and water users throughout the State have come together to find long-term solutions.

Voters in the State overwhelmingly supported a $1 billion bond issue to fund such restoration efforts—Californians have clearly taken the initiative.

The administration requested $143 million for the first year of funding for the Federal share of projects related to Bay-Delta restoration, knowing that effective action will require close coordination between Federal, State, and local entities.

Our committee, in a tight budgetary year, included $120 million for this project, a significant step in getting this initiative underway and an amount that will be fully matched by funds approved by California voters.

The bipartisan California delegation as well as Governor Wilson is unanimous in their support for this initiative and grateful to our subcommittee for choosing to fund it in a tight budgetary year—we will fight to hold this funding level at conference.

The energy portion of the bill has suffered severe cutbacks. Once again in these tight budget years it was difficult meeting all of the competing priorities between environmental cleanup, stockpile stewardship, nuclear nonproliferation, renewable energy, basic energy research, and defense needs.

I am particularly pleased that we were able to work out an agreement on the solar and renewable budget within these strict limitations. In past years this issue has been in contention as an amendment on the floor of the House. In the interest of working in a renewed bipartisan fashion, Mr. MCDADE graciously offered to negotiate with myself and the 116 members of the Renewable Energy Caucus to find mutual agreement on the needed level of funding.

The level of funding agreed upon, $185 million, is a nominal increase over last year's budget. As a long time supporter of this program, I think this represents a substantial commitment to developing an alternative to our dependency on foreign oil. We have to look to our future energy needs and prepare to rely on new sources that are cleaner and renewable. I commend the chairman once again for his cooperation and support on this issue.

I am also pleased that we were able to fund the fusion program at the President's request. We are in the last year of funding for the design phase of this program, and this funding signals our commitment as a nation to seeing this project through this initial stage.

We also managed to fully fund the National Ignition Facility which will help take us into the next century with regard to the Comprehensive Test Ban Treaty. This new approach to stockpile stewardship is critical to eliminating underground testing and shepherding us into a more peaceful era.

I know the administration has some concerns with this bill. As the ranking member of the subcommittee, I look forward to working with them to address whatever problems may exist during the conference committee's consideration of this bill.

But overall, I believe this bill is well balanced and demonstrates great responsiveness on the part of the chairman and the subcommittee members to meet the energy and water needs of this country.

I want to urge my colleagues to support this measure and vote for its final passage today on the floor.

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

Mr. MCDADE. Mr. Chairman, in order to expedite the procedures of the House, there was a rule pending that the parties involved in have been working on for some hours. In order to expedite consideration of that rule, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. KLUG) having assumed the chair, Mr. OXLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

PROVIDING FOR CONSIDERATION OF H.R. 2159, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that consideration of H.R. 2159 may proceed according to the following order:

(1) The Speaker may at any time, as though pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2159) making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 1998, and for other purposes.

(2) The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 7 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and the ranking minority member of the Committee on Appropriations. After general debate, the bill shall be considered for amendment under the five-minute rule.

(3) Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: beginning with ': Provided'' on page 24, line 8, through ''justice'' on line 16. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph.

(4) The amendments printed in House Report 105–184 may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. No other amendment shall be in order unless printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 6 of rule XXIII.

(5) The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to 5 minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes.

(6) At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(7) Notwithstanding any other provision of this order, the amendment numbered 1 in House report 105–184 shall be debatable for 40 minutes.

(8) Notwithstanding any other provision of this order, it shall be in order in lieu of the amendment numbered 2 in House report 105–184 to consider the amendment I have placed at the desk authored by Representative Gilman of New York, Representative PELOSI of California, Representative CAMPBELL of California, Representative LOWEY of New York, Representative GREENWOOD of Pennsylvania, Representative DELAURO of Connecticut and Representative SLAUGHTER of New York, which may be offered by any of the named authors, shall be debatable for 40 minutes, and shall otherwise be considered as though printed as the amendment numbered 2 in House report 105–184.

For clarification, Mr. Speaker, the perfecting amendment that I have just mentioned is to the amendment offered by the gentleman from New Jersey (Mr. SMITH), the gentleman from Michigan [Mr. BARCIA], the gentleman from Illinois [Mr. HYDE] and the gentleman from Minnesota [Mr. OBERSTAR].

AMENDMENT IN LIEU OF AMENDMENT NUMBERED 2 IN HOUSE REPORT 105–184

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In the matter proposed to be inserted by the amendment as a new subsection (h) of section 104 of the Foreign Assistance Act of 1961—

(1) in paragraph (1)(B), insert before the period at the end the following: '', or to organizations that do not promote abortion as a method of family planning and that utilize these funds to prevent abortion as a method of family planning''; and

(2) in paragraph (2)(A), strike ''or engage'' and insert the following: ''or (except in the

case of organizations that do not promote abortion as a method of family planning and that utilize these funds to prevent abortion as a method of family planning) engage''.

In the matter proposed to be inserted by the amendment as a new subsection (i) of section 301 of the Foreign Assistance Act of 1961, insert before the quotation marks at the end the following sentence: ''If the President is unable to make the certification required by paragraph (1) or (2) with respect to a fiscal year, the funds appropriated for the UNFPA for such fiscal year shall be transferred to the Agency for International Development for population planning activities or other population assistance.''.

The SPEAKER pro tempore. Does the gentleman from New York [Mr. SOLOMON] wish to add to his request?

Mr. SOLOMON. Mr. Speaker, I would ask that a section 9 be added to the unanimous-consent request: (9) House Resolution 185 is laid on the table.

That is the previous rule.

Mr. Speaker, might I also at this time make it clear that it is the intention of the Committee on Rules that the 40 minutes on each amendment be equally divided between the proponent and an opponent and that divided equally at the discretion of the manager of the amendment on both sides among the two parties.

The SPEAKER pro tempore. The Chair understands that the waiver of points of order against amendments pertains to those in the report actually or constructively and not those actually in the RECORD.

Is there objection to the request of the gentleman from New York?

There was no objection.

□ 2200

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore (Mr. KLUG). Pursuant to House Resolution 194 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2203.

□ 2200

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 further consideration of the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes, with Mr. OXLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, 52 minutes remained in general debate. The gentleman from Pennsylvania [Mr. MCDADE] has 26½ minutes remaining and the gentleman from California [Mr. FAZIO] has 25½ minutes remaining.

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

Mr. MCDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware [Mr. CASTLE] for purposes of a colloquy.

Mr. CASTLE. Mr. Chairman, I rise to engage in a colloquy with the distinguished chairman.

Mr. Chairman, I want to thank first of all the chairman and the ranking member and all the members of the subcommittee for the excellent work they did under difficult budgetary restraints, and I want to particularly comment favorably upon their treatment of my home State of Delaware. However, I would like to point out a short-term and potentially long-term problem in the small community of St. Georges, DE.

As the chairman knows, this Congress has recognized on a number of occasions that the United States has an ongoing legal obligation to provide good and sufficient crossings over many of our Nation's canals with ownership and operation bestowed upon the Army Corps of Engineers.

Currently, the Army Corps owns and operates four such crossings over the Chesapeake and Delaware Canal in Delaware, including two crossings at St. Georges. The Army Corps has notified the State of Delaware of its plan to close and remove one of those crossings, the St. Georges Bridge, at a cost of $20 million and without any consideration to my constituents or the taxpayers of this country.

I believe this plan is shortsighted and is being implemented without congressional consent from either the gentleman's committee or the authorizing committee which has jurisdiction. I believe that there are many cost-efficient alternatives that properly take into account cost, safety, and human need, but I am afraid these alternatives will not be fully considered once the corps moves ahead with their demolition plan.

I would therefore ask the chairman, whose committee oversees the Army Corps' spending, if it is his intent to allow the Army Corps to move ahead with a plan for the demolition of St. Georges Bridge without the consent of this body?

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

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

Mr. MCDADE. May I say as strongly as I can, Mr. Chairman, that it is not the intent of the committee to allow the corps to move ahead with the plan for the demolition of the St. Georges Bridge.

In the bill we are considering today, there are no funds, I repeat, no funds for the demolition of the bridge nor any report language directing the Army Corps to demolish the St. Georges Bridge.

Mr. CASTLE. Reclaiming my time, Mr. Chairman, I thank the chairman, and I would hope that the chairman would work with me and the authorizers to see that a commonsense solution is found that benefits both the Army Corps, the taxpayers and, most importantly, my constituents.

Will the chairman work with me toward this goal?

Mr. MCDADE. Mr. Chairman, if the gentleman will continue to yield, it is my intent to work with my friend towards reaching a commonsense solution that benefits everybody involved.

I appreciate the gentleman's bringing this important issue to my attention, and I want to assure him that the committee will work to meet many of the Member's concerns regarding the St. Georges Bridge.

Mr. CASTLE. Mr. Chairman, this Member thanks the distinguished gentleman for his time.

Since this issue does affect a great number of my constituents, it could set a dangerous precedent which other Members may face in their districts, so I appreciate the gentleman's clarification.

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

Mr. FAZIO of California. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS] for the purposes of a colloquy.

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

As the gentleman knows, I am particularly interested in the programs managed by the Office of Worker and Community Transition. I authored section 3161 of the 1993 defense bill that authorized these programs. I think they will continue to play a very important role as we go further into the post-cold war period. So I was worried about proposals initially in the report to limit the extent of these programs as they would continue at the Rocky Flats site and other sites where weapons production has ended but our final mission cleanup remains to be completed.

I am glad we were able to work out some changes on that part of the report so that there is no doubt that 3161 will continue to apply to Rocky Flats and other similar sites. I appreciate the gentleman's cooperation and that of the gentleman from Michigan [Mr. KNOLLENBERG] in getting those changes made.

However, I think there is still a need to clarify one related provision of the bill. As the gentleman knows, section 305 essentially makes section 3161 of the 1993 defense bill unavailable to ''employees of the Department of Energy.''

A question has come up as to whether that restriction extends to employees of DOE's contractors or subcontractors. And I just want to make sure that I am correct in understanding that section 305 of the bill refers only to Federal employees of the Department of Energy and not to employees of companies operating under DOE contracts or subcontracts.

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

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

Mr. MCDADE. Mr. Chairman, I thank my friend for yielding, and let me say

that his interpretation is correct. Section 305 of the bill applies only to Federal employees and not to employees of any DOE contractor or subcontractor.

Mr. SKAGGS. Mr. Chairman, reclaiming my time, I thank the gentleman for his clarification.

Let me again express my thanks to him and the ranking member for the usual pleasure that this alumnus of the subcommittee had in working with him and with the ever-distinguished staff.

Mr. MCDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. SENSENBRENNER] for purposes of a colloquy.

Mr. SENSENBRENNER. Mr. Chairman, I wish to engage the gentleman from Pennsylvania [Mr. MCDADE] in colloquy.

Mr. Chairman, the first sentence of section 301 of H.R. 2203 states, ''None of the funds appropriated by this act or any prior appropriations act may be used to award a management and operating contract unless such contract is awarded using the competitive procedures.''

First, I want to congratulate the chairman of the subcommittee for the strong endorsement of awarding such contracts on a competitive basis. For far too long the Department of Energy has awarded far too many M&O contracts on a sole-source basis.

However, I have a concern about the second sentence of section 301, which states, ''The preceding sentence does not apply to a management and operating contract for research and development activities at a federally funded research and development center.'' My concern is that this language may send an unintended signal to the DOE that Congress is encouraging sole-source awards of M&O contracts for research and development activities at federally funded research and development centers rather than encouraging more competition.

While I understand that in some cases sole-source awards of such M&O contracts may be justified, I would like the gentleman's assurance that this language does not prohibit nor discourage the competitive awards of M&O contracts for R&D.

Further, I would like to ask the gentleman from Pennsylvania if he would be willing to work with the Committee on Science to craft language that could be submitted to the conference committee that would address these concerns.

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

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

Mr. MCDADE. May I say, Mr. Chairman, to my friend, the gentleman from Wisconsin [Mr. SENSENBRENNER], that the gentleman is correct, that the intent of this section is to encourage and foster more competition in the future awards of M&O contracts for the Department of Energy laboratories.

Furthermore, there is no intention to prohibit or discourage the Department from awarding M&O contracts for research and development on a competitive basis.

Finally, the gentleman has my assurances that the subcommittee will work with the Committee on Science to craft language that could be submitted to the conference that would address his concerns.

Mr. SENSENBRENNER. Mr. Chairman, reclaiming my time, I thank the gentleman from Pennsylvania and look forward to working with him on this matter and on other important issues in the future.

As a general rule, I, as a Member of Congress, would prefer that all DOE contracts be awarded on a competitive basis, and I believe that the burden of proof should be on the department to justify any sole-source award.

Mr. MCDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I thank my friend for yielding me this time, and I wish to engage the gentleman from Pennsylvania and the gentlewoman from Idaho in a colloquy.

I am very concerned about the administration's proposed American Heritage Rivers Initiative. This initiative could threaten private properties if it is implemented. Although the initiative purports to be community-led, the Federal agencies involved will dominate the process and could well dictate to property owners how they can use their lands.

If this occurs, we could see a severe erosion of the private properties rights guaranteed to American citizens under the Constitution. A prime example of this could occur in the West where restricting cattle from streams, their only water supply, would create enormous uncompensated losses for ranchers.

The American people have not been given a voice in the process. The agencies involved are currently planning to reprogram funds for purposes that were not authorized or appropriated by Congress.

The reprogramming of funds to pay for an initiative where the voices of the American people have not been heard is simply not acceptable. Until Congress has reviewed this initiative and the agencies have provided substantial protections for private property rights, I am proposing that Congress in general, and the Subcommittee on Energy and Water Development of the Committee on Appropriations in particular, withhold any funds for implementation of the American Heritage Rivers Initiative.

Any assurances that the chairman can provide that no reprogramming requests will be entertained by the committee until all questions have been answered and private property rights have been protected would be appreciated.

Mrs. CHENOWETH. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Texas. I yield to the gentlewoman from Idaho.

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman from Texas, and I really appreciate the gentleman from Texas bringing this matter to the attention of the Members. I, too, have grave concerns about the Clinton Administration's American Heritage Rivers Initiative.

There are so many things wrong about both the programming itself and the process by which it was brought forth that we simply do not have time to go into it now, but I wholeheartedly agree with the gentleman from Texas. Private property rights really are at risk.

I have to object also and am very concerned about the process by which this initiative was brought forward. The White House is attempting to spend millions of dollars on an unauthorized program. Congress has never authorized nor appropriated funds for the American Heritage Rivers Initiative. This means that other on-the-ground programs that have been authorized and appropriated for, such as programs in the Bureau of Land Management or programs in the Fish and Wildlife Service or the Forest Service, are being robbed to bring this unauthorized program, the American Heritage Rivers Initiative program, on line.

When we are so desperately striving to meet our existing obligations and commitments to the American people, when we ask the American people to once again tighten their belts, and when we continue to spend our grandchildren's money by engaging in deficit spending, I have to ask if this is really the best use of taxpayers' money. And I say that it is not. We must take care of what we already own and owe.

I introduced H.R. 1842, a bill to stop this proposal. I note that the gentleman from Texas is a cosponsor, and I thank him for raising this ill-conceived program to the attention of the Members.

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

Mr. SMITH of Texas. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, let me say that my friends from Texas and Idaho have raised a very important issue. Although the bill before us does not include language regarding the American Heritage Rivers Initiative, the committee shares both their concerns, and they can be certain that I will not agree to funding for this program until we can be assured that there are adequate protections for private property rights.

The gentleman from Texas and the gentlewoman from Idaho have my assurance that we will carefully consider any reprogramming related to the American Heritage Rivers Initiative.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I thank the distinguished gentleman from

Pennsylvania, the chairman of the subcommittee, for yielding me this time in order to engage in a brief colloquy.

Mr. Chairman, I first of all want to thank the gentleman for the funding that Dade County and Palm Beach County, Florida, received under his committee's appropriation bill. I also appreciate the committee's rejecting the administration's policy to limit the role of the Corps of Engineers in shore protection policies.

I am deeply concerned, however, that one project in Broward County, FL for which I requested $17 million, only received $100,000.

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

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

Mr. MCDADE. Mr. Chairman, let me say to my friend that the committee provided $100,000 for the Corps of Engineers to review the general design memorandum for the renourishment of the Broward County project currently being prepared by the local sponsor.

Mr. SHAW. Mr. Chairman, reclaiming my time, the gentleman, as usual, is quite correct. However, large portions of Broward's beaches are severely eroded. While this is partly due to storm damage, it is mainly because the life of the project is nearing its end. The expected life of a renourishment project is 10 years, and Broward County is an excellent example of a beach restoration project that has worked exactly as it was designed.

In January 1996, Broward County's local sponsor made application for approximately $17 million in fiscal year 1998 appropriations, representing the Federal share of the estimated $27 million for the 12-mile-long Broward County beach nourishment and shore protection project.

□ 2215

This Federal cost-share was calculated in two Corps of Engineers approved section 934 reevaluation reports for segment II, which is Hillsboro Inlet to Port Everglades, and section III, which covers Port Everglades to South County Line. The county plans to include appropriate innovative project features, such as highly engineered structures, which will maximize the life of the beach fill, as requested by the State and Federal legislators.

Broward County requested the full Federal cost of the project in order to ensure maximum cost efficiencies. In fact, Broward County estimates that past nourishment projects have protected approximately $4 billion in infrastructure from storm damage.

However, Broward beaches are reaching minimum storm damage protection right now, and if implementation of the new project does not commence on schedule and we have a hurricane of any great strength, I fear next year I will be back to ask for double the requested amount just to repair the damage.

Mr. Chairman, feasibility studies have been completed on the project, and crucially needed additional appropriations could be used to commence action on this project.

I thank the chairman for listening to me in the past and for allowing me the chance to provide a more complete explanation of Broward's needs.

I yield back to the gentleman.

Mr. MCDADE. I want to commend my distinguished colleague, the gentleman from Florida [Mr. SHAW], for the briefing he gave me on this project for bringing to our attention. I understand, and we share his concerns on this issue. And we will continue to give this matter our deepest study during the conference.

Mr. FAZIO of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. KIND].

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

Mr. KIND. Mr. Chairman, I want to commend the chairman of the committee and ranking member of the committee for the fine work they did on this bill. I rise in support of the bill.

Mr. Chairman, as we consider the Energy and Water appropriations bill for fiscal year 1998, I want to commend the chairman and members of the Appropriations Committee for maintaining funding for the Environmental Management Program [EMP]. By appropriating $16.7 million for 1998 the EMP will be able to operate at the same funding level as last year.

