cost of planning, designing and constructing water recycling and reuse projects.

The Tooele Wastewater Treatment and Reuse project is designed to reclaim 2.25 million gallons of effluent daily and utilized the reclaimed water for a variety of non-potable uses permitted by Utah State law. Unlike some other States, Utah permits the utilization of water treated to secondary—as opposed to advanced secondary or tertiary—standards for certain non-potable uses. In formulating the Tooele project, the City has always anticipated the utilization of secondary effluent in conformance with State law. Now the Bureau of Reclamation has informed the City that it will not provide funds appropriated by Congress for that portion of the Tooele project that provides secondary treatment. I have searched the authorizations for the Title XVI program and the Tooele project high and low and can not find a statutory basis for the Bureau's position. Had Congress wished to limit the use of title XVI funds in this manner, it certainly could have done so. It did not.

Mr. President, I remain hopeful that we can resolve this matter before this bill goes to Conference. However, in the event that we are not successful, I would like to ask the Chairman to entertain the possibility of Conference Report language, if necessary, to clarify this matter.

Mr. DOMENICI. I appreciate the Senator from Utah's concerns. I would be happy to work with him to resolve this issue.

RODEO LAKE

Mr. GORTON. Mr. President, I rise for a brief colloquy with the manager of the bill. I would like to thank the chairman for his generous work to fund the Rodeo Lake project near Othello, Washington. This project will help alleviate a serious flooding problem in Central Washington state. There has been some confusion, however, regarding the Corps of Engineers' involvement in the project. I understand that, because of the water at Rodeo Lake directly affects projects maintained by the Bureau of Reclamation, the committee intends for the Corps to coordinate its efforts with the Bureau of Reclamation. Is my description of the committee's intentions correct?

Mr. DOMENICI. The Senator is correct.

Mr. GORTON. I thank the Chairman for the clarification and for the hard work on this bill.

DEVILS LAKE, NORTH DAKOTA

Mr. CHAFEE. Mr. President, page 44 of the committee report accompanying S. 2138, the fiscal 1999 Energy and Water Development Appropriation bill, includes a section on funding provided in the bill for construction of a flood control outlet at Devils Lake, North Dakota. At the end of the short section, the committee report states that, ''[i]t is expected that such circumstances would also be such that granting of a waiver under the emergency provision of the National Environmental Policy Act would be appropriate and that the provision of the 1909 Boundary Waters Treaty would be met.''

I am trying to understand how this report language corresponds with language in the bill for Devils Lake. As reported by the committee, pages 6 and 7 of the bill lay out a detailed set of rigorous criteria that must be met before any funds can be obligated by the Secretary for actual construction of the outlet. Two of those criteria, full compliance with the National Environmental Policy Act (NEPA) and the 1909 Boundary Waters Treaty seem to be preempted by the committee in this report. I ask the distinguished chairman of the Energy and Water Development Subcommittee, Senator DOMENICI, if the committee report language in any way supercedes the bill language? Moreover, is the committee attempting to provide a waiver or some form of relief under NEPA or the Boundary Waters Treaty?

Mr. DOMENICI. I thank the Senator from Rhode Island for his continued interest and involvement in the Devils Lake matter. The answer to both of the Senator's questions is ''no.'' The bill language that you cited, which was originally negotiated by the two of us, Senator BOND and our colleagues from North Dakota last year, would be fully applicable. The committee report does not waive NEPA, the Boundary Waters Treaty or any of the other conditions found in the bill language. In summary, the Executive Branch would need to fulfill the economic and technical justifications, the reporting and budgeting requirements, as well as the NEPA and Boundary Waters Treaty terms, before any of the appropriated funds can be expended for outlet construction. The report language signals our expectation that the Executive Branch would make full use of the emergency provision currently available under NEPA and that all steps would be taken to expeditiously fulfill the requirements of the Boundary Waters Treaty in the event that rising lake levels warrant accelerated construction of the outlet.

Mr. CHAFEE. I appreciate my colleague's clarification. I chaired a hearing on Devils Lake before the Committee on Environment and Public Works late last year and am committed to addressing the terrible flooding problems experienced there. However, I am convinced that the people of North Dakota, Minnesota, Canada, and the U.S. taxpayers will all be served more effectively if we go about this project in the right way. To do that, we need the appropriate reviews, studies and justifications by the Army Corps of Engineers, State Department and others. In that context, Mr. President, I ask unanimous consent to include in the CONGRESSIONAL RECORD a January 28, 1998, Army Corps memorandum, signed by the then-Acting Assistant Secretary John H. Zirschky, that details the agency's policy on NEPA compliance and the proposed outlet at Devils Lake. I ask unanimous consent that the memorandum be printed in the RECORD.

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

DEPARTMENT OF THE ARMY, OFFICE OF THE ASSISTANT SECRETARY, CIVIL WORKS,

Washington, DC, January 28, 1998.

