strike ''section 202(a)(4) and (5)'' and insert ''sections 202(a)(4) and (5)''.

(3) At the end of paragraph (4) of section 1 of the bill (amending section 202(b)(4) of the Colorado River Basin Salinity Control Act) strike the period before the closing quotation marks.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON H.R. 2002, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 1996

Mr. WOLF, from the Committee on Appropriations, submitted a privileged report (Rept. No. 104–177) on the bill (H.R. 2002) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 1905, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 171 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 171

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered by title rather than by paragraph. Each title shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: beginning with '': *Provided further*'' on page 6, line 6, through ''such transfer'' on line 13. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution if offered by Representative Shuster of Pennsylvania or his designee. That amendment shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against that amendment are waived. After disposition of that amendment, the provisions of the bill as then perfected shall be considered as original text. During further consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. QUILLEN asked and was given permission to revise and extend his remarks.)

Mr. QUILLEN. Mr. Speaker, House Resolution 171 is an open rule providing for the consideration of H.R. 1905, the Energy and Water Development Appropriations Act for fiscal year 1996. The rule provides 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations. The bill will be read by title for amendment, with each title considered as read.

The rule waives clause 2 of rule XXI—prohibiting unauthorized appropriations and legislation in an appropriations bill—and also waives clause 6 of rule XXI—prohibiting reappropriations—against provisions of the bill except for the proviso beginning on page 6 at line 6 pertaining to the Cooper Lake and Channels, TX project.

Under the rule, it shall be in order to first consider an amendment offered by Representative SHUSTER of Pennsylvania printed in the Rules Committee Report to accompany this rule. The amendment shall be considered as read, shall be debatable for 10 minutes, equally divided between the proponent and an opponent of the amendment. This amendment is not subject to amendment or to a demand for a division of the question in the House or the Committee of the Whole. All points of order are waived against the amendment. If adopted, the amendment shall be considered as original text for the purpose of further amendment under the 5-minute rule.

The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the CONGRESSIONAL RECORD. Finally, the rule allows one motion to recommit, with or without instructions.

Mr. Speaker, I'd like to congratulate my very good friend, Chairman JOHN MYERS and the ranking minority member, TOM BEVILL, for continuing their long-standing tradition of bringing forward a bipartisan, fiscally responsible bill. They've been working together on this committee for many years. This bill is $1.6 billion lower than the fiscal year 1995 level, and the committee has done an outstanding job in making these limited funds go a long way.

H.R. 1905 makes appropriations for the Corps of Engineers, the Bureau of Reclamation, the Department of Energy, and various independent agencies. I am particularly pleased that funding for the Appalachian Regional Commission and the Tennessee Valley Authority has been included in this bill. Although both received sizable reductions, the committee recognized the valuable contributions they make to recipient States.

The Appalachian Regional Commission is regional economic development agency established 30 years ago to bring almost 400 counties in the 13 Appalachian States into the mainstream of the American economy. ARC's mission is to equip Appalachian citizens with the skills and enterprise development resources they need to create self-sustaining local economies where people take control over their own economic destiny and contribute as taxpayers to the national economy.

Over the years, as a result of ARC programs, the regional poverty rate has been cut in half, the percentage of adults with a high school education has doubled, and the region's infant mortality rate has been cut by two-thirds. But much more remains to be done, and the funding provided in this bill will enable the ARC to continue its mission.

Mr. Speaker, of equal importance is the continued funding for the Tennessee Valley Authority. There seems to be some confusion and misinformation about the use of Federal dollars for TVA, and I want to emphasize that no Federal money goes toward subsidizing the electric power program. This program is entirely funded through power sales and the issuance of securities, and there is no Federal subsidy for the consumer.

□ 1430

Federal dollars are used specifically for maintenance of the Tennessee River System and stewardship of the Federal lands under TVA's control. This is comparable to the functions provided by the Corps of Engineers in other areas.

Federal dollars also go toward a variety of targeted economic development programs. And to the Land-Between-the-Lakes, a Federal recreation area in Tennessee and Kentucky, which is the largest contiguous forest east of the Mississippi River. These are important services mandated by statute, and we have an obligation to continue to provide funding.

Mr. Speaker, this open rule will allow all Members to fully participate in the amendment process, and I urge its adoption.

Mr. Speaker, alluding further to the Federal funding, for the TVA, already the committee has recommended a $42 million cut in the program. This is only $19 million for economic development, and the balance in the bill goes for operation of the dams, the tributaries of the Tennessee River, and the streams that flow into the river to prevent flood control. As I said, such other functions in other States are controlled by the Corps of Engineers and federally funded.

I understand there may be an amendment offered to eliminate these funds. I want to caution the proponents of TVA that this is an amendment that we must watch, that we must defeat when and if it is presented, because the purpose of the amendment is flawed in its inception, and we must watch carefully to ensure that the TVA is not scuttled from the program mandated by the Congress.

So I urge Members to be aware that the Federal Government provides funding for the programs of maintenance of flood control and operation of other dams and that this is a program that the Federal Government should continue. So, being alerted to that end, I urge the membership to be on the floor if such an amendment is offered, and to vote against it.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 10, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	31	71
Modified Closed [3]	49	47	12	27
Closed [4]	9	9	1	2
Totals:	104	100	44	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of May 12, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/10/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: v.v. (2/2?/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/1/95)
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1158	Making Emergency Supp. Approps.	A: 242–190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 233–183 (6/13/95)
H. Res. 167 (6/15/95)	O	H.R. 1517	MilCon Appropriations FY 1996	PQ:223–180 A: 245–155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ:221–178 A: 217–175 (6/22/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95)

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Tennessee [Mr. QUILLEN] for yielding the customary 30 minutes of debate time to me.

