

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, non-partisan—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

projects. A lot of people do not understand that nuclear weapons come through this subcommittee. The nuclear weapons and the naval reactors for naval ships come through our subcommittee. So in this \$10 billion out of the \$14 billion is for defense activities.

One of the areas that we had some problems with this year is the nuclear waste disposal fund, which since 1982 utilities and utility users have been paying into a trust account to provide for a repository for the nuclear waste, high-level waste. In 1988-89 we started exploration of Yucca Mountain in Nevada. Up until this year they have been moving very slowly, but under the contract we had with the utility users in the country by 1998 we were to take the nuclear wastes away from the utilities and have it in permanent storage. It is obvious from this committee's hearings that that will not be possible, so we have decided this year we would back off, not back off from the consideration of Yucca Mountain, but we have to concentrate on finding a spot to take the nuclear waste; so, this year we have recommended \$425 million, and that would include interim storage someplace so we can start meeting our contractual responsibility to taking the waste from some of the utilities. We now have 109 reactor sites in the country, and a number of those are already having dry storage, depositing their storage outside, which is dangerous, so we are thinking about and considering that we are going to have to find permanent storage, and we could not designate where that interim storage would be, but the authorizing committee will be talking about this later in our bill.

In title IV; that is, independent agencies, we have two agencies that we have been making reductions, particularly the Appalachian Regional Commission where this year we provide for \$142 million, which is a \$41 million reduction from last year or a 22-percent reduction. The Tennessee Valley Authority that the gentleman from Tennessee [Mr. QUILLEN] just spoke about earlier in the rule, we provide for \$103 million, which is \$37 million from last year for reduction of 25 percent below last year.

□ 1445

We did not fund the three River Basin Commissions. Historically, a number of years ago a number of States formed a compact over control of the rivers and recommendations for the operation of the rivers. The Delaware River, the Susquehanna River, and the Potomac River were three of those projects that no one came before our committee to testify for requests for money, so we did not put the money in. The compacts continue, but they serve the States a lot more than they do the Federal Government, so we took the money out for this.

We have had a number of repeals of legislation this year. We have three repeals in legislation. In the previous

years, we prohibited any studies for privatizing the Power Marketing Administrations, the five of them. We refused to permit any study about privatization. We eliminated this restriction.

There has been a prohibition on study of optional rates and employment for the power administrations. We eliminated this. The privatization of hydropower and the rate fixing for those, we eliminated this prohibition. So we allow now reconsideration of rate making, and also other rate making prohibitions we had in previous years.

In closing my remarks, this is not the ideal bill that any of us would have written if we had had the sole responsibility for the 602(b) allocations, which is the allocation of how much money can be spent. If we had been operating as in the previous years where money was not an object, we, of course, would have taken a lot more into consideration for some projects that many of you requested.

But this bill touches every congressional district. As an example, in the Corps of Engineers, in general investigations, we touched this year 41 States. There are going to be investigations in 41 States. In construction, we have construction going in 38 States, plus Puerto Rico. In operation and maintenance, operating the locks and dams, the 25,000 miles of inland waterways we have in the United States, it touches 48 States, plus Puerto Rico and the District of Columbia.

So this is truly a bill that, when the gentleman from Alabama [Mr. BEVILL] and I came to Congress a good many years ago, was called the all-American bill. This year, again, it is the all-American bill. It is an austere bill, one that meets the minimum requirements, one that we can be proud of. Again, it is not the bill we would like to see, but one I hope that all can support.

Members are going to be offering some amendments to cut some projects that the committee in its wisdom and study believes we should consider and fund. We hope the Members will stick with the committee, which has had thousands of pages of hearings, heard thousands of witnesses, had five Governors appear before it, and a great many Members of Congress. It is good legislation, and we commend it for your consideration.

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

Mr. Chairman, I rise in support of H.R. 1905, the Energy and Water Development Appropriations Bill, 1996.

Because of unprecedented budgetary constraints, assembling this year's energy and water development bill has been a tremendous challenge. The Committee, however, has risen to the challenge and has produced a bill that is balanced and fair. Programs and projects that have marginal value for the taxpayer have been eliminated, while funding for essential activities has been preserved. The bill reflects difficult choices among competing priorities, and I congratulate my friends and colleagues on the Committee for their heroic

efforts under difficult budgetary circumstances. I would like to extend special thanks to my good friend, the Honorable BOB LIVINGSTON, the chairman of the Committee and a Member of the Subcommittee, for his support and guidance.

By remaining within its 602(b) allocation, the Energy and Water bill turns the rhetoric of deficit reduction into a reality. The bill's total spending level of \$18.7 billion is \$1.6 billion below last year's level and \$2 billion below the budget request. It is the smallest Energy and Water Development appropriations bill reported by the Committee since fiscal year 1990.

In recommending funding levels for programs funded by the bill, the Committee has worked closely and cooperatively with various authorizing committees of the House. I congratulate these committees for their dedicated efforts to report authorization bills this year, and I thank them for their cooperation.

Title I of H.R. 1905 appropriates \$3.2 billion for the civil works program of the U.S. Army Corps of Engineers. This is \$189 million (or 6%) lower than the FY 1995 level and \$88 million (or 3%) lower than the President's request.

In considering the Administration's budget request, the Committee soundly rejected a proposed new policy of the Corps, which would limit Federal involvement to projects of national scope and significance. If adopted, this policy would eliminate the Corps' traditional participation in flood control projects, small harbor maintenance and shore protection activities. In rejecting this ill-advised proposal, the Committee has revalidated the Corps' proud tradition of protecting our citizens from the devastating impacts of floods. The Committee has also recognized the great value in continuing the Corps' important role in harbor maintenance and shore protection projects.

In order to maximize the value of the Corps' limited resources, the bill deletes funds for a number of low-priority programs and initiatives. These include the Construction Productivity Advancement Research program, research on the economic impacts of global warming, and environmental service partnerships.

Title II of the bill includes funds for the U.S. Bureau of Reclamation. The bill recommends an appropriation of \$813 million for the Bureau. This is \$28 million (or 3 percent) lower than the fiscal year 1995 level and \$24 million (or 3 percent) higher than the President's budget request. Increases above the budget request are included to expedite water projects for which the Administration has not requested sufficient funding. The bill deletes funds for a number of low-priority programs and new initiatives of the Bureau, including a National Fish and Wildlife Foundation grant and the Water Conservation Challenge Partnerships program.

Title III of H.R. 1905 funds programs and activities of the Department of Energy. The appropriation of \$14.8 billion for the Department is \$940 million (or 6 percent) less than the fiscal year 1995 level and \$1.9 billion (or 11 percent) below the Administration's request.

The bill effects serious reductions throughout the Department of Energy. Unneeded bureaucracy is cut from the budget, while essential and necessary activities of the Federal Government are preserved. General science

and research activities are preserved within funding constraints, while applied research and commercialization activities—especially those for which private industry investment is more appropriate—are eliminated or dramatically reduced.

The appropriation for general science is \$991 million, a \$7 million increase over last year's level. The appropriation for solar and renewable energy activities is reduced to \$222 million, well under the budget request of \$423 million.

The appropriation for defense environmental restoration and waste management is \$5.3 billion, consistent with the authorization level developed by the National Security Committee. This is the largest single item within the \$10 billion appropriation for the atomic energy defense activities of the Department of Energy.

The bill appropriates \$425 million to pursue solutions to the country's growing nuclear waste problem. The Committee directs the Department of Energy to downgrade site characterization activities at Yucca Mountain in Nevada in order to develop a national interim storage program. Authorizing committees retain flexibility to craft a new direction for the civilian nuclear waste program.

The bill eliminates a number of departmental programs and initiatives, including:

international solar research, hydropower research, and technology transfer programs. It also repeals a provision of law prohibiting the use of appropriated funds to study the sale of power marketing administrations.

Title IV of the bill includes funding for independent agencies and commissions. For fiscal year 1996, the independent agencies under the Committee's jurisdiction are funded at a level of \$276 million. This represents a \$195 million reduction from last year's level and a decrease of \$93 million from the budget estimate.

As reported by the Appropriations Committee, the bill terminates Federal participation in three river basin commissions: the Delaware River Basin Commission, the Susquehanna River Basin Commission and the Interstate Commission on the Potomac River Basin. Furthermore, the bill effects dramatic reductions in the Appalachian Regional Commission and the appropriated programs of the Tennessee Valley Authority. At \$142 million, the appropriation for ARC is 22 percent less than requested by the Administration and approximately one-half of the fiscal year 1995 level. Funding for the TVA is 25 percent less than requested in the budget, and for TVA's Environmental Research Center has been deleted altogether.

Mr. Chairman, I would like to take this opportunity to recognize the tremendous efforts of all Members of the Subcommittee on Energy and Water Development. Throughout an arduous hearing process and the difficult deliberations on program funding, the Members of the Subcommittee have put partisan concerns aside and have consistently acted in accordance with the best interests of all Americans. Their dedication and hard work have been an inspiration, and serving as their Chairman has been both an honor and a privilege.

Finally, Mr. Chairman, I would like pay special tribute to one of the most honorable and distinguished gentlemen to ever serve in this chamber. My friend, the Honorable TOM BEVILL, proudly served as the Subcommittee's Chairman for 18 years. As Chairman, his virtues of honesty, fairness, and wisdom were always in abundant evidence. As Ranking Minority Member, his service has been no less honorable. His service to the Committee and to the country have been invaluable, and I am deeply grateful for his cooperation, his assistance, and his friendship.

Mr. Chairman, I urge all of my colleagues to support H.R. 1905.

I reserve the balance of my time.

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Mr. BEVILL. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. BEVILL. Mr. Chairman, this 1996 appropriations bill, effective October 1, has been the most difficult bill Chairman MYERS and I have worked on. As the gentleman has pointed out so well, he and I have worked together for all these years. We have exchanged seats now. He is the chairman and I am the ranking member, and we are working right along just as we have been doing for the last 18 years. The gentleman is great to work with, and I just want to commend him. His leadership has always played a big role in getting this bill put together, making this bill possible and getting the support of the Congress. So we are proud of this bill, when we consider the circumstances and what we have had to face in the way of cuts.

For example, the appropriation bill this time contains \$18.7 billion. Just 2 years ago it was \$22 billion. It is 10 percent less than the President's budget request for this year. It is 7 percent less than what we appropriated last year. So we have done our part in taking our share of the cuts, and many good programs have not been funded as much as we feel like they should be.

As a matter of fact, there are many good programs we have had to actually just leave out. This is very, very difficult. As Chairman MYERS pointed out, the recommendation by the administration on the flood control projects in our judgment would be a disaster, and we are not going to do it. We are not going to accept that recommendation. The flood control projects are some of the most important work that the U.S. Army Corps of Engineers does, and they need every dollar in this bill that they will receive in the 1996 fiscal year.

In my judgment, if we had to pick out the most important thing the U.S. Army Corps of Engineers does, and they do a good job, it is flood control. There we are talking about not only saving property, but we are talking about saving lives. Certainly we cannot put any dollar value on saving lives.

The corps has estimated and they have testified before our panel several times to the effect that for every \$1 that we invest in flood control projects, there are benefits in the amount of \$6. So it is something that pays. Of course, the administration, for some reason, wants to change this formula that has been in effect for years, where the local governments would not be paying the 25 percent of the cost of the flood control projects, but it would change to where the local government would pay 75 percent. Actually when the division engineers were testifying, most of them, as Members know, are major generals in the U.S. Army Corps of Engineers, and I asked them the question, do you know of any State in the Union or any government or any

level of government or any city in the United States that could afford to pay 75 percent of the cost of flood control projects that are needed and are critical? They actually tried to think of a place, but could not think of one in the whole United States.

So I think that tells the story pretty well. On nuclear waste the utilities are paying. The ratepayers in this Nation are paying today through their utility bills to dispose of the nuclear waste throughout the United States. As Chairman MYERS pointed out, we have been very unhappy with the success, or the lack of success would be a better way of putting it, of getting this waste disposed of, nuclear waste, and getting a storage place for it.

So the fund is in there, and the ratepayers are paying for it, and they are not getting it. We are supposed to have a place ready for this waste to start being hauled to and in place by 1997 or 1998. Certainly it does not look like we are going to meet that target. But we would say on the Yucca Mountain project, that while we have been very disappointed in the past on it, it does seem to be moving now. In the past few months, for the first time, it is actually moving and getting somewhere, and we feel that now we are on the right track, and we hope that we are, and we can do our duty and get this waste disposal underway.

Mr. Chairman, I urge Members to support this legislation. We recommend this bill to Members highly.

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

Mr. MYERS of Indiana. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of this piece of legislation. The gentleman from Indiana [Mr. MYERS] has, to the extent possible within his subcommittee's 602(b) allocation, tracked the energy research and development priorities of the Committee on Science as outlined in the authorization bills that are still to come to the floor, but have been cleared out of our committee. I think that the work that the gentleman and his staff have done with my committee has been done to an unprecedented extent, and I want to thank the gentleman for it, and want to thank the gentleman from Alabama for the leadership he has provided to this subcommittee over the years, and I think that we are seeing the results of a lot of good work here in the course of the development of this bill.

The gentleman from Indiana [Mr. MYERS] worked closely with the gentleman from California [Mr. ROHRBACHER], the chairman of the Committee on Science Subcommittee on Energy and Environment, and I thank him for that as well.

This bill is proof that the appropriations process can work along with the authorization process, because we have

a close cooperation here that I think is producing the right kind of policies in the energy area. The bill does reflect a very strong commitment to both good, fundamental science that is vital to this Nation's future, and to a balanced budget. The fact is that as we look at development of a lot of our basic science programs, we have to do it in the context of our need to balance the budget by the year 2002. This bill goes a long way down that road.

For example, this bill does specify a commitment to the hydrogen program that I think is a useful direction for the Nation to go. It is a very small program, but it is one that has gone through the right process. We authorized the program earlier this year out of this committee. We authorized it at a somewhat higher level than what is in the bill that comes before us, but, nevertheless, we are making a strong commitment to an energy resource that also happens to be an environmentally safe resource, and I think that is a very, very good direction to go in.

This is also a bill that does a lot in terms of basic energy sciences and in high energy and nuclear physics science. What we have here is a commitment to the idea that we ought to be doing basic research in this country, that there is an underlying need to develop those new knowledge bases that this country will depend upon in the years ahead.

We cannot afford, under a balanced budget scenario, to go out and fund every project that somebody wants to have on a live support system that has been developed in the past, but simply was not commercially viable at the time that it was developed. We cannot continue to do that. But we should and can continue to do the right kind of basic science work in this country. This bill moves in that direction. This bill is that kind of bill.