MEMORANDUM FOR THE DIRECTOR OF CIVIL WORKS

Subject: National Environmental Policy Act Compliance, Devils Lake Outlet, North Dakota

The Corps has been working hard to solve the flooding problems at Devils Lake. The St. Paul District has been raising the levees at the city of Devils Lake and the design of an emergency outlet is well underway. I commend your staff, Mississippi Valley Division and the St. Paul District for their accomplishments to date.

A statutory requirement for constructing an outlet from Devils Lake is compliance with the National Environmental Policy Act (NEPA). On December 10, 1997, the Corps briefed my staff and a representative of the Office of Management and Budget (OMB) on the proposal for compliance with NEPA. On December 19, 1997, my staff briefed senior

staff of the OMB and the White House Council on Environmental Quality (CEQ) on the proposal.

The purpose of the December 19, 1997 meeting was to discuss the St. Paul District's ''expedited'' schedule for NEPA compliance. That schedule calls for constructing the outlet before the NEPA process is completed. This is an exception that would require a waiver from the normal NEPA process. While the flooding problem at Devils Lake is an emergency, and while adoption of a NEPA compliance process completed following construction may be necessary at some point in time, the decision to carry out a NEPA process as outlined in the District's ''expedited'' schedule is considered premature. Supporting a waiver at this time is difficult since we have not yet decided to construct the outlet nor have we completed its design. The controversial nature of the outlet project, and the extent of other ongoing activities by the Corps and others to mitigate for the flooding were also factors in this decision.

It is critical that the Corps continues to keep this project as a high priority. We should proceed with the planning, NEPA compliance, and design of the outlet as quickly as possible. The studies and report being prepared to comply with the Fiscal Year 1998 Energy and Water Development Appropriations Act should also be expeditiously completed. To ensure that the report complies with the congressional directives, it should be subjected to technical and policy reviews before submitted to this office. We should also continue to budget for the outlet.

It is also very important that the NEPA process complies fully with the July 1, 1997, memorandum from the CEQ on transboundary impacts of the outlet project. Likewise, the NEPA process should be undertaken so that it will give us a sound basis for consultation with the International Joint Commission, and with Canada under the ''Boundary Waters Treaty of 1909.''

At this time, we should not plan to use a NEPA process that assumes that we construct the outlet before the NEPA process is completed. Our objective is to comply fully with the NEPA by completing the Environmental Impact Statement and Record of Decision using a normal NEPA process. In this regard, on January 12 our staffs developed guidance that allowed the St. Paul District to initiate the NEPA scoping process on January 14, 1998. The District should revise the schedule they proposed for the ''normal'' NEPA process, and identify opportunities to complete this work by December 1999. While I understand that the coordination phase of the NEPA process may be time dependent, I believe that ways to shorten the data collection and evaluation phases can be found to shorten the current forty month schedule. Regarding data collection and evaluations, these activities should be programmed in a way that will provide us with increasingly greater levels of detail, so that we can decide, if necessary, to start the outlet at anytime using an emergency NEPA process. Unless an emergency waiver is obtained sooner, we should be in a position to start construction by Spring 2000.

The enclosed paper was prepared to help explain the ''Action Plan.'' This plan will allow the Corps to meet its legal obligations, make more informed decisions by maximizing the use of new information on both lake level predictions and environmental impacts, and stay positioned to start construction on the outlet when necessary. I ask that HQUSACE provide the leadership necessary to achieve these objectives.

JOHN H. ZIRSCHKY,
Acting Assistant Secretary of the Army (Civil Works).

Enclosure.

DEVILS LAKE EMERGENCY OUTLET, NORTH DAKOTA NATIONAL ENVIRONMENTAL POLICY ACT COMPLIANCE ACTION PLAN

National Environmental Policy Act (NEPA) compliance is an integral part of the decision making process for the Devils Lake outlet. To be able to construct the outlet as soon as possible—yet comply fully with NEPA—the Corps will use the following principles:

PRINCIPLES

Reducing flooding at Devils Lake is a high priority for the Administration.

Engineering and design work on the outlet will proceed on schedule, allowing the start of construction, if necessary, by May 1999.[1]

A decision to start construction on the outlet will be based on the best available information and be legally defensible.

A decision to start construction will comply with the Fiscal Year 1998 Energy and Water Development Appropriations Act, and other laws and treaties; and

National Environmental Policy Act compliance will proceed on a fast track.

ACTION PLAN

From an engineering standpoint, the Corps St. Paul District believes it can be in a position to start construction of the outlet by may 1999. To meet this date, the design of the outlet should be completed by August 1998 and pipe should be ordered in October 1998. By August 1998, the Project Cooperation Agreement should be ready to be executed with the State of North Dakota. The State could then be ready to acquire lands needed for the project. The report necessary to comply with the Fiscal Year 1998 Energy and Water Development Appropriations Act is scheduled to be prepared, reviewed and approved in time to be submitted to Congress by August 1998. Plans and specifications are to be completed by march 1999. The Corps would continue to budget for funds for design and construction of the outlet.