The Environmental Management Program is a cooperative effort of the U.S. Fish and Wildlife Service, the National Biological Service, and the U.S. Army Corps of Engineers to evaluate, restore, and enhance ravine and wetland habitat along a 1,200-mile stretch of the upper Mississippi and Illinois Rivers. The EMP is authorized through fiscal year 2002 in the Army Corps of Engineers budget.

The 1986 Water Resources Development Act authorized funding for the implementation of an overall Upper Mississippi River Basin Comprehensive Master Plan. This consisted of two essential components, one dedicated to improved navigation on the river for barge traffic, most notably lock and dam improvements, and the other to the long term environmental and recreational preservation of the river, which became the EMP.

The EMP is an essential tool in maintaining the quality of the river environment, as well as recreational and economic opportunities along the Mississippi River. Navigation along the upper Mississippi River supports 400,000 full or part time jobs, which produces over $4 billion in individual income. Recreation use of the river generates 12 million visitors and spending of $1.2 billion in direct and indirect expenditures in the communities along the Mississippi.

The EMP has always received bipartisan support, and this year is no different. Republican and Democratic members of Congress who represent areas along the upper Mississippi River joined me in helping secure adequate funding for the EMP in this year's Appropriations bill. The Governors of all five States who border the upper Mississippi and Illinois River—(Wisconsin, Illinois, Iowa, Minnesota and Missouri)—support the EMP and have been active in maintaining its long term viability.

The Mississippi River is a national treasure. It flows southward from Minnesota and Wisconsin through the heart of our Nation and into the Gulf of Mexico. The river is a vital source of clean water, a major navigational corridor, a crucial environmental ecosystem, an important flood damage reduction source and a tremendous recreational resource for millions of Americans. The Environmental Management Program serves a crucial role in protecting that resource so we can continue to provide for all of those needs into the future.

The unique bipartisan, multistate support that the EMP receives, and the strong level of cooperation between Federal agencies is a model for all government resource programs. No other program on the Mississippi River is doing the kind of data collection and habitat restoration projects that the EMP does. I applaud the members of the Appropriations Committee for the support of this valuable project and I urge my colleagues to fully support the EMP at the appropriated funding level.

On a personal note I want to thank Bob Dellany, the Director of the Environmental Management Technical Center [EMTC], and his staff for their dedicated work to study, protect and promote the upper Mississippi River. The folks at the EMTC, located in Onalaska, WI, do an outstanding job and they deserve our recognition and praise.

Mr. MCDADE. Mr. Chairman, I yield myself such time as I may consume, and I yield to my distinguished friend, the gentleman from Kentucky [Mr. WHITFIELD], for purposes of a colloquy.

Mr. WHITFIELD. Mr. Chairman, I want to commend the chairman and his staff and the minority and their staff for the work that they have done with me on many projects in my district, and I ask for the opportunity to enter into a colloquy with the chairman.

As the chairman knows from our many discussions, the national recreation area land between the lakes better known as LBL is in the district that I represent in Kentucky. LBL is the only federally owned national recreation area in the United States managed by the Tennessee Valley Authority and to my knowledge is the only national recreation area with no statutory governance.

My constituents are concerned about continued Federal support for LBL following the TVA Chairman Crowell's announcement to no longer seek funding for the non-power programs including LBL. That decision was later reversed by Chairman Crowell but not before the Subcommittee on Energy and Water Development had already approved the plan to eliminate all appropriated funds for non-power programs and instead pay for those activities from TVA revenues and savings from the power program.

I appreciate very much the chairman's efforts to find another source of revenue to finance LBL operations. However, my constituents remain skeptical about this funding approach and fear further reductions in Federal financial support for LBL because

there is no actual line item designating the amount LBL should receive. In the Senate passed bill, monies were appropriated for the non-power program and LBL received $7.9 million.

Mr. Chairman, do you share my view that the Federal Government is financially responsible for this national recreation area, which was established in the 1960's by the Kennedy administration and resulted in the forcible removal of over 800 families from their land in Kentucky?

Mr. MCDADE. Mr. Chairman, reclaiming my time, let me say that the answer to your question is yes. The committee fully expects TVA to commit sufficient funding to the Land Between the Lakes to permit continued enjoyment of these resources by the public. We have written into our report, may I say to my friend, that we will exercise vigorous oversight over this problem to make sure that this occurs and we are grateful to the gentleman for bringing it to our attention.

Mr. WHITFIELD. Mr. Chairman, if the gentleman would continue to yield, when he goes to conference with the Senate, is it his intention to support a funding level for LBL that will ensure the proper operation and maintenance of this national recreation area? I yield to the gentleman.

Mr. MCDADE. Mr. Chairman, reclaiming my time further, may I say to my colleague that the committee intends to work closely with the gentleman, as we have tried to today, to ensure that his interest in the continued operation and maintenance of LBL is protected.

Mr. WHITFIELD. If the gentleman will yield further, I thank the chairman very much. And once again, I want to thank him and his staff for their cooperation.

Mr. MCDADE. Mr. Chairman, let me say that we have about three, perhaps four more Members, and we are down toward the end of the colloquies on this side of the aisle. I believe my friend, the gentleman from California [Mr. FAZIO], has taken care of that side.

It is the Chair's intention, once we finish the colloquies, if there is any time left, to yield it back and to ask that the bill be considered as read and open for amendment. So I make that statement in order that Members who may want to introduce amendments will be advised that their opportunity may come very quickly.

Mr. Chairman, I yield to my friend, the gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Mr. Chairman, I rise tonight to engage the gentleman from Pennsylvania [Mr. MCDADE], an acknowledged friend and supporter of Great Lakes priorities, in a colloquy regarding the Army Corps of Engineers Division Reorganization Plan and recently authorized Sediment Remediation Technology Demonstration project.

Mr. Chairman, it has recently come to my attention that the Army Corps of Engineers is planning to restructure its Great Lakes and Ohio River Division by first severely reducing the number of employees, particularly those with decision-making authority, at its Chicago office and eventually closing down that facility. This plan is documented in an internal Army Corps memo that I will submit for the RECORD at the appropriate time. This plan would leave the Great Lakes region with only one office, in Cincinnati, and would obliterate the institutional memory that is so vital to Army Corps operations in this region.

Last year, when this Congress passed the Energy and Water Appropriations Act for fiscal year 1997, the Army Corps was directed to reduce its divisions to no less than six and no more than eight. The Department of the Army's Office of Civil Works submitted a plan to the Congress which detailed the restructuring plan, approved by the Secretary. Again, I will submit this document for the RECORD at the appropriate time.

The plan stated that, ''the Great Lakes districts of the North Central Division will be combined with the districts of the Ohio River Division to form the Great Lakes and Ohio River Division. Division headquarters will remain in both Chicago and Cincinnati, each with a deputy commander and SES.''

Mr. Chairman, do you agree with me that it is imperative that we exercise congressional oversight authority over the reorganization plan?

I will yield to the chairman.

Mr. McDADE. I thank the gentleman for yielding, and I want to say to him that we remain interested in the Corps of Engineers division office reorganization plan. We will continue to monitor it, and we appreciate the gentleman bringing his concern to our attention.

Mr. LaTOURETTE. If the gentleman will yield further, I thank the chairman for his willingness to work on that issue.

The second issue that I would like to address is the Army Corps' sediment remediation technology program, also known as ARCS 2, which was authorized in the Water Resources Development Act of 1996. This program is important to my district and Members' districts throughout the Great Lakes because of the huge quantity of contaminated sediments in the Lakes. Contaminated sediments in the Great Lakes are the largest repository of toxic pollution in the basin and pose a threat to human health as these toxins are slowly released into the water where they can enter the food chain through fish and birds.

The sediments, primarily in harbors, collect many pollutants that have been entering the Great Lakes for decades. A total of 362 contaminants have been identified in the Great Lakes sediments, many of which are known to have potentially severe human health impacts.

The current Energy and Water Appropriations bill does not include language regarding the ARCS 2 account. Pilot and laboratory-scale projects for the assessment and remediation of contaminated sediments were conducted under the assessment of remediation of contaminated sediments authority in the Clean Water Act. Section 515 of the WRDA bill of 1996 builds upon the old ARCS program by directing the Army Corps to conduct full-scale demonstration projects of promising sediment remediation technology. Such full-scale projects are an essential next step to removing the clean-up process from the planning to the implementation phase.

Mr. Chairman, as you are aware, it is within your jurisdiction to see that this issue is addressed in the conference on the energy and water bill in the Senate. I would request on behalf of my colleagues in the Great Lakes region that you support the inclusion of language that will allow the Army Corps to move forward with this important sediment remediation program for fiscal year 1998.

I would further yield to the chair.

Mr. McDADE. I thank the gentleman for yielding, and I appreciate my colleague bringing this matter to our attention. I look forward to working on this issue as the bill moves through the appropriations process.

Mr. LaTOURETTE. If the gentleman will yield further, Mr. Chairman, I wish to thank him for his wisdom and continued support of the issues important to myself and those in the Great Lakes region. I look forward to working with him on this and other matters. I thank him for his courtesy.

Mr. MCDADE. Mr. Chairman, I yield as much time as he may consume to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman for yielding. Let me also take this opportunity to thank the chairman of the subcommittee and the ranking member for the excellent work they have done in producing this bipartisan bill so important, indeed so vital to the State of Arizona.

Mr. Chairman, as you may know, San Carlos Lake, located in the Sixth District, is now on the verge of drying up. Current estimates suggest it could be dry by September. Now as we might expect, this is causing great concern among the local residents because this lake has great recreational value; and, Mr. Chairman, as we all know, it is vital economically to the residents of the sixth district living around San Carlos Lake.

Commensurate with the philosophy of the new majority, Mr. Chairman, we are seeking to solve this problem, first at the State level, but certainly we would be remiss if we did not try to employ every opportunity and explore every avenue of possibility that may exist. And, so, Mr. Chairman, I simply rise to say that I would appreciate the gentleman's help in exploring ways to provide assistance to these people of Arizona's sixth district as we seek to prevent this lake from drying out.

Mr. MCDADE. Mr. Chairman, reclaiming my time, let me tell my colleague that we are grateful to him for bringing this to our attention. We realize the serious nature of the problem, and we will be glad to work with him through the process to try to resolve it.

Mr. HAYWORTH. Mr. Chairman, if the gentleman would further yield, I very much appreciate the chairman of the subcommittee. I appreciate his attention to so many matters of vital importance within the State of Arizona and certainly his attention in this regard.

Mr. MCDADE. Mr. Chairman, for purposes of a colloquy, I am pleased to yield as much time as he may consume to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding. I would ask the chairman of the Appropriations Subcommittee on Energy and Water to engage in a colloquy regarding the transfer of FUSRAP responsibility from the Department of Energy to the Army Corps of Engineers.

Mr. Chairman, my district in Missouri has a major FUSRAP site which contains nuclear contamination from the Manhattan Project and other hazardous waste as well. For 15 years, the St. Louis community has attempted to work with the Department of Energy to clean up this site. After years of frustration and delay, however, the Department of Energy has finally begun a serious effort to begin to clean up the site. Contracts have been let, feasibility studies completed, the site recommendations have been prepared and commitments have been made.

As a result, Mr. Chairman, there are many people in the community, who while very appreciative of the abilities of the Army Corps of Engineers, are very concerned that the progress we finally made in getting DOE to clean up the site will be undone by this transfer. As a result, I would like to ask the gentleman, as a sponsor of this legislation, to clarify some of the concerns the community and I have about the effects of the legislation.

Although there is no formal record of decision yet for this clean-up, in St. Louis, several feasibility sites have been completed and a site recommendation has been made by the Department of energy. Would the Army Corps of Engineers respect these studies and the site plan and the contracts which have already been let for work at the site?

Mr. MCDADE. Reclaiming my time, let me say that we are appreciative to the gentleman for bringing this important problem to our attention. Let me say that the committee intends that the feasibility studies and the site recommendations prepared by the DOE at the time of the enactment of this legislation will be accepted and carried out by the Corps of Engineers and that existing contracts will be honored.

Mr. TALENT. Mr. Chairman, if the gentleman would yield further, I thank the gentleman for his responsiveness.

The Department of Energy, in its site recommendations, has targeted the year 2004 for completion of this project. I would say to the gentleman it is very important to the community that this commitment be maintained.

Mr. MCDADE. Mr. Chairman, reclaiming my time, we have, as you know, because we have discussed it substantially, increased money appropriated to the FUSRAP program, with the intent that it will be more likely that the sites will be cleaned up on schedule.

Mr. TALENT. If the gentleman would yield further, I thank the gentleman.

One other concern: The local community has been very involved in designing a plan to clean up the site. Their concern is that the administration of clean-up will be moved away from the St. Louis area to Omaha, reducing the community's input and influence on the clean-up process.

If the Army Corps of Engineers takes over the FUSRAP program, is it committee's intention that it be administered out of the St. Louis Corps office?

Mr. MCDADE. Reclaiming my time, let me say to the gentleman that the Corps of Engineers typically manages projects from its closest district office and we would intend for that to be done.

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Mr. TALENT. I thank the gentleman for his assurances and I thank him and the ranking member for their hard work on this outstanding bill.

Mr. MATSUI. Mr. Chairman, I rise in strong support of this legislation. The bill contains several provisions that will be critically important to the safety of the Sacramento area that I represent.

I wish to express my deep gratitude to the Appropriations Committee, particularly Energy and Water Development Subcommittee Chairman JOE MCDADE and ranking member VIC FAZIO, for their recognition of the severe danger of flooding that my district faces. The bill they have crafted will allow for significant progress on the project for flood protection from the American River authorized by last year's Water Resources Development Act. The project, while in itself far from sufficient to provide comprehensive protection for the Sacramento area, is a vital step toward that absolutely critical goal. I am extremely pleased that the bill provides funding that will enable the U.S. Army Corps of Engineers to make maximum progress on this initiative in fiscal year 1998.

H.R. 2203 also makes a very important statement in providing reimbursements in two areas where the Sacramento Area Flood Control Agency [SAFCA] has moved forward with flood control efforts in advance of federal funding. One of these instances is SAFCA's project to improve flood protection for the Natomas area of Sacramento. By partially funding the reimbursement that has been authorized for this local effort, the committee has given valuable encouragement to communities that wish to move forward in the most aggressive manner in acting to address pressing flood threats. Similarly, the committee has sent an important signal by fully reimbursing SAFCA for costs associated with the variable flood control operation of Folsom Dam and Reservoir implemented by a 1995 agreement between SAFCA and the Bureau of Reclamation. This contract has provided a very necessary increment of added flood protection for the Sacramento area. Under last year's WRDA bill, the Federal Government accepted responsibility for 75 percent of the costs of lost water and power resulting from this agreement over a four year period. I am extremely pleased that the Committee has acted to meet this federal commitment.

The bill funds a number of other greatly needed flood control initiatives for the Sacramento area. These include the Sacramento River Bank Protection Project, which is helping to prevent bank erosion along the American River levees that represent the last line of flood defense for many Sacramentans. The bill also supports important area flood control efforts by including funds for construction of the Magpie Creek small flood control project, for feasibility studies as well as preconstruction engineering and design for the South Sacramento Streams Group project, and for a reconnaissance study for flood damage reduction from the Cosumnes and Mokelumne Rivers.

Finally, the Committee has provided support for two other innovative projects in the Sacramento area. One of these is an important water quality project—the city of Sacramento's efforts to improve its combined sewer system in order to prevent the flow of sewage into the Sacramento River. The second is the Ueda Parkway, a set of bicycle, equestrian and pedestrian trails to be constructed along a portion of the Natomas levee improvements.

Again, I deeply thank the committee for its support and look forward to working with them to gain final approval for these initiatives.

Mr. CRANE. Mr. Chairman, I wish to take this opportunity to commend the Appropriations Committee in general, and its Energy and Water Development Subcommittee in particular, for the fine job they did in crafting the fiscal year 1998 Energy and Water Appropriations bill being considered today. Not only is H.R. 2203 fiscally responsible, but there is much to be said for its policy and project provisions.

As a Member of Congress, it has long been my position that the Federal Government should spend less money more wisely. In its current form, this bill does just that. As reported, H.R. 2203 calls for a $573-million reduction in spending for energy and water projects next year, precisely what is needed in these times of fiscal restraint. Not only that, but the measure is notable for the quality of the projects it funds.

Let me cite two examples, with which I am particularly familiar. The first is the Des Plaines River Wetlands Demonstration Project [DPRWDP], for which $1 million has been provided, while the second is the Fox River Floodgate Installation Project, to which $1.178 million has been directed. Both are located in northern Illinois and, with the monies allocated by H.R. 2203, each is likely to pay big dividends in the future.

When complete, the DPRWDP will give policymakers the information they need to protect wetlands, preserve species habitat, reduce

flooding and improve water quality, while the Fox River project will reduce the threat and expense of flooding along one of America's more popular recreational waterways. In short, both endeavors will provide a substantial and tangible return on the money being invested, just as they should. My thanks to the chairman and members of the Energy and Water Development Subcommittee for including them in H.R. 2203 and to the chairman and members of the Appropriations Committee for approving them subsequently.

By singling out these two projects, I do not mean to suggest that others funded by H.R. 2203 are not equally deserving. To the contrary, there are a number of other projects worthy of favorable mention including the North Libertyville estates flood control project, the Chicago Shoreline project and the Yucca Mountain interim nuclear waste storage project just to name a few. That being the case, I urge my colleagues to give this measure their support. Not only does it contribute to budget reduction but it has many other benefits to offer as well.

Mr. ROGERS. Mr. Chairman, I would like to take this opportunity to express my appreciation for the efforts of Chairman MCDADE—and his staff, Jim Ogsbury, Bob Schmidt, Jeanne Wilson, Don McKinnon, and Sandra Farrow—in the formulation and passage of the Energy and Water development Appropriations bill for fiscal year 1998. They were exceedingly helpful, insightful, and responsive.

This is JOE MCDADE's first Energy and Water bill. While he follows two outstanding chairmen—Tom Bevill and John Myers—few can dispute that JOE stepped up to the plate and managed to formulate a fine bill and send it swiftly through the complex Appropriations Committee process. And this is not an easy bill to write. It is diverse, funding programs from nuclear weapons research to geothermal heat pump technologies, from the construction of Army Corps of Engineers water infrastructure projects, to the funding of critical development programs like those in the Appalachian Regional Commission. This bill demands an appreciation for physics, electronics, the needs of the rural poor, and, more importantly, a respect for the ravages of nature.