Mr. Chairman, I congratulate the leadership on both sides of the aisle for the bill they have brought forward, and look forward to supporting it strongly.

Mr. BEVILL. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I just want to take a moment to thank the chairman of the subcommittee, the gentleman from Indiana [Mr. MYERS], the gentleman from Alabama [Mr. BEVILL], and the gentleman from New Jersey [Mr. FRELINGHUYSEN], for their work on this bill, particularly with regard to the Army Corps policy and the recommendations made by the administration.

Mr. Chairman, I do support the bill. I think it is an excellent bill. But I think, in particular, the fact that the committee in its report language specifically says that they are not abiding by the recommendations of the President with regard to Army Corps projects is significant.

I cannot think of any proposal that has been made in the last 6 months

that is more ill-conceived than the administration's proposal with regard to Army Corps flood control, shore protection, and small scale navigational dredging. I think we all recognize that flood waters do not recognize state of coastal boundaries.

Just to give you an example, if this policy that was put forward by the administration were to come into effect, a large state like California, for example, would be responsible for flood control projects within its boundaries, which would easily qualify as interstate projects in another area of the country. So just because a state happens to be large or because a state happens to be largely along the coast of the United States, all of a sudden, because 50 percent of the flood waters that are affecting or damaging and resulting in the need for a flood control project are not within the state or not interstate, if you will, the project would no longer qualify.

In effect, I think the chairman and the gentleman from Alabama [Mr. BEVILL] mentioned that what we would be doing if this policy were to come into effect is simply not providing for these flood control or shore protection projects to move forward, because most of the states and the localities would not be able to afford to pay for them, particularly if the cost sharing, which is now 75 percent Federal and 25 percent non-Federal, were to switch and become 75 percent non-Federal or local.

Just to give you an example, in my own district, we have a major shore protection project along the coast. We have towns, I will give you an example, such as Bellmawr, where we have a few thousand residents, but in the summer are besieged by thousands of people who use the beach from Pennsylvania, New York and other states. There is no way that a small town like Bellmawr, and I have others that are even smaller, could possibly afford to contribute the amount of money that would be necessary for the state to go ahead with that project. Even though the flood waters are totally from within the state, if you will, because it is the ocean, the bottom line is that the people that use the beaches and take advantage of that shore protection project are from a number of states and many times not even a majority from our own State of New Jersey.

□ 1500

So the policy simply makes no sense. Also I think about the fact that the Federal Government and the Corps have the expertise, the consulting, engineering and construction expertise to do these projects, which the state and the local municipalities do not.

So overall, I just wanted to commend again the subcommittee for moving ahead with projects and basically setting aside the President's recommendations.

One of the things I am still concerned about though is I do think it is necessary and I know that the subcommittee

in its report asked the administration to essentially reverse its policy. I think that is important, because theoretically, even though we pass this bill and even though it ultimately is signed by the President, there still could be a certain amount of discretion on the part of the administration to withhold funds for some of these projects, unless they decide to reverse their policy. So I think it is also important that in the subcommittee report language, they specifically call upon the administration, and I call upon them as well, to reverse this policy because I would not want to see the various projects that are funded in this legislation to be jeopardized at all. I think that the overall presidential/administration policy was ill-conceived and should be reversed.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I want to engage the chairman in a colloquy. As you well know, one of the problems that led to the demise of the superconducting super collider was that it never received international support.

I said throughout that debate over the SSC that the infrastructure of physics must become as international as the science. High energy physicists here and abroad have taken the message to heart and are ready to move ahead with a large hadron collider. It is my understanding that this bill provides funding to enable preparatory work to proceed on the LHC; is that correct?

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I hope his analogy is not analogous of what happened in Texas, but yes, we have provided \$6 million as requested.

Mr. BOEHLERT. I thank the gentleman, because I think the authorization reported out by the Committee on Science last week gives a clear green light to negotiations with the Europeans on this project. I hope negotiations can move forward swiftly and that we can inaugurate a new, truly international era in research, an era that will also ensure that American physics continues to thrive.

Mr. BEVILL. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BENTSEN].

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

Mr. BENTSEN. Mr. Chairman, I would first like to thank Mr. BEVILL, the ranking minority member on the Energy and Water Subcommittee, for the opportunity to speak on this important piece of legislation.

Earlier this year the Clinton administration and the Army Corps of Engineers proposed a phase-out of Federal funding for local flood control projects.

I am pleased that the subcommittee rejected this proposal during consideration of the fiscal year 1996 energy and water appropriations bill. In southeast Texas, the administration's plan would have been devastating.

During October 1994, southeast Texas suffered some of the worst flooding our area had ever seen. Several lives and millions of dollars in homes and property were lost.

Under the administration's proposal, seven severely needed projects in the Houston area, including Braes, Sims, Greens, and Clear Creek Bayous, would have been halted because the administration would not classify them as "nationally significant."

This designation would have left many vital flood control projects in my district and around the country in limbo.

In addition to threatening the safety of our constituents and their property, the loss of these funds would create a difficult financial burden on our State and local governments.

Local taxpayers would have been forced to fund the lion's share of the \$1.5 billion needed to complete these projects. That's \$1.5 billion they cannot afford.

More to the point, this plan would have penalized intrastate projects but not interstate projects.

Southeast Texas includes Houston, our Nation's fourth largest city, the bulk of the country's oil and gas infrastructure.

Under the administration's plan, local taxpayers would foot almost the entire bill, while taxpayers in smaller States with similar projects could still rely on majority Federal funds.

Most importantly, if we can prevent disasters with proper flood control planning, the Federal Government would not be forced to spend billions of taxpayers' dollars on emergency and disaster relief. It is clear that flood control projects save Federal dollars in the long run.

In a time when this Congress is considering turning over many responsibilities to State and local governments, I believe we should maintain Federal support for flood control projects.

The devastating damage from last year's floods are a clear reminder that our lives, our infrastructure, and our economy depend on these projects. This bill maintains that commitment. I applaud the work of the chairman, the ranking member, and my fellow Texan, Mr. CHAPMAN. I urge my colleagues to support H.R. 1905.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER].

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

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support of H.R. 1905 and would like to commend the distinguished gentleman from Indiana

[Mr. MYERS], the chairman of the Energy and Water Development Subcommittee, and the distinguished gentleman from Alabama [Mr. BEVILL], the ranking member of the subcommittee, for their exceptional work in bringing this bill to the floor. Extremely tight budgetary constraints made the job of the subcommittee much more difficult. The subcommittee is to be commended for its diligence in creating such a fiscally responsible bill. In light of these budgetary pressures, this Member would like to express his appreciation to the subcommittee and formally recognize that the energy and water development appropriations bill for fiscal year 1996 includes funding for several water projects that are of great importance to Nebraska.

Importantly, the bill provides funding for two Missouri River projects which are designed to remedy problems of erosion, loss of fish and wildlife habitat, and sedimentation. First, the bill provides \$5.7 million for the four-State Missouri River Mitigation project. This funding is needed to restore fish and wildlife habitat lost due to the federally sponsored channelization and stabilization projects of the Pick-Sloan era. The islands, wetlands, and flat floodplains needed to support the wildlife and waterfowl that once lived along the river are gone. An estimated 475,000 acres of habitat in Iowa, Nebraska, Missouri, and Kansas have been lost. Today's fishery resources are estimated to be only one-fifth of those which existed in predevelopment days.

The Missouri River Mitigation project addresses fish and wildlife habitat concerns much more effectively than the Corps' overwhelmingly unpopular and ill-conceived proposed changes to the Missouri River master manual. Although the Corps' proposed plan was designed to improve fish and wildlife habitat, these environmental issues are already being addressed by the Missouri River Mitigation project. In 1986 the Congress authorized over \$50 million to fund the Missouri River Mitigation project to restore fish and wildlife habitat lost due to the construction of structures to implement the Pick-Sloan plan.

Second, the bill provides \$200,000 for operation and maintenance and \$20,000 for construction of the Missouri National Recreation River project. This project addresses a serious problem in protecting the river banks from the extraordinary and excessive erosion rates caused by the sporadic and varying releases from the Gavins Point Dam. These erosion rates are a result of previous work on the river by the Federal Government.

In addition, the bill provides funding for flood-related projects of tremendous importance to residents of Nebraska's First Congressional District. Mr. Chairman, flooding in 1993 temporarily closed Interstate 80 and seriously threatened the Lincoln municipal water system which is located along the Platte River near Ashland,

NE. Therefore, this Member is extremely pleased the committee agreed to continue funding for the Lower Platte River and tributaries flood control study. This study should help to formulate and develop feasible solutions which will alleviate future flood problems along the Lower Platte River and tributaries. Additionally, the bill provides continued funding for a floodplain study of the Antelope Creek which runs through the heart of Nebraska's capital city, Lincoln.

Finally, Mr. Chairman, this Member strongly commends the subcommittee for rejecting the administration's proposed policy which would radically revise the Army Corps of Engineers' mission and severely restrict its role in local flood control projects. The rigid set of criteria proposed by the administration would greatly restrict the Corps' presence in numerous states.

Under the new criteria, projects would be limited to those in which first, more than half the damaging flood water comes from outside the boundaries of the State where the damage is occurring; second, the benefit-to-cost-ratio is two or greater; and third, the non-Federal sponsor is able and willing to pay 75 percent of the first cost of the project. These requirements set an impossibly high threshold for many necessary and worthy projects.

The administration's proposed changes would result in a seriously short sighted and misguided policy. They would delay urgently needed projects and result in unnecessary costs for states. Under such a policy, each state would be forced to obtain the contracting, engineering, and construction experience which the Corps already possesses. This Member is pleased the subcommittee firmly rejected this seriously flawed administration proposal.

Again, Mr. Chairman, this Member commends the distinguished gentleman from Indiana [Mr. MYERS], the chairman of the subcommittee, and the distinguished gentleman from Alabama [Mr. BEVILL], the ranking member of the subcommittee for their continued support of projects which are important to Nebraska and the First Congressional District, as well as to the people living in the Missouri River Basin.

Again, Mr. Chairman, I commend the distinguished gentlemen and the subcommittee for their work. Their efforts have been appreciated by this Member and my colleagues from Nebraska and elsewhere in the Missouri River Basin.

Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Chairman, I rise to engage the chairman of the committee in a brief colloquy, if I might.

Mr. Chairman, the committee has included money in H.R. 1905 to complete the reconnaissance portion of the coastal erosion study on the north shore of Long Island, but it does not contain money to begin the feasibility portion of that study.

As the chairman knows, the north shore has had an extensive history of

tidal flooding and shore erosion and damage to shore-front development, most recently in 1992.

Since the committee has rejected the President's proposal with regard to shore protection studies and since New York State has already provided money for its share of the project, would the chairman be willing to work with me as the bill moves through the process to see that the Federal Government provides its share of the cost?

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, the committee has worked with the gentleman from New York on this erosion problem for a number of years and is well aware of the problem. We certainly shall be working to make sure that the reconnaissance study is done and be working toward solving the problem that you have.

Mr. ACKERMAN. Mr. Chairman, I thank the gentleman for his support in the past and for his pledge of support as this process moves forward. I am deeply appreciative.

I would also like to thank the gentleman from Alabama as well as for his support in the past on this project and ask the distinguished ranking member for his continued assistance in the future as this bill moves through the legislative process.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, I concur with the remarks of the gentleman from Indiana [Mr. MYERS] pertaining to this project.

Mr. ACKERMAN. Mr. Chairman, I thank both distinguished gentlemen.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN], a very valued new member of this committee.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I rise today in support of H.R. 1905 making appropriations for energy and water development for fiscal year 1996. As a new member of this subcommittee, I would like to thank Chairman MYERS and ranking member BEVILL for their leadership and direction. I would also like to thank the dedicated and capable staff of the subcommittee for their expertise and knowledge of these important issues.

The bill before the House today reduces spending and downsizes the Federal Government, while maintaining funding for critical flood safety projects, coastal protection, and important energy research programs like fusion energy.

We had to make the tough choices about where to reduce spending while supporting programs that are in the best interest of our country.

Overall the bill reflects the changing priorities of the new Congress by reducing spending for the Department of Energy, Bureau of Reclamation, and other agencies by almost \$1.6 billion from last year's level: An 8-percent reduction. Unlike the budget resolution which passed the House in May, the decisions in this bill will directly reduce Federal spending and are essential in our efforts to reach a balanced budget.

I am also very pleased with the subcommittee decision to flatly reject the President's wish to end flood control and coastal protection projects. These projects are nationally significant and it is my belief that the President's policy, was ill-conceived and not founded on solid fact. By rejecting the President's policy, New Jersey's shore and flood prone areas will be protected again.

This bill represents real progress toward a smaller, smarter government. It is one more step closer to balancing the budget and keeping our promises to the American people. Mr. Chairman, I urge the adoption of this bill.

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentleman for his remarks. The subcommittee continues to be a supporter of fusion, but the plasma research will continue.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I thank the gentleman very much and commend him for the leadership he has exercised in bringing this bill to the floor. I certainly rise in support of the Energy and Water Appropriation Act of 1995.

As a fiscal conservative Member, I believe that we have a moral imperative to balance the Federal budget. Surely every area of Federal spending must be open to the possibility of reduction, and no role of the Federal Government must remain unexamined. Equally important, however, is our quest to balance the budget, however, with the knowledge that we must and we cannot afford to be penny-wise and pound-foolish.

A few weeks ago, the House Committee on Science moved to reauthorize the budget for the Department of Energy and the science and technology programs it oversees. As a member of the committee, I commend the House Committee on Appropriations for its adherence to authorization legislation adopted by the Committee on Science.

During consideration of H.R. 1905, there may be an amendment to strike \$18 million for the nuclear technology research and development at Argonne National Laboratory both in Idaho Falls and in the State of Illinois.

The environmental nuclear waste treatment program, electrorefining of spent nuclear fuel, has the strong potential to significantly reduce the amount of high level waste and spent nuclear fuel, decreasing the toxicity and the volume of over 100 different types of spent fuel, some 2700 metric

tons, stored at DOE sites around the nation.

This electrometallurgical research could save taxpayers billions of dollars by treating spent fuel that cannot be disposed of safely. The National Academy of Sciences supports continued funding of this nuclear technology research, saying that it represents promising technology for treating a variety of DOE spent fuels.

In addition, further funding of the research is predicated on the continued approval of the National Academy of Sciences so that funding for the nuclear technology research and development program was requested by the Clinton administration and the Department of Energy.

At \$18 million, the nuclear technology program has already been cut 28 percent below the fiscal year 1995 level, 50 percent below the fiscal year 1996 request, and I believe that it is sound science.