Regarding the NEPA compliance, several options were considered, including starting construction before the NEPA process is completed. Starting construction before the NEPA process is completed requires a Council of Environmental Quality waiver from the normal NEPA compliance process under the emergency provision of NEPA. Such waivers are unusual and require substantial justification. Without such justification the legal risk would be great given the diverse interest and positions on the outlet. In view of the stipulations in the Fiscal Year 1998 Energy and Water Development Appropriations Act that must be met before construction can be started and that the design of the outlet is not yet complete, we believe that it is premature to make the waiver decision at this time and that we should proceed with the NEPA process. However, in view of the lake level trends of the past few years at Devils Lake, the NEPA review would be expedited, and NEPA compliance activities would be organized in a tiered fashion that will maximize its utility at any given time regarding a decision to start construction on the outlet through the emergency NEPA waiver. This approach should not result in an unacceptable slow down of outlet construction, if necessary, since the engineering and design work will be completed on schedule.

The St. Paul District initiated the formal NEPA process on October 21, 1997, and an initial scoping meeting was held on January 14, 1998. unless a waiver from NEPA is needed sooner, the goal is to complete the NEPA process by December 1999*. As noted above, NEPA data collections, evaluations, impact assessments, and coordination activities should be programed to be concurrent, at minimum allowed times, and at increasingly greater degrees of detail, so that we can save time and make more informed and supportable decisions regarding carrying out the outlet under an emergency NEPA process, if necessary. As an example, the question of the need to start construction under an emergency NEPA process can be revisited after the 1998 runoff predictions are released and the Corps has completed the report required by the Fiscal Year 1998 Energy and Water Development Appropriations Act.

In summary, this action plan allows the Corps to meet its legal obligations, make more informed decisions by maximizing the use of new information on both lake level predictions and environmental impacts, and stay positioned to start construction on the outlet when necessary.

OASA (CW) POC:

MICHAEL L. DAVIS,
Deputy Assistant Secretary of the Army (Policy and Legislation).

JAMES J. SMYTH,
Assistant for Water Resources Development.

[1] Unless otherwise stated, completion and submission dates presented in this paper are those developed by the St. Paul District of the Corps of Engineers. New dates are noted by ''*'' after the date.

ASSATEAGUE ISLAND

Mr. SARBANES. Mr. President, I would like to engage the distinguished Chairman of the Subcommittee in a colloquy concerning funding for the restoration of Assateague Island National Seashore.

I am deeply concerned that the Committee was not able to provide funding for so-called ''new start'' construction projects of the Army Corps of Engineers. I understand that the House Committee has also adopted a no new starts policy. The Corps of Engineers was scheduled to initiate an authorized and approved mitigation project for the North End of Assateague Island National Seashore in Fiscal 1999 and without funding, it appears that this project will have to be postponed. This is a particular problem because the northern end of Assateague was hit very hard by two northeastern storms which slammed the mid-Atlantic coast this past February causing severe erosion and overwash conditions. In its current condition, the seashore is extremely vulnerable to breaching should another storm hit the coast. The integrity of the National Seashore and the area's coastal bays are at risk.

Fortunately, the Corps will be able to make emergency repairs to the storm-damaged section under the authority of Public Law 84–99, providing some additional protection to the island over its current condition. But it would be far better if the approved restoration project could be initiated and completed as soon as possible.

I recognize the difficult constraints that the Committee faced in crafting this bill but, given the critical nature of this project, I ask if the Chairman would be willing to work with me and Senator MIKULSKI in the Conference Committee to address Assateague's needs should additional funding become available.

Mr. DOMENICI. The Committee understands the importance of this project and will work in Conference to see what develops.

Ms. MIKULSKI. I thank the Chairman for his consideration of this project. Assateague is one of the most important restoration projects in Maryland. The environmental, economic and ecological value of the Assateague Seashore is extraordinary. It is not just a Maryland priority, it is a national priority.

Mr. SARBANES. I thank the Chairman for these assurances.

TRANSFER OF THE ST. GEORGES BRIDGE

Mr. BIDEN. Mr. President, I am wondering if the Ranking Member of the Subcommittee will engage in a colloquy with me regarding the St. Georges Bridge in my State of Delaware.

Mr. REID. I would be pleased to yield to my colleague from Delaware.

Mr. BIDEN. I thank my friend. Mr. President, recently in the newly passed highway bill, TEA–21, the Secretary of the Army was directed to transfer the right, title and interest of the St. Georges Bridge in Delaware, to the State of Delaware. The transfer is necessary to facilitate a retransfer of the bridge to a private entity for the purposes of demonstrating the effectiveness of large-scale composites technology. If the transfer is completed within 180 days the Secretary is directed to provide $10,000,000 to the State for rehabilitating the bridge.