Few of us will forget the loss of life and property, and the heartache that resulted in the floods this year in the West Coast and Midwest United States. We know we cannot control nature, but we can do everything humanly possible to anticipate nature's worst forces, and to the best of our ability prevent loss of life.

We concern ourselves with the well-being of our neighbors, relatives, and communities—to ensure they are protected, and that they are provided a fair chance to prosper in the American economy. That is what we are supposed to do in this body. That is what JOE MCDADE has done in this bill.

Mr. KNOLLENBERG. Mr. Chairman. I rise in strong support of this bill. I want to express my appreciation to Chairman MCDADE and Ranking Member FAZIO for their efforts and assistance with this bill. I also want to give a big thanks to the entire Energy and Water Subcommittee Staff who were always ready and able to assist me and my staff on this bill.

This is a good bill. This bill provides adequate funding for continued construction of a permanent nuclear waste repository at Yucca Mountain. Furthermore, it still provides $85 million to begin construction of an interim storage facility once we enact authorization for such a facility later this year. This will help the Department of Energy meet its contract obligations to the commercial nuclear industry.

This bill also provides $7 million for the university nuclear reactor programs, $5 million of which is designated for the nuclear engineering R&D. This will ensure that we have the next generation of engineers prepared to develop and oversee our Nation's nuclear power infrastructure.

Although this bill does not fund the administration's request for the Nuclear Energy Security Program, I believe that nuclear power is an essential part of the Nation's energy portfolio and as such, I support some level of nuclear energy R&D for energy security. Considering nuclear power supplies over 20 percent of our Nation's electricity, we need to ensure the existing supply as a component of the Nation's baseload well into the next century. I encourage the Department to re-scope this year's proposal and to propose research that only takes advantage of DOE's unique capabilities but provides the best possible return on investment. The bottom line is that as our primary in nuclear R&D declines, we will lose our ability to participate on the world stage and to observe and understand the civilian nuclear programs of emerging nations.

When we began the appropriations process this year, I was cautiously optimistic that the Department of Energy was turning the corner on its environmental management program—that a new vision had been embraced over at the Department—a vision of accelerating and completing the cleanup of DOE's defense nuclear sites so that as many of them as possible are closed down within the next decade.

But, Mr. Chairman, I'm sorry to say that it's been more than a year since DOE brought forth this new vision and still, the Department has not been able to deliver a credible, defensible plan. As the old saying goes, ''the Devil's in the Details.'' DOE's ''Discussion Draft'' was finally released in June and is little other than a top-level framework to start the planning process. It is a document that is not supported by DOE's own site data or by what is realistically achievable. I still believe that this vision is well within our grasp and this bill get us much closer to it.

Frustrated with years of mismanagement in clearning up the former nuclear defense sites, this bill directs the Department of Energy to cleanup and close out the two major environmental management sites. Specifically, the Closure Project accelerates the closure of the Rocky Flats and Fernald sites. These are the two sites where all the entities—the administration, the States, the contractors, and the citizens—agree that closure by 2006 can and should be done. We've added funding above the administration's request to ensure just that—so that cleanup by 2006 becomes a reality. I'm also glad the bill preserves funding for other closure projects, a proposal that I championed last year. I hope that the Department follows this lead and creates more closure projects in the future.

Mr. Chairman, I also support transferring funding for cleanup of the Formerly Utilized Sites Remedial Action Program to the U.S. Corps of Engineers. As you know, this is a program for cleanup of 46 former Manhattan District or Atomic Energy Commission sites—a program that's been underway for 17 years and is still only 50 percent complete. I think it's time to try something different—and I believe the Corps, who successfully manages Department of Defense cleanups will be able to bring these projects to closure more quickly and at a more reasonable cost to the taxpayer.

We need to remain vigilant about new and innovative ways to accelerate cleanup. In this context, I support privatization. However, I want greater assurances of the Department's ability to manage privatized cleanups and less dependence on large sums of up-front federal funding, even when it's held in reserve.

I also support efforts to leverage technology and encourage the Department to better utilize the best and brightest of the universities and national laboratories. For example, DOE's use of the leading universities in the area of robotics technology development and deployment is a success story within the technology development program. Using advanced state-of-the-art robotics for a broad spectrum of cleanup tasks is not just efficient and more effective than using humans, but it reduces occupational exposure to hazardous environments.

Finally, I want to see DOE bring forth, along with next year's budget request, a detailed and defensible closure plan based on an aggressive but realistic estimate of the most that can be completed and closed out over the next decade. I agree that the vision can be accomplished by doing more sooner rather than later, by substantial mortgage and risk reduction, and by leveraging technology. But let's get on with it.

Again, Mr. Chairman, I would like to thank you for your leadership and for the efforts of the staff.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the rule and H.R. 2203, the Energy and Water Development Appropriations for fiscal year 1998. I support this bill mainly because it provides $413 million 39—percent more for the Army Corps of Engineers construction programs than requested by the administration. The administration originally requested $9.5 million for the construction of the Sims Bayou Project in Houston, TX. The Subcommittee on Energy and Water Development specifically earmarked an additional $3.5 million bringing the total funding for the project to $13 million.

Mr. Chairman, the Sims Bayou Project is a project that stretches through my district. Over the course of recent years, the Sims Bayou has seen massive amounts of flooding. Citizens in my congressional district, have been flooded out of their homes, and their lives have been disrupted. In 1994, 759 homes were flooded as a result of the overflow from the Sims Bayou. That is 759 families that were forced to leave their homes.

I mainly support this bill, Mr. Chairman, because the subcommittee has earmarked in this bill $13 million for the construction and improvement of the Sims Bayou project that will soon be underway by the Army Corps of Engineers. I would like to thank the Army Corps of Engineers for their cooperation with my office in helping to bring relief to the people of the 18th Congressional District in order to avoid dangerous flooding. The Subcommittee on Energy and Water Development added an additional $3.5 million for the construction of this Sims Bayou project after my office worked to explain the devastating impact of the past flooding in this area. I am quite certain, Mr.

Chairman, that this project would not have been able to go forward if this additional money would not have been granted by the Subcommittee. For that I have to thank Chairman MCDADE, Ranking Member FAZIO, and my Texas colleague CHET EDWARDS, a new member on the Appropriations Committee.

However, Mr. Chairman, I would like to call on the Army Corps of Engineers to do everything that they can to accelerate the completion of this project. The project will now extend to Martin Luther King and Airport Boulevards, and Mykaw to Cullen Boulevard. This is flooding that can be remedied and the project must be completed before the expected date of 2006. While I applaud the Army Corps of Engineers for their cooperation, this is unacceptable for the people in my congressional district who are suffering. They need relief and I know that they cannot wait until the expected completion date of 2006. This must be done and I will work with the Army Corps of Engineers and local officials to ensure that this is done.

Mrs. FOWLER. Mr. Chairman, I rise today in support of the FY98 Energy and Water Development Appropriations Act and to congratulate my friend, Chairman MCDADE, for his work on this bill.

I am particularly pleased that this bill recognizes a federal role in preserving our Nation's water resources, including our shorelines. I want to alert my colleagues to language on page 7 of the Committee Report to H.R. 2203:

> The Committee believes that the budget request represents a lack of commitment by the Administration to the traditional roles and missions of the U.S. Army Corps of Engineers: navigation, flood control, and share protection.

I wholly agree with this statement. I would further add that when the Administration fails to offer an acceptable budget request, it makes the job of the appropriators that much more difficult. In light of a woeful budget request, Chairman MCDADE has done an outstanding job.

My district encompasses over 100 miles of coastline and has several ports and navigation channels. These resources provide avenues of commerce, transportation routes and access to military facilities. They are a vast and crucial resource for my district and their maintenance and protection is very important.

In addition to ports and navigation channels, my district has miles of beaches. President Clinton has proposed an end to federal funding of beach nourishment projects, saying that they are not in the ''national interest.''

I do not support this belief. Shore protection serves the same purpose as flood control projects, by protecting property and saving lives. Furthermore, our Nation's beaches and coastal areas are a great source of national pride. Millions of American and foreign tourists flock to these areas every year, all year, to enjoy clean, safe and beautiful beaches. To say that these areas are only of interest to the states in which they are located is the equivalent of saying that Yosemite is only of interest to the State of California.

The funding for water resource development in this bill will enhance commerce and protect homes and lives. Nonetheless, there is much work ahead of us. I applaud the Chairman and I hope he will be able to preserve our commitment to water resources when this bill goes to Conference.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise today in support of H.R. 2703 making appropriations for energy and water development for fiscal year 1998. I would first like to thank Chairman MCDADE and ranking member VIC FAZIO for their leadership in bringing this bill to the floor today.

I would also like to thank the hard-working subcommittee staff, for without them our jobs would be tremendously more difficult. I truly appreciate their knowledge and professionalism.

The bill before the House today stresses national priorities while keeping our commitment to downsize the Federal Government, maintain funding for critical flood safety projects, coastal protection, and dredging harbors and waterways throughout our Nation. We have made some tough choices about where to reduce spending and have written a bill which is $573 million less than last year.

As a member of the subcommittee, I am very pleased with two recommendations that were included in this year's bill. First, the bill has again flatly rejected the President's proposal to end coastal protection and second the bill terminates funding for the Tennessee Valley Authority's [TVA] nonpower program.

Coastal protection projects are very important to local economies all over the United States and especially New Jersey. The President's policy was shortsighted and would have resulted in hurting many communities that rely on promises the Federal Government has made to provide flood protection. And more often than not, they are projects that have been undertaken in partnerships with local and State governments. I am hopeful that the administration will abandon future efforts such as these and concentrate on providing protection to our coastal communities.

This bill also terminates the direct Federal subsidy for the TVA, which began in 1933. Perhaps the best reason for terminating the TVA can be found in the committee's report. Let me quote:

> In a concession that its Depression-era missions have been largely achieved, TVA has proposed termination of its non-power programs after Fiscal Year 1998. Enthused by the Administration's proposal to discontinue direct appropriations, the Committee has decided to accelerate its implementation.

Last year the TVA made over $5.7 billion in electric power sales and set an all time record for revenue. Given this fact, surely the time has come to move the TVA away from direct Federal subsidization and encourage it to continue only those programs which are necessary to meet its power production needs. I encourage all my colleagues to support this recommendation and turn out the lights of direct subsidization at the TVA.

In addition to these two important recommendations, this bill provides $225 million for magnetic fusion energy research. While this number is slightly reduced from last year's level, I am hopeful that as the bill moves through the legislative process the committee will be able to increase the number so that fusion can continue to make its remarkable achievements in plasma science research.

Mr. Chairman, this bill represents real progress toward setting national priorities. I urge my colleagues to support this bill and yield back the balance of my time.

Mr. PASTOR. Mr. Chairman, I rise today in support of this bill, and to congratulate our chairman and ranking member for the strong bipartisan manner in which they bring this bill to the floor. Both gentlemen have led this committee in a spirit of great cooperation—listening to all parties and, I believe, producing a bill that is a fair balance between critical needs and limited resources.

Although this bill does not meet the administration's spending levels for several Department of Energy programs, it goes a long way toward adequately funding several of the administration's priorities. Where differences still exist, I anticipate and look forward to continued dialog as we move through the appropriations process.

Considering the number of days of sunshine in my State of Arizona, it is no surprise that I am a strong supporter of solar energy technologies. Although the committee did not fund the President's full request for solar and renewable energy programs, I do appreciate the increase over last year's funding and believe the funding levels will allow the Department of Energy to continue an effective program for developing these technologies.

Overall, I am proud of the emphasis this committee continues to place on research, especially basic research. This bill provides the President's request or more for basic energy sciences, biological and environmental research, fusion energy, and high energy and nuclear physics. I am particularly pleased that the committee included language in the report that supports the Department's efforts to increase the ethnic diversity of students, researchers, and scientists working to maintain our Nation's international leadership in science and technology.

The committee continues to struggle, as in previous years, with reaching a balance between micromanaging the Department of Energy and providing adequate and responsible oversight for our Nation's taxpayers. In this bill, the chairman and ranking Member have taken a hard look, and in some cases a hard line, on issues of DOE's management practices. Although I see room for discussion, compromise, and positive resolution, I support the committee's efforts to bring better government to many of the Department's activities. I look forward to working with our counterparts in the Senate, and the administration, to finding mutually acceptable solutions in the areas where presently there is disagreement.

Again, many thanks to my chairman, ranking member, and fellow committee members for their assistance, bipartisanship and friendship. I would also like to thank the staffs on both sides of their aisle for their hard work.

Mr. PORTMAN. Mr. Chairman, I rise today in support of the energy and water appropriations bill. I believe it's a thoughtful approach to the difficult task of balancing our Nation's energy and water priorities in an era of fiscal restraint. I commend Chairman MCDADE for his work.

I support the $5.45 billion appropriation for the Department of Energy's Environmental Restoration and Waste Management budget, and particularly the $258.7 million included in the bill for the Fernald environmental management project located in my congressional district. This funding level represents an acknowledgement of the Federal Government's responsibility to clean up the hazardous waste sites that it created. Significant progress has been made in cleaning up our hazardous waste sites, including Fernald. But we still have a long way to go.

My approach has been to ensure that taxpayer funds for Fernald are used in the most

cost-effective manner possible to safely clean up the site. I support the accelerated cleanup plan to achieve these goals and am pleased that the committee report also advocates this approach.

I urge my colleagues to support this bill. It helps us meet our energy and water priorities responsibly, while still achieving the necessary savings to help us balance the Federal budget by the year 2002.

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

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

The CHAIRMAN. Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

Mr. MCDADE. Mr. Chairman, I ask unanimous consent that the bill through page 35, line 20 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the bill through page 35, line 20 is as follows:

H.R. 2203

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, 1998, 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, $157,260,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

Delaware Bay Coastline, Delaware and New Jersey, $656,000;

Tampa Harbor, Alafia Channel, Florida, $270,000;

Barnegat Inlet to Little Egg Harbor Inlet, New Jersey, $400,000;

Brigantine Inlet to Great Egg Harbor Inlet, New Jersey, $472,000;

Great Egg Harbor Inlet to Townsends Inlet, New Jersey, $400,000;

Lower Cape May Meadows—Cape May Point, New Jersey, $154,000;

Manasquan Inlet to Barnegat Inlet, New Jersey, $400,000;

Raritan Bay to Sandy Hook Bay (Cliffwood Beach), New Jersey, $300,000;

Townsends Inlet to Cape May Inlet, New Jersey, $500,000; and

Monongahela River, Fairmont, West Virginia, $350,000:

Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $600,000 of the funds appropriated in Public Law 102–377 for the Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, project for the feasibility phase of the Red River Navigation, Southwest Arkansas, study: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $470,000 of the funds appropriated herein to initiate the feasibility phase for the Metropolitan Louisville, Southwest, Kentucky, study.

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), $1,475,892,000, 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 Lock and Dam 3, Mississippi River, Minnesota, projects, and of which funds are provided for the following projects in the amounts specified:

Norco Bluffs, California, $1,000,000;

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

Tybee Island, Georgia, $2,500,000;

Indianapolis Central Waterfront, Indiana, $7,000,000;

Indiana Shoreline Erosion, Indiana, $3,000,000;

Lake George, Hobart, Indiana, $3,500,000;

Ohio River Flood Protection, Indiana, $1,300,000;

Harlan, Williamsburg, and Middlesboro, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, $27,890,000;

Martin County, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, $5,500,000;

Pike County, Kentucky, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River, $5,800,000;

Salyersville, Kentucky, $2,050,000;

Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, $22,920,000;

Lake Pontchartrain (Jefferson Parish) Stormwater Discharge, Louisiana, $2,379,000;

Flint River, Michigan, $875,000;

Jackson County, Mississippi, $3,000,000;

Joseph G. Minish Passaic River Park, New Jersey, $5,000,000;

Hudson River, Athens, New York, $8,700,000;

Lackawanna River, Olyphant, Pennsylvania, $1,400,000;

Lackawanna River, Scranton, Pennsylvania, $5,425,000;

Lycoming County, Pennsylvania, $339,000;

South Central Pennsylvania Environment Improvement Program, $30,000,000, of which $10,000,000 shall be available only for water-related environmental infrastructure and resource protection and development projects in Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, and Monroe counties in Pennsylvania in accordance with the purposes of subsection (a) and requirements of subsections (b) through (e) of section 313 of the Water Resources Development Act of 1992, as amended;

Williamsport, Pennsylvania, $225,000;

Wallisville Lake, Texas, $9,200,000;

Virginia Beach, Virginia, $10,000,000;

West Virginia and Pennsylvania Flood Control, West Virginia and Pennsylvania, $3,000,000;

Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with design and construction of the Southeast Louisiana, Louisiana, project and to award continuing contracts, which are not to be considered fully funded, beginning in fiscal year 1998 consistent with the limit of the authorized appropriation ceiling: *Provided further,* That the Secretary of the Army is directed to incorporate the economic analyses for the Green Ridge and Plot sections of the Lackawanna River, Scranton, Pennsylvania, project with the economic analysis for the Albright Street section of the project, and to cost-share and implement these combined sections as a single project with no separable elements, except that each section may be undertaken individually when the non-Federal sponsor provides the applicable local cooperation requirements: *Provided further,* That section 114 of Public Law 101–101, the Energy and Water Development Appropriations Act, 1990, is amended by striking ''total cost of $19,600,000'' and inserting in lieu thereof, ''total cost of $40,000,000'': *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to combine the Wilmington Harbor—Northeast Cape Fear River, North Carolina, project authorized in section 202(a) of the Water Resources Development Act of 1986, the Wilmington Harbor, Cape Fear River, North Carolina, project authorized in section 101(a)(23) of the Water Resources Development Act of 1996, and the Cape Fear—Northeast (Cape Fear) Rivers, North Carolina, project authorized in section 101(a)(22) of the Water Resources Development Act of 1996 into a single project with one Project Cooperation Agreement based on cost sharing as a single project.