Again, I commend the gentleman from Indiana [Mr. MYERS] for the leadership that he has shown in a very difficult task, I know, in putting together this appropriation bill.

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Mr. MYERS of Indiana. Mr. Chairman, I thank the gentleman for his leadership. This committee has worked very closely with the authorizing committee, the gentleman from Illinois [Mr. FAWELL], and certainly the gentleman from California [Mr. ROHRBACHER], who we have worked very closely with.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ROHRBACHER].

Mr. ROHRBACHER. Mr. Chairman, I rise in support of this bill.

This energy and water appropriations bill reflects the tough choices made by members of the Appropriations Subcommittee to put us on the path to a balanced budget in 7 years.

As chairman of the authorizing subcommittee for a portion of this bill, I would like to commend both Chairman MYERS and the ranking minority member, Mr. BEVILL, and their staffs, for a good faith attempt to work with the Science Committee and its staff in crafting the portions of this bill that apply to programs under Science Committee jurisdiction.

This year's bill was not produced under ideal circumstances.

The press of legislation during the first 100 days before many of the committees were fully reorganized and staffed-up hampered the process.

The result is not an ideal product but does represent an historic change in the authorization/appropriations process.

Rather than take a meat-ax approach to budget reductions, the bill attempts, as we did in the Science Committee, to preserve basic research funding while terminating market and development programs that are best handled by the private sector.

Do I agree with every line item in the bill? Of course not.

But I see this bill as laying the foundation for a new partnership that we can build on next year.

I urge my colleagues to support this bill.

Mr. Chairman, I thank the ranking member, the gentleman from Alabama [Mr. BEVILL], and the gentleman from Indiana [Mr. MYERS], again for the great cooperation we have had in putting this together.

Mr. BEVILL. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. MYERS of Indiana. Mr. Chairman, I thank the authorizing committees for the nice words they have said. Mr. Chairman, I yield back the balance of my time, and I hope the authorizing committees continue to work as they have.

Mr. MILLER of California. Mr. Chairman, I rise in support of H.R. 1905 making appropriations for the energy and water development for fiscal year 1996.

This bill provides funds for critical flood control and navigation projects in Contra Costa County and the San Francisco Bay Area of California. I appreciate the Committee's continued support for these projects.

H.R. 1905 and the accompanying Committee report also raise several issues which I will address in my capacity as Ranking Democratic Member of the Committee on Resources.

First, H.R. 1905 will fund important individual projects and program activities of the Bureau of Reclamation. The Bureau of Reclamation has demonstrated consistent leadership in the Administration's efforts to implement significant reforms to Federal water management and construction programs.

Second, H.R. 1905 includes significant funding to implement various programs authorized by P.L. 102-575, the Reclamation Projects Authorization and Adjustment Act of 1992. In particular, title 34 of the law, the Central Valley Project Improvement Act [CVPIA], includes many innovative measures to conserve water and to restore fish and wildlife habitat that has been adversely affected by the development of water and power projects in California. Water marketing, changes in project operations and water allocations, incentives for conservation, and specific goals for fish and wildlife restoration are all included in this title.

I am in complete support of the Bureau of Reclamation's efforts to fairly and promptly implement the provisions of the CVPIA, and I strongly oppose any attempts to amend this law through the appropriations process. I specifically note at this time my strong objections to language contained in the Committee Report accompanying H.R. 1905 (House Report 104-149), which "directs that the \$1,000,000 requested for the San Joaquin River Basin Resource Management Initiative not be expended for that purpose." As my colleagues are well aware, this study is required by law; it is not optional. The study was authorized so that we could determine what needs to be done to restore fish to the San Joaquin River, where irrigation water deliveries have wiped out several stocks of commercially valuable anadromous fish.

The Appropriations Committee is obviously determined to kill this study and prevent people from learning the truth about the destruction of fishery resources in the San Joaquin River. The effort to kill this study is important only to a small group of CVP beneficiaries who continue to profit from their subsidized water supplies at the expense of California's commercial and sport fish resources. I wish to associate myself with the views of my colleague from California, Ms. PELOSI, who correctly noted that "the San Joaquin study has been authorized by Congress and is being conducted properly by the Bureau of Reclamation. It should be allowed to proceed without interference from special interests."

Third, with regard to the repayment of costs of cleaning up Kesterson Reservoir and conducting the San Joaquin Valley Drainage Study Program, I am concerned that the Appropriations Committee is again attempting to legislate matters of policy without consulting the authorizing Committee.

My colleagues will recall that the Federal Government has spent approximately \$35 million for the cleanup of Kesterson Reservoir, a series of ponds in the San Joaquin Valley that were built in the 1970's to contain subsurface irrigation drainage water collected from farms in the Bureau of Reclamation's San Luis Unit, part of the Central Valley Project. The Kesterson facility was closed in March of 1985 by then-Secretary of the Interior Donald Hodel because the drainage water was contaminated with selenium and other chemicals. Many migratory birds using the Kesterson ponds were being killed in violation of the Migratory Bird Treaty Act. Other birds were hatched with grotesque deformities caused by selenium poisoning. Congress has appropriated tens of millions of dollars to clean up this mess on behalf of the project beneficiaries of the San Luis Unit, and we have also funded extensive multi-disciplinary and multi-agency studies of how to reduce or eliminate irrigation drainage contamination.

There is no legislative language in H.R. 1905 that would amend current law regarding repayment responsibilities for cleaning up Kesterson Reservoir and conducting the San Joaquin Valley Drainage Study Program. The report accompanying H.R. 1905, however (House Report 104-149), refers to a recent report from the Bureau of Reclamation, and concludes that San Luis Unit contractors should work with the Bureau of Reclamation "to develop a reasonable and cost-effective drainage solution". The Committee Report also contains the following statement regarding the subject of Kesterson and drainage study repayment:

The Committee believes it is premature for Reclamation to collect any costs before these negotiations are complete and appropriate drainage service is provided. Therefore, the Committee directs that the Bureau of Reclamation take no action to collect costs associated with the Kesterson Reservoir Cleanup Program or the San Joaquin Valley Drainage Program until drainage service negotiations are complete, drainage service is provided, or the authorizing Committee has acted on this issue.

The above conclusion and Committee directive to the Bureau of Reclamation are unwarranted and are not supported by any facts whatsoever. Without even consulting the authorizing committee, the Appropriations Committee has decided to indefinitely forgive the repayment of tens of millions of dollars in ex-

penses associated with the cleanup of Kesterson Reservoir and the completion of the San Joaquin Valley Drainage Study Program. Under current law, these costs are a legal responsibility of the water users whose contaminated irrigation wastewater has caused this massive pollution problem. They should be required to pay their bills just like everybody else.

I also remind my colleagues that committee report language from last year's Energy and Water bill specifically noted that repayment of these cleanup and study costs should begin soon after the Bureau's report was made available:

It was and is the intent of the Committee that the [forthcoming Interior Department] report be used as a resource to assist in the fair and just apportionment of Kesterson and other drainage related costs and not serve as a method of delaying indefinitely repayment obligations. (House Report 103-533).

Since FY 1991, House Appropriations Committee Report language has directed the Department specifically not to collect payments from water users until the Bureau of Reclamation completed the report on allocation of costs. That report was received over four months ago. Now that the Bureau of Reclamation has submitted the report we requested, the water users have decided that they don't like the conclusions of that report and they have asked the Appropriations Committee to indefinitely delay the repayment. This is directly contrary to representations made to this House by the water users regarding their intention to proceed with repayment once the results of the Bureau's study were made available.

The fact of the matter is that the Central Valley Project and San Luis Unit water users are accountable by current law for the money that has been spent on Kesterson cleanup and the San Joaquin Valley Drainage Program.

Until the authorizing Committees and the Full House and Senate and the President have had an opportunity to review information on cleanup costs and decide whether changes to current law are appropriate or not, the Secretary of the Interior is obligated to begin collecting money. The study released this year by the Bureau of Reclamation supports that conclusion. There is no basis whatsoever for the Appropriations Committee to indefinitely forgive the proper repayment of these costs, and this language is not and should not be construed as binding on the Secretary.

Fourth, the elimination of funding for the Bureau of Reclamation and the Army Corps of Engineers to assist salmon migration in the Columbia River basin is outrageously shortsighted. These are not trivial actions by the Bureau and the Corps; the agencies agreed to take these steps only in response to a court order. The court concluded that "business as usual" in the Columbia basin could place endangered salmon in jeopardy of final extinction.

In part as a result of the court's decision, the agencies have tried to find the most cost-effective and least disruptive solution to salmon migration. The Bureau of Reclamation has been purchasing water from willing sellers in the Snake River basin and the Corps has been studying the possibility of lowering the John Day reservoir during migratory periods. These measures enjoy broad regional support,

while the measures suggested by the Appropriations Committee will encourage conflict and will probably do little to sustain the salmon.

If the agencies cannot take the regionally-supported steps towards salmon recovery, far more disruptive and costly actions may be required to make sure the salmon are not driven to extinction. Forcing the agencies into this position defies common sense.

Finally, I note that the Committee recommendation includes \$94,225,000 for construction of the Central Arizona Project, a generous \$1,500,000 above the budget request. While I am generally supportive of plans to complete this project, I note that recent attempts to negotiate a "restructuring" of repayment terms for the Central Arizona Project have failed. It is likely that the project sponsors will soon begin a costly legal battle to settle their disputes with the United States over the amount of money owed for repayment of project construction costs. At the present time, hundreds of millions of dollars are in dispute, and there is no guarantee that these costs will ever be repaid. It should further be noted that we have already provided tens of millions of dollars to make extensive repairs to the CAP water delivery system, and I suspect we have just started to understand how much this project will eventually cost the taxpayers.

Mr. FAZIO of California. Mr. Chairman, I rise in strong support of H.R. 1905, the Energy and Water Appropriations bill.

I wish to thank the members of the subcommittee and full committee for their efforts in developing this measure. Developing this proposal was a difficult challenge for all of us considering the tough financial choices we had to make.

Even in that light, Mr. Speaker, this House appropriations bill reflects a relatively balanced approach for energy and water, although I have some reservations regarding solar and renewables which was cut in half.

As my colleagues know, I am and always have been a strong supporter of Solar and Renewable Energy and would have preferred an increased level of funding. I offered an amendment in committee to add back \$15 million which was successful. While I am happy about this modest increase, more is still needed. That is why I have coauthored the Klug amendment which will restore funding for solar and renewable energy.

Mr. Speaker, I know there also will be an attempt to delete funds for the Gas Turbine-Modular Helium Reactor [GT-MHR] Program. I think deleting this funding would be a big mistake and I urge my colleagues to support the Appropriations Committee recommendation.

The bill includes funding for the biochemical conversion program in the solar and renewable accounts that fully supports the level recommended by the House Science Committee. This nation now consumes 70 percent of its energy in the transportation sector, predominantly liquid fuel petroleum. Once again, over half this oil is imported. Therefore, efficient production of ethanol should be a high national priority.

The bill includes critical water resource projects in every State and every region of the country which will help environmental restoration and improvement.

We have provided funding for the key energy, science and water projects, and we have

done so within our subcommittee's allocation. We are under the President's budget request, under the 602(b) allocation, and under the amount appropriated last year.

This bill is a joint effort to hold the line financially and continue the process of downsizing. It is about looking ahead for our children's future and making our economy stronger and our communities safer. I strongly urge a yes vote on this year's Energy and Water Appropriations bill.

Mr. LAZIO of New York. Mr. Chairman, I rise today to support H.R. 1905, the FY 1996 Energy and Water Appropriations bill.

As you may know, part of my district lies along New York's Atlantic Coast. Like coastal areas in many parts of the country, the barrier islands along the coast in my district have been hit extremely hard by the storms of the past few winters and remain in a delicate state, vulnerable to breaches and overwashes. Thankfully, this winter was relatively mild, but past damage has never been corrected, and a storm of any significance could be devastating to the mainland of Long Island.

The barrier islands protect Long Island in the same manner that the levees on the Mississippi River protect the river towns. A vulnerable barrier island system cannot protect Long Island's south shore, which has a multi-billion dollar economy and significant public infrastructure. The barriers afford protection to the freshwater wetlands and waters of the back bays, thus nurturing the clamming and fishing industries. Furthermore, Fire Island, Jones Island, Long Beach Island and the rest of Long Island's barrier system provide recreation for the citizens of Long Island and tourists from all over the world. As the tourism industry is the largest employer on Long Island, loss of this vital resource will mean loss of jobs.

While the President's budget recommends that the Army Corps of Engineers get out of the business of local flood and shore protection, I believe the Army Corps has a cost-effective and justifiable role in these projects. Savings can surely be made in the way the Corps carries out its mission. But the mission itself is vital to the Nation's coastal communities, and it is not one that can be easily transferred to State or local governments. The shoreline protection projects the Corps is involved in are vitally important to the livelihood of the communities they seek to protect and often end up saving the taxpayers money in the long run.

The first project would provide New York with accurate, real-time information on its coastal processes. Many coastal states already have monitoring systems in place, and such a system is essential for New York. A federally funded monitoring system was authorized for New York in the 1992 Water Resources Development Act, and appropriations have been made over the past 2 years to initiate its implementation.

As the authorization states, successful implementation will take \$1.4 million for up to 5 years, at which time the State of New York will take over funding and program implementation. The President has included the full \$1.4 million for this program in his fiscal year 1996 budget request, and the fiscal year 1996 Energy and Water Development Appropriations bill also allocates this amount.

The second project has also been requested by the President. This project, the reformulation study of the area from Montauk

Point to the Fire Island Inlet, will provide valuable long-term information on the coastal processes of Long Island's south shore. It is expected to take approximately 10 years and \$14 million to complete. Over the past two fiscal years, a total of \$5 million has been appropriated by this committee for the reformulation study. This has provided important information and will lay the groundwork for possible interim projects needed to shore-up Long Island's coastline. The fiscal year 1996 segment of the study will cost \$2.18 million, and this amount was included in H.R. 1905 as part of a \$10.4 million total appropriation in this area.

Moving away from flood protection, the final project is a navigation project. The waterways involved, Reynolds Channel and the New York State Boat Channel, run through the western portion of my district, part of Congressman PETER KING's district, 3rd CD, and part of Congressman DAN FRISA's district, 4th CD. The State and local municipalities have only been able to maintain these waterways on a limited basis, causing safety concerns among the parties that use them. Subsequently, the State and local municipalities have sought Federal assistance. A request for an appropriation of \$170,000 has been included in the President's fiscal year 1996 budget in order to complete the reconnaissance phase and initiate the feasibility phase, and again, that amount was granted in this bill. There is strong local interest and support in improving navigation through Reynolds Channel and the New York State Boat Channel. These waterways provide important thoroughfares for large volumes of industrial and commercial traffic.