I rise to ask the Senator from Nevada, in his capacity as Ranking member of the Subcommittee, to seek his commitment in working with me and the Army Corps of Engineers to ensure that this transfer and the $10 million payment occurs as authorized.

Mr. REID. Yes, I am aware of the transfer of the bridge and the provision in TEA–21. You have my pledge that I will do all I can to see that the Army Corps of Engineers will carry this out as soon as possible.

Mr. BIDEN. I thank the Senator.

GRAND PRAIRIE REGION, ARKANSAS

Mr. BUMPERS. Mr. President, I would like to engage the senior Senator from New Mexico in a colloquy.

Mr. DOMENICI. I would be pleased to join the senior Senator from Arkansas in a colloquy.

Mr. BUMPERS. Mr. President, many of us in Arkansas have been working for several years to reverse a critical ground water resource problem that is developing in our region and will ultimately affect the entire country.

Throughout this century, aquifers in the lower Mississippi River Valley have been falling due to high demand and relatively low recharge. The United States Geological Survey has found that current trends by the year 2015 will reduce the saturated thickness of the aquifers to the point that soils will begin to compact, recharge will not be possible, and the aquifer will effectively be dead, along with nearly half of the U.S. rice industry. Because of the magnitude of this problem, state and local efforts to correct it will never succeed without assistance from the federal government. In that event, a regional economic collapse will occur, a major environmental resource will forever be lost, and our legacy to future generations will carry a lasting shadow of irresponsibility.

The President's Budget Request provided $11.5 million for the Grand Prairie Region. I understand the difficulty the Senate Energy and Water Appropriations Subcommittee faced in trying to fund many worthwhile projects. Unfortunately, the Grand Prairie Project was not funded in this bill. It is also my understanding that the House Energy and Water Appropriations Bill provides the full Budget Request of $11.5 million for the Grand Prairie project.

I ask the Chairman, Senator DOMENICI, for his support in accepting the House level when this legislation is considered in conference.

Mr. DOMENICI. I thank the Senator from Arkansas for his comments. The Senator is correct. The Subcommittee had great difficulty in providing funds for several needed and worthwhile projects. I understand the importance and national significance of the Grand Prairie Project and pledge my support in conference for Grand Prairie if there are sufficient resources.

Mr. BUMPERS. I thank the Chairman for his efforts.

Mr. LEAHY. Mr. President, I would like to engage the Chairman in a colloquy. Last year, the Senator and I discussed the energy generation problems facing rural areas of the United States. The Chairman wisely included funding in the Fiscal Year 1998 Energy and Water Appropriations bill to address this problem. In rural areas, energy distribution systems are often more difficult and expensive to establish. As a result, communities are often forced to rely on more polluting fuel sources because they have lower up front capital costs. The Jeffords amendment the Chairman accepted this morning increases funding for the Remote Power Initiative to $5 million. Is that correct?

Mr. DOMENICI. Yes, the Senator is correct. In Fiscal Year 1998 and 1999 we included funding for the Remote Power Initiative to support deployment of solar, wind, fuel cell, biomass, and other energy technologies in remote areas to address their energy challenges. Last year, you highlighted the energy demands and environmental constraints of ski area operations as one example of this problem facing remote areas. As you noted, ski areas in Vermont were one of the leading sources of NO_x emissions due to use of inefficient and polluting diesel engines for operations. This is the kind of problem the subcommittee had in mind when proposing the Remote Power Initiative.

Mr. LEAHY. I want to thank the Chairman for including funds for the Remote Power Initiative again this year. This Initiative offers the Department of Energy an opportunity to build partnerships with the ski industry to deploy efficient and environmentally-friendly renewable energy technologies to reduce energy use and emissions. Partnerships could also involve environmental technology vendors and service providers who may be interested in cost sharing.

Mr. DOMENICI. I agree with the Senator from Vermont and believe there is a real need to address remote power problems in cold weather areas. I support using some of the funds in the Remote Power Initiative for the purposes you described.

Mr. LEAHY. I thank the Chairman and look forward to working with him and the Department of Energy to bring together ski operators and the renewable energy technology industry to discuss technology and policy issues, and determine appropriate actions and next steps.

BIOMASS ETHANOL RESEARCH

Mrs. FEINSTEIN. Mr. President, I wish to ask a question of the chairman of the subcommittee, the Senator from New Mexico, and the ranking member of the subcommittee, the Senator from Nevada; is it the understanding of the chairman and ranking member that there are enough funds available in the Solar and Renewable Resources Technologies/Biofuels Energy Systems account to continue the feasibility study and project development of a biomass ethanol plant in Plumas County, California?

Mr. DOMENICI. That is correct. Funding is available under this bill for the Department of Energy under the Biofuels Energy Systems account that could be used to study the feasibility of the Plumas County project.