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), $285,450,000, 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, $1,726,955,000, 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. 460l), may be derived from that Fund for construction, operation, and maintenance of outdoor recreation facilities, and of which funds are provided for the following projects in the amounts specified:

Anclote River, Florida, $1,500,000; and

Raystown Lake, Pennsylvania, $4,690,000:

Provided, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated in Public Law 104–206 to reimburse the local sponsor of the Fort Myers Beach, Florida, project for the maintenance dredging performed by the local sponsor to open the authorized channel to navigation in fiscal year 1996.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $112,000,000, 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, $14,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to administer and execute the Formerly Utilized Sites Remedial Action Program to clean up contaminated sites throughout the United States where work was performed as part of the Nation's early atomic energy program, $110,000,000, to remain available until expended: *Provided*, That funding obligated to an individual site in the Formerly Utilized Sites Remedial Action Program shall not exceed the amount obligated during fiscal year 1997 unless the following conditions are met: (1) there is a technical plan, schedule, and life-cycle cost estimate for the work to be performed; (2) the remedy selected for the site has been developed to meet, but not exceed, the standard of cleanup required for reasonably anticipated future land use and ground water uses; (3) the remedy selected has incorporated separation or other technology where practicable to reduce the amount of material that is to be excavated, removed, transported, or disposed; (4) the contracting mechanism used for the cleanup of each site will be competitive fixed-price wherever possible, but as a minimum shall include performance-based incentives; and (5) the cleanup plan has been presented to the affected communities, and State and Federal officials, and has not received substantial disagreement: *Provided further*, That the unexpended balances of prior appropriations provided for these activities in this Act or any previous Energy and Water Development Appropriations Act may be transferred to and merged with this appropriation account, and thereafter, may be accounted for as one fund for the same time period as originally enacted.

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, the Water Resources Support Center, and the USACE Finance Center; and for costs of implementing the Secretary of the Army's plan to reduce the number of division offices as directed in title I, Public Law 104–206, $148,000,000, to remain available until expended: *Provided*, 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.

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.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, and for activities related to the Uintah and Upalco Units authorized by 43 U.S.C. 620, $40,353,000, to remain available until expended, of which $16,610,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into that account, $5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Central Utah Project Completion Act and $11,610,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $800,000, 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:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $651,931,000, to remain available until expended, of which $12,758,000 shall be available for transfer to the Upper Colorado River Basin Fund and $54,242,000 shall be available for transfer to the Lower Colorado River Basin Development Fund, and of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That any amounts provided for the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, are in addition to the amount authorized in 43 U.S.C. 509: *Provided further*, That the unexpended balances of the Bureau of Reclamation appropriation accounts for ''Construction Program (Including Transfer of Funds)'', ''General Investigations'', ''Emergency Fund'', and ''Operation and Maintenance'' shall be transferred to and merged with this account, to be available for the purposes for which they originally were appropriated.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $10,000,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): *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 $31,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $425,000, to remain available until expended: *Provided*, That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that 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, 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, to remain available until expended: *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.

CALIFORNIA BAY-DELTA ECOSYSTEM RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of the Interior and other participating Federal agencies in carrying out the California Bay-Delta Environmental Enhancement and Water Security Act consistent with plans to be approved by the Secretary of the Interior, in consultation with such Federal agencies, $120,000,000, to remain available until expended, of which such amounts as may be necessary to conform with such plans shall be transferred to appropriate accounts of such Federal agencies: *Provided*, That such funds may be obligated only as non-Federal sources provide their share in accordance with the cost-sharing agreement required under section 102(d) of such Act: *Provided further*, That such funds may be obligated prior to the completion of a final programmatic environmental impact statement only if: (1) consistent with 40 C.F.R. 1506.1(c), and (2) used for purposes that the Secretary finds are of sufficiently high priority to warrant such an expenditure.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $47,658,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

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

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for energy supply, and uranium supply and enrichment 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, $880,730,000.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 1701, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, $497,619,000, to remain available until expended.

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, $220,200,000, to be derived from the Fund, to remain available until expended: *Provided*, That $37,000,000 of amounts derived from the Fund for such expenses shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for science 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, and purchase of 15 passenger motor vehicles for replacement only, $2,207,632,000, to remain available until expended: *Provided*, That $35,000,000 of the unobligated balances originally available for Superconducting Super Collider termination activities shall be made available for other activities under this heading.

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, $160,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund: *Provided*, That none of the funds provided herein shall be distributed to the State of Nevada or affected units of local government (as defined by Public Law 97–425) by direct payment, grant, or other means, for financial assistance under section 116 of the Nuclear Waste Policy Act of 1982, as amended: *Provided further*, That the foregoing proviso shall not apply to payments in lieu of taxes under section 116(c)(3)(A) of the Nuclear Waste Policy Act of 1982, as amended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration 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), $214,723,000, to remain available until expended: *Provided*, That moneys received by the Department for miscellaneous revenues estimated to total $131,330,000 in fiscal year 1998 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 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $83,393,000.

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, $27,500,000, to remain available until expended.

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 70 for replacement only), $3,943,442,000.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other 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 6 for replacement only), $5,263,270,000.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other 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, and the purchase of passenger motor vehicles (not to exceed 2 for replacement only), $1,580,504,000.

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, $190,000,000.

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, $1,000,000, 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 the anadromous fish supplementation facilities in the Yakima River Basin, Methow River Basin and Upper Snake River Basin, for the Billy Shaw Reservoir resident fish substitution project, and for the resident trout fish culture facility in Southeast Idaho; and official reception and representation expenses in an amount not to exceed $3,000.

During fiscal year 1998, 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, $12,222,000, to remain available until expended; in addition, notwithstanding 31 U.S.C. 3302, not to exceed $20,000,000 in reimbursements for transmission wheeling and ancillary services, 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 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, $25,210,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,650,000 in reimbursements, to remain available until expended.

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

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 the replacement of not more than two helicopters through transfers, exchanges, or sale, and official reception and representation expenses in an amount not to exceed $1,500, $189,043,000, to remain available until expended, of which $182,806,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, $5,432,000 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.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $970,000, 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, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $162,141,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, not to exceed $162,141,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1998 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 1998 so as to result in a final fiscal year 1998 appropriation from the General Fund estimated at not more than $0.

DEPARTMENT OF ENERGY

GENERAL PROVISIONS

SEC. 301. None of the funds appropriated by this Act or any prior appropriations Act may be used to award a management and operating contract unless such contract is awarded using competitive procedures. The preceding sentence does not apply to a management and operating contract for research and development activities performed at a federally funded research and development center.

SEC. 302. (a) None of the funds appropriated by this Act or any prior appropriations Act may be used to award, amend, or modify a contract in a manner that deviates from the Federal Acquisition Regulation, unless the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 303. None of the funds appropriated by this Act or any prior appropriations Act may be used to award, amend, or modify any contract for support services unless a cost comparison conducted under the procedures and requirements of Office of Management and Budget Circular A–76 shows that the cost of performing the support services by contractor personnel is lower than the cost of performing such services by Department of Energy personnel.

SEC. 304. None of the funds appropriated by this Act or any prior appropriations Act may be used to make payments under a management and operating contract for providing products or services for use by Department of Energy employees.

SEC. 305. None of the funds appropriated by this Act or any prior appropriations Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy;

under section 3161 of the National Defense Authorization Act of Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 306. None of the funds appropriated by this Act or any prior appropriations Act may be used to augment the $56,000,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 307. None of the funds appropriated by this Act to initiate new construction projects in fiscal year 1998 by the Department of Energy may be obligated for such a construction project until the Secretary of the Army, acting through the Chief of Engineers—

(1) performs an independent assessment of the cost, scope, and schedule of the construction project and validates the accuracy of the Department of Energy's estimates for the cost, scope, and schedule for the project; and

(2) submits to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report on such assessment.

SEC. 308. None of the funds appropriated by this Act or any prior appropriations Act may be used to prepare or initiate requests for proposals for a program if the program has not been funded by Congress.

SEC. 309. None of the funds appropriated by this Act (including funds appropriated for salaries of employees of the Department of Energy) may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 310. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $160,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $16,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $462,700,000, to remain available until expended: *Provided,* That of the amount appropriated herein, $13,000,000 shall be derived from the Nuclear Waste Fund: *Provided further,* That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further,* That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to State governments, foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act may be retained and used for salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections estimated at $446,700,000 in fiscal year 1998 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further,* That $3,000,000 of the funds herein appropriated for regulatory reviews and other assistance provided to the Department of Energy and other Federal agencies shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1998 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to State governments, foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1998 appropriation estimated at not more than $16,000,000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by 5 U.S.C. 3109, $4,800,000, to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided,* That notice of such transfers shall be given to the Committees on Appropriations of the House of Representatives and Senate: *Provided further,* That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1998 from licensing fees, inspection

services, and other services and collections, so as to result in a final fiscal year 1998 appropriation estimated at not more than $0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $2,400,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TENNESSEE VALLEY AUTHORITY

For essential stewardship activities for which appropriations were provided to the Tennessee Valley Authority in Public Law 104–206, such sums as are necessary in fiscal year 1998 and thereafter, to be derived only from one or more of the following sources: nonpower fund balances and collections; investment returns of the nonpower program; applied programmatic savings in the power and nonpower programs; savings from the suspension of bonuses and awards; savings from reductions in memberships and contributions; increases in collections resulting from nonpower activities, including user fees; or increases in charges to private and public utilities both investor and cooperatively owned, as well as to direct load customers: *Provided*, That such funds are available to fund the stewardship activities under this paragraph, notwithstanding sections 11, 14, 15, 29, or other provisions of the Tennessee Valley Authority Act, as amended: *Provided further*, That the savings from, and revenue adjustments to, the TVA budget in fiscal year 1998 and thereafter shall be sufficient to fund the aforementioned stewardship activities such that the net spending authority and resulting outlays for these activities shall not exceed $0 in fiscal year 1998 and thereafter: *Provided further*, That within thirty days of enactment of this Act, the Chairman of the TVA shall submit to the Committees on Appropriations of the House of Representatives and Senate an itemized listing of the amounts of the proposed reductions and increased receipts to be made pursuant to this paragraph in fiscal year 1998: *Provided further*, That by November 1, 1999, the Chairman of the TVA shall submit to the Committees on Appropriations of the House and Senate an itemized listing of the amounts of the reductions or increased receipts made pursuant to this paragraph for fiscal year 1998.

TITLE V

GENERAL PROVISIONS

SEC. 501. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

AMENDMENT OFFERED BY MR. SKAGGS

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

The Clerk read as follows:

Amendment offered by Mr. SKAGGS:

On page 22, line 2, after ''$1,580,504,000'' strike the period and insert '', including $62,000,000 for the worker and community transition program.''

Mr. SKAGGS (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 Colorado?

There was no objection.

Mr. MCDADE. Mr. Chairman, I reserve a point of order against the amendment pending the gentleman's explanation.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order.

Mr. SKAGGS. Mr. Chairman, I assure the distinguished chairman that my intention is to ask unanimous consent to withdraw the amendment in just a moment, but I wanted to use it to bring one matter before the attention of the House.

I am concerned about the inadequate funding in this bill to take care of the legitimate demands for worker transition services and benefits under section 3161 and otherwise at former nuclear weapons sites around the country including Rocky Flats. I am also concerned that we approach the worker transition program funding issue as straightforwardly as we can with sufficient funds appropriated to the proper accounts and not invite later needs for reprogramming or for use of funds from other accounts within the department.

As the chairman of the subcommittee knows, the bill provides now, I think, for $56 million for these purposes. My amendment would raise that to $62 million, the current fiscal year amount, still less than the President has requested. I think we need to provide additional funds for this. I believe the chairman anticipates that we may make further movement in this direction in conference. I also respect his intentions and that of the gentleman from Michigan [Mr. KNOLLENBERG] in particular that we try to make all of this handled in the bill and in practice in a much more straightforward fashion.

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

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

Mr. McDADE. I simply want to thank the gentleman from Colorado for bringing this matter to our attention. It is our intention and hopefully we can cooperate with him as we go through the process to see if we can work this out.

Mr. SKAGGS. I appreciate the gentleman's statement.

Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

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

There was no objection.

AMENDMENT OFFERED BY MR. KLUG

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

Mr. MCDADE. Mr. Chairman, I ask unanimous consent that during consideration of title IV of this bill, debate on an amendment and any amendments thereto to be offered by the gentleman from Wisconsin [Mr. KLUG] regarding the Appalachian Regional Commission be limited to 20 minutes, divided equally between the gentleman from Wisconsin [Mr. KLUG] as the proponent of the amendment and myself as an opponent of the amendment.

The CHAIRMAN. Let the Chair inquire, is the pending amendment covered under that unanimous-consent request?

Mr. MCDADE. The pending amendment and all amendments thereto, Mr. Chairman.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KLUG

Page 29, line 20, after the dollar amount, insert ''(reduced by $90,000,000)''.

The CHAIRMAN. Under the previous order of the House, the gentleman from Wisconsin [Mr. KLUG] and the gentleman from Pennsylvania [Mr. MCDADE] each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. KLUG].

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

Mr. Chairman, the Appalachian Regional Commission was first established in 1965 to help promote the economic development of the Appalachian region. Since then the Federal Government has poured more than $7 billion into funding for projects. Some of these projects to essentially boost economic development include $750,000 from Federal taxpayers to help pay for the Carolina Panthers NFL stadium or $1.2 million for the National Track and Field Hall of Fame.

The Appalachian Regional Commission was first established back in 1965 and 3 years later, the Nixon administration began one of the first attempts to kill the Appalachian Regional Commission. Here I am 32 years after the Appalachian Regional Commission was first begun to essentially carry on this sometimes valiant and quixotic fight.

What we are here to consider tonight, Mr. Chairman, is an amendment specifically aimed at the Appalachian Regional Commission's road program. Some of these projects, back to a catalog of ARC's long and sordid history, include $2.9 million under the guise of economic development for an access road to a Pennsylvania ski resort. The bigger problem is that the roads or corridors in the Appalachian region have access already to two other funding sources, with a request for a third.

Essentially we have 13 States in the country which have been receiving an

additional boost of economic aid now for 32 years, and now they are trying to add a third source of income to still build more roads. Let me, if I can, give my colleagues one example of how absurd this entire program is.

In West Virginia, one of the corridors, known as Corridor H, has a project that would rip through 41 streams and cut through two national forests. The amazing thing involving that individual road project in West Virginia is the fact that government studies show that traffic levels along this corridor to be served by the proposed highway average less than 3,000 vehicles a day. As my colleagues will know, when driving to the U.S. Capitol in the morning, traffic is often backed up in multiple directions. Three thousand vehicles a day barely approaches the traffic at rush hour in the Capitol heading in one simple direction. In fact, the national threshold is 10,000 vehicles a day.

Let me make this important point. The Director of the Appalachian Regional Commission, Jesse White, has stated publicly that what local residents need is not more money for new roads but increased support for education and small business development.

In brief, even if my colleagues support the general principle of the Appalachian Regional Commission, which I am not prepared to do at this point, we have essentially told welfare recipients across this country, ''You've got 2 years to stand on your feet,'' and the Appalachian Regional Commission we have already committed ourselves to 32 years of funding. But even if Members buy the argument that the Appalachian Regional Commission as a whole is still necessary, I would argue very passionately this evening that $90 million more is not needed for road projects when the ARC States already have money that comes through the normal transportation cycle and through the normal economic development channel. Those are moneys that the other 37 States get. The difference is the Appalachian Regional Commission gets to ante it up one more level.

Mr. Chairman, I think it is vitally important tonight that as we attempt to balance the Federal budget, we as Republicans have an obligation and a duty and a responsibility to revisit outdated Federal programs, and as I have indicated, beginning since 1968, a whole raft of us have tried to rein in the Appalachian Regional Commission. Let us begin tonight by killing specifically the $90 million in new funding for new highways this year in this appropriation bill in front of us this evening.

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

Mr. McDADE. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. ROGERS], the distinguished chairman of the Subcommittee on Commerce, Justice, State, and Judiciary.

Mr. ROGERS. I thank the distinguished gentleman for yielding me this time and thank him for his tremendous work on this bill, incidentally, as we take up this amendment.

Mr. Chairman, of course, I rise in opposition to the gentleman's amendment. Here we go again. Two years ago, this House overwhelmingly defeated a similar amendment. With all the talk of the exploding economy around the country, I have to tell my colleagues that Appalachia has not yet experienced it. This region represents the poorest of the poor in our country. This amendment would halt a commitment we made to millions of Americans in the Appalachian region some 30 to 35 years ago. The interstate highway system through the gentleman's district has been finished. But the highway system has largely bypassed the Appalachian system, because, they said, ''We'll let the Appalachian system build the highways in Appalachia.'' That was the deal struck many, many years ago.

Now the gentleman's amendment would strike our commitment and our end of the bargain to complete what passes for an interstate system in the Appalachian region. These are not four-lane thoroughfares. These, by and large, are two-lane paved roads through the poorest part of our country. This amendment would leave vast pockets of this region without access to national markets, but also without access to local markets.

While the interstate system is nearly 99 percent complete, the Appalachian system lags way behind. It is only 78 percent complete. This Congress is providing over $21 billion on the Federal highway program. Yet this amendment would strip the poorest communities of $90 million for their highway construction. I maintain that is just not fair.

Congress has already cut the Appalachian highway funding by half. We have already cut it by half. It has delayed construction of needed roads, roads that we take for granted in other parts of the country. Even though the Appalachian system is only three-fourths complete, its impacts are already considerable. Industries and businesses have grown along the highways that we have built in this poor part of our country. This growth should be allowed to continue. Let the people of the Appalachian region join the rest of America in access to this growing economy.

I urge my colleagues, in all fairness, as we did two years ago, almost 3 to 1, reject the Klug amendment.

Mr. KLUG. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. KIND].

Mr. KIND. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me this time and for offering this amendment. I also commend him for his diligent search for wasteful projects in the Federal budget in an era, at a time when we are trying to balance the books.

The $90 million appropriated for the Appalachian Regional Commission road projects is bad for the environment, bad for taxpayers, and one more example of budget waste that should be eliminated.

I want to make it clear that I do strongly support the efforts of the regional commission to cut poverty rates, reduce infant mortality, provide health care access and increase high school graduation rates. This amendment does not touch any of those programs in dollars. The amendment only seeks to eliminate the $90 million that go to fund highway projects in the 13–State Appalachian region.

In the past, highway money from the Appalachian Regional Commission has funded environmentally unsound projects, such as the Corridor H highway project that my colleague has already cited. The Corridor H project does cut through two national forests. It rips up 41 streams. It would bring thousands of cars and minivans into the scenic West Virginia mountains. As my colleague has already noted, the commission has funded inappropriate projects, such as the $750,000 for the Carolina Panthers football stadium and $1.2 million for the National Track and Field Hall of Fame.