Mr. Speaker, we support this rule for consideration of H.R. 1905, the energy and water appropriations bill for fiscal year 1996.

Mr. Speaker, the rule does contain waivers of standing House rules for several provisions in the bill. The waivers protect the provisions from points of order that could be raised against them because they violate House rules that prohibit appropriations for authorized projects and legislation in an appropriations bill.

We do not object to the waivers. My colleagues will recall, however, that the authors of this rule complained over and over again last year about legislating in an appropriations bill, calling it, and I quote, a cumbersome and inefficient way of doing business, end of quote. It appears many Members have now discovered that that is often necessary to waive points of order for that purpose. Since the majority raised

no objection to the waivers provision in the bill, we did feel it would have been fair to protect the amendments of several Members who requested waivers for them.

We sought unsuccessfully to make several of those amendments in order.

We asked that the Brewster-Harman amendment, which seeks to ensure that any savings from the bill be applied directly to deficit reduction, and the Traficant Buy America sense-of-Congress resolution, receive the necessary waivers. Unfortunately, our requests were defeated on straight party-line votes.

In addition, Mr. Speaker, we requested that the Chapman provision in the reported bill receive the same protection that was accorded all other unauthorized projects in the bill. We felt it was only fair that it be treated in the same way and not be singled out in this manner. Our effort in this respect was also unsuccessful.

Mr. Speaker, we are concerned about the clear shift in direction that is reflected in the funding priorities in this $18.7 billion spending bill. While we understand the budget constraints the Appropriations Committee faced in developing this bill, there is some concern that the choice to cut energy research so drastically was in exchange for maintaining a status quo approach to funding other projects.

Many Members are especially concerned about the severe cut of 51 percent recommended by the committee in renewable energy research an development funding. These energy sources are essential if we are to reduce the trade deficit, and curb greenhouse gas emissions, air pollution, and other waste generation from energy use. We very much regret that our commitment to renewable energy supplies is apparently foundering.

In any event, Mr. Speaker, under this essentially open rule, Members will be able to offer amendments to cut spending further and to change the spending priorities, and, in fact we anticipate quite a number of amendments on a wide range of issues.

We commend the new chairman of the committee, the gentleman from Indiana [Mr. MYERS] and the ranking member, the gentleman from Alabama [Mr. BEVILL] for their good work and their cooperation in bringing this bill to the House.

Mr. Speaker, to repeat, we support the rule. We urge our colleagues to approve it so that we may proceed to the consideration of the energy and water appropriation bill and amendments to it as soon as possible.

Mr. Speaker, we have no requests for time on this side, and I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I, too, have no other requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MYERS of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of the bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes, and that I be permitted to include tabular and extraneous material.

The SPEAKER pro tempore (Mr. CUNNINGHAM). Is there objection to the request of the gentleman from Indiana?

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 171 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1905.

□ 1436

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes, with Mr. OXLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes, and the gentleman from Alabama [Mr. BEVILL] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

(Mr. MYERS of Indiana asked and was given permission to revise and extend his remarks.)

Mr. MYERS of Indiana. Mr. Chairman, this appropriation bill that is for water and energy development in our country is a bill that touches every congressional district in the country, and it was a difficult job this year, but, through the leadership of our fine staff and the other Members, we were able to accomplish very close to what I would consider to be a miracle. I do want to thank my colleague, the gentleman from Alabama [Mr. BEVILL]. TOM and I came to Congress 29 years ago together, served on this committee for a great many years, he as chairman, and I was his ranking member, and he was always most courteous and considerate for the minority at that time, and that relationship has continued. Nothing goes in the bill unless we both agree, and we just do not have that—I will say not bipartisan, nonpartisan—everything that went into this bill was totally on the merits. Politics had nothing to do with it, and it was difficult this year. Many committees have experienced problems because we do have new staffs this year; we lost very experienced staff members last year; Hunter Spillan is gone, decided to retire this year, but Jim Ogsbury came in and filled those shoes with a few times that we had to take the racing stripes off, as they say in racing. But our staff, Jeanne Wilson, of course, great job; Bob, wherever Bob is here, and I guess he is here someplace, yes, Bob Schmidt—we had of course Judy, Judy Penry, came in to join us, and I do not see one of our staff members here, Lori Whipp. Lori is here someplace, but the great staff and our individual staffs who put the bill together this year——

But this year's bill is $18,700,000,000. This is the smallest appropriation bill for energy and water development we have had for 6 years. The important thing is that we are $1,600,000,000 below last year.

Now to put that in the vernacular of talk show hosts who often talk about ignoring baseline budgeting, this bill is $1.6 billion below the baseline budget. I want to emphasize $1.6 billion below the baseline budget, making real significant cuts. It is $2 billion less than the President requested. But, breaking it down, we have $3,200,000,000 for the Corps of Engineers. We have a few new start projects this year, but we have held those down.

We could not begin to respond to all the requests we had. But we did ignore the new proposal, the criteria for flood control that the administration recommended which was that to be eligible for flood control, historically the Corps of Engineers has provided flood control and preented floods as much as they could, but the administration proposed to be eligible a program, a project, would have to have more than 50 percent of the water falling in another State, a State different from where the flood treatment would be taken care of and reverse the local project sponsorship and payment from persently 75 percent Federal to 25 percent local to just the reverse. Under their proposal, 25 percent Federal, and 75 percent local, made a great many of these projects just impossible to fund.

In the second title, the Bureau of Reclamation, we have $813 million. This bill is $28 million less than last year, but it is $24 million more than the President requested, including the Central Utah Project where we are trying to expedite and get the project completed as soon as possible to reduce the cost.

In the Department of Energy we have $14,800,000,000. Surprisingly, $10 billion of this is defense and defense-related