Mr. REID. That is my view as well. I would urge the DOE to consider supporting this project in fiscal year 1999.

Mrs. FEINSTEIN. I thank the Senators.

Mr. BENNETT. Mr. President, it is my understanding that western states and the western electric power industry have been engaged in intensive efforts to create a competitive and reliable western electricity market covering all or parts of 14 states, two Canadian provinces and northern Mexico. I believe this is exactly the type of local cooperative action Congress hoped for in the enactment of the Energy Policy Act of 1992. I ask the Chairman, does the budget contain funds to help western states work with the electric power industry to promote competitive and reliable electricity markets in the Western Interconnection?

Mr. DOMENICI. The Senator is correct.

Mr. BENNETT. Is it the Committee's intent that the Department of Energy is to give priority in the expenditure of such funds to assisting western states which are collectively working with the industry on a gridwide basis to promote competitive and reliable regional electricity markets?

Mr. DOMENICI. The Senator is correct.

Mr. BENNETT. I thank the Chairman.

WESTERN AREA POWER ADMINISTRATION

Mr. BURNS. Mr. President, I understand that the Western Area Power Administration and The Bureau of Reclamation are considering raising rates for the power necessary to operate irrigation systems in the Eastern Division of the Pick-Sloane Missouri Basin Project. The purpose of these agencies is not to raise revenue. Rather, these agencies are designed to provide reliable and affordable power for multipurpose economic development.

Mr. DOMENICI. I agree Senator BURNS, affordable power rates for irrigation districts are vital to all those living in the western United States.

Mr. BURNS. This is especially true considering the recent drought and low wheat prices that we have been experiencing throughout the region. The farmers in this region simply cannot afford the burden that this rate increase will place on them.

Mr. DOMENICI. I understand that the situation now facing many of these farmers and ranchers is dire. You make a very compelling argument against raising rates and production costs for an industry that is already facing disaster.

Mr. BURNS. I thank Senator DOMENICI for his recognition of this problem. I will fully commit myself to working with him to resolve this situation as soon as possible.

Mr. LEAHY. Mr. President, I would like to engage the Chairman in a colloquy. Senator DOMENICI, I would like to thank you and Senator REID for your willingness to boost funding for the Department of Energy's important solar and renewable programs. I am especially pleased to see an increase in funding for the biomass energy systems account. In Vermont, work is continuing at the McNeil Generation Plant in Burlington to demonstrate the effectiveness of biomass gasification. This is an important renewable technology which will help our country reduce greenhouse gas emissions.

Earlier this year the Department of Energy agreed to a modification of the contract for the McNeil project which resulted in a $6 million increase in the Department's contribution to the South Burlington facility. These funds will be matched dollar for dollar by the partners who are participating with DoE in this important renewable program. Because the contract modification was not reached until after the President had submitted his Fiscal Year 1999 budget proposal, that increase was not reflected in the funding request for the biomass energy systems account. It is my understanding that the increase in funding for biomass energy systems includes the $6 million needed for the Department to meet its obligations under the contract for the McNeil facility.

Mr. DOMENICI. I concur with the Senator from Vermont as to the importance of the Vermont gasifier. I concur that it would be desirable to provide funds for that project. In conference, as we reach agreement with the House on the allocation of funds for Biomass, I will work to provide that funding.

Mr. BINGAMAN. Mr. President, I rise in support of the energy and water development appropriations bill and to take a few moments to engage in a colloquy with the chairman of the subcommittee on one of the many important programs being funded in the bill. That would be the technology transfer and education programs funded under Atomic Energy Defense Activities. These programs are an important investment in the future of the country, by leveraging the facilities, expertise, and R&D results funded by the Department's defense missions to the benefit of broader national science, technology, and education objectives. We have seen some important spin-offs over the years from DOE defense-related research, and this funding will ensure that we continue to see both spin-off and the flow of technology, ideas, and trained personnel into the labs, to the benefit of the Department's important statutory missions.

One example of a technology partnership area of importance, and which I hope the Department will fully fund in fiscal year 1999, is the Advanced Computational Technology Initiative, or ACTI. The ACTI program makes available to smaller oil and gas producers the computational and simulation resources of the national laboratories. One component of the ACTI program over the years, the Advanced Reservoir Management program, has funded advances in complex computational database management and electronic information systems that have been of benefit both to the oil and gas industry and DOE's defense programs.

I know that my colleague from New Mexico, the chairman of the subcommittee, is a strong supporter of our oil and gas industry. I would urge him to maintain funding of the ACTI program at the level of the President's request as this bill moves forward to conference.

Mr. DOMENICI. I completely agree with my colleague. We are united in our support for the oil and gas industry in New Mexico. The bill that I have brought forward today provides full funding for the ACTI program at the President's requested level. The program is one of a series of technological partnerships between the DOE national laboratories and industry which are producing real value to the U.S. economy. I plan to maintain this strong support for ACTI and other technology partnerships at DOE as this bill moves forward to enactment.