But finally, the $90 million I think is an unfair distribution of the highway funds. The State of Wisconsin has historically been a donor State under the Federal highway funding system, meaning the taxpayers there pay more in the Federal highway tax fund than they receive back for their infrastructure needs. The people of my State only ask that they get a fair distribution of the Federal highway dollars.

□ 2245

At the same time the 13 States of the Appalachian region receive Federal highway dollars as part of the ISTEA allocation and they receive additional highway dollars through the Appalachian Region Commission.

Now where I come from that is called double dipping, and it is unfair to my constituents, and it is unfair to the taxpayers in the other 37 States in this country.

Now I am sure that there are people who represent the beautiful area, can stand up and speak about all the great things that the Appalachian Commission has done, and as I stated earlier I support most of these efforts in the programs that are being accomplished in the Appalachian region, and in fact the people of my State would love to have some of these programs back home for their use. But in our attempt to balance the budget, I believe that we can and should support programs to reduce poverty and promote economic development, but allocate funds under the appropriate avenue and venue such as ISTEA.

We cannot support pork being delivered to a few privileged States, and it is time we stop the taxpayer handout and distribute highway funds in a fair and equitable manner through ISTEA, rather than double dipping as the commission is doing with these 90 million additional tax dollars.

Mr. McDADE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, before I rise in strong opposition to this amendment I want to thank the chairman and the ranking member for their help in the Marmet Lock situation and helping a lot of people in the Marmet take area get some certainty by including some money for the beginning of the Marmet Locks, and I thank the gentleman for his nonpartisan way of handling this.

First, I want to ask the two gentlemen from Wisconsin who have spoken so eloquently on corridor H, ''Have either of you ever driven corridor H? Have you ever been on that segment of road that you're protesting so much?'' The answer I think is quite evident by the silence. They have not, and they have not driven the 40 miles of corridor H that was completed from Weston to Buckhannon and then on to Elkins, and so they have not seen the economic growth that is already taking place on that.

So I would use that as evidence of the academic background that I bring, which is that the Appalachian Regional Commission studies clearly document that every county with Appalachian Road Commission highways has job growth three to four times as high as those Appalachian and rural counties without.

And so before my colleagues go and talk about corridor H, I think they ought to drive it and understand why it is that almost every elected official in that whole area supports corridor H, but let us talk about the 13 States that will also lose under this.

We started a program in this Congress a number of years ago, the ARC highway system in which we were to build over 3,000 miles of roads in almost impoverished areas, and the good news is that 75 percent of that is complete. The bad news is that we still have some miles to go. And it is not just West Virginia. I thank my colleagues for calling such attention to our State and its beauty, but it is also 12 other States: Alabama, Kentucky, Georgia, Mississippi, North Carolina, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia. And there are some others I probably should have included as well.

This is a project that is well underway, and I would also urge my colleagues, since they have not driven corridor H, I would urge them to drive corridor G and see what the Appalachian Regional System highway is doing for southern West Virginia. I would urge my colleagues to drive corridor D, and that is just in my State. Go to those other States as well.

Mr. Chairman, I urge rejection of this, and let the ARC finish the job that it set out to do.

Mr. McDADE, Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. WICKER], my very able friend.

Mr. WICKER. Mr. Chairman, I rise in support of the Appalachian Regional Commission and against the amendment offered by my friend from Wisconsin [Mr. KLUG].

The gentleman from Kentucky is correct. A similar companion amendment was offered in 1995 at the beginning of this Republican Congress, and it was rejected overwhelmingly on a bipartisan vote, and it was rejected and the Appalachian Regional Commission was endorsed by this body because we were able to demonstrate on the basis of the facts that this program is a successful program, a program which has worked. It has provided jobs for over 108,000 people in the Appalachian region, it has helped to retain another 80,000 additional jobs, and highways are an important part of the mix. The highways are 75 percent complete, but we need to finish the rest of them.

Since the ARC with the highway program has been in place, the poverty rate in the Appalachian region has been cut in half, infant mortality has been cut by two-thirds, and out-migration has slowed. Also, Mr. Chairman, I would state to you that this is a program which is still very much needed.

In our region, per capita income is 16 percent below the national average. The poverty rate in the region is 16 percent higher than the national average. And I want to address this issue of double dipping.

Some of my friends have said well, Appalachia, through the highway portion of it, gets an extra dip into the Federal Treasury. That is not true at all. In the Appalachian region we receive 11 percent less in total per capita Federal spending than the national average.

So please do not accuse us of getting more than our fair share. If anything, we get less than the national average.

Mr. Chairman, this is level funding from the last fiscal year, it is within our budget allocation, it continues us on a path which will put us within the guidelines and bring us into a balanced budget by the year 2002.

And let us say this: My friends have talked about welfare spending. This is not welfare spending at all. This is spending to create infrastructure, to create jobs in the private sector and to turn people away from welfare and into taxpayers. It is government at its best, it is money well spent, and I am sure the Members of this body will reject the amendment just as they did in 1995.

Mr. KLUG. Mr. Chairman, I yield myself another minute or two.

Mr. Chairman, I want to, if I can for a moment, really strike at the heart of the argument. The Appalachian Regional Commission was set up in 1965 under the premise that if we poured more money from the Federal Government into this area we would get an economic boom. Now I think there is a flaw in this argument, because clearly 32 years later my opponents are down here making the case they still need more money and more years to turn it around.

My colleague and I are here from Wisconsin tonight. Wisconsin actually ranks 50th in Federal spending in the country. The unemployment rate in my home district is less than 2 percent. We have not had Federal money for 30 years so let me make the argument, if I can, that actually with increased Federal funding over the years, they have actually put Appalachia at a disadvantage because it has been dependent on Federal aid rather than standing on its own feet.

Let me also say that I understand that there are problems in Appalachia with undeveloped regions, but so are there in California and Florida and Alaska and Hawaii and New Mexico and every other State in the country. But the bottom line is 13 States have been singled out, and I would suggest after 32 years, 32 years is enough.

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

Mr. McDADE. Mr. Chairman, I yield a minute and a half to the gentleman from California [Mr. FAZIO] the distinguished ranking member.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment. I do so, fully aware of the frustration that I felt, as the gentleman from Wisconsin [Mr. KLUG] has felt, with the Carolina Panther Stadium construction project. I have concluded, frankly, that we ought to remove discretion from the Governors of these States and target the money to the poorest counties within Appalachia.

But this is a job for the authorizing committee. The fine-tuning of the Appalachian Regional Commission should not be done on an appropriations bill and not done on the floor at this hour of the night. The road program is very valuable to many of the counties in these States.

Mr. Chairman, I know there are many people on our side of the aisle who will join the majority and the gentleman from Pennsylvania [Mr. McDADE] in opposing this amendment.

Mr. McDADE. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from California [Mr. KIM], the chairman of the committee that handles this matter.

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

This argument has nothing to do with how much money we put into this particular region. This amendment is to save $90 million or stop funding, no matter of $90 million on highway projects. That is why I am rising in opposition to this amendment.

If we stop funding now, the highway project will just stop, unfinished. That is not the way it should be. If we try to pick up this highway program later, it is going cost twice as much, sometimes three times as much. This is not a good practice, stopping the highway program almost in the middle of completion.

As my colleagues know, 70 percent of the total 3,025 miles of highway has been completed. We have only 22 percent to go. This is not the time to stop it.

Second, the mentioning of this duplicate roadway funding; this is not true. ISTEA funding was merely proposed by Mr. Clinton, and that funding has not been approved by this Congress yet. Even if approved, we are not talking about seeing overlapping funding. We are talking about additional funding to accelerate those highway programs so we can finish earlier rather than dragging on.

Mr. KLUG. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I will use the rest of my time to close. Fortunately, a disagreement with my colleague from California; let me make it clear: Since 1991, ARC roads or quarters received over $599 million in funding from ISTEA for demonstration projects alone. That is on top of the funding that is done on this bill. That is money that comes out of the transportation appropriations bill, not out of energy and water. And since 1993 ARC has received $688 million in additional funding from this bill. Removing the $90 million does not stop funding the construction of roads in Appalachia, it simply allows them to get funding from the same sources that the 37 other States have to compete for.

Now my colleague from California, Mr. FAZIO, indicated his frustration with the fact that $750,000 in economic development money went into the Carolina Panthers football stadium. Let me refresh his memory on some other things. Five hundred ninety-three thousand dollars for the NASCAR Hall of Fame; $17,000 for the Alabama Music Hall of Fame; $1,200,000 for the National Track and Field Hall of Fame; and $10,000 to celebrate Bridge Day in Fayette County, West Virginia. I imagine that is to celebrate the bridge that the Federal Government also paid for along the way.

In closing, let me go back to the words of Jesse White, the Appalachian Regional Commissioner. ''We are trying to seek more balance,'' Mr. White said. ''Congress does not share those priorities.'' He wants, according to the Cumberland Maryland Times, ''more money for education and economic development, not roads. This year Congress placed $61 million in other commission programs but directed $109 million to roads.'' That was back in 1996.

I think it is time we took Mr. White up on his advice: Preserve the part of the Appalachian Regional Commission that does education and economic development, and join me and my colleagues in zeroing out the additional boost in money they get for highway projects.

Mr. MCDADE. Mr. Chairman, I yield myself the remaining time on our side.

Mr. Chairman, I rise in strong opposition to the amendment offered by my friend, the gentleman from Wisconsin [Mr. KLUG].

A few years ago my district was expanded, as so many of us have experienced in our careers in Washington. I picked up a section of Appalachia. I was not very familiar with this new area. After spending a little bit of time there, I saw how much this particular area had been bypassed by the economic revolution that hit this country. Not just economically bypassed, but they were bypassed by the Federal road programs.

Unlike my friend from Wisconsin [Mr. KLUG] whose district benefited from 90/10 interstate financing for the highway program, this area got nothing until just a few years ago. The highway that was replaced was one of the most dangerous highways in the Commonwealth of Pennsylvania. People were killed on that road, school buses were in accidents, and children on their way to school were endangered.

Let me say that since the Appalachian Regional Commission has focused on this problem, these unsafe conditions no longer exist. The road that I am speaking of is now a safe highway and has contributed to the economic development in this area.

I want to remind my colleagues as well that this program is, in my view, one of the best intergovernmental programs that exists in the Nation. It begins at the local level. It requires State participation in the road program, a 20 percent local share, and it then must be signed off at the Federal level.

□ 2300

Local and State government involvement is something we talk about all the time. Here is a program where it actually works. I hope that the amendment will be roundly defeated.

Mr. BUNNING. Mr. Chairman, I rise in support of funding for the Appalachian Regional Commission and in opposition to the Klug amendment.

The amendment cuts ARC highway funding, a key ingredient in the effort to move Appalachia into the Nation's economic mainstream.

But, ARC funding has already been cut by almost 50 percent over the past 2 years. There's no more blood to be taken from this stone.

ARC serves the poorest and neediest in the country. In Kentucky, it has helped us reach the lonely hollers. It has linked isolated communities.

Our interstate highway system largely bypasses areas like eastern Kentucky because of the cost of building roads over the mountains. Except for a few communities on the major east-west routes, most Appalachian communities have had a hard time competing for jobs because of poor access to national markets.

But, the Appalachian Development Highway System is helping to link our people with the outside world.

The facts speak for themselves. For instance, back in the 1980's, improved transportation and roads created over half a million jobs in local economies in Appalachia. And studies show that counties with major highways have three times the job growth than those without.

More and better jobs are helping to make a difference. Since 1960, ARC has helped cut the poverty rate in Appalachia by 50 percent. Infant mortality is down by two-thirds, high school graduations have doubled.

Now, over 75 percent of the Appalachian Highway Development System is either completed or under contract. But, key parts of it remain uncompleted.

To cut off spending now that we are three-quarters of the way finished just doesn't make sense.

Mr. Chairman, most of the poor isolated communities in Kentucky and other States served by ARC desperately need this funding. They are poor, and without it they won't be able to meet Federal match requirements or leverage State or private dollars. It's essential.

Passing the Klug amendment today would be a sad setback.

Even in these budget balancing times, I don't know many Government programs or agencies that have been cut in half. And certainly not many that have as strong a track record as the Appalachian Regional Commission.

Mr. Chairman, I've worked hard over the last 11 years in Congress, fighting wasteful Government spending and opposing programs that don't work.

But, ARC isn't one of those programs. In Kentucky ARC has made a difference for the poorest of the poor and for our neediest communities.

The Appalachian Regional Commission is one of those rare Government programs that works. It deserves our support.

I urge a ''no'' vote on the Klug amendment.

The CHAIRMAN. All time has expired.

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

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

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

The CHAIRMAN. Pursuant to House Resolution 194, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] will be postponed.

Are there other amendments?

AMENDMENT OFFERED BY MR. MARKEY

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

The Clerk read as follows:

Amendment offered by Mr. MARKEY:

Insert at the end before the short title the following:

SEC. 502. (a) LIMITATION.—No funds shall be made available under this Act for—

(1) nuclear technology research and development programs to continue the study of treating spent nuclear fuel using electrometallurgical technology; or

(2) the demonstration of the electrometallurgical technology at the Fuel Conditioning Facility.

(b) REDUCTION.—Under the heading ''Department of Energy-Energy Programs-Energy Supply'' insert after the dollar figure the following ''(reduced by $33,000,000)'' and under the heading ''Department of Energy-Atomic Energy Defense Activities-Other Defense Activities'' insert after the dollar figure the following: ''(reduced by $12,000,000)''.

Mr. MARKEY (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 Massachusetts?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. MARKEY. Mr. Chairman, may I make an inquiry? What is the parliamentary procedure we are operating under now?

The CHAIRMAN. The 5-minute rule.

Mr. MARKEY. The 5-minute rule? There is no time limitation?

The CHAIRMAN. Not at this point. Would the gentleman request one?

Mr. MARKEY. Not at this time.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MARKEY] is recognized for 5 minutes.

Mr. MARKEY. Mr. Chairman, this is an amendment which I am making with the gentleman from Connecticut [Mr. SHAYS] and the gentleman from Florida [Mr. FOLEY], along with the gentleman from South Carolina [Mr. SPRATT], the gentleman from Oregon [Mr. DEFAZIO], and the gentleman from New Jersey [Mr. ANDREWS]. It is an amendment that is going to attempt to deal with a technology which is called pyroprocessing, which is bad energy policy, bad environmental policy, bad budget policy, and bad nonproliferation policy.

Friends, colleagues, countrymen, lend me your ears. We come to bury pyroprocessing, not to praise it. The evil that dead government programs do lives after them, while the good is oft interred with their bones. So it is with pyroprocessing. Pyroprocessing is the last living remnant of one of the biggest budget-busting boondoggles in congressional history, the failed breeder reactor program.

Pyroprocessing is not exactly a household word. In fact, if Members do not have a degree in physics they may not understand what it is, but it is in fact a chemical procedure by which separation of plutonium and uranium is in fact achieved, and the building blocks of nuclear bombs are in fact made available to those who have the technology.

There is in fact a secondary definition in the Webster's Dictionary for pyroprocessing, which is a very efficient and fast way for burning money, taxpayers' money, with boondoggle projects that have been left over as remnants from nuclear projects of the 1970's and the 1980's.

This is an amendment which is endorsed by the Citizens for a Sound Economy, by the Taxpayers for Common Sense, by the League of Conservation Voters, by the Physicians for Social Responsibility, by the Natural Resources Defense Council, by the Friends of the Earth, and by arms control groups such as the Union of Concerned Scientists and the Nuclear Control Institute, and it is on the top 10 list of the Green Scissors wasteful, environmentally destructive programs that they believe should be cut out of the Federal budget.

What more do Members want? Just about every leading budget, environmental, energy, and nonproliferation group in America says this is a bad idea, but it lives on because in fact we need someplace, I guess, that we can have some of the leftover nuclear scientists who have been left behind from the nuclear arms age to continue to work.

Mr. Chairman, the reality here is that pyroprocessing, according to the Department of Energy, is a piece of equipment that is about the size of a bathtub. Its original purpose was to be attached to the back of the breeder reactor, a nuclear reactor that could create more plutonium and highly enriched uranium than it burned.

Pyroprocessing technology would reprocess the spent fuel and extract as much of the bomb-usable leftovers as possible. That way, reasoned the nuclear industry, we could produce lots and lots of cheap nuclear electricity and still make more nuclear fuel once we pyroprocess the uranium and plutonium out of the spent fuel.

We all know what an oxymoron the phrase ''cheap nuclear energy'' has become, and in 1994, after the Cold War ended, we found ourselves with 50 tons of extra plutonium that we did have to still get rid of. Congress decided that pouring more money into the multibillion-dollar sinkhole that was the breeder reactor program was just pointless, so we killed that program.

Pyroprocessing should have been terminated along with the nuclear breeder reactor, but instead it has metamorphosed into something new but just as deadly. It entered the Federal witless protection program, hiding out in a DOE safe house. Advocates contend that the new pyro identity was that the program would be a good way to treat DOE spent nuclear fuel before it went into permanent storage at Yucca Mountain. They said it was the only way to treat that fuel in order to make it stable for permanent burial. They said pyroprocessing would take care of everything. They were wrong.

Mr. FAWELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition once again to the Markey amendment. I think this is about the third time. This amendment would zero out an appropriation of $20 million for a very important ongoing environmental nuclear waste reduction research program which is being conducted by the Department of Energy in Illinois and Idaho.

In addition, this amendment would, in the words of the Department of Energy, also, if passed, zero out an additional $25 million, and as a result, and I quote the Department of Energy, ''end all activities by the Department of Energy to place the EBR II nuclear reactor in a radiologically and industrially safe condition.''

In other words, it would end the shutdown of the EBR reactor, something which the gentleman from Massachusetts [Mr. MARKEY] and his allies have worked so hard to achieve 4 years ago, to kill that nuclear reactor.

I shall, however, refer primarily to the effect that this amendment would have in ending a very valuable and ongoing research program, the electrometallurgical treatment of DOE spent fuel. This is not commercial spent fuel, but spent fuel owned by the Federal Government.

Electrometallurgical treatment is the new technology which, if ultimately approved by the National Academy of Sciences and by the Department of Energy, will greatly reduce the volume and the toxicity of over 2,700 metric tons of more than 150 different types of spent nuclear fuel stored at the various Department of Energy sites around the Nation, in Idaho, Washington, Tennessee, South Carolina, and many other States.