In this time of tight budgets on every level, I understand the fiscal constraints we face. I agree that every expenditure must pass stringent economic tests, and I am confident that, upon examination, expenditure for these projects will pass such tests. The importance of the waterways and the barrier islands to homes and businesses on Long Island and New York cannot be stressed enough. As Westhampton has taught us, the establishment of protective measures now will save the Federal, State, and local government millions of dollars in the long term. I urge my colleagues to support this bill.

Mr. MARTINI. Mr. Chairman, I want to commend the gentlewoman from Washington State with respect to her amendment.

I find it bizarre that the Federal Government of the United States would consider sending American taxpayer funds to some of the wealthiest countries in the world. Especially in a time when we are trying to take the necessary steps to balance our Federal budget within 7 years.

The Bureau of Reclamation is spending taxpayer funds on water projects in the oil rich countries of the Middle East. As my colleague realizes, the Bureau of Reclamation is a water resource agency in 17 contiguous western States, primarily for irrigation. It is supposed to focus its efforts on western water and power related issues. Apparently, the Agency has taken it upon itself to provide water projects for the rest of the world regardless of financial status. I think we need to take steps to ensure that we are providing for our country before we begin to provide this type of aid to our foreign neighbors.

The amendment from the gentlewoman from Washington State would cut the spending for

the International Affairs Budget of the Bureau. In August 1993 the Commissioner stated,

International Major Civil Works Construction does not fit or contribute to Reclamation's new direction and should be phased out in order to make human resources and funding available.

Even the Clinton administration's own officials agreed with this analysis and have adopted a policy to reduce the Bureau's spending.

The United States spends enough on foreign aid without subsidizing water projects in wealthy countries. Make the Bureau of Reclamation live up to its own claims of a new direction of responsible resource management.

Mr. Chairman, I am pleased that Mrs. SMITH has worked with the leadership on this important amendment and I am pleased to support the Smith amendment to the Energy and Water Appropriations bill. In addition, I want to commend the gentleman from Indiana, Mr. MYERS, for taking the steps to ensure that the important programs in this appropriation bill are protected while we continue to strive for a balanced budget for the American taxpayer.

Mr. McDERMOTT. Mr. Chairman, I rise in strong opposition to the treatment of renewable energy and energy conservation programs in the fiscal year 1996 Appropriation bills. These bills threaten America's commitment to proven energy sources and their substantial economic and environmental benefits.

In the rush to cut the Federal budget, Congress should not recklessly endanger America's future environmental health and economic competitiveness. Renewable energy and energy conservation programs will improve America's future by offering clean energy sources at an affordable cost. Instead of cutting these programs, we should be expanding our commitment and support.

Gains in renewable energy are made almost daily. Energy generated by the wind is now being competitively marketed in the State of Washington at 3.5 cents per kilowatt hour. In addition to existing solar energy stations, plans for a high volume solar energy plant in Nevada will competitively market solar energy in rural areas at a price of 5.5 cents per kwh. Besides being cheap, there are no hidden costs—such as environmental degradation through air pollution or threats to human health.

Republican efforts to cut renewable energy research and development and conservation programs by almost 50 percent below fiscal year 1995 levels sets back the Nation's attempt to kick its harmful addiction to fossil fuels. While prices for fossil fuels fluctuate on a whim, fuel costs for renewable energy are zero. If strides are not made in finding alternative energy sources today, it is estimated that by the year 2010, foreign oil will make up 65 percent of U.S. oil consumption. Without an alternative energy plan, the Nation's addictive reliance on oil—both U.S. and foreign—will continue to harm the global environment and increase the Nation's trade deficit by billions of dollars.

In addition to finding new sources of energy, it is important to remember that much can be saved conserving what we already have. The Interior Appropriations bill, to be debated later this week, makes substantial cuts in energy conservation. For example, by the year 2000, a \$150 million investment in energy conservation programs will save my own State of

Washington almost \$700 million, reduce CO₂ emissions by 1.74 millions of metric tons per carbon equivalent [MMTCE]—and create more than 10,000 jobs across the State. If the conservation programs escape radical cuts from the budget knife, the country stands to save over \$21 billion in energy costs in the year 2000 and would reduce its carbon emissions by 4.3 percent. Clearly, relatively small investments today could provide huge savings in the future.

Unfortunately, the Republicans don't want to hear these facts, and, instead, prefer to cut state weatherization programs by 50 percent. Programs that not only will save energy, they keep low income individuals warm in the winter, help institutions such as hospitals become more energy efficient, and spur the local economy.

We are so close to providing reliable alternative sources of energy—through renewables and energy conservation—which will have lasting benefits to us all. Why stop now?

Congress should be working to improve America's future by building on today's successes. Let's not squander this opportunity by turning our backs on sources of energy that are vital to improving America's economy and its environment.

The Republican budgetary treatment of renewable energy and energy conservation is short-sighted and foolish. I cannot support bills so absurd in thinking that they ignore the obvious benefits of establishing clean and efficient alternative sources of energy. I urge you to vote against this legislation. Thank you.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise today in support of H.R. 1905 making appropriations for energy and water development for fiscal year 1996. As a new member of this subcommittee, I would like to thank Chairman MYERS and Ranking Member BEVILL for their leadership and direction. I would also like to thank the dedicated and capable staff of the subcommittee for their expertise and knowledge of these important issues.

The bill before the House today reduces spending and downsizes the Federal Government, while maintaining funding for critical flood safety projects, coastal protection, and important energy research programs like fusion energy. We had to make the tough choices about where to reduce spending while supporting programs that are in the best interest of our country.

Overall the bill reflects the changing priorities of the new Congress by reducing spending for the Department of Energy, Bureau of Reclamation, and other agencies by almost \$1.6 billion from last year's level. An 8-percent reduction. Unlike the budget resolution which passed the House in May, the decisions in this bill will directly reduce Federal spending and are essential in our efforts to reach a balanced budget.

Specifically, the bill will fund fusion energy research at \$229 million, slightly below the new authorized level. I am hopeful that as this bill moves through the committee process we will be successful in meeting this new number. In another area, the bill will close the Tennessee Valley Authority's environmental research center, a facility which I questioned the need for during our hearing process. This is clearly not a priority when we have a \$5 trillion debt and we have an EPA that is responsible for these same activities.

I am also very pleased with the subcommittee decision to flatly reject the President's

wish to end flood control and coastal protection projects. These projects are "nationally significant" and it is my belief that the President's policy was ill-conceived and not founded on solid fact. By rejecting the President's policy, New Jersey's shore and flood-prone areas will be protected again.

This bill represents real progress toward a smaller, smarter government. It is one more step closer to balancing the budget and keeping my promises to the American people. Mr. Chairman, I urge the adoption of this bill.

Mr. KNOLLENBERG. Mr. Chairman, I rise in support of this bill.

This is a good bill. This bill was created in the spirit of fiscal constraint, yet it prudently continues the gradual downsizing of the Federal energy and water program. I believe it is imperative for this Nation to set its priorities regarding Federal spending. This bill has cut almost \$1.6 billion from the 1995 budget and over \$2 billion from the Administration's recommendation. In consideration of these cuts, this bill prioritizes where the funds should be appropriated.

The Energy and Water Appropriation Subcommittee has placed a high priority on basic research and development. During the past 17 years since the creation of the Department of Energy, the DOE's focus has been dispersed to a wide array of large Federal programs. Solar and renewables, magnetic fusion, nuclear, and fossil energy begin the list of energy sources the Department of Energy spends billions of dollars each year in an attempt to find the safe and efficient answer to our energy needs.

Frankly, I believe an open and free market is a preferable forum to decide our Nation's energy policy. Withstanding my commitment to a free market, I do recognize that the Federal Government has a proper role in Energy policy to a limited extent, especially in basic research and development.

However, once an energy discovery becomes an applicable energy source, I believe the role of the Federal Government should be limited, and eventually eliminated. Let the entrepreneurial spirit of America apply technology obtained through basic research and development into a practical application. Let the working American family encourage the entrepreneur through the direct support of this entrepreneur's innovation. Encourage the individual innovator by removing burdensome and intrusive regulations. Don't stifle the scientists' imagination by forcing him to plod through a mountain of paper work to obtain Federal funding. And when the consumer chooses one energy source over another, don't interfere with the consumer judgment.

Although we have cut over \$2 billion from the administration's budget, including over \$1.8 billion cut directly from the Department of Energy's budget, we did not eliminate the Department of Energy itself. And it is not the Appropriations proper role to do so. The proper place for such legislation to be introduced is in the authorizing committees, where an open and full public debate can follow. It is important to understand that even if the Department of Energy is disbanded, a number of programs would remain which require Federal oversight and interaction. For example, the largest focus of the DOE is its defense and national security programs which take up over 60 percent of the Department's funding. These programs in-

clude nuclear research, weapons stewardship, and nuclear waste management.

To be candid, I am not happy about every provision of this appropriations bill. For example, I would support smaller cuts in the fusion energy program that promises a safe and inexpensive energy source for the future. And I would seek further cuts in some of the applied technologies, like the solar and renewable energy program. But we cannot let perfection be the enemy of the good. This bill restores prudence by balancing our interest in fiscal responsibility and our interest in a safe, clean and efficient energy and water program.

I seek and encourage your support of this bill.

Mr. SMITH of New Jersey. Mr. Chairman, I appreciate this opportunity to speak to several provisions of the Energy and Water Appropriations bill for fiscal year 1996 which will profoundly affect my home State of New Jersey.

First of all, I am pleased that the committee has soundly rejected President Clinton's short-sighted proposal to phase out the important work of the Army Corps of Engineers in shore protection, navigation, and flood study. The Army Corps has worked to reduce erosion along the Jersey Shore, to make waterways safe for fishing and commercial boat passage, and has protected homeowners from flooding. There is still work to be done.

The Shore is the lifeblood of my home State of New Jersey. The Coast Alliance estimates that three-quarters of the State is located in the coastal zone and that more than 90 percent of the people in the Nation's most populated State live in this coastal zone. These people depend on the Army Corps' experience and know-how to maintain the quality of life they have come to know. In addition, the coastal zone contributes more than \$79 billion—or over half of the State's gross State product—to the New Jersey economy through tourism, fishing, and boating or other recreational activities.

While we all realize that cuts in Federal spending are necessary, they should not be arbitrary and they should be based on sound cost-benefit analyses. The President's proposal disregarded the long-term benefits of the Army Corps' work and simply shifted much of the cost of their work to the states. I am proud to have been part of a bipartisan group of legislators who successfully worked against this proposal from its very onset.

In addition, Mr. Chairman, as if to provide evidence of the importance of the Army Corps to New Jersey, H.R. 1905 includes two Corps projects in my district which will help to maintain our strong fishing and tourism industries. Specifically, the bill includes funding to complete a reconnaissance study of the erosion problem along the Shore from Manasquan Inlet to Barnegat Inlet. The study was begun in fiscal year 1995 and, with the \$290,000 appropriated in H.R. 1905, will be completed this year. The bill also provides for \$100,000 to begin work on maintenance dredging of the Manasquan Inlet.

These appropriations, Mr. Chairman, are modest, but the benefits they will bring to the State are enormous. Tourism is the second greatest contributor to the New Jersey economy, pumping in \$22.6 billion in 1994 alone. A stable and preserved shoreline is vital to the success of that industry. In fact, in 1993, the New Jersey coastal regions received almost

14 million overnight visitors who spent an estimated \$10.3 billion and created more than 171,000 jobs.

Fishing is also a key industry to the State economy. New Jersey leads the Nation in clam production and is a major producer of scallops and other seafood. In 1993, the New Jersey commercial fishing fleet caught more than \$96 million worth of seafood. In addition, anglers contributed more than \$649 million to the State economy in 1993. Waterways, like the Manasquan Inlet, must be maintained to allow the fishing industry to do its work.

Mr. Chairman, while I am pleased that the Committee gave these Army Corps proposals appropriate attention, I am disappointed that the Committee has neglected another industry of importance not only to New Jersey, but to the Nation, and that is fusion energy research.

For years, the Princeton Plasma Physics Lab in Princeton, New Jersey has been a key contributor to the United States' efforts to develop fusion energy for mass consumer use. Just this past year, the Lab reached record levels of energy production and seemed to be on its way to making this safe and clean energy source a reality. Unfortunately, H.R. 1905 stops their progress just as it is beginning to truly pay off. I am hopeful that this will be corrected as we move through the conference process.

Mr. PORTMAN. Mr. Chairman, I rise today in support of the Energy and Water Appropriations bill. This bill represents a good balance between competing interests for a limited pool of resources, and I applaud the Appropriations Committee for their good efforts.

One issue that I have closely monitored during the formulation of this bill is the appropriation for the Department of Energy's [DOE] Environmental Restoration and Waste Management Budget. Those of us who represent districts containing sites where the Department of Energy carried out nuclear energy or weapons research and production activities that resulted or weapons research and production activities that resulted in radioactive and hazardous contamination are committed to ensuring that this budget maintain responsible levels of funding to meet the Federal Government's clean up obligations. If there are no funds to clean up the environmental and health hazards caused by our nation's nuclear weapons production, the sites will continue to cause an imminent danger to citizens living near the facilities.

I believe the Environmental Restoration and Waste Management Budget appropriation is fair given the Government's budget constraints. The recommended appropriation represents a 7.6 percent increase from last year's budget, increasing spending from \$4.9 billion in fiscal year 1995 to \$5.3 billion in fiscal year 1996. I understand that the committee has sought to protect funding for cleanup milestones established in compliance agreements by directing cuts against support service contracts, excessive headquarters and field oversight, and by reducing the number of new construction starts proposed to begin in fiscal year 1996. I agree that it is important to ensure that this funding is used for actual clean up of sites, instead of wasted on overhead costs.

The Fernald site, a former uranium processing center, lies in my congressional district. At no fault of their own, thousands of people living near Fernald have potentially been exposed to dangerous material in the air, soil

and water. With DOE oversight, much progress has been made at Fernald in cleaning up these hazards. However, problems persist.

A specific proposal has been developed to accelerate remediation, so that the site will be clean in 10 years. Having reviewed the proposal and consulted with the various interested parties, I am convinced it is a sound approach. It enjoys widespread support, could serve as a model of successful cleanup efforts, and would result in significant savings to the taxpayer. In fact, I understand that accelerating the schedule for cleanup from 25 years down to 10 years would result in a savings to the taxpayer of approximately \$1.4 billion.