Mr. CAMPBELL. I thank my colleague, Senator INHOFE, for engaging in this dialogue to clear up confusion surrounding section 3(b) of S. 1279, the Indian Employment, Training and Related Services Demonstration Act Amendments of 1998.

Mr. INHOFE. What exactly does section 3(b) of S. 1279 purport to do?

Mr. CAMPBELL. It attempts to clarify inconsistencies in implementing Public Law 102–477. Over the past four years, tribes have attempted to integrate both programs into their 477 plans. They have received at best, inconsistent responses from the BIA. On several occasions the Bureau approved the integration, and other times integration was rejected. The Bureau confirmed this confusion at a May 13, 1997 Indian Affairs Committee hearing when it submitted conflicting testimony regarding its approval of including the JOM program into tribal plans. Section 3(b) makes clear that ''at the option of a tribe'' funds under both the General Assistance and Johnson O'Malley programs may be integrated into tribal 477 plans.

Mr. INHOFE. Is it true that your bill will not affect in any manner the current regulations and requirements established by the Department of the Interior with regard to the Johnson O'Malley program?

Mr. CAMPBELL. That's correct. In fact, I have here a letter from the Assistant Secretary of Indian Affairs, which states that while they support section 3(b)'s integration of Johnson O'Malley, ''the program must continue to be conducted in accordance with its authorizing statute.'' Another letter dated March 28, 1998 states that the JOM parent committee will continue to have the authority to approve and disapprove tribal plans to integrate funds within the 477 program. I ask unanimous consent that each of these letters be placed in the record.

Mr. INHOFE. The Johnson O'Malley program is a supplemental education program designed to benefit Indian children aged 3 through grade 12 attending public schools. I'm concerned that permitting tribes the option to use these funds within employment and training plans will permit tribes to instead use these funds for post-high school adult employment training programs.

Mr. CAMPBELL. I agree with your concern, and that is why I amended the original language of the bill to expressly require tribal governments wishing to integrate these funds into their 477 programs to include adequate assurances that such funds will be used only for those intended beneficiaries, children aged 3 through grade 12. I would, however, like to make clear that with the onset of welfare reform upon us, tribal governments must be afforded adequate flexibility to administer the limited federal resources available. This bill attempts to provide that added flexibility.

Mr. INHOFE. I thank Senator CAMPBELL for clearing up these concerns. I'm encouraged by the assurances that the Johnson O'Malley Program will not be adversely affected by this measure.

Mr. DOMENICI. Mr. President, S. 2138, the Energy and Water Development Appropriations Act, 1999, complies with the Budget Act's section

302(b) allocation of budget authority and outlays.

The reported bill provides $20.9 billion in budget authority and $13.1 billion in new outlays to fund the civil programs of the Army Corps of Engineers, the Bureau of Reclamation, certain independent agencies, and most of the activities of the Department of Energy. When outlays from prior year budget authority and other actions are taken into account, this bill provides a total of $20.7 billion in outlays.

For defense discretionary programs, the bill is at its allocation for budget authority and below its allocation for outlays by $2 million. The Senate-reported bill also is below its nondefense discretionary allocation by $38 million in budget authority and $1 million under its allocation for outlays.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of this bill be printed in the RECORD.

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

S. 2138, ENERGY AND WATER APPROPRIATIONS, 1999—SPENDING COMPARISONS, SENATE-REPORTED BILL

[Fiscal Year 1999, dollars in millions]

	Defense	Nondefense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority	12,030	8,909			20,939
Outlays	11,818	8,899			20,717
Senate 302(b) allocation:					
Budget authority	12,030	8,947			20,977
Outlays	11,820	8,900			20,720
President's request:					
Budget authority	12,298	9,003			21,301
Outlays	11,875	9,150			21,025
House-passed bill:					
Budget authority					
Outlays					
SENATE-REPORTED BILL COMPARED TO:					
Senate 302(b) allocation:					
Budget authority		−38			−38
Outlays	−2	−1			−3
President's request:					
Budget authority	−268	−94			−362
Outlays	−57	−251			−308
House-passed bill:					
Budget authority	12,030	8,909			20,939
Outlays	11,818	8,899			20,717

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

Ms. SNOWE. Mr. President, I rise today in support of the passage of S. 2138, the FY99 Energy and Water Development Appropriations bill. In particular, I thank my colleagues for approving $6 million for U.S. Army Corps of Engineers' funding for the harbor dredge in Portland, Maine.

I have supported the timely advancement of the harbor dredging because of public safety and environmental concerns and the project is the top priority for the state. Portland Harbor badly needs dredging, and it is to the great credit of the Portland Harbor Dredge Committee, made up of officials from the state, local, not-for-profit agencies and the private sector that the dredging project is now ready to begin, at least a year ahead of what the US Army Corps of Engineers expected. Corps officials had already made it clear that the project needed to begin this next winter in order to minimize environmental impacts, but could not be started until environmental determinations were made. The Dredge Committee, working together since 1994, was successful in obtaining the necessary permits, including allowing the bulk of the dredged material from Portland Harbor to be deposited at sea.