It is a new and exciting research of the treatment of Department of Energy spent nuclear fuel which also locks up and makes inaccessible plutonium that all fuel, spent fuel, contains, thus eliminating the possibility of any proliferation of plutonium. It is locked up with all the hot actinides that are radioactive. If anybody touches it they are dead.

Any plutonium contained in this spent fuel would be bound up, as I have said, in highly radioactive fission waste products and then immobilized in a stable glass-ceramic waste form for burial. This is not a nuclear reactor we are talking about, it is not a breeder reactor. We are talking about burying spent nuclear fuel that is owned by the public.

All of this can be accomplished at greatly reduced cost, compared to what current technology is out there. Electrometallurgical treatment is a research program designed to take spent nuclear fuel and make it less in volume, less in toxicity and less threatening to the environment, and thus suitable for burial. I cannot understand how anybody could be afraid of that. It is environmentally sound and it does not pose a proliferation risk, and it is strongly endorsed by the administration and by the Department of Energy, who are not noted for being people who favor proliferation, by any means.

The National Research Council, composed of members from the National Academy of Sciences, the National Academy of Engineering and the Institute of Medicine, all support the continuation of this promising technology. In fact, the National Academy of Sciences is closely monitoring the feasibility of this technology upon request of the Department of Energy. They are doing a good job of monitoring it. They are critical in their judgments.

This latest finding of the National Research Council states that ''The committee continues to support the overall recommendations of its July, 1995 report,'' concluding that the Department of Energy ''should proceed with its development plan.''

Mr. Chairman, 2,700 metric tons of nuclear waste poses a dire environmental responsibility of the Federal Government and of this Congress. It is not going to go away, no matter how

much we might hate nuclear power, as some people unfortunately do. We need places in which to store spent nuclear waste. We need the technology to treat these wastes in order to lessen their volume and toxicity, and in order to assure their safe disposal in Yucca Mountain or wherever.

Indeed, the Department of Energy is obligated, under the Federal Facilities Compliance Act, to adequately prepare its spent nuclear fuel for burial and to comply with the Federal Environmental Protection Act. The Department of Energy, like all the rest of us, has to act. For Congress to zero out such research would be an act of irresponsibility.

Mr. Chairman, we debated the same kind of amendment last year and the year before that, and each time it was soundly defeated on a good, solid, bipartisan vote. I think it deserves the same fate today. I urge my colleagues to vote ''no'' on the Markey amendment.

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

Mr. Chairman, pyroprocessing, also known as electrometallurgical treatment, is a relic of the budget-busting breeder reactor program which Congress killed in 1994 by terminating the Advanced Liquid Metal Reactor. According to a 1995 paper on pyroprocessing prepared by Argonne National Laboratory, the basic technology was developed for the integral fast reactor program, which until recently canceled, was the United States' nuclear research and development program for advanced liquid metal reactors.

The ALMR was to be a breeder reactor that was supposed to produce more plutonium than it consumed, and pyroprocessing was to be used in extracting the plutonium from the spent fuel to be reused for civilian or military purposes. Since termination of the ALMR, supporters of the pyroprocessing technology have, in effect, searched for a mission. Now they say the technology is being developed to prepare spent nuclear fuel for proper disposal.

However, according to the publication ''Nuclear Fuel,'' the only thing certain about Argonne National Lab's effort to demonstrate whether pyroprocessing is a viable and versatile spent fuel management tool is that it will take longer and cost more to reach a conclusion on its potential than originally thought.

The review also states that completion of this development and demonstration program requires a proposed Argonne National Laboratory-West spent nuclear fuel processing program that would extend beyond fiscal year 2005, which is 6 years and at least $270 million behind schedule. The National Academy of Sciences says the DOE must clearly understand that additional funding will be necessary beyond the demonstration phase to achieve the program's objectives.

Nevertheless, it is unclear at best that pyroprocessing technology will ever meet its objective of simplifying disposal of certain types of Department of Energy spent fuel. For instance, the National Academy of Sciences has pointed out that the nuclear waste generated by pyroprocessing is probably unsuitable for Yucca Mountain. If the treated fuel is indeed stored at Yucca Mountain, radioactive materials could be released into the environment at very clear risk to health and safety.

□ 2315

The fact is, pyroprocessing is not needed. In the 1980's, 59 cans containing 17 tons of DOE spent nuclear fuel was shipped from the Argonne National Laboratories to Rocketdyne in California, where the unstable elements were neutralized.

The question then arises: Why should Congress continue to fund a program that is not needed and will cost the U.S. taxpayers hundreds of millions of dollars when there is no guarantee that its objectives will ever even be met?

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

Mr. Chairman, I rise in opposition to this amendment. Electrometallurgical treatment or pyroprocessing is finding answers to our most difficult nuclear fuel disposal problems. This process will greatly reduce the volume and the level of toxicity of spent fuel.

Spent nuclear fuel is not amenable to geological disposal because of its nature. It ignites upon contact with air and explodes upon contact with water. Pyroprocessing changes the composition of spent nuclear fuel so that it may be disposed of by safely separating the uranium and the plutonium contained in it. As a matter of fact, this process changes the spent fuel to sodium chloride, more commonly known as table salt.

Furthermore, the Department of Energy has stated that the plutonium produced by this process is not suitable for making nuclear weapons. DOE has further stated that the material produced from this process is not attractive to those who might want to make a weapon.

Pyroprocessing is entirely consistent with the administration's nonproliferation policies. This is not an issue of nuclear proliferation. It is about developing a process that will allow for safe disposal of nuclear wastes. Some wrongfully argue that the uranium produced as a result of this process could be used to build nuclear weapons. This could not be further from the truth.

Pyroprocessing changes the condition of uranium in such a way that it is no longer capable of being used in nuclear weapons. Some may argue that nuclear power should be done away with. Well, I am not here to argue the merits of that position, but I will make one point. I will point out that until such alternatives become reality, we must make every effort to ensure that waste produced by nuclear plants is disposed of safely. Pyroprocessing makes the disposal of spent fuel safer.

The National Research Council has stated that pyroprocessing is the result of well-established science that is technologically feasible. The National Research Council has further stated that this research has the capacity to become the basis for a larger global waste management plan. In light of these facts, it would be irresponsible for us to cut funding at this time.

Nuclear waste is a reality of our modern age. As responsible leaders, it is incumbent upon us to support innovation and technology which will benefit our constituents. Pyroprocessing is such a technology.

This is not corporate welfare. ET, electrometallurgical treatment, is being developed to deal with DOE's own spent fuels. The research is being performed by the nonprofit Argonne National Laboratory operated by the University of Chicago on behalf of the DOE. It seeks to carry out the congressionally authorized mission to clean up sites across this country that supported our Nation's defense missions and to protect human health and the environment now and in the future.

Mr. Chairman, I urge my colleagues to oppose this amendment

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

Mr. Chairman, I rise in opposition to this amendment. As some of my colleagues have said, it has come up before, it has been soundly defeated, but it seems, like a bad penny, to keep coming back.

Mr. Chairman, I support the chairman's mark for $20 million. The chairman, by the way, who along with the ranking member worked very hard to craft a bill that I think is a bill of substance. This $20 million for the electrometallurgical processing I think is vital. It is vital R&D, and it is a program that hopefully will enable the Department of Energy to treat its own, I am saying its own spent nuclear fuel and convert it to a form that is safe for final disposal.

It is important, I think, to understand that a portion of DOE's spent fuel is chemically reactive and it cannot, and I repeat, it cannot be disposed of in its present form.

In fact it is my understanding that some of this fuel is pyrophoric. I am not a chemist, but I do know what it means and I have been told by a number of experts that it will spontaneously ignite when exposed to air.

Mr. Chairman, this is not a program directed at research for the commercial nuclear industry. It is not corporate welfare. Nothing of the kind. The commercial industry does not need, does not even need this technology. But who does? DOE does and America needs it.

Nor is it an R&D effort that will result in technology to separate out the plutonium from the spent fuel. The

plutonium remains suspended in the spent fuel. There are no valid proliferation issues associated with this technology. Rather, it is an R&D program that will render DOE's own inventory of spent fuel safe, while at the same time substantially reducing the volume of waste and the cost of characterization, handling, storage and ultimately, of course, disposal.

Mr. Chairman, this program is in its last year of funding. I urge Members to vote ''no'' on this amendment so that can be completed as requested by the department, and as recommended by the National Academy of Sciences.

Mr. Chairman, I believe, as has been done historically, this has been passed on a bipartisan basis two, three, four years going back. I think we should do it again, and I urge my colleagues to oppose this amendment.

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

Mr. Chairman, I rise to join this stimulating debate that is taking place at 11:20 here on electrometallurgical treatment. I know that my colleagues are fascinated by it, but the fact of the matter is, it is a very serious and important matter.

Mr. Chairman, I strongly oppose, as I have in the past, the amendment being offered by the gentleman from Massachusetts [Mr. MARKEY], my very good friend, and I would like to associate myself with the words of my colleagues who have spoken in opposition.

The gentleman from Michigan [Mr. KNOLLENBERG], my friend from Bloomfield Hills, has just raised the issue of corporate welfare. The gentleman from Illinois [Mr. RUSH] also raised that issue. The fact of the matter is this is not corporate welfare. We are not talking about the disposal of fuels that are in any way related with anything other than direct government programs. We have the Department of Energy faced with this very serious question of how to deal with this spent fuel, and we have a very creative, positive solution which is being researched and developed at Argonne.

It seems to me that as we look at this problem which is looming and continues to grow, we have a responsibility to face it.

So Mr. Chairman, I urge my colleagues to join in strong opposition to the Markey amendment. I strongly encourage them to support the position that has been moved forward by the gentleman from Pennsylvania [Mr. MCDADE], chairman of the subcommittee, and the work of this subcommittee.

It seems to me that when we look at the challenges that loom ahead, we have a responsibility to look at every creative way that we can to deal with this pressing issue, because it is not going to be an issue that will in any way go away. It is one that is going to become greater and greater. That is why the work at Argonne must continue. We have got to have once again a very strong vote in opposition to the Markey amendment, and I urge my colleagues to join with us when we cast that vote tomorrow.

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

Mr. Chairman, I rise in support of the Markey amendment. A number of us are supporting it for a very real reason. We are very concerned about the proliferation of nuclear weapons. We are very concerned that, as the cold war has ended, we are in a different kind of war, the kind of war that will occur when terrorists or rogue nations get access to nuclear weapons.

Mr. Chairman, we can have long and extended debates about this issue, but the bottom line is that if we continue with pyroprocessing, we are going to be allowing a process to be developed that is quite simple, not complex, and nations that do not have a lot of resources will be able to get this type of technology because once we develop it, we cannot contain the knowledge. Once the knowledge is developed, it is there to share with everyone. Terrorists will get it. That is the bottom line.

We talk about this being a serious issue. It is a serious issue. The promoters of this technique, pyroprocessing, make it very clear that this process can be developed in a very small room. When we had dialog about it, they said it could not be developed in a small room because other ancillary services would be needed that would make this product show up and be visible to many.

But, Mr. Chairman, the fact is this is a process that can be developed in a small room. It is a process that separates uranium and can also lead to the separation of plutonium. The trusted scientists that we have spoken to make it very clear that while pyroprocessing does not separate plutonium, a slight change in the process can separate this item.

Mr. Chairman, I cannot speak strongly enough. I wish I could be more eloquent about my feelings, but this is, in my judgment, something that is important to Illinois and Idaho. It is important to these two States because it is a jobs program. But it is absolutely deadly for this Nation and the world. For that reason, I support the Markey amendment and hope that tomorrow we will have the good sense to pass it.

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

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

Mr. PALLONE. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, there are so many red herrings that are tossed out in a debate like this that we might as well put an aquarium down in the well to contain them all as they are swimming around in this debate.

Mr. Chairman, this is a technology which makes it possible to extract highly enriched uranium. Highly enriched uranium can be used to make nuclear bombs. Terrorists can find the designs for the building of nuclear bombs on the Internet. It took me 10 minutes tonight to find the documents titled ''Documentation and Design of an Atom Bomb'' on the Internet; 10 minutes.

What are they missing? They are missing the enriched uranium. What this technology does is make it possible for enriched uranium to be extracted from a very small, very simple process that our Government is funding.

Now, we have had a 25-year policy in the United States against reprocessing, and it is a policy that we try to spread across the rest of the globe. Now, what do we gain by having this tiny project, for our purposes, be funded in the United States, having it be viewed by other countries in the rest of the world who view us as hypocrites for developing reprocessing technologies, and for the long-term not expect those countries then to seek to emulate us?

Mr. Chairman, if we are in fact going to be realistic about the post-cold war era that we live in, we live in a world of deregulation. The United States and Soviet Union can no longer control the rest of the world. So as a result these issues of nonproliferation loom larger in our future.

Do we voluntarily want to undertake policies that gut a 25-year message we have sent to the rest of the world that we are not going to reprocess spent fuel in a way that can create nuclear bomb grade material?

□ 2330

Mr. Chairman, I think that is not the right direction for our country to be heading into the 21st century. That is why I urge a yes vote on the Markey amendment. We do this because for no other purpose we must begin to seriously discuss in our country the real threats of the 21st century, the threats of nuclear materials going from Russia into Iran, from China into Pakistan or into Iraq. We must begin to discuss what we ourselves can do to give the world leadership on this issue.

If we here tonight continue to fund a project which is nothing more than a leftover from the breeder reactor debates of the 1970s and 1980s, then yes, for a very short period of time we might be able vampirelike to allow this program to suck the budgetary life's blood out of the taxpayers' pockets. But, Mr. Chairman, we will also be sending a message to a couple of dozen countries in the world that there is a technology that perhaps they as well should start to think about availing themselves of, and this technology will come back to haunt us because the next ayatollah could in fact have nuclear weapons. The process that they use could very well be this process. The internet tells them how to build it.

We should not in any way send a message that we think is appropriate for it to be built. That is why I make this amendment this evening. That is

why the gentleman from Connecticut [Mr. SHAYS] and the gentleman from Florida [Mr. FOLEY] make this amendment this evening. It is that we begin the process ourselves of giving the world leadership on an issue that for several decades the United States and Soviet Union turned their backs.

It is now time that we turn to this issue. We are never going to blow ourselves up, the United States and the Soviet Union. What is 10 times more likely to happen is that a terrorist or a Third World country will gain access to this technology and then we will reap the whirlwind. I thank the gentleman from New Jersey so much for yielding to me.

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

Mr. Chairman, I was going to talk about the proliferation risk at the end of my comments, but because of the impassioned speech we just heard and the debate that we have heard, I think I will bring that discussion to the forefront. In doing so, let me point out that this research has been requested by the Department of Energy, supported by the administration, authorized by both House committees of jurisdiction and is being supported and monitored by our Nation's premier science organization, the National Academy of Sciences. I ask, do you believe that the Clinton administration with Vice President GORE heavily involved in these environmental matters would endorse the electrometallurgical technology if it constituted a proliferation risk? Would both the committees of Congress, would the National Academy of Sciences and the many other scientific groups and boards that have said this research is so critical support this if it were a proliferation risk? No, they would not.

The reason is because, even though we have had this same tired old debate on every nuclear research project for the last four years it has come up, it is always the same argument no matter what the research is on the floor at the particular time. It must be a proliferation risk because that seems to be the only thing that can be said by those who simply want to shut down nuclear research in this country.

The fact is this is not a proliferation risk. Plutonium is not and cannot be separated by this technology. The fact is that this technology blends down plutonium and binds it with other types of products so that it cannot be used in nuclear bombs. The chemistry and physics of the technology does not allow this. The plutonium is automatically bound together with fission products and other transuranic elements, and those materials make the plutonium unusable for weapons use.

Quite simply, this technology is self-protecting. And that is why this Nation, that is why this administration, that is why the committees of this Congress have endorsed it. And those who oppose it do so in my opinion because they do not support nuclear energy research and they do not want to have the beneficial results of this research to occur.

Independent nonpolitical scientific review boards convened in 1986, 1992 and 1994 have all confirmed that this technology does not present a proliferation risk. What is this technology? This technology that is currently being developed by Argonne National Laboratory is a research program designed to prepare spent nuclear fuel for proper disposal. It is interesting for me to note that many of those who oppose this technology are also opposing the legislation that will hopefully come on this floor later this year to provide for the permanent disposal of spent nuclear fuel. This technology has the potential to treat 2700 metric tons of DOE owned spent fuel, some of which has become seriously degraded, as other Members who have spoken tonight have explained.

It is important to me in Idaho not only because the research is being done there but because over the past few decades much of the spent nuclear fuel of this country has been stored in Idaho. And the State of Idaho recently in litigation with the Department of Energy has achieved a negotiated result enforced by a court order that says that the Federal Government has got to take that spent nuclear fuel, treat it and store it somewhere else. And those who would stop this research and those who would stop the implementation of storage facilities would force that spent fuel to stay in Idaho over the aquifer which we have fought so hard to assure that it must move to protect.

This research, as I said, has been supported by the administration, the committees of Congress, and the scientific review boards that have reviewed it have consistently supported it and said that it is needed research. And a special committee at the independent nonpolitical Academy of Sciences has reviewed this program extensively and is monitoring its progress.

In their report, the committee recommends that DOE assign high priority to electrometallurgical research at Argonne National Laboratory saying that it represents a promising technology for treating a variety of DOE spent fuels.

Mr. Chairman, the fact is that this research is critical to this Nation's nuclear research policy, regardless of whether one supports nuclear energy in the future, which I do, or whether one simply supports solving the problems of the existing spent nuclear fuel that needs to be handled. We must support this needed critical research and we must not listen to those who continually throw up the false argument of proliferation against every aspect of our nuclear program in this country.

Mr. FAZIO of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, first of all let me say I think the gentleman from Massachusetts [Mr. MARKEY] in bringing this amendment to the floor even at this late hour, which I know is a frustration for him, does a service to the institution, to this committee in that he makes us rethink the position that I think most of us have come to; and that is that we must support the administration's nonproliferation goals and policies. He is obviously impassioned and deeply concerned about nonproliferation. I think his colorful rhetoric sometimes gives Members the impression that the gentleman from Massachusetts [Mr. MARKEY] just loves a fight. But we know in addition he is truly committed to keeping the pressure on in this country to make sure that we do not accidentally or without sufficient debate make decisions that we would live to regret.