I am extremely pleased that the Appropriations Committee has also specifically recognized the prospects for immediate cleanup at Fernald. The Committee Report cites that, "the Committee supports [Fernald's] proposal to reduce costs and accelerate cleanup activities and expects the Department to make every effort to increase funding for this project."

Again, I urge my colleagues to support this appropriations legislation. It provides fair funding levels for our national energy and water priorities, including the cleanup of the Government's nuclear waste sites, while still providing for savings that will help move us to a balanced budget by 2002. Thank you.

Mr. DE LA GARZA. Mr. Chairman, included in the fiscal year 1996 Energy and Water Appropriations package are two projects of great interest to me for which I want to express my support for funding. They are as follows:

Corpus Christi Ship Channel, Texas, is a navigation project which is budgeted for operations and maintenance at \$2,190,000. Continued funding of this project is essential due to the impact on the local economy. The project provides for widening and deepening the existing channels to (40.5 miles) and basins from the Gulf of Mexico to deepwater ports at Harbor Island, Ingleside, and Corpus Christi, and a branch channel to the port of La Quinta to provide a project depth of 45 feet. It also includes the construction of mooring areas and dolphins at Port Ingleside, one mooring area and six dolphins constructed initially with seven others deferred to be constructed when required.

Lower Rio Grande Basin, South Main Channel, Texas, is a comprehensive flood control-drainage project which is budgeted at \$900,000. It provides the major outlet component of an overall flood protection plan for Willacy and Hidalgo Counties. The authorized plan calls for construction of a major channel extending from near McAllen to the Laguna Madre, and related fish and wildlife mitigating measures. The authorized plan would provide two year protection to rural areas which drain into the South Main Channel; one hundred year flood protection to the cities of Edinburg, McAllen and Lyford; and 50-year flood protection for the cities of La Villa and Edcouch.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by titles and each title shall be considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in House Report 104-154 if offered by the gen-

tleman from Pennsylvania [Mr. SHUSTER] or his designee. That amendment shall be considered read, is not subject to amendment, and is not subject to a demand for division of the question. Debate on the amendment is limited to 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment.

After disposition of that amendment, the bill as then perfected will be considered as original text.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a member who has caused an amendment to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The clerk will designate title 1.

The text of title 1 is as follows:

H.R. 1905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, \$129,906,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

Norco Bluffs, California, \$375,000;
Indianapolis Central Waterfront, Indiana, \$2,000,000;

Ohio River Greenway, Indiana, \$1,000,000; and

Mussers Dam, Middle Creek, Snyder County, Pennsylvania, \$300,000.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$807,846,000, to remain available until expended, of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri, Lock and Dam 14, Mississippi River, Iowa,

Lock and Dam 24, Mississippi river, Illinois and Missouri, and GIWW-Brazos River, Floodgates, Texas, projects, and of which funds are provided for the following projects in the amounts specified:

Red River Emergency Bank Protection, Arkansas and Louisiana, \$6,600,000;

Sacramento River Flood Control Project (Glenn-Colusa Irrigation District), California, \$300,000;

San Timoteo Creek (Santa Ana River Mainstem), California, \$5,000,000;

Indiana Shoreline Erosion, Indiana, \$1,500,000;

Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$12,000,000;

Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$4,100,000;

Middlesboro (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$1,600,000;

Salyersville, Kentucky, \$500,000;

Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, \$11,848,000;

Red River below Denison Dam Levee and Bank Stabilization, Louisiana, Arkansas, and Texas, \$3,800,000;

Broad Top Region, Pennsylvania, \$4,100,000; Glen Foerd, Pennsylvania, \$200,000; and

Wallisville Lake, Texas, \$5,000,000.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), \$307,885,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, \$1,712,123,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601), may be derived from that fund for construction, operation, and maintenance of outdoor recreation facilities: *Provided*, That not to exceed \$5,000,000 shall be available for obligation for national emergency preparedness programs: *Provided further*, That \$5,926,000 of the funds appropriated herein are provided for the Raystown Lake, Pennsylvania, project: *Provided further*, That the Secretary of the Army is authorized to transfer an appropriate amount of land at the Cooper Lake and Channels, Texas, project, not to exceed 300 acres, from mitigation or low-density recreation to high-density recreation, and is further authorized to take whatever actions are necessary, including the acquisition of additional mitigation lands, to accomplish such transfer.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable

waters and wetlands, \$101,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act approved August 18, 1941, as amended, \$10,000,000, to remain available until expended.

OIL SPILL RESEARCH

For expenses necessary to carry out the purposes of the Oil Spill Liability Trust Fund, pursuant to Title VII of the Oil Pollution Act of 1990, \$850,000, to be derived from the Fund and to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Engineering Strategic Studies Center, and the Water Resources Support Center, \$150,000,000: *Provided*, That not to exceed \$60,000,000 of the funds provided in this Act shall be available for general administration and related functions in the Office of the Chief of Engineers: *Provided further*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the Division Offices: *Provided further*, That with funds provided herein and notwithstanding any other provision of law, the Secretary of the Army shall develop and submit to the Congress within 60 days of enactment of this Act, a plan which reduces the number of division offices within the United States Army Corps of Engineers to no less than 6 and no more than 8, with each division responsible for at least 4 district offices, but does not close or change the function of any district office: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Army is directed to begin implementing the division office plan on May 1, 1996, and such plan shall be implemented prior to October 1, 1997.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed \$5,000); and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISION

CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) In fiscal year 1996, the Secretary of the Army shall advertise for competitive bid at least 7,500,000 cubic yards of the hopper dredge volume accomplished with government-owned dredges in fiscal year 1992.

(b) Notwithstanding the provisions of this section, the Secretary is authorized to use the dredge fleet of the Corps of Engineers to undertake projects when industry does not perform as required by the contract specifications or when the bids are more than 25 percent in excess of what the Secretary determines to be a fair and reasonable estimated cost of a well equipped contractor doing the work or to respond to emergency requirements.

(c) None of the funds appropriated herein or otherwise made available to the Army Corps of Engineers, including amounts contained in the Revolving Fund of the Army Corps of Engineers, may be used to study, design or undertake improvement or major repair of the Federal vessel, MCFARLAND, or

for any use of the MCFARLAND to perform work other than emergency dredging work.

The CHAIRMAN. Are there any points of order against title 1?

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I make a point of order against page 6, line 6, beginning with the words "provided further," through line 13 on page 6.

The CHAIRMAN. Does the gentleman from Indiana [Mr. MYERS] wish to be heard on the point of order?

Mr. MYERS of Indiana. Mr. Chairman, we concede the point of order.

Mr. SHUSTER. Mr. Chairman, if I might be heard in support of my point of order, nevertheless I want to emphasize that I am sympathetic to the language that my friend, the gentleman from Texas [Mr. CHAPMAN] has attempted to insert here. The problem is we have had many requests for authorizations come before our committee from both sides of the aisle, including Members of our own committee, which we have not agreed to. Therefore, I feel constrained to oppose this particular authorization because we have already disagreed and opposed so many.

Mr. Chairman, I want to emphasize that I understand the purpose of the provision, and that we will consider it very seriously and I believe favorably in the context of our authorizing legislation to be brought before the Congress. I want to give my good friend, the gentleman from Texas, that assurance.

The CHAIRMAN. The point of order is sustained.

It is now in order to consider the amendment printed in House Report 104-154.

AMENDMENT OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHUSTER: Page 8, line 3, strike "May 1, 1996" and insert "August 15, 1996".

Page 9, line 6, strike "McFARLAND," and all that follows through line 8 and insert "McFARLAND."

The CHAIRMAN. Pursuant to the rule the gentleman from Pennsylvania [Mr. SHUSTER] and a Member opposed will each be recognized for 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, as the chairman of the authorizing committee having jurisdiction over the water resources programs of the Army Corps of Engineers, I rise to offer an amendment to title I of the bill. My amendment, Mr. Chairman, is in two parts: first, to change the effective date of a plan to close some of the Corps of Engineers divisions offices, and second, to delete a prohibition against the use of the dredge McFarland during fiscal year 1996.

Regarding the first part of my amendment, I certainly applaud the

Committee on Appropriation's efforts to streamline the corps and to save money. The Corps of Engineers must be allowed to downsize and make itself more efficient. The bill requires a plan to close three to five division offices. This plan will be only implemented after Congress has had an opportunity to review it. I have supported this aspect of the bill.

The effect of my amendment simply is to assure that by changing the effective date from May 1, 1996, to August 15, 1996, that the authorizing committee has a reasonable amount of time to review the plan after it has been transmitted to the Congress.

The second part of the amendment recognizes the need to avoid the expenditure of funds to rehabilitate a vessel that may not fit into the long-term plans for the corps' dredging program. Yet, this amendment allows the vessel to be kept operational while decisions are reached. We must carefully review the corps' long-term needs for hopper dredges and the private dredging industry's capability to provide timely and cost-effective dredging services. The proper place to conduct this review is in the context of Water Resource's authorizing legislation, which will be addressed by the Committee on Transportation and Infrastructure.

H.R. 1905 prohibits the use of funds available to the corps in fiscal year 1996 for rehabilitating the dredge McFarland and for use of the dredge for anything other than emergencies. The effect of my amendment is to retain the prohibition against rehabilitating the McFarland, but to allow continued use of the vessel in its current capacity as part of the corps' minimum dredge fleet. This will allow the authorizing committee to fully explore all options for the long-term disposition of the McFarland as well as the overall direction of the dredging program.

Both of these recommended changes to the bill will result in needed improvements and cost savings, and at the same time assure that the issues they represent are fully addressed in the proper form.

I certainly want to emphasize our appreciation for the cooperation shown by my colleagues on the Committee on Appropriations during the development of this legislation, especially from the chairman, the gentleman from Indiana [Mr. MYERS], and the ranking member, the gentleman from Alabama [Mr. BEVILL].

Mr. Chairman, I urge the adoption of this amendment.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, we accept the gentleman's amendment. First let me state, it has been noted that the Corps has tried to consolidate, not close but consolidate, some of the division offices around the country. We could cut back to six or

eight offices to be more efficient. We selected May 1 because by this time next year we will have a bill on the floor.

It is not just quite as easy as closing up an office and walking away. It requires appropriations to close some of these offices and to consolidate them. We chose May 1 in order to be able to next year appropriate for that consolidation. I hope the committee will make every effort to try to get the job done, to make these consolidations as soon as possible, so we can appropriate next year.

Mr. SHUSTER. Mr. Chairman, we have a responsibility to get our job done, I would say to the gentleman, and we will make every effort to get that done.

Mr. MYERS of Indiana. It was my understanding we had an understanding about May 1. We were not trying to be arbitrary, but it was just a misunderstanding between the authorizing committee and us.

Mr. SHUSTER. Mr. Chairman, if there is no Member in opposition, I ask unanimous consent that I be yielded that 5 minutes.

The CHAIRMAN. The Chair would inquire if there is any Member in opposition to the amendment offered by the gentleman from Pennsylvania [Mr. SHUSTER].

If not, without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to request a colloquy with the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the Committee on Transportation and Infrastructure.

Mr. SHUSTER. Mr. Chairman, I would be happy to enter into a colloquy with the gentleman from New Jersey.

Mr. FRELINGHUYSEN. As author of section 101 of the bill, let me clarify my intent and the intent of the Committee on appropriations. Our primary motivation was saving extremely scarce dollars without adversely impacting essential Corps missions. In addition, we intended to take steps that would be supportive of the private sector which is so essential in ensuring the proper maintenance of the Nation's navigation channels. Specifically, the amendment I offered in Committee would prohibit the Army Corps of Engineers from going forward with major repairs and improvements to the government owned dredge McFarland, especially when earlier studies questioned the justification of the current Federal hopper dredge fleet and when the Corps is, once again, conducting a reevaluation of the Federal hopper dredge fleet and industry capability.

We on the Appropriations Committee have the responsibility of ensuring

that Federal dollars are spent wisely. At the same time, we recognize that the authorizing committee has the major role in deciding the need for and the appropriate size and scope of the Federal hopper dredge fleet. Our intent was simply to defer expenditures for major repairs of one of the vessels until the ongoing study is completed.

Further, we felt that a more accurate assessment of the existing Federal fleet was through a market test—using industry first and the Corps vessel in reserve if industry can't do the job. It was never our intent to usurp the jurisdiction of the authorizing committee.

Mr. SHUSTER. I want to thank the gentleman for his reassurance and indicate that the authorizing committee also is seeking to find savings wherever possible and to support the private sector if it can demonstrate it can do the job. We intend to look carefully at the performance of the private sector in evaluating the appropriate scope of and need for a Federal dredging fleet at the earliest opportunity.

Mr. FRELINGHUYSEN. Just for clarification, the compromise that we have agreed to would prohibit the expenditure of funds for improvement or major repair of the dredge *McFarland*.

This language is intended to prohibit the Corps from going forward with any substantial new investment in upgrading the *McFarland* or extending the vessel's useful life, but not to limit the Corps' ability to undertake repairs needed to keep the vessel operational as part of the Corps' minimum dredge fleet and to meet Coast Guard certification. I would ask the gentleman whether this is his understanding as well.

Mr. SHUSTER. The gentleman is correct, that is our understanding. There is no expenditure of additional Federal funds involved here.

Mr. FRELINGHUYSEN. I thank the gentleman for his time and comments.

Mr. BORSKI. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Pennsylvania.

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

Mr. BORSKI. Mr. Chairman, I wish to express my support for the Shuster amendment which will allow the Dredge McFarland to keep operating to meet the dredging needs of the ports of the east coast and gulf throughout fiscal year 1996.

I compliment the Chairman of the Transportation and Infrastructure Committee for taking the initiative on this important matter.

I look forward to working with the chairman when our committee reviews this issue as part of our water resources development legislation later this year.

The continued operation of the Dredge McFarland is absolutely vital to the port of Philadelphia and the many businesses which depend on the Delaware River Channel.

The Delaware River ports handle almost 80 million tons of cargo annually. They generate \$4 billion in commerce for the region.

These ports depend on the 120-mile Delaware River Channel being kept open. The river has a high silt content and frequently requires a rapid, effective response.

It is too much of a risk for the economy of the Greater Philadelphia region to eliminate the McFarland without having a proven substitute.

There has been no demonstration that the private dredging industry will provide an effective replacement to the McFarland.

The private dredging industry was offered an opportunity in last year's Water Resources Development Act to prove it can do the job while the McFarland was being repaired.

If private industry proved up to the task, the McFarland would be kept in reserve until it was needed for emergency work.

Mr. Chairman, contrary to some statements, there has been no Corps of Engineers study that finds that the corps' dredge fleet should be reduced.