As I pointed out in the Budget Committee back in March when I first brought up the harbor dredging during Budget Reconciliation, the Corps project simply could not wait another year for funding to be included in the federal budget. It is to the credit of the state, the surrounding communities and the agencies working for the dredging that the project is ready to begin, and the window for the dredging to occur so as to mitigate the environmental risks, according to the Corps, is from October, 1998 to April, 1999. This should now be possible if the Senate funding level is protected in conference with the House.

I would also like to thank Senator DOMENICI and his Appropriations Subcommittee for federal funding for the Ft. Fairfield levee in rural Northern Maine, and also for including language in the appropriations bill that will allow construction of a levee to protect the town against further flooding. This Corps small flood control project is considered essential to the economic survival of Fort Fairfield. The town has experienced severe flooding over the last several years, and as recently as two months ago, was once again on emergency alert because of river flooding, and some senior citizens had to be evacuated from the their homes.

Back in April 1994 alone, flood waters exceeded the 100-year flood plain and caused an estimated $7 million in property damages to businesses and residences. The town is prepared to embark on a redevelopment project once a levee has been built to prevent future floods. Once again, we thank the appropriations committee for realizing the importance of the levee to me and to this small rural town in Northern Maine.

Mr. REID. The Department of Energy is negotiating a contract involving the Nevada Test Site and the Western Area Power Administration to purchase 5 to 10 megawatts of solar energy on behalf of the Nevada Test Site. A single bidder; the Corporation for Solar Technologies and Renewable Resources, has been selected through a competitive process and the Department is in the process of determining on what terms it should enter into such a contract.

Mr. DOMENICI. I concur with the Senator from Nevada's understanding of the current circumstances regarding the status of that contract. I understand the Department of Energy has engaged in a rigorous review to determine at what price and for what period of time it should enter into such a contract.

Mr. REID. This would be an unusual contract. However, it also offers some tremendous potential. If implemented correctly, this effort could demonstrate the viability of large scale commercial development of solar energy.

Mr. DOMENICI. I have reviewed the current situation and have been in contact with senior officials in the Department of Energy who have provided me with assurances that, while unusual, this contract has been subject to rigorous review and, on balance, is worthwhile because of the value that could be derived from demonstrating the use of solar energy on this scale. For this reason, and subject to the continued review of the Department, I am willing to recommend that the Department proceed with its negotiations on this contract.

Mr. REID. I thank the Senator from New Mexico for his support of this innovative effort and would also like to note the diligent efforts of my colleague from Nevada, Senator BRYAN who has dedicated a great deal of attention to this initiative. I concur with the value he sees in this opportunity as well as the value that may accrue to the Nevada Test Site in its efforts to identify new missions and responsibilities. Solar and renewable energy demonstration is one of those areas for which the Nevada Test Site has unique national capabilities and I look forward to further work in this regard.

ANIMAS-LA PLATA PROJECT

Mr. FEINGOLD. Mr. President, I wanted to make a statement on a matter of concern to me in the FY 99 Energy and Water Appropriations legislation. As my colleagues know, I have long been active in raising Senate awareness about the financial costs of moving forward with development and construction of the full-scale version of the Animas-La Plata project. I am concerned that Section 505 of the legislation before us may require the federal government to proceed with construction of the full-scale project, just at the time when the Congress is about to get additional information from the Bureau of Reclamation about alternatives to that project.

As my colleagues will recall from the debate on an amendment I offered to the FY 98 Energy and Water Appropriations legislation on this matter, the currently authorized Animas-La Plata project is a $754 million dollar water development project planned for southwest Colorado and northwest New Mexico, of which federal taxpayers are slated to pay more than 65% of the costs.

As described in the Committee Report on the legislation now before this body on page 80, the total federal cost associated with this project is now more than $512 million.

Section 505 of this bill starts out sounding like a prohibition on funds for the Animas-La Plata project. It states that none of the money in this bill is to be used ''to pay the salary of any officer or employee of the Department of the Interior may be used for the Animas-La Plata Project.''

However, the bill goes on to say that none of the money may be used for the Animas-La Plata project except in two cases: ''(1) activities required to comply with the applicable provisions of current law; and (2) continuation of activities pursuant to the Colorado Ute Settlement Act of 1988.''

Mr. President, let me be clear, the applicable provisions of current law require the construction of the full project. And though Section 505 of the bill before us is similar to language added by the other body to the FY 98 Energy and Water Appropriations legislation and retained by the Conferees, it was never considered by this body.

Subsequently, Mr. President, I do not believe, as I will discuss in greater detail, that Section 505 reflects either the position of this body or the current status of Animas-La Plata.