I know his opposition stems from a very strong advocacy of nonproliferation and a fear that this technology could be used to reprocess spent fuel to separate out the plutonium. He believes, I am sure sincerely, that the department's research on this technology keeps the possibility of reprocessing alive.

Let me read to my colleagues what has helped convince me of the position that I take. It is a letter that was sent very recently by Terry Lash, Director of the Office of Nuclear Energy Science and Technology, writing to Chairman MCDADE. He says,

> The electrometallurgical treatment technology is not reprocessing. It cannot be used or modified to separate pure plutonium. It is technically possible, he says, to modify it to separate a highly radioactive mixture of actinides including plutonium but this material would be extraordinarily difficult to make into a weapon.
>
> This material therefore is not at all attractive to those who might want to make a nuclear explosive. It is doubtful that a rogue nation or terrorist organization could do so even if it wanted to.

I think that when we hear from our colleagues speaking sincerely, the gentleman from Florida [Mr. FOLEY], the gentleman from Connecticut [Mr. SHAYS], talking about the rogue nation, the terrorist attack, we have to look to the people whose job it is to protect us at all times from that kind of threat. And we all know it is a greater threat, as the gentleman from Massachusetts [Mr. MARKEY] says, than the kind of nuclear exchange that dominated our thinking during all of the cold war years.

In addition, indicating to us that the pure recollection reprocessing is easier to use, cheaper to set up and that can fit any facility, probably the choice of those who would be rogue nations or terrorist organizations, this letter points out that electrometallurgical technology must be conducted in airless inert environments using advanced remote handling equipment that is technologically far more challenging than the conventional pure recollection reprocessing.

So I think we have seen a real debate within the administration. I think they

have properly concluded that this is not the threat that some fear it to be. And I would hope that Members would act as we have in the last 2 years to defeat this amendment and support a rational policy which should be a bipartisan one. I think it will be reaffirmed as such this evening.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY].

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

Mr. MARKEY. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 194, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Energy and Water Development Appropriations Act, 1998''.

AMENDMENTS OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer two amendments.

The CHAIRMAN. The Clerk will designate and report the amendments.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 502. None of the funds made available in this Act may be provided by contract or by grant (including a grant of funds to be available for student aid) to any institution of higher education, or subelement thereof, that is currently ineligible for contracts and grants pursuant to section 514 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997 (as contained in section 101(e) of division A of Public Law 104–208; 110 Stat. 3009–270).

The Clerk read as follows:

Amendment Offered by Mr. SOLOMON:

Page 35, after line 20, insert the following new section:

SEC. 502. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with a contractor that is subject to the reporting requirement set forth in subsection (d) of section 4212 of title 38, United States Code, but has not submitted the most recent report required by such subsection.

Mr. SOLOMON (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 New York?

There was no objection.

The CHAIRMAN. Is there objection to the gentleman from New York [Mr. SOLOMON] offering the amendments en bloc?

There was no objection.

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

Mr. SOLOMON. Mr. Chairman, I will not debate the amendments. I mentioned the title of the first, it being a requirement on the reporting requirements of hiring practices of veterans of the former armed forces of the United States of America. The other is an amendment that would require recruiters and ROTC units to be present on college campuses. Both of these amendments have been offered to numerous legislations and become law. I would appreciate if they could be accepted here tonight.

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

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

Mr. MCDADE. Mr. Chairman, I want to compliment the gentleman from New York, the distinguished chairman of the Committee on Rules, on his amendments. We are pleased to accept them.

Mr. SOLOMON. Mr. Chairman, I want to thank the gentleman. I have nothing but praise for him and the ranking member and their staffs, for the outstanding job that they do on a very difficult Appropriations Subcommittee. We thank them very much for all of their efforts on behalf of the entire body.

Mr. FAZIO of California. Mr. Chairman, I move to strike the last word.

Given the fact that I had very little background or information about what was coming on this bill, what seems to be on the surface an extraneous amendment, I have been informed that we have supported this in the past. The House has overwhelmingly done so. I will not object. But I do find it a bit out of the ordinary.

Mr. Chairman, I will accept the gentleman's amendment.

However, as we go to conference, I would ask the gentleman to furnish the committee with a more detailed description of what his amendment will do and the problem that it seeks to address.

As I understand the gentleman's amendment, it would simply make contractors who do business with the Federal Government comply with existing Federal veterans' preference law.

I also understand that should such a contractor fail to comply with the reporting requirements in the law, the contractor would be denied Federal funds.

I certainly don't object to veterans preference, and I hope this will ensure that DOE and other agencies are fulfilling their responsibilities.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York [Mr. SOLOMON].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. BEREUTER

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

The Clerk read as follows:

Amendment offered by Mr. BEREUTER:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 502. None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

Mr. BEREUTER (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 Nebraska?

There was no objection.

Mr. MCDADE. Mr. Chairman, I reserve a point of order on the pending amendment.

The CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

□ 2345

Mr. BEREUTER. Mr. Chairman, this common sense amendment is needed to ensure that the Corps of Engineers does not repeat its previous mistake, a proposal which would have devastated farms, businesses, landowners and countless communities along the Missouri River.

In 1994, the Corps issued its proposed changes to the Master Manual and made a colossal blunder by proposing to drastically increase the flow and water level of the Missouri River during the months of April, May and June. These, obviously, are the very months when States such as Nebraska, Iowa, Kansas and Missouri, especially in the area south of Plattsmouth, NE, are already most vulnerable to flooding due to snow melt and heavy rainfall in the internal watersheds that drain into the Missouri River.

It is bad enough that farmers and other landowners along the river have to contend with natural disasters, they should not be forced to deal with the kind of man-made disasters that would have been caused by the Corps' proposal. The floods and heavy spring rains of recent years offer clear and convincing proof that the proposal was seriously flawed.

At a series of two dozen hearings throughout the Missouri River Basin region, participants expressed very strong, even vociferous remarks and nearly unanimous opposition to a number of provisions in the Corps' preferred alternative. One of the most detested provisions was the increased spring rise.

Following this massive opposition to the proposed changes, the Corps acknowledged the flaws in the original proposal and expressed a willingness to reevaluate the issue. However, this Member believes this common sense amendment is desirably discussed each year to make absolutely certain that the Corps does not repeat this mistake.

Mr. Chairman, in conclusion, this Member again heard the strong concerns and objections to the current

Missouri River bottomland flooding from affected landowners and farmers in Otoe County and Nemaha County at town hall meetings this Member held on Monday of this week in Nebraska City, NE, and Auburn, NE.

Some of these individuals have had their crops destroyed by flooding in 4 of the last 5 years. Their crop insurance costs are soaring and they are understandably suffering great economic losses which do threaten their survival. Therefore, Mr. Chairman, it is important that any changes in the Missouri River Master Water Control Plan alleviate this severe flooding problem and not accentuate it.

Finally, Mr. Chairman, this Member will attempt to address this subject throughout any appropriate authorizing committees.

I have had tremendous cooperation from the chairman and the ranking member on this subcommittee, and I am very much appreciative of it. I know that the rules, or the interpretation of the rules which made this amendment possible to be considered in the last two Congresses are different.

Mr. Chairman, I recognize that the gentleman from Pennsylvania has reserved a point of order and I would be willing to hear anything that he wishes to say to me at this point, and will end my remarks by conceding the point of order to the gentleman.

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

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

POINT OF ORDER

Mr. MCDADE. Mr. Chairman, I am grateful to my friend for conceding the point of order. I am constrained to put the language on the RECORD because, as the gentleman knows, he is attempting here to set a precedent, and so we need to make sure that the Parliamentarian makes a ruling.

Mr. Chairman, I object and make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2(c) of rule XXI.

The rule States in pertinent part, and I quote:

> No amendment to a general appropriations shall be in order if changing existing law, including an amendment making the availability of funds contingent upon the receipt or possession of information not required by existing law for the period of the appropriation.

The amendment changes existing laws because it is based on receipt or possession of information not currently required under existing law and thereby imposes additional duties on a governmental official. This rule was changed for the 105th Congress to specifically prohibit this loophole, a technical loophole, which was used to circumvent the prohibition of legislating on an appropriation bill.

Mr. Chairman, I ask for a ruling from the chairman.

Mr. BEREUTER. Mr. Chairman, may I be heard?

The CHAIRMAN. The Chair recognizes the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I want to reluctantly agree, as I said, to concede the point of order and express my general appreciation for the treatment this Member has had.

The CHAIRMAN. The Chair will proceed to rule.

The gentleman from Pennsylvania makes a point of order against the amendment offered by the gentleman from Nebraska [Mr. BEREUTER] that the amendment violates clause 2(c) of rule XXI, which precludes an amendment to an appropriation bill that changes existing law.

As the Chair ruled on July 15, 1997, clause 2(c) of rule XXI was amended in this Congress to include in the definition of an amendment ''changing existing law'' one that makes the availability of funds contingent upon the receipt or possession of information not required by existing law for the period of the appropriation. Precedents to the contrary from prior Congresses are no longer dispositive. The amendment thus constitutes a change in existing law and is in violation of clause 2(c) of rule XXI.

Accordingly, the point of order is sustained.

AMENDMENT OFFERED BY MR. PETRI

Mr. PETRI. Mr. Chairman I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. PETRI:
>
> At the end of the bill, insert after the last section (preceding the short title) the following new section:
>
> SEC. . None of the funds made available in this Act may be used to pay the salary of any officer or employee of the Department of the Interior who authorizes, or implements the acquisition of land for, or construction of, the Animas-La Plata Project, in Colorado and New Mexico, pursuant to the Act of April 11, 1956 (43 U.S.C. 620 et seq.) and the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.).

Mr. PETRI (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 Wisconsin?

There was no objection.

Mr. PETRI. Mr. Chairman, this amendment provides that no money can be spent on land acquisition or construction of the Animas LaPlata Water Project in Colorado and New Mexico.

Although this Energy and Water Appropriations bill does not contain any additional funds for the Animas LaPlata project, there is approximately $8.2 million of previously appropriated and unobligated funds that remain, and the other body has appropriated an additional $6 million for this year. I believe the House of Representatives deserves an opportunity to restate its view on this important issue.

As Members know, last year the House voted against the project by a 221 to 200 vote, removing its money from last year's appropriations bill. Nine and a half million dollars was then inserted in the bill in conference.

Fortunately, the supporters to the project have agreed that the project as originally conceived cannot be built. Yet now they have recently presented an alternative which still costs hundreds of millions of dollars, still contains a number of objectionable features, is not in compliance with existing Federal laws and, most importantly, has not been authorized. This alternative is a new project and should be authorized before it goes forward.

We appreciate the fact that the bill contains no new money for the Animas LaPlata project, and we thank the chairman for that. Our concern is that the committee report language directs that existing funds continue to be spent on the project and that spending is not limited to studies of alternatives. We do not believe any funds should be committed to the construction of a project that everyone has abandoned or an unauthorized alternative under the guise of the old project until a new alternative has been developed and authorized.

There is, in fact, a negotiation process underway in the State of Colorado led by Governor Romer and Lieutenant Governor Schoettler discussing new alternatives and other possibilities. We support this negotiation process and hope it results in an acceptable alternative. But until it does so, it is completely premature to be appropriating and spending any more money for the construction of the old project or a new one.

I would just like to have the House be very clear that no funds should be used to start construction until Congress has authorized a new alternative, and that is what this amendment attempts to do.

I would ask all my colleagues to support this amendment.

Ms. DEGETTE. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentlewoman from Colorado.

Ms. DEGETTE. Mr. Chairman, I thank the gentleman for yielding to me. I have a question for the gentleman from Wisconsin.

As the gentleman knows, there are a number of controversies associated with this project, most notably environmental and cost concerns, and as he mentioned, there are currently negotiations underway attempting to address these problems and come up with an alternative that addresses both of these concerns. We are calling it the Romer-Schoettler process in Colorado and every place else.

What I am wondering is, if the gentleman's amendment would in any way prohibit any Department of Interior personnel from participating in the Romer-Schoettler process or in any way exclude or interfere with this resolution process?

Mr. PETRI. Mr. Chairman, reclaiming my time, as I have previously stated, the only limitation on the use of

the funds would be on activities related to the acquisition of land for the construction of the project as originally authorized.

In fact, it has always been our intention that by eliminating the funds in this way, the funds would still be available for the study and planning of a reasonable alternative.

Ms. DEGETTE. Mr. Chairman, if the gentleman would continue to yield, just so that I may follow up, there are currently approximately $8.2 million in unobligated funds in the Animas LaPlata account. Under this amendment, could these funds be used for the continued involvement of Department of Interior personnel in the Romer-Schoettler negotiations or any other negotiations designed to develop an alternative that will resolve the environmental and cost concerns associated with this project?

Mr. PETRI. Mr. Chairman, that is right. As I have stated, the only limitation on the use of funds would be on activities related to the acquisition of lands for or construction of the project as originally authorized.

It has always been our intention that by eliminating the funds in this way, the funds would be still available for the study and planning of a reasonable alternative.

AMENDMENT OFFERED BY MR. FAZIO OF CALIFORNIA AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. PETRI

Mr. FAZIO of California. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. FAZIO of California as a substitute for the amendment offered by Mr. PETRI:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

None of the funds made available in this act to pay the salary of any officer or employee of the Department of Interior may be used for the Animals-La Plata Project, in Colorado and New Mexico, except for (1) activities required to comply with the applicable provisions of current law; and (2) continuation of activities pursuant to the Colorado Ute Indian Water Rights settlement Act of 1988 (Pub. L. 100–585).

Mr. FAZIO of California. Mr. Chairman, I rise in opposition to the Petri amendment and in support of an amendment that I have just offered along with the gentlemen from Colorado [Mr. SKAGGS] and [Mr. MCINNIS] as a substitute on Animas LaPlata.

The gentleman from Wisconsin [Mr. PETRI] and the gentleman from Oregon [Mr. DEFAZIO], his colleague, have been really spoiling for a fight on this subject all year long, and I think what they are showing us tonight is they are not going to allow the lack of funding for the project in our bill to stand in the way of having that debate.

In a sense, our colleagues are really asking us to revote last year's amendment because this amendment, really, has to do with spending last year's funds. The effect of their amendment would be to prevent the Interior Department's agencies and employees from doing the one thing they have said to be seeking in the past, and that is a cost effective alternative to the full-blown Animas LaPlata project.

The effect of their amendment would also be to throw in enormous obstacles in the way of the successful Romer-Schoettler process. The tribes and their neighbors are cooperating in the process in good faith. Proposals, in fact, for changes in this project are due July 31, not very many days from now.

The tribes made their proposal a few weeks ago, and when it is advanced for authorization, we will have the opportunity to debate it on its merits.

The good faith of the tribes is demonstrated by their proposal, which cuts the project cost by $400 million, almost entirely because the non-Indian irrigation components have been removed, one of the great goals of the environmental movement through the years.

Shelving the irrigation features also eliminates any water quality concerns. Two-thirds of the water would go to the tribes and depletions are limited to 57,100 acre-feet, in full compliance with the Endangered Species Act.

All of these proposed changes respond in a responsible manner to concerns the amendment sponsors have raised in previous debates.

The tribes will not accept a buy-out of their water rights. That point was emphasized by Interior Secretary Bruce Babbitt during our committee hearings. The tribes want real water, wet water, not a paper right and the promise of cash.

The tribes have been cooperative and they have been remarkably patient.

The amendment I am offering with the gentlemen from Colorado [Mr. SKAGGS] and [Mr. MCINNIS] is a substitute to the language that would not permit construction to go forward immediately. But unlike the Petri amendment, it will allow the tribes' trustee, the Department of the Interior, to participate in a process which seeks a less expensive way to fulfill our obligation to the Colorado Ute tribes.

The substitute amendment is fair, I think it is evenhanded and, better yet, it, as my colleagues have heard, has the bipartisan support of the Colorado delegation, who know more than anyone how difficult this process has been and the type of balance that is finally being obtained through this process that has long alluded us.

This has been an issue that has been before this committee for as long as I have served on it, I believe 18 years. The substitute amendment is evenhanded and will permit this process that the governor and lieutenant governor engaged in to go forward. I do not think any of us want to interfere with the downsizing and the improvement of a project that obviously has cried out for change.

□ 2400

If we let this process proceed and agreement can be reached, we can move forward to complete a scaledown and improved project rather than have to leave it for future deliberation in a way that will only serve to meet the goals of those who want no project whatsoever and have no interest in compromise.

I hope the Members will accept this as a real step forward in lieu of the kind of amendment that was offered by the gentleman from Wisconsin [Mr. PETRI], which I think would put an end to the good-faith negotiations now underway.

Mr. PETRI. Mr. Chairman, I raise a point of order against the amendment.

The CHAIRMAN. The Chair will state that it is too late; the substitute has already been offered.

Mr. MCINNIS. Mr. Chairman, I move to strike the requisite number of words. I rise to address the substitute amendment.

Mr. Chairman, I think it is very important. First of all, let me thank the gentleman from California. The gentleman from California has been very cooperative. The gentleman from California understands the history of the Animas-La Plata project. The gentleman from California understands the importance of bipartisan support, which this project has had through a number of Congresses, through a number of Presidents, through a number of State legislatures.

This project is in compliance with an agreement made by the United States Government with the Indian tribes of this country. We gave the Native Americans our word that we would comply with an agreement if they simply would not sue us in the courts to get the water that we originally promised them.

Let me quote from an article from a good friend of mine, Bob Ewegen, from the State of Colorado. It involves a fellow named Otto Mears:

''The Utes, for whom the San Juans had been home for generations, naturally resented the rush of the white man to the lands they considered their own. Otto Mears made removing the Indians to smaller reservations in the west his first order of business, thereby opening his area to settlement. He played a prominent role in drawing up the various treaties by which the Utes lost their lands. The first was the Brunot Treaty of 1873, named for Felix Brunot, the United States Indian Commissioner, in which the Utes gave up their San Juan area,' that is a massive area in the State of Colorado, 'for a payment of $25,000 a year.

''. . In 1880 Mears was asked to serve as one of the five commissioners to make another treaty with the Utes. The government was prepared to pay $1.8 million to the Indians for the balance of their land, 11 million acres on the Western Slope' of Colorado. 'Mears had a better idea. He gave each Indian $2 to sign the treaty, thereby saving the government, the United States Government, practically the total sum that it expected to pay.'''.