The study that the corps submitted on this issue was rejected by the Army Audit Agency for using poor data and poor methodology.

The Acting Assistant Secretary of the Army, John Zirschky said, "Given the uncertainties associated with dredging needs, the existing studies do not provide sufficient certainty that the dredging needs of the country can be met by the private sector alone."

He said, "It would not be prudent to reduce the fleet."

The Army Audit Agency reviewed the proposed corps study and found that its data reliability was too low for its conclusions to be carried out. The Army Audit Agency asked for a new study.

That is why the corps is studying the issue again—because the previous studies were inadequate.

Again, I thank the chairman of the Transportation and Infrastructure Committee for offering this amendment and I thank the chairman of the subcommittee, Mr. MYERS, and the ranking Member, Mr. BEVILL, for accepting the amendment.

Mr. FOGLIETTA. Mr. Chairman, I rise in strong support of the amendment offered by Mr. SHUSTER.

I cannot stress enough the importance of the dredge *McFarland* to the operation of the Delaware River ports. These ports handle 80 million tons of cargo, and generate \$4 billion in commerce for our region. Eight-five percent of the Northeast's heating oil also passes through these ports. Both our economy and environment could be devastated if the Delaware Channel was not served by the *McFarland*.

And as the only dredge currently operating with sea turtle deflectors, the *McFarland* is proven effective in preserving sensitive marine habitats. This has sent the *McFarland* to several key ports in Florida and Louisiana which have required dredging in sensitive waters. I urge support for the Shuster amendment, and continued operation of the *McFarland*.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SHUSTER].

The amendment was agreed to.

□ 1530

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUPAK: Page 9, after line 8, insert the following new section:

SEC. 102. (a) SAND AND STONE CAP IN NAVIGATION PROJECT AT MANISTIQUE HARBOR, MICHIGAN.—The project for navigation, Manistique Harbor, Schoolcraft County, Michigan, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1905 (33 Stat. 1136), is modified to permit installation of a sand and stone cap over sediments affected by polychlorinated biphenyls in accordance with an administrative order of the Environmental Protection Agency.

(b) PROJECT DEPTH.—

(1) IN GENERAL.—Except as provided in paragraph (2), the project described in subsection (a) is modified to provide for an authorized depth of 18 feet.

(2) EXCEPTION.—The authorized depth shall be 12.5 feet in the areas where the sand and stone cap described in subsection (a) will be placed within the following coordinates: 4220N-2800E to 4220N-3110E to 3980N-3260E to 3190N-3040E to 2960N-2560E to 3150N-2300E to 3680N-2510E to 3820N-2690E and back to 4220N-2800E.

(c) HARBOR OF REFUGE.—The project described in subsection (a), including the breakwalls, pier, and authorized depth of the project (as modified by subsection (b)), shall continue to be maintained as a harbor of refuge.

Mr. STUPAK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. STUPAK. Mr. Chairman, I would like to thank the gentleman from Indiana [Mr. MYERS] and the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Alabama [Mr. BEVILL] and the gentleman from California [Mr. MINETA] for their assistance on this amendment.

This amendment is to allow a harbor to be capped in accordance with an administrative order negotiated between the U.S. Environmental Protection Agency and the Army Corps of Engineers and potentially responsible parties at the Manistique Harbor.

EPA has agreed that a hybrid remedy of dredging and capping could be necessary to cap PCB's in the Manistique Harbor. This agreement was just entered into within the last 2 weeks. The dredging which is part of the remedy negotiated here has already begun in the Manistique Harbor.

We would like to cap yet this year. In order to cap this year, we would have

to change the river level, the depth of the river. It is now 18 feet. We would have to change it to 12.5 feet. We would like to do it this year, before the ice moves in in northern Michigan, by the first of the year.

Mr. Chairman, we are scheduled, under the negotiated agreement between all the parties, to begin capping on August the 1st. I have been able to draft this amendment, and I again would like to thank the principals involved in helping me to draft this amendment to make it acceptable to this legislation.

We are not here asking for an authorization of any money now or in the future. Any costs associated with this amendment will be picked up by the potential responsible parties with this negotiated settlement.

I am not here for, nor does my amendment request, any authorizing funds or reprogramming funds. This is not an authorization amendment.

Therefore, I would ask my colleagues to adopt this amendment. Any delay would be a serious delay in the negotiated settlement between the parties, the Army Corps of Engineers and the EPA. As I said, capping is slated to begin next month. If we could pass it through with this legislation now, we will move on to the Senate and we are confident we can get it done yet this year.

Therefore, Mr. Chairman, I would once again ask that this amendment be adopted as written and I appreciate the cooperation of all the parties involved.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. STUPAK].

The agreement was agreed to.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For the purpose of carrying out provisions of the Central Utah Project Completion Act, Public Law 102-575 (106 Stat. 4605), and for feasibility studies of alternatives to the Uintah and Upalco Units, \$42,893,000, to remain available until expended, of which \$23,503,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into the Account, \$5,000,000 shall be considered the Federal Contribution authorized by paragraph 402(b)(2) of the Act and \$18,503,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under the Act.

In addition, for necessary expenses incurred in carrying out responsibilities of the Secretary of the Interior under the Act, \$1,246,000, to remain available until expended.

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, \$13,114,000: *Provided*, That, of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended.

CONSTRUCTION PROGRAM
(INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, \$417,301,000, of which \$27,049,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and \$94,225,000 shall be available for transfer to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further*, That all costs of the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, performed under the authority of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506), as amended, are in addition to the amount authorized in section 5 of said Act.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, \$278,759,000: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. 4601-6a, as amended), may be derived from that fund: *Provided further*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same purpose and in the same manner as sums appropriated herein may be expended, and such ad-

vances shall remain available until expended: *Provided further*, That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project.

BUREAU OF RECLAMATION LOAN PROGRAM
ACCOUNT

For the cost of direct loans and/or grants, \$11,243,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a-422i): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$37,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, \$425,000: *Provided*, That of the total sums appropriated, the amount of program activities which can be financed by the reclamation fund shall be derived from the fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, to remain available until expended, such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f) and 3406(c)(1) of Public Law 102-575: *Provided*, That the Bureau of Reclamation is directed to levy additional mitigation and restoration payments totaling \$30,000,000 (October 1992 price levels) on a three-year rolling average basis, as authorized by section 3407(d) of Public Law 102-575.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, \$48,630,000, of which \$1,400,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee account are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 22, 1987 (16 U.S.C. 4601-6a, as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the reclamation fund.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 9 passenger motor vehicles for replacement only.

The CHAIRMAN. Are there any amendments to title II?

AMENDMENT OFFERED BY MRS. SMITH OF
WASHINGTON

Mrs. SMITH of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. SMITH of Washington: Page 14, line 13, strike "\$48,630,000" and insert "\$48,150,000".

Mrs. SMITH of Washington. Mr. Chairman, the amendment I am offering is a \$480,000 cut in the Bureau of Reclamation's appropriation for their international program. Let me explain why I am offering this amendment.

Mr. Chairman, I did not know that the Bureau of Reclamation had an international program until a constituent asked me at a town hall meeting why we were spending money on sewer systems in Egypt. First, I told him I did not think we were, but then I took a look.

What I found was that the Bureau of Reclamation is spending over a million dollars annually to help build water projects in some of the wealthiest nations on earth, including Saudi Arabia. Part of this is reimbursed, but not all.

These countries can afford to hire American private sector consultants to teach them to build dams or improve irrigation canals. They do not need the technical assistance that they can get from professionals in the international and private sector.

In fact, the American Consulting Engineers Council supports this amendment. There are 200,000 engineers that could do this in the private sector and not have to compete with public dollars. They support this amendment because they believe they can do the job and do it competitively.

The Bureau of Reclamation commissioner pledged, when he first came in, to phase this program out, but he did not do it. Mr. Chairman, I guess what I am asking today is that we put our vote behind what we have been saying and get unnecessary spending out, return to the private sector, and save the taxpayers some money.

But even if we do not cut this totally out of the budget, we can find somewhere where want to spend \$480,000; somewhere else. I am sure there are projects on children or other projects that would be better served by this money than these wealthy nations.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mrs. SMITH of Washington. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, the gentleman from Washington has discussed her amendment with the members of this committee and we find it acceptable.

Mrs. SMITH of Washington. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mrs. SMITH].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III

DEPARTMENT OF ENERGY
ENERGY SUPPLY, RESEARCH AND
DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 25, of which 19 are for replacement only), \$2,596,700,000, to remain available until expended.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.) and the Energy Policy Act (Public Law 102-486, section 901), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of electricity as necessary; \$64,197,000, to remain available until expended: *Provided*, That revenues received by the Department for uranium programs and estimated to total \$34,903,000 in fiscal year 1996 shall be retained and used for the specific purpose of offsetting costs incurred by the Department for such activities notwithstanding the provisions of 31 U.S.C. 3302(b) and 42 U.S.C. 2296(b)(2): *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at not more than \$29,294,000.

URANIUM ENRICHMENT DECONTAMINATION AND
DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, \$278,807,000, to be derived from the fund, to remain available until expended: *Provided*, That at least \$42,000,000 of amounts derived from the fund for such expenses shall be expended in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 12 for replacement only), \$991,000,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$226,600,000, to remain available until expended, to be derived from the Nuclear Waste Fund.

ATOMIC ENERGY DEFENSE ACTIVITIES
WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 79, of which 76 are for replacement only, including one police-type vehicle), \$3,273,014,000, to remain available until expended.

DEFENSE ENVIRONMENTAL RESTORATION AND
WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 7 for replacement only), \$5,265,478,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, other defense activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion \$1,323,841,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$198,400,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000), \$362,250,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511, et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$122,306,000 in fiscal year 1996 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal

year 1996 so as to result in a final fiscal year 1996 appropriation estimated at not more than \$239,944,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$26,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS
OPERATION AND MAINTENANCE, ALASKA POWER
ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, \$4,260,000, to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for official reception and representation expenses in an amount not to exceed \$3,000.

During fiscal year 1996, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN
POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$19,843,000, to remain available until expended.

OPERATION AND MAINTENANCE,
SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$29,778,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed \$4,272,000 in reimbursements, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION
AND MAINTENANCE, WESTERN AREA POWER
ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7101, et seq.), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500, \$257,652,000, to remain available until expended, of which \$245,151,000 shall be derived from the Department of the Interior Reclamation fund: *Provided*, That of the amount herein appropriated, \$5,283,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration \$4,556,000 to carry out the power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

FALCON AND AMISTAD OPERATING AND
MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$1,000,000, to remain available until expended and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed \$3,000); \$132,290,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$132,290,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1996, shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at not more than \$0.

The CHAIRMAN. Are there any amendments to title III?

AMENDMENT OFFERED BY MR. BARRETT OF
WISCONSIN

Mr. BARRETT of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BARRETT of Wisconsin: Page 16, line 1, after the dollar amount, insert the following: "(less \$5,000,000)".

Mr. BARRETT of Wisconsin. Mr. Chairman, concern over the size of the deficit is at an all-time high, and the last thing taxpayers want to see right now is a Federal program receiving an unjustified 50 percent increase in funding. Yet, that is precisely what is happening with the Department of Energy's hydrogen research program.

Despite all of the hot air about cutting spending, the hydrogen research budget has ballooned. The administration asked for \$7.3 million for fiscal year 1996, and the Energy and Water Appropriations Subcommittee responded by providing \$10 million. Then the Appropriations Committee saw fit to increase funding in the bill to \$15 million, more than double the administration's request and 50 percent more than this year's funding level.

Mr. Chairman, my amendment is very simple. It would reduce the appropriation for hydrogen research by \$5 million. It would fund hydrogen research at its fiscal year 1995 level, and at the level recommended by the Energy and Water Subcommittee.

The generous funding for the hydrogen program is excessive when compared to other funding levels in this legislation. Take a close look at H.R. 1905 see how it compares to the fiscal year 1995 budget:

Energy and Water Appropriations are cut by 7 percent. Funding for energy supply research and development is cut by 22 percent. Funding for solar and renewable energy programs is cut by 43 percent.

Hydrogen research is the only program in the solar and renewable energy category that receives any increase, and the increase is enormous. By freezing the appropriation at last year's level, my amendment would restore fairness and balance to the energy research and development budget. Hydrogen research should not be immune to fiscal responsibility.

Opponents of my amendment will argue that \$5 million in budget savings is insignificant and that Congress should go ahead and fund the hydrogen program at \$15 million, as the committee recommends. Nobody can convince me, however, that \$5 million is insignificant.

Moreover, allowing the funding for programs like these to be increased without adequate justification only worsens the deficit problem. The administration, which oversees the actual research, only requested \$7.3 million. But if \$15 million goes to the Department of Energy, we all know what will happen. DOE will find other ways to spend it. And when DOE makes its budget request next year, it will ask for more dollars to pay for the new initiatives that it launched with this year's appropriation. By providing more than is necessary, we are only feeding the appetite of the deficit.

Mr. Chairman, I want to make it clear that I am not opposed to Federal dollars going toward hydrogen research. Hydrogen research is legitimate science that holds the promise of substantial returns in the next century. But opponents of my amendment have not made the case for increasing it by 50 percent when so many other programs are being slashed.

If we are to craft a responsible budget and a fair budget, then we will have to learn to reject increases in spending for programs we like. My amendment provides the opportunity to save the taxpayers several million dollars while rejecting a meat-ax approach to cutting spending. I urge my colleagues to vote in favor for the amendment.

Mr. WALKER. Mr. Chairman, this is a disappointing amendment because I think it goes after an area where there is a legitimate attempt to try to do all of this process the right way.

Earlier in this Congress the House passed a hydrogen research bill. We actually passed an authorization bill. It is the only item in the energy portion of this bill on which the House has actually acted.

This amount of money that is in the bill represents 60 percent of the amount that the House has previously authorized in its attempt to upgrade hydrogen research in the country. When you try to do the process the right way, you then end up with an amendment like this one suggesting

that you ought not follow the priorities as set by the House itself. I think that is disappointing. It is kind of a shame.

It is also, I think interesting to note that the programs that the gentleman from Wisconsin is defending because he says, well, they have been cut and this one is being increased, but the programs that he is defending, the solar program costs \$149 million in the bill, nuclear is \$164 million in the bill, \$229 million for fusion, fossil is \$379 million, conservation is \$400 million, in the bill. The gentleman is complaining about the fact that there were cuts in those areas but that this one was increased.

Well, let's consider what we are talking about here. We are talking about an increase of a program that is at \$10 million now and is going to \$15 million. One of the reasons why we ought to be doing what we are doing is readjusting priorities. We ought to be saying that there are some areas of research that have had their day, where we have done good R&D, we have found out what we need to know, and then we ought to apply some money toward doing other areas of high priority research.