I am concerned with Section 505 for two reasons. First, it is not consistent with the activities proposed to be conducted by the Administration with the $3 million in funds it requested for Animas La Plata, funds which are included in this bill.

As I described on the floor last year, in an attempt to resolve the disputes surrounding Animas La Plata, Colorado Governor Roy Roemer and Lieutenant Governor Gail Schoettler convened a discussion process in October of 1996 to resolve issues involving the principal parties in a dialogue about the Animas project in order to reach consensus.

The Roemer-Schoettler process produced two major alternatives for consideration, one construction alternative and one non-construction alternative. As stated in the FY 99 Budget Justification issued by the Department of the Interior for the Animas La Plata project on page 223, ''appropriate implementation activities'' for these alternatives ''will likely depend upon further direction from Congress.''

This body knew that. At the time members voted on the amendment I offered last year to ensure a thorough evaluation, Roemer-Schoettler was concluding and the Interior Department was about to embark on an evaluation of the Roemer-Schoettler alternatives. That evaluation has not yet been completed and given to Congress.

In fact, Mr. President, the Interior Department's Budget Justification for FY 99 makes clear that these analyses are not yet finished. On page 226, it states that ''work proposed for the Animas-La Plata project includes analysis of alternatives developed during the Roemer-Schoettler process and other subsequent activities.'' It continues, ''depending on actions taken subsequent to the development of alternatives through the Roemer-Schoettler process, FY 1999 work could include finishing a study of alternatives, preparing cost share agreements, water rights settlement agreements, and repayment contracts and NEPA, Clean Water Act and other environmental compliance processes.''

Mr. President, this justification specifically says that the Interior Department is not intending to proceed with the original full-scale Animas-La Plata Project in FY 99. The Interior Department, it says, instead wants $3 million in FY 99 to finish a study of alternatives and, depending upon Congressional action and direction, it could undertake a number of activities related to the implementation of alternatives in FY 99.

Not only does Section 505 require the Interior Department to go back to planning and evaluating the old full-scale project, it also fails to recognize the strong message that the Congress, project proponents and project opponents all recognize the full-scale project is dead. After 30 years, and now more than $70 million in appropriations to date, the project costs of full-scale Animas-La Plata are too great, and there are too many lingering substantive questions to proceed with the original design.

The other body has twice voted to terminate funds for the full-scale Animas La Plata project.

Last year, 42 members of this body supported my amendment to require the Interior Department to provide a report to Congress on a revised project plan for Animas-La Plata that would reduce the total cost of the program to the Federal Government, satisfy the Ute water rights claims, and ensure that no funds were expended for construction until a revised project had been authorized by Congress.

The Senior Senator from Colorado (Mr. CAMPBELL) has legislation before this body (S. 1771) to modify the Colorado Ute Water Rights Settlement of 1988 so that the Ute's claims would be satisfied by the construction of only a portion of the facilities that are proposed to be built in the full-scale project. The Senate Indian Affairs Committee and the Senate Energy Committee are expected to hold a joint hearing on that legislation next week. I have concerns about whether that legislation will actually restrict the obligation the federal government to the construction of only a portion of the original project, but I was looking forward to having that discussion in the appropriate venue.

Mr. President, I too have legislatively supported the search for an alternative to Animas-La Plata. In fact, legislation that I introduced on March 13, 1997 cosponsored by the Senator from Kansas (Mr. BROWNBACK), the Senator from New Hampshire (Mr. GREGG), and the Senator from Oregon (Mr. WYDEN) and sponsored in the other body by my colleague from Wisconsin (Mr. PETRI) and the Congressman from New York (Mr. DEFAZIO), deauthorizes the current Animas-La Plata project and directs the Secretary of the Interior to work with the Southern Ute and Ute Mountain tribes to find an alternative to satisfy their water rights needs.

With all this focus on an alternative, the Senate should not be requiring the Interior Department to proceed with the current project.

So why is Section 505 in the bill, Mr. President? The legislative language seems to cast doubt on the Senate's intentions, and this Senator can only assume that we are appropriating money for the original project because there is some need to provide those who support a construction alternative with the ultimate insurance that it will be built. Should a construction alternative be infeasible, and from a policy perspective it may be so, continuing to sock money away for the original full-scale project provides a rationale for proceeding with the project.

Mr. President, I am not certain how Congress ultimately will decide to proceed on this matter, but we are now engaged in evaluation of alternatives to the full-scale Animas project. I am certain, moreover, that it is within the jurisdiction of this body's Energy Committee to determine the benefits of an alternative Reclamation project. Additionally, it is the responsibility of this body's Indian Affairs committee to make certain that the federal government's legal responsibilities to the Ute tribes under any sort of revised agreement are met. We should let these hearings move forward without legislatively trumping any potential for implementing an alternative through Section 505.