''Promise them $1.8 million. Give them two bucks. How typical of the United States Government. Unfortunately, things haven't changed much since 1880. In 1988 Congress passed the Colorado Ute Indian Water Rights Settlement Act to honor water rights that were granted the Utes more than a century ago in 1868.''

Ever since, we have worked hard to pass the Animas-La Plata water project in compliance with that agreement. ''The only way that this would be is to convert these legal rights into 'wet water' that the tribes can actually use. But ALP, the Animas-La Plata, ''has been blocked by a coalition of fiscal conservatives,'' theoretically, ''and what I call 'theme park' environmentalists.''

And the article goes on. The intent of the article is the reflection of the history, the sad history of the way that the Native Americans have been treated in this country. And once again, this Congress, through the amendment of the gentleman from Wisconsin [Mr. PETRI] is about again to add to that sad history, and that is to break the word that we gave to the Native Americans.

Now that water that we stole from them originally, we agreed to give the water back to them. We did not give it back to them, so they sued us. We asked them to drop the lawsuit. We promised them we would give them wet water, not money, not beads, not an ax handle. We would give them water, a water project.

We agreed to it. This Congress agreed to it. The previous Congress agreed to it. The previous Congress agreed to it. Previous Presidents agreed to it. And now, once again, here we are on the verge of breaking the word and the honor of the United States Government.

Do not support the amendment offered by the gentleman from Wisconsin, because all we do is put into effect a participatory breach of contract with the Native Americans. I urge everyone in the Chamber to support the substitute amendment of the gentleman from California. That is what is fair. That is what is just. And frankly, that is what keeps our word with the Native Americans.

Mr. SKAGGS. Mr. Chairman, I rise in support of the substitute amendment.

Mr. Chairman and Members, this Nation has a moral and legal obligation to meet the water right claims of the Ute and Mountain Ute Indian tribes in southwestern Colorado. We should recognize and stipulate to that.

The second thing that I think we all recognize, and the gentleman from Wisconsin [Mr. PETRI] in particular, that the existing authorized means of accomplishing that purpose and meeting that obligation, the original Animas-La Plata project, is excessive in cost and damage to the environment. It will not and should not be built as originally designed. But we cannot let that legitimate opposition to the old Animas-La Plata configuration cloud or compromise the vigor of our commitment to meet the Indian water rights claims that are at stake here.

Unfortunately, I am afraid that the amendment offered by the gentleman from Wisconsin will have that effect, and so I oppose it. There is an important effort underway now in Colorado that has already been discussed under auspices of Governor Romer and Lieutenant Governor Schoettler, a search for a compromise between proponents and opponents of the old Animas-La Plata project. I want to see that effort through to a successful conclusion if that is at all possible.

I believe the substitute makes clear that the Nation will not renege on its commitment to the tribes. Admittedly, I think this debate may be largely symbolic. I do not know that the substitute will have a significant effect on changing the legal landscape. I am not sure that the gentleman's original amendment will have much effect either. But I do believe, and regrettably, that there is a connection between this year's amendment by the gentleman from Wisconsin and last year's, which was, I think, a much more directed attempt to end this effort altogether, and therefore there is an understandable interpretation that this represents an effort to undermine that fundamental commitment to meet the tribes' water needs and their water rights. And for that reason, we cannot let that proceed.

Mr. Chairman, I am fully aware of the problems with the original project, serious environmental problems, serious problems with cost. But the fact is, as I said, that it is legally linked by law passed by Congress and signed by President Reagan to settlement of water rights to two Indian tribes. Killing the project without providing an adequate alternative to accommodate those rights would repudiate the settlement and I am afraid lead to costly litigation.

Let us let the Romer-Schoettler process go forward. Let us try to bring the parties together to a compromised solution if we possibly can. I hope that, therefore, we will support the substitute and reject the original amendment and allow this process to go forward.

Mr. PETRI. Mr. Chairman, I rise to speak against the substitute.

Mr. Chairman, first of all, I apologize to you and Members since I had not had an opportunity to read the amendment and it was not submitted to anyone or printed in the RECORD to stand to my feet to object. I have reserved a point of order and perhaps could have saved some time, because it appears to me, at least on the face of it, that it is legislating on appropriation and would not withstand a point of order.

Leaving that aside, nonetheless, it is somewhat of a symbolic argument in that the issue really here is pending the negotiations going on in Colorado to come up with a viable project that honors the Indian treaty rights and is environmentally sensible at the same time: Do we continue down the road of a roughly $750 million project that is a road to nowhere, at great expense to the taxpayers' spending, money that is in the pipeline; or do we stop what is being done now until we have a new project that in fact there is a consensus for?

We are arguing not to throw good money after bad. Let the negotiations go forward. Do not bias those negotiations by continuing to spend money on a project really to nowhere. And, therefore, I would oppose this amendment since it would encourage and permit the spending of money that might be wasteful

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

Mr. PETRI. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I just want to assure the gentleman, I do not want to go down that road either. That is a road that has properly now, I think, been blocked. And progress that has already been made under the discussions convened by the Governor and Lieutenant Governor I think make that clear. But I want to assure the gentleman anyway of my opposition to that original overpriced, overblown project that would have had serious environmental consequences that I agree with him are uncalled for.

Mr. PETRI. Reclaiming my time, as I said, I have not had a chance to read the amendment completely, but as best I can tell, the basic difference between the amendment that I offered and the substitute is that ours would insert in the bill language to the effect that no activity can be conducted that would provide for implementing the acquisition of land for or the construction of the current Animas-La Plata project. And that would obviously be pending the negotiations and the new project coming forward.

This substitute amendment provides, yes, you can go ahead and continue spending money and engaging in activities pursuant to the Colorado Ute Water Settlement Act of 1988; in other words, biasing the negotiations that are now going on in Colorado. I think that would be a mistake, and I urge my colleagues to vote against the substitute and support the underlying amendment.

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

Mr. PETRI. I yield to the gentleman from Colorado.

Mr. McINNIS. Mr. Chairman, the concern that we have about the amendment that my colleague has placed out as his amendment, while there are negotiations going on in Colorado, the Romer negotiations, your amendment gives tremendous leverage to the opponents of the project. Our position is that we should maintain the status quo in the House and that if a compromise is reached by these parties, that that compromise be free to go forward.

We are under a time limitation, a contractual time limitation, to deliver this project to the Native Americans to avoid being in breach of contract.

Mr. PETRI. Reclaiming my time, there is mutual suspicion, obviously, in this. But the report language accompanying the bill that we are considering today does contain language providing for continued spending on the project.

My amendment was an effort to overcome that support language and provide for what we regard as a more neutral field. And, hopefully, there will be some discussions before this comes out of conference and maybe the whole thing can be resolved at that point, I think, we have identified the area of difference.

Mr. REDMOND. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, 41 years ago, when I was 2 years old, there were Native Americans in the American Southwest who were carrying water in buckets to their homes. Plenty of water ran through their land but there was no way to store it or transport it, and therefore, it was virtually useless.

The United States Government promised them a storage and delivery system which became known as the Animas-La Plata water project. For 41 years, this promised storage system has been studied and analyzed, and today our Native American brothers still carry water in buckets to their homes. Cost concerns have been raised and addressed, and still our Native American brothers carry water in buckets to their homes. Environmental concerns have been addressed and resolved, and still our Native American brothers carry water in their buckets to their homes.

In good faith, they have shared some of their water rights with their neighbors to entice this body to keep its word. Several weeks ago, Native American tribal leaders, local water officials, and members of the Colorado and New Mexico delegations came together to show their unified support for the Animas-La Plata reconciliation project. This significantly revised proposal cuts the cost of the original project by two-thirds. It satisfies the NEPA process, and it meets the requirements of the Indian Water Rights Settlement Act.

But tonight my colleagues, using dated information, are offering an amendment that not only prevents further funding of this project, it prevents even negotiation under the Romer-Schoettler process. The gentleman from Wisconsin [Mr. PETRI] and the gentleman from California [Mr. FAZIO] offer this amendment despite the fact that their concerns with the original project have been addressed.

My colleagues have long been opposed to this project for its cost. The revised proposal is two-thirds the original cost of the project. They claim the original plan does not satisfy the requirements of the Indian Water Rights Settlement Act, the revised plan does satisfy those claims, and the tribes are willing to sign an agreement stating such.

My colleagues oppose the old plan because they believe the construction time limitation would be exceeded. The new project will be completed by 2005, a date the tribes have agreed upon.

□ 0015

My colleagues claim that significant environmental concerns will be raised with the construction of this project. All National Environmental Policy Act requirements will be met.

Mr. Chairman, it is time to do the right thing. It is time to fulfill the promise that the U.S. Government made decades ago to the Colorado Ute Tribes. If this body does not act tonight to support this project, our native American brothers will settle this in the courts and they will most certainly win. When they win, the U.S. Government will not only pay for the construction of the Animas La Plata Water Project, it will pay for litigation costs and for damages as well. It is time to put an end to the days that our native American brothers must carry water in buckets to their homes. Let us keep our word.

I urge my colleagues to vote in favor of the Fazio amendment to the Petri-DeFazio amendment.

Mr. Chairman, I include the following article from Colorado for the RECORD:

TWO BUCKS FOR A BIRTHRIGHT

(By Bob Ewegen)

There's a stained glass window in the Colorado Senate honoring Otto Mears as: ''The Pathfinder.''

My wife would offer a blunter title for Mears: ''The Scoundrel.''

My wife, novelist Yvonne Montgomery, is part Cherokee and thus sympathizes with the Utes, who once owned almost all of Colorado's Western Slope—thanks to one of those famous treaties solemnly binding the Great White Father to protect his red children as long as the rivers run, the grass grows and the Broncos lose the Super Bowl.

In practice, those treaties lasted until Great White Father discovered something else he wanted to steal. Then the rivers would dry up, the grass would stop growing, and the Broncos, after losing to the Jaguars in the playoffs, would ask the taxpayers to buy them a new teepee. And the Indians would lose still more of their land and water.

U.S. Rep. Scott McInnis, who represents the Western Slope and Pueblo, reminded me of that sordid past last week by facing a chapter from a delightful book by Gladys R. Bueler, ''Colorado's Colorful Characters,'' published by Pruett Press in Boulder.

Bueler notes that silver and gold were discovered in 1871 in the San Juan mountains, where Mears operated a freight business.

''The Utes, for whom the San Juans had been home for generations, naturally resented the rush of white men to lands they considered their own. Otto Mears made removing the Indians to smaller reservations to the west his first order of business, thereby opening this area to settlement. He played a prominent role in drawing up the various treaties by which the Utes lost their lands. The first was the Brunot Treaty of 1873, named for Felix Brunot, the U.S. Indian Commissioner, in which the Utes gave up their San Juan area for a payment of $25,000 a year.

''. . . In 1880 Mears was asked to serve as one of the five commissioners to make another treaty with the Utes. The government was prepared to pay $1.8 million to the Indians for the balance of their land, 11 million acres on the Western Slope. Mears had a better idea. He gave each Indian $2 to sign the treaty, thereby saving the government practically the total sum it had expected to pay.''

Promise them $1.8 million. Give them two bucks. How typical of the government. Unfortunately, things haven't changed that much since 1880. In 1988 Congress passed the Colorado Ute Indian Water Rights Settlement Act to honor water rights that were granted the Utes more than a century ago, in 1868. Ever since, McInnis and Sen. Ben Campbell have worked hard to pass the Animas-La Plata water project near Durango, the only way to convert those legal rights into ''wet water'' the tribes can actually use. But A–LP has been blocked by a coalition of fiscal conservatives and what I call ''theme park'' environmentalists.

Theme-park environmentalists are those souls, usually Easterners or transplants from the East, who profess to love the West. But what they really love is a fantasy image of the West as it never was—and they don't want the people who actually live in the real West to mess up their theme park by earning a living. They want us natives to remain in a quaint and colorful condition, ready to ferry our environmentalist overlords on their rare rafting trips or serve as their maids and bartenders at our ski resorts. But let a rancher graze a few cows in the high country, and the first yuppie backpacker to step in a cow pie will—what else?—have a cow.

The theme-park environmentalists have now replaced Otto Mears in the time-dishonored effort to cheat the Utes out of their legacy. In their latest scam, the theme parkers have promised that if the Utes will abandon their support for A–LP, the enviros will ask Congress to give them $167 million to buy up some land and water rights. Of course, the Utes already own plenty of such abstract water rights. What they need is a ''bucket''—the Ridges Basin Reservoir—to store that water so the Utes can use it when they need it.

If the fiscal conservatives in the congressional coalition opposing A–LP are fair, they'll accept the offer the Utes made last week to slash the cost of the project from $714 million to $257 million. But if Congress won't even appropriate $257 million, why should it give the Utes $167 million? The fact is, the theme-park environmentalists are just following the path blazed by Otto Mears when he promised the Utes $1.8 million and delivered two bucks.

This time, the Utes should tell the Sierra Clubbers to keep their $2—and go jump in the lake. Specifically, into a Ridges Basin reservoir filled with Ute-owned water.

Mr. McDADE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Fazio amendment. I am happy to join my colleagues from Colorado, from New Mexico, and from California, indeed all the members of the subcommittee that heard the testimony with respect to this project. We think they have done yeoman work in attempting to meet the criticisms that were leveled on the much different project that was proposed some time

ago. I congratulate them for a marvelous debate tonight in showing their concern for our native Americans and the need for the Government to live up to the water rights that have been agreed to. I hope the substitute amendment will be roundly accepted.

Mr. DELAY. Mr. Chairman, I rise in support of the Fazio substitute and in opposition to the Petri-DeFazio amendment. The effort to scuttle the Animas-La Plata project has arisen year after year with accusations of corporate welfare, antienvironmental impacts, and excessive cost.

But a good faith effort is being made to reach a compromise that addresses the high cost and eliminates water quality concerns. The concerns raised by the opponents of this project are being addressed.

But the Petri-DeFazio amendment would stop that effort in its tracks. It would freeze the Interior Department out of the only process that is examining alternatives to the full blown Animas-La Plata project.

Mr. Chairman, that's just not right. The Indian tribes involved in this effort, like it or not, have agreements with the Federal and State governments—the promise to meet the water supply needs of the Ute Tribes goes back over a century.

I urge my colleagues to support the Fazio amendment—it prohibits construction from going forward but allows the Interior Department to continue its role in working out a reasonable alternative to the current project. Hopefully, this approach will allow the Federal Government to fulfill the commitment it made to the Ute Indians so long ago.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. FAZIO] as a substitute for the amendment offered by the gentleman from Wisconsin [Mr. PETRI].

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

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

The CHAIRMAN. Pursuant to House Resolution 194, further proceedings on the amendment offered by the gentleman from California [Mr. FAZIO] as a substitute for the amendment offered by the gentleman from Wisconsin [Mr. PETRI] will be postponed.

Mr. MCDADE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. MCINNIS] having assumed the chair, Mr. OXLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

IMMIGRATION REFORM TRANSITION ACT OF 1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-111)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary and ordered to be printed:

To the Congress of the United States:

I am pleased to submit for your immediate consideration and enactment the ''Immigration Reform Transition Act of 1997,'' which is accompanied by a section-by-section analysis. This legislative proposal is designed to ensure that the complete transition to the new ''cancellation of removal'' (formerly ''suspension of deportation'') provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA; Public Law 104–208) can be accomplished in a fair and equitable manner consistent with our law enforcement needs and foreign policy interests.

This legislative proposal would aid the transition to IIRIRA's new cancellation of removal rules and prevent the unfairness of applying those rules to cases pending before April 1, 1997, the effective date of the new rules. It would also recognize the special circumstances of certain Central Americans who entered the United States in the 1980s in response to civil war and political persecution. The Nicaraguan Review Program, under successive Administrations from 1985 to 1995, protected roughly 40,000 Nicaraguans from deportation while their cases were under review. During this time the *American Baptist Churches v. Thornburgh* (ABC) litigation resulted in a 1990 court settlement, which protected roughly 190,000 Salvadorans and 50,000 Guatemalans. Other Central Americans have been unable to obtain a decision on their asylum applications for many years. Absent this legislative proposal, many of these individuals would be denied protection from deportation under IIRIRA's new cancellation of removal rules. Such a result would unduly harm stable families and communities here in the United States and undermine our strong interests in facilitating the development of peace and democracy in Central America.

This legislative proposal would delay the effect of IIRIRA's new provisions so that immigration cases pending before April 1, 1997, will continue to be considered and decided under the old suspension of deportation rules as they existed prior to that date. IIRIRA's new cancellation of removal rules would generally apply to cases commended on or after April 1, 1997. This proposal dictates no particular outcome of any case. Every application for suspension of deportation or cancellation of removal must still be considered on a case-by-case basis. The proposal simply restores a fair opportunity to those whose cases have long been in the system or have other demonstrable equities.

In addition to continuing to apply the old standards to old cases, from IIRIRA's annual cap of 4,000 cancellations of removal. It would also exempt from the cap cases of battered spouses and children who otherwise receive such cancellation.

The proposal also guarantees that the cancellation of removal proceedings of certain individuals covered by the 1990 ABC litigation settlement and certain other Central Americans with long-pending asylum claims will be governed by the pre-IIRIRA substantive standard of 7 years continuous physical presence and extreme hardship. It would further exempt those same individuals from IIRIRA's cap. Finally, individuals affected by the legislation whose time has lapsed for reopening their cases following a removal order would be granted 180 days in which to do so.

My Administration is committed to working with the Congress to enact this legislation. If, however, we are unsuccessful in this goal, I am prepared to examine any available administrative options for granting relief to this class of immigrants. These options could include a grant of Deferred Enforced Departure for certain classes of individuals who would qualify for relief from deportation under this legislative proposal. Prompt legislative action on my proposal would ensure a smooth transition to the full implementation of IIRIRA and prevent harsh and avoidable results.

I urge the Congress to give this legislative proposal prompt and favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 24, 1997.*

PERSONAL EXPLANATION

Mr. PALLONE. Mr. Speaker, due to a family emergency, I was absent for votes taken yesterday, Wednesday, July 23.

Had I been present on rollcall No. 300 I would have voted yes; on rollcall No. 301 I would have voted no; on rollcall No. 302 I would have voted yes; on rollcall No. 303 I would have voted yes; on rollcall No. 304 I would have voted yes; on rollcall No. 305 I would have voted no; and on rollcall No. 306 I would have voted no.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PALLONE (at the request of Mr. GEPHARDT] for Wednesday, July 23, on account of a family emergency.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 8 p.m., on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. REDMOND) to revise and