This House earlier this year determined that hydrogen was one of those areas that we want to do good research. The gentleman says he is not against hydrogen. Of course he is. Of course he is.

Ten million dollars is what we spent this year. If he does not want to move beyond where we are, then he is opposed to doing some research in an area that promises to be a very good energy resource as well as being an environmentally sound energy resource. You do not often get those kinds of combinations.

Is there scientific knowledge to be gained from this? Yes. This is a place where we could get some significant scientific discovery. The fact is that what this is an effort to do is to stop that from happening, is to simply say, "We don't want to learn, we don't want new knowledge in this area. We would simply like to say where we are, despite the fact that the House has forced us to move ahead."

As I said, that is disappointing. It is particularly disappointing when what the gentleman is doing is complaining about the fact that we are cutting programs in the areas of fossil, for example, where we have done research for many, many years, and are now spending \$379 million in this bill versus the \$15 million that we are spending in the hydrogen program.

I agree with the gentleman. Five million dollars is always a lot of money. But I have got to tell you, so is \$379 million a lot of money. What we need to be doing is deciding what our priorities are in this kind of approach. Do we want to go with \$379 million in research in energies that are admittedly environmentally questionable? Or should we do research in an area that is environmentally sound?

We are simply suggesting in this particular bill with this particular spending that we ought to, for once, direct the Energy Department to be doing some energy research in an area where we can produce environmentally sound energy. I am disappointed the gentleman from Wisconsin does not want to proceed down that track. I would hope that it would be something that we could unite around, particularly since the bill that passed the House of Representatives earlier in this Congress passed by an overwhelming margin.

□ 1545

The role of the Federal Government should be in funding long-term basic research that does have a chance for significant scientific payoff. This is one of those places.

If you support the gentleman's approach of cutting out our investigation of that long-term research, I think that would be disappointing. I would hope that the House would stick with this modest increase in a program that has a chance for massive payoff for us in the years ahead.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. BARRETT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARRETT of Wisconsin. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 243, not voting 9, as follows:

[Roll No. 483]

AYES—182

Ackerman	Edwards	Klink
Allard	Ehrlich	Klug
Andrews	Engel	LaFalce
Baldacci	Ensign	LaHood
Ballenger	Eshoo	Lantos
Barr	Evans	Largent
Barrett (NE)	Farr	Latham
Barrett (WI)	Fattah	Lewis (GA)
Bass	Foglietta	Lincoln
Becerra	Ford	Lipinski
Bishop	Frank (MA)	LoBiondo
Bliley	Frelinghuysen	Lofgren
Borski	Funderburk	Lowe
Boucher	Furse	Luther
Brewster	Ganske	Maloney
Brown (OH)	Gejdenson	Manzullo
Bryant (TN)	Gephardt	Markey
Burr	Geren	Mascara
Chabot	Goodlatte	McCarthy
Chambliss	Gordon	McDermott
Chapman	Green	McIntosh
Chenoweth	Greenwood	McNulty
Christensen	Gutierrez	Meehan
Clay	Hamilton	Menendez
Coble	Hancock	Metcalf
Collins (IL)	Hefley	Meyers
Combest	Hilleary	Miller (CA)
Condit	Hinchee	Minge
Conyers	Horn	Nadler
Cooley	Hostettler	Neal
Costello	Inglis	Nethercutt
Coyne	Johnson (SD)	Neumann
Cubin	Johnson, E. B.	Ney
Danner	Johnston	Oberstar
DeFazio	Kaptur	Obey
DeLauro	Kelly	Olver
Deutsch	Kennedy (RI)	Ortiz
Diaz-Balart	Kennelly	Orton
Doggett	Kildee	Owens
Duncan	Kingston	Parker
Dunn	Kleczka	Pastor

Payne (VA)	Scarborough
Peterson (FL)	Schroeder
Peterson (MN)	Schumer
Petri	Sensenbrenner
Pomeroy	Shays
Portman	Skaggs
Poshard	Skelton
Ramstad	Slaughter
Rangel	Smith (MI)
Reed	Smith (WA)
Rivers	Solomon
Roemer	Souder
Ros-Lehtinen	Spratt
Rose	Stark
Roukema	Stearns
Royce	Stenholm
Rush	Stockman
Sabo	Stokes
Sanders	Studds
Sanford	Stump

NOES—243

Abercrombie	Flake
Archer	Flanagan
Armey	Foley
Bachus	Forbes
Baesler	Fowler
Baker (CA)	Fox
Baker (LA)	Franks (CT)
Barcia	Franks (NJ)
Bartlett	Frisa
Barton	Galleghy
Bateman	Gekas
Beilenson	Gibbons
Bentsen	Gilchrest
Bereuter	Gillmor
Berman	Gilman
Bevill	Gonzalez
Bilbray	Goodling
Bilirakis	Goss
Blute	Graham
Boehkert	Gunderson
Boehner	Gutknecht
Bonilla	Hall (TX)
Bono	Hansen
Browder	Harman
Brown (CA)	Hastert
Brown (FL)	Hastings (FL)
Brownback	Hastings (WA)
Bryant (TX)	Hayes
Bunn	Hayworth
Bunning	Hefner
Burton	Heineman
Buyer	Herger
Callahan	Hilliard
Calvert	Hobson
Camp	Hoekstra
Canady	Hoke
Cardin	Holden
Castle	Houghton
Chrysler	Hoyer
Clayton	Hunter
Clement	Hutchinson
Clinger	Hyde
Clyburn	Istook
Coburn	Jackson-Lee
Coleman	Jacobs
Collins (GA)	Johnson (CT)
Cox	Johnson, Sam
Cramer	Jones
Crane	Kanjorski
Crapo	Kasich
Creameans	Kennedy (MA)
Cunningham	Kim
Davis	King
de la Garza	Knollenberg
Deal	Kolbe
DeLay	LaTourette
Dellums	Laughlin
Dickey	Lazio
Dicks	Leach
Dingell	Levin
Dixon	Lewis (CA)
Dooley	Lewis (KY)
Doolittle	Lightfoot
Dornan	Linder
Doyle	Livingston
Dreier	Longley
Durbin	Lucas
Ehlers	Manton
Emerson	Martinez
English	Martini
Everett	Matsui
Ewing	McCollum
Fawell	McCrery
Fazio	McDade
Fields (LA)	McHale
Fields (TX)	McHugh
Filner	McInnis

Stupak
Tanner
Tate
Taylor (MS)
Tejeda
Thurman
Torres
Towns
Tucker
Vento
Volkmer
Ward
Watt (NC)
Weller
Whitfield
Williams
Wyden
Zeliff
Zimmer

Waxman
Weldon (FL)
Weldon (PA)
White

Wicker
Wilson
Wise
Wolf

Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Bonior
Collins (MI)
Frost

Hall (OH)
Jefferson
McKinney

Moakley
Reynolds
Yates

□ 1611

The Clerk announced the following pair:

On this vote:

Ms. McKinney for, with Mr. Yates against.

Messrs. MARTINEZ, GUNDERSON, HOLDEN, BROWNBACK, WAXMAN, and Ms. ROYBAL-ALLARD, Ms. PELOSI, Mr. ABERCROMBIE, Ms. VELÁZQUEZ, Mr. HALL of Texas, Mr. CRAMER, and Ms. WOOLSEY changed their vote from "aye" to "no."

Mr. KLUG, Mr. COOLEY, Ms. EDDIE BERNICE JOHNSON of Texas, and Messrs. GENE GREEN of Texas, LARGENT, HORN, PORTMAN, SCARBOROUGH, WELLER, TATE, MCINTOSH, GOODLATTE, HILLEARY, ORTON, and Ms. SLAUGHTER and Mr. STOCKMAN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage in a brief colloquy with the gentleman from Indiana [Mr. MYERS], the chairman of the Subcommittee on Energy and Water.

Mr. Chairman, as you and the members of the committee know, one of the Department of Energy facilities that is in the process of ceasing production is the Pinellas plant, which I have the privilege of representing. As noted in your report, we are engaged in a very innovative effort there to convert this defense facility to a commercial facility. As part of this effort, the Department of Energy has transferred ownership of the Pinellas facility to the Pinellas County Board of County Commissioners in an agreement that benefits both the Federal Government and the people of Pinellas County, FL, I represent. The Federal Government saves valuable resources by not having to bulldoze the facility and go through the time consuming process of surplusings the property. The county gains from retaining access to this facility which will save many of the jobs that would otherwise be lost from its closure.

Mr. Chairman, in decommissioning and closing out the defense mission of the Pinellas facility, the Department of Energy has certain obligations to leave the facility in compliance with various state and local codes and configured in such a way that it is safe and able to be utilized for its new commercial mission. The cost of these requirements is much less than the cost the Department would incur if it was to simply bulldoze the entire facility.

□ 1615

Mr. Chairman, I would like to clarify that nothing in the bill or accompanying report would in any way impede the ongoing effort to decommission and convert the Pinellas plant from a national defense to a commercial facility.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. The gentleman is correct. The committee is well aware of the innovative ideas and work that the Pinellas County Board of Commissioners is doing in Florida. We hope this will be a model that more industry can take over where the corporations or the government moves out and that corporation or industry can move in. So you are doing a good job, and we are very much aware of it.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for that.

Mr. CARDIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to enter into a colloquy with the gentleman from Indiana [Mr. MYERS].

Mr. Chairman, I would ask if my colleague, WAYNE GILCHREST, and I might engage with you in a colloquy on the future of beneficial use projects for the disposal of dredge spoils. We are particularly interested in the Poplar Island project, planned for the Chesapeake Bay, which could provide a model for such projects throughout the Nation.

As you are well aware, the Port of Baltimore is central to the Maryland, regional, and national economies. An estimated 87,000 jobs are directly or indirectly related to port activity in Maryland. In 1993 a total of 25 million tons of cargo passed through the Port of Baltimore. Over the past 2 years a total of 15 steamship lines have begun or expanded service at the port. Success in maintaining and improving ship channels will help assure the continued growth in activity at the Port of Baltimore into the 21st century and facilitate efficient international trade activity for the United States.

In order to maintain shipping channels serving the Port of Baltimore at their existing authorized depths, each year approximately 4 million cubic yards of material must be dredged from the Maryland waters of the Chesapeake Bay. Any new work, such as improvement or deepening of channels, requires dredging additional amounts of material.

In the past, the Port, working with the Army Corps of Engineers, has been able to meet its dredge disposal needs through careful use of overboard placement within Chesapeake Bay waters and by use of the Hart-Miller Island disposal site. Although limited overboard placement of dredged material will be continued—if and where it can be done without adversely impacting the marine environment—this option will nevertheless provide relatively lit-

tle capacity. The remaining capacity of the Hart-Miller Island site is limited. Although we are in the process of developing a new containment site within the port, site constraints are such that its capacity will be relatively limited, too. In sum, in order to meet the dredging needs of the port, we must supplement these measures with other options.

Working with many concerned parties, the Corps of Engineers and the State of Maryland have studied a full range of placement options. As a result, four potential beneficial use projects have been identified. Based on a consensus of various Federal, State, and local agencies, our first priority is the Poplar Island project. Poplar Island will provide additional capacity for the placement of dredge materials, while simultaneously enhancing the quality of the Chesapeake Bay.

Across the Nation, many ports are facing similar constraints in finding large, new disposal sites for necessary dredging work. Unless methods are developed to allow this work to proceed, the efficiency of our ports is increasingly threatened and the costs of international trade could grow significantly.

Mr. Chairman, I know that my colleague, the gentleman from Maryland [Mr. GILCHREST], joins me in this colloquy, and I would say to the chairman, if I might, that we appreciate the subcommittee's report language this year supporting the Poplar Hill projects through the use of section 204 wetlands and aquatic habitat creation funds. In this Congress we will be working with the Committee on Transportation and Infrastructure to shape a comprehensive water resource project authorization package that will include Poplar Island. Recognizing tremendous fiscal restraints facing your subcommittee, I hope we can also work with you to see that Federal resources necessary to move this project forward as a national model will be made available over the coming years.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. I thank the gentleman for yielding. You, the gentlemen from Maryland, Mr. CARDIN and Mr. GILCHREST, have worked with our committee very closely in making sure that the Port of Baltimore, which is very important to the economy of our Nation, is kept open.

Spoil from dredging is a problem that our committee has been facing for a number of years, finding a site to dispose of it. The program you have worked out here with Poplar Island, of being able to dispose of the waste, of the dredged material, to enhance the ecosystem, to enhance the environment and wetlands, has been very, very beneficial. We appreciate the good work you have done, and the committee is very much aware of the project, as we have evidenced in our report.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I rise to echo the words of the distinguished gentleman from Maryland [Mr. CARDIN] who does such an outstanding job representing Baltimore, the port, and our State.

Mr. Chairman, I wanted to also rise to thank the gentleman from Indiana [Mr. MYERS], the chairman of the committee, who has been a longstanding supporter. I came here in 1981 and started working on the dredging of the Baltimore Harbor along with others. One of the predecessors on the committee was not too enthusiastic about that, as the gentleman may recall. But the gentleman from Indiana [Mr. MYERS] and the gentleman from Alabama [Mr. BEVILL] have been tremendously helpful to the Port of Baltimore. I thank them, thank the committee, and join my colleague from Maryland in his remarks.

Mr. CARDIN. Mr. Chairman, let me thank the chairman for the work of his committee.

Mr. DEFAZIO. Mr. Chairman, I ask unanimous consent to reopen title II for the purposes of an amendment which I have at the desk, and that the debate be limited, as per prior agreement, to 5 minutes per side.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

Mr. MYERS of Indiana. Mr. Chairman, reserving the right to object, and I hope we will not, this is the only time we are willing to do this, with the understanding to limit the debate to 5 minutes pro, 5 minutes con, and no amendments to the gentleman's amendment.

Mr. DEFAZIO. Mr. Chairman, if the gentleman will yield, that is the understanding.

Mr. MYERS of Indiana. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

AMENDMENT OFFERED BY MR. DE FAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO: Page 11, line 7, strike "\$417,301,000" and insert "\$412,180,000".

The CHAIRMAN. The gentleman from Oregon [Mr. DEFAZIO] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Oregon [Mr. DEFAZIO]

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this goes to the ultimate commitment of \$700 million of Federal taxpayer money. The Committee on Appropriations in its wisdom saw fit to add \$5 million to the administration's request on the Animas-La

Plata project. The administration asked to continue studies and planning for the Animas-La Plata project, a potential \$701 million Federal obligation. The committee has added \$5 million to actually begin construction, that is, make an irrevocable commitment to go forward.

I would suggest that this is poor timing. We have a report from the inspector general of the Department of Interior dated July 1994 which finds that this project is not economically justified. Further, the report of the inspector general says,

Inform the Congress of the economic and financial viability of the Animas-La Plata project based on the results of the reevaluation. If warranted, the commissioner should seek congressional approval for restructuring the project to limit the size and scope of the project to only those water supply functions that are either economically or financially viable or required under the terms of the Colorado Ute Indian Water Right Settlement Act.

Mr. Chairman, that report has been prepared. We know the numbers. It is being concealed downtown, withheld, by the Clinton administration. They have twice withheld release of this report, delayed release of this report, and were prepared to release it this week, but are now going to withhold until after we take this vote.

The last evaluation said that this had a cost-benefit ratio of 0.6 to 1, colleagues—\$701 million of Federal money, and we will get back a return of 0.6. According to the rules of the Department of Interior, Bureau of Reclamation, the project should not go forward.

On a per acre cost, the irrigation will be \$7,664 per acre, and the repayment will be \$303. We would be better to buy out those irrigators or to give them half that amount of money, rather than spending all of this Federal money.

This is a project born in a very different time: Cheap power, cheap water subsidies to agriculture, limitless Federal resources. It was first authorized in 1968. Times have changed, and so should this project.

If we appropriate this additional \$5 million and make an irrevocable commitment, begin to turn dirt, you all know how difficult it will be next year to revisit this after we get the new report from the Department of Interior, which is rumored to have lowered the cost-benefit ratio from 0.6 to 1 to 0.36 to 1. That is 36 cents on the dollar returned, in the most generous terms, to the Federal taxpayers for this project.

We should take out this \$5 million. It will not kill the project, and it allows continued planning and evaluation and allows us to look for cheaper alternatives. There will still be \$5 million in the bill for the project. But then we will have the benefit of the report from the inspector general, the new cost-benefit analysis, and perhaps have an opportunity to review less costly alternatives next year before we make this irrevocable commitment.

It does not make sense to go forward now and commit this Congress and the taxpayers of this country to a \$701 million project, when less expensive alternatives are available and when this does not provide a position cost-benefit analysis to the American taxpayers.

Beyond that, it is particularly outrageous to go forward, when the Clinton administration is concealing a very, very negative report downtown, and they are going to release it just after we vote. If you vote to keep these funds in the bill, you will be very embarrassed next week when they finally release that report and show the benefit to be 0.36 to 1, 36 cents on the dollar to the Federal taxpayers.

Mr. MCINNIS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MCINNIS. I yield to the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Mr. Chairman, I rise in support of the committee and opposed to this amendment. This project concerns two large Indian tribes in southwest Colorado. We have been working on this project for 10 years. The unemployment rate in the area is some 62 percent, and this is water over which the Indians have given up their water rights, very valuable water rights, that they were given 100 years ago. As a matter of fact, the negotiations have been going on for 100 years between the State of Colorado, the Bureau of Reclamation, the United States Government, and the Department of the Interior. This has been going on for 100 years, and they reached agreement. Secretary Babbitt says this is an obligation to the United States of America, and we are going to stick with our agreement. The subcommittee has supported this position for 10 years, and we expect this project to move on. We do not want to see this project sidetracked again. It has been an environmental matter for years, been in the courts, and now it is all wrapped up. We owe it to these Indians, who have given up very valuable rights in order to get this project going. I urge Members to vote "no" on the amendment.

Mr. MCINNIS. Mr. Chairman, I yield to the chairman of the Committee on Resources, the gentleman from Alaska [Mr. YOUNG].

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment. The gentleman from Alabama put it very clearly: This is not about the author of the amendment's statement about money. This is about, very frankly, the environmental community opposes this dam. Let us get beyond that. Let us go to the commitment we have made to the American Indian. Let us make that commitment one not of the forked tongue. This project has been worked on for over 100 years. It is time that this Congress speaks with a straight tongue and fulfill our obligations.

I would suggest respectfully that if we do not do so, we have gone back and repeated what we have done over the years, breaking our word again and again. I would suggest respectfully this amendment is not appropriate if we are to fulfill our obligations. I urge a strong no vote. Let us speak with a straight tongue, and not forked tongue.

Mr. MCINNIS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, let us start out, the gentleman from Oregon states that the President's recommendation did not include construction. The gentleman is wrong on that. The President did include construction. The President supports this, Bruce Babbitt supports it, there are a lot of people in support for this, except for the Sierra Club. Why are they in support of it? It is because we have a treaty with the native Americans. Let me read a letter, one of the most moving letters I have read.

□ 1630

This is from the Southern Ute Indian Tribal Council, from the chairman:

After reading the article on the Animas-La Plata Projection the June 29, 1995, edition of The Washington Post, I knew how my ancestors must have felt when the United States government repeatedly broke treaties with the Colorado Ute Indians. First in 1863, then in 1868, 1873 and, finally, in 1880. With each treaty, the homelands of the Utes were reduced in size. Finally, in 1880, Congress confiscated all of the Ute lands in Colorado—over one-third of the state of Colorado. In the 1930's, a small remnant of our aboriginal homelands in Southwestern Colorado were restored to tribal ownership.

Now, The Washington Post suggests that the United States government breach the agreement that was entered into in 1988. At that time, the Colorado Utes chose to negotiate rather than litigate and entered into another treaty, or contract, with America, in return for deferring the Colorado Utes' senior *Winters* water claims on the rivers in Southwestern Colorado that cross the reservation. Congress and then President Reagan said, "We will build the Animas-La Plata Project. The Utes will have wet water—not paper water rights." Upon passage of the Colorado Ute Indian Water Rights Settlement Act, the legislation was hailed as a model for all tribes to follow—negotiate, do not litigate. Since passage, the States of Colorado, New Mexico, the water districts, the municipalities, and the Indian tribes, have been strangled in a swamp of red tape and bureaucratic backpeddling.

Now comes The Washington Post, not unlike the Indian givers of the last century. Do not honor our commitment to the Indians. Ignore the trust responsibility the United States government has under the Constitution of the United States. Sacrifice the Indian water claims on the altar of economics. It is too expensive to build the Animas-La Plata. Let's give the Indians "wampum" instead of water. My ancestors were all too familiar with the "beads for Manhattan" mentality of the early Indian traders. Colorado Ute Indian tribes honorably negotiated the Colorado Ute Indian Water Rights Settlement Act, which mandates construction of the Animas-La Plata Project. In his inaugural message to the Congress, President Bush said "great men, like great nations, must keep their promises. The Colorado Ute Indian tribes expect this great nation to keep its promise and construct the Animas-La Plata Project."

Above everything else, the number one issue that we have to face as Members of the United States Congress and on this very amendment that is in front of us today is will we or will we not honor our treaty agreement with the native Americans. If you vote yes on this amendment, you once again walk away from the native Americans of this country. Vote "no" on DeFazio.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. DEFAZIO].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 151, noes 275, not voting 8, as follows:

[Roll No. 484]

AYES—151

Abercrombie	Goodlatte	Poshard
Ackerman	Gordon	Rahall
Andrews	Green	Rangel
Barcia	Gutierrez	Reed
Barrett (WI)	Hamilton	Rivers
Becerra	Harman	Roemer
Bentsen	Hinchey	Rohrabacher
Berman	Hoyer	Roybal-Allard
Boehrlert	Jackson-Lee	Royce
Bonior	Jacobs	Rush
Borski	Johnson, E. B.	Sabo
Brown (FL)	Johnston	Salmon
Brown (OH)	Kaptur	Sanders
Bryant (TX)	Kennedy (MA)	Sawyer
Cardin	Kennelly	Schroeder
Chabot	Klecza	Schumer
Chapman	Klug	Scott
Clayton	LaFalce	Sensenbrenner
Coble	LaHood	Serrano
Coleman	Levin	Shaw
Collins (IL)	Lewis (GA)	Shays
Collins (MI)	Lipinski	Skaggs
Conyers	LoBiondo	Slaughter
Cooley	Lofgren	Smith (MI)
Costello	Lowe	Solomon
DeFazio	Luther	Souder
DeLauro	Maloney	Stark
Dellums	Manzullo	Stenholm
Deutsch	Markey	Stockman
Dingell	Matsui	Stokes
Doggett	McCarthy	Studds
Dooley	McDermott	Stupak
Duncan	McIntosh	Tanner
Durbin	Meehan	Thurman
Edwards	Meek	Torres
Engel	Menendez	Torricelli
Eshoo	Mfume	Towns
Evans	Miller (CA)	Tucker
Farr	Mineta	Upton
Fattah	Minge	Velazquez
Fields (LA)	Mink	Vento
Filner	Moran	Ward
Flake	Nadler	Waters
Ford	Neal	Watt (NC)
Frank (MA)	Ney	Waxman
Furse	Obey	Woolsey
Gejdenson	Owens	Wyden
Gephardt	Payne (VA)	Wynn
Geren	Pelosi	Zimmer
Gilchrest	Peterson (MN)	
Gilman	Petri	

NOES—275

Allard	Bass	Boucher
Archer	Bateman	Brewster
Armey	Beilenson	Browder
Bachus	Bereuter	Brown (CA)
Baesler	Bevill	Brownback
Baker (CA)	Bilbray	Bryant (TN)
Baker (LA)	Bilirakis	Bunn
Baldacci	Bishop	Bunning
Ballenger	Bliley	Burr
Barr	Blute	Burton
Barrett (NE)	Boehner	Buyer
Bartlett	Bonilla	Callahan
Barton	Bono	Calvert

Camp	Hefner	Oxley
Canady	Heineman	Packard
Castle	Herger	Pallone
Chambliss	Hillery	Parker
Chenoweth	Hilliard	Pastor
Christensen	Hobson	Paxon
Chrysler	Hoekstra	Payne (NJ)
Clay	Hoke	Peterson (FL)
Clement	Holden	Pickett
Clinger	Hyde	Pombo
Clyburn	Hostettler	Pomeroy
Coburn	Houghton	Porter
Collins (GA)	Hunter	Portman
Combest	Hutchinson	Pryce
Condit	Hyde	Quillen
Cox	Inglis	Quinn
Coyne	Istook	Radanovich
Cramer	Johnson (CT)	Ramstad
Crane	Johnson (SD)	Regula
Crapo	Johnson, Sam	Richardson
Creameans	Jones	Riggs
Cubin	Kanjorski	Roberts
Cunningham	Kasich	Rogers
Danner	Kelly	Ros-Lehtinen
Davis	Kennedy (RI)	Rose
de la Garza	Kildee	Roth
Deal	Kim	Roukema
DeLay	King	Sanford
Diaz-Balart	Kingston	Saxton
Dickey	Klink	Schaefer
Dicks	Knollenberg	Schiff
Dixon	Kolbe	Seastrand
Doolittle	Lantos	Shadegg
Dornan	Largent	Shuster
Doyle	Latham	Sisisky
Dreier	LaTourette	Skeen
Dunn	Laughlin	Skelton
Ehlers	Lazio	Smith (NJ)
Ehrlich	Leach	Smith (TX)
Emerson	Lewis (CA)	Smith (WA)
English	Lewis (KY)	Spence
Ensign	Lightfoot	Spratt
Everett	Lincoln	Stearns
Ewing	Linder	Stump
Fawell	Livingston	Talent
Fazio	Fazio	Tate
Fields (TX)	Lucas	Tauzin
Flanagan	Manton	Taylor (MS)
Foglietta	Martinez	Taylor (NC)
Foley	Martini	Tejeda
Forbes	Mascara	Thomas
Fowler	McCollum	Thompson
Fox	McCrery	Thornberry
Franks (CT)	McDade	Thornton
Franks (NJ)	McHale	Tiahrt
Frelinghuysen	McHugh	Torkildsen
Frisa	McInnis	Traficant
Funderburk	McKeon	Visclosky
Galleghy	McNulty	Volkmer
Ganske	Metcalf	Vucanovich
Gekas	Meyers	Waldholtz
Gibbons	Mica	Walker
Gillmor	Miller (FL)	Walsh
Gonzalez	Molinar	Wamp
Goodling	Mollohan	Watts (OK)
Goss	Montgomery	Weldon (FL)
Graham	Moorhead	Weldon (PA)
Greenwood	Morella	Weller
Gunderson	Murtha	White
Gutknecht	Myers	Whitfield
Hall (TX)	Myrick	Wicker
Hancock	Hancock	Williams
Hansen	Neumann	Wilson
Hastert	Norwood	Wise
Hastings (FL)	Nussle	Wolf
Hastings (WA)	Oberstar	Young (AK)
Hayes	Olver	Young (FL)
Hayworth	Ortiz	Zeliff
Hefley	Orton	

NOT VOTING—8

Frost	McKinney	Scarborough
Hall (OH)	Moakley	Yates
Jefferson	Reynolds	

□ 1653

The Clerk announced the following pair: On this vote:

Mr. Yates for, with Mr. Scarborough against.

Mr. ROSE and Mr. DIXON changed their vote from "aye" to "no."

Messrs. DEUTSCH, CONYERS, LAHOOD, KLUG, RAHALL, GILCHREST, TOWNS, and GILMAN changed their vote from "no" to "aye."

So the amendment was rejected. The result of the vote was announced as above recorded.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore. (Mr. CAMP) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996

AMENDMENT OFFERED BY MR. BARTON OF TEXAS
Mr. BARTON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:
Amendment offered by Mr. BARTON of Texas: On page 24, after line 18, insert:

Sec. . Appropriations made available by the Energy and Water Development Act, 1995 (P.L. 103-316), for a medical treatment facility at the site of the terminated Superconducting Super Collider project shall be rescinded on the thirtieth day after the date of enactment of this Act if: (1) the withdrawal by the State of Texas of its application to the Department of Energy for a contribution to the completion of such facility remains in effect on such thirtieth day, and (2) prior to such thirtieth day, the Attorney General of the United States has determined that the United States has constitutional authority to rescind such appropriation.

In the fiscal year 1995 Energy and Water Development Appropriations Act, Congress permitted the Department of Energy to make \$65 million of previously appropriated funds available to the State of Texas for a one-time contribution for the construction of a medical treatment facility at the site of the terminated Superconducting Super Collider. The Committee understands that the State recently withdrew its application to the Department of Energy for the \$65 million grant. Accordingly, the Committee has included language to rescind the \$65 million, provided that: (1) the State's withdrawal of its application remains in effect thirty days after the enactment of this act, and (2) the Attorney General of the United States determines that the funds are subject to rescission.

Mr. BARTON of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MYERS of Indiana. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BARTON of Texas. Mr. Chairman, last year on August 10 before this