

## NOT VOTING—11

Boehner	Sisisky	Waldholtz
Fields (LA)	Tauzin	Weldon (PA)
Mfume	Tiahrt	White
Moakley	Tucker	

□ 1303

Ms. KAPTUR, Mrs. MINK of Hawaii, Mr. BEILENSEN, and Mr. CONYERS changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1905, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 248 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 248

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes. All points of order against the conference report and against its consideration are waived.

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

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

Mr. Speaker, House Resolution 248 waives all points of order against the conference report to accompany H.R. 1905, the Energy and Water Appropriations Act for Fiscal Year 1996 and its consideration.

Mr. Speaker, only 2 of the 13 appropriations bills have been signed into law, and we need to expedite consideration of these measures as they are reported from conference.

Chairman JOHN MYERS and ranking member TOM BEVILL and the rest of the conferees did an excellent job, as always. They worked closely with the authorizing committees, and have brought forth a balanced bill which is \$707 million below the fiscal year 1995 level.

I'm particularly pleased that sufficient funds were made available for the Tennessee Valley Authority, which provides important services for the 7-State region which makes up the Tennessee Valley area. These TVA functions would otherwise have to be provided by the Corps of Engineers or some other Federal agency, which would be more costly in my opinion.

Mr. Speaker, this is one of only a few appropriations bills that the President

is expected to sign rather than veto, so I urge my colleagues to adopt this rule and pass this conference report without delay.

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

Mr. BEILENSEN. Mr. Speaker, I thank the gentleman from Tennessee [Mr. QUILLEN] for yielding the customary one-half hour of debate time to me, and I yield myself such time as I may consume.

Mr. Speaker, we do not oppose this rule. The majority seems now to have accepted as standard practice, rules such as this one waiving all points of order against conference reports for appropriations bills, and against their consideration.

The conferees' resolution of the disagreements in this legislation were made in such a manner that we understand the President is almost certain to sign the bill into law. That is good news for this appropriations bill, at least.

Mr. Speaker, this bill deals with some major environmental, energy and natural resource issues, and many Members are especially concerned about the clear shift in direction that is reflected in the funding priorities in these areas.

For example, the bill makes deep cuts in research and development budgets for solar and other renewable energy sources. Those accounts would be cut by 29 percent from the current level.

These energy sources are essential to helping our Nation reach several very important goals, including reducing the trade deficit, curbing gas emissions and air pollution from energy use, and reducing our Nation's dependence on imported oil—much of which comes from the politically volatile Middle East. The large cut in spending for development of these resources will mean a greatly reduced commitment to achieving these goals, which is troubling, to be frank about it, Mr. Speaker, to many of us.

Meanwhile, funding for Army Corps of Engineers' water projects is reduced by only 6 percent. Not only is that a relatively small cut compared to that provided for renewable energy resources, it is very small compared to the reductions that are being applied this year to many other valuable domestic programs—for example, the one-third reduction in spending that would be applied to the Environmental Protection Agency under the House-passed VA-HUD appropriations bill. If this appropriations bill is viewed in the context of all the other budget decisions the House is making this year, the high priority that the majority has placed on protecting water projects really ought to be questioned.

Mr. Speaker, to repeat, we do not oppose this rule, and we urge our colleagues to approve it so that we may proceed to consideration of the conference report for the energy and water appropriations bill.

Mr. Speaker, I advise my friend and colleague from Tennessee that we have no requests for time on our side and, pending his ending on his side, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Colorado [Mr. MCINNIS], a valuable member of the House Committee on Rules.

(Mr. MCINNIS asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. MCINNIS. Mr. Speaker, first of all I appreciate the gentleman from Tennessee Yielding me time.

Mr. Speaker, I rise in support of House Resolution 248, a rule which waives all points of order against the conference report to accompany H.R. 1905, the Energy and Water Development Appropriations for fiscal year 1996. I urge my colleagues to support the adoption of this rule, and I want to briefly discuss section 507 of the conference report.

Section 507 provides that "[i]n order to ensure the timely implementation of the Colorado Ute Indian Water Rights Settlement Act of 1988, the Secretary of the Interior is directed to proceed without delay with construction of those facilities in conformance with the final Biological Opinion for the Animas-La Plata project, Colorado and New Mexico, dated October 25, 1991." This language does not seek to waive environmental requirements. However, the conference came to the judgment that this project has already more than satisfied environmental requirements. For example, two separate biological opinions under the Endangered Species Act have been completed. One section 404(r) permit exemption under the Clean Water Act was granted. Furthermore, an environmental impact statement and supplemental draft environmental impact statement under NEPA have occurred, and there are still more reviews currently underway.

This project has been the subject of lengthy environmental consideration, and we are simply saying, Enough is enough. It is time to move forward.

The simple fact is that the construction of the Animas-La Plata project must begin immediately in order to possibly meet the terms of the 1986 settlement agreement between two tribes of native Americans, the United States, and other parties. If the two Ute tribes do not begin receiving water by January 1, 2001, then they have an option until January 1, 2005, to reject water from the Animas-La Plata Project and to institute litigation to obtain direct flow rights to the water with a 100-year-old priority date. That litigation will have a severe economic impact on the rural and urban economies of Colorado and New Mexico, jeopardize the water rights of countless of people throughout the Four Corners region, and cost the U.S. taxpayers millions of dollars. This Congress cannot

want to see further litigation and we do not want to break our word to these native Americans. That is why section 507 was included.

Second, a question may arise as to what the conferees meant by the words "timely implementation" and "without delay" is simple. Timely implementation means, right now. That is why they choose the words, "without delay." They could have said, without one year's delay. They could have said, without undue delay. Instead, they chose the unambiguous, without delay. The Secretary should have no trouble interpreting this unambiguous language.

I reiterate that this is primarily an issue of fair dealing with native Americans. Nearly 125 years ago the United States promised these two tribes water to make their reservations a homeland. In 1988 Congress reaffirmed that promise and, in return for this promise, the tribes set aside their most valuable tribal asset—their senior water rights in exchange for the promised project. They in good faith agreed not to seek to take water away from their non-Indian neighbors, but instead to share water with them. Congress now must ensure that the United States lives up to its end of the deal.

The Secretary of Interior has the responsibility under the 1988 legislation to build the Animas-La Plata project. In hearings on the fiscal year 1994 Energy and water development appropriations bill, Secretary Babbitt stated: "I understand that Congress has mandated that this project get going, and I will comply with that mandate."

The Secretary now has yet another mandate from the Congress. Section 507 provides him with the necessary tools to move forward and build this project in accordance with obvious congressional intent. I urge Secretary Babbitt to move forward and build the Animas-La Plata project immediately so that the United States may preserve the integrity of the water rights settlement.

I urge my colleagues to support the adoption of this rule.

Mr. Speaker, I include for the RECORD the following:

#### A-LP FOES ARE ALL WET

It's been suggested in some quarters of late that supporters of the Animas-La Plata water project near Durango are trying to slip something past the public and the Congress.

What hogwash.

In reality, the efforts under way this month are aimed at keeping on track a project that was long-ago approved—and has subsequently been re-approved—by Congress, by the states of Colorado and New Mexico, by voters in the local water district and by two Ute Indian tribes.

Environmental groups, led by the Sierra Club Legal Defense Fund, continue to work behind the scenes and in court to halt a project that has been legitimately approved by both houses of Congress and signed into law as a treaty obligation to Colorado's long-suffering native Indian tribes.

The current debate, like much that has surrounded the Animas-La Plata since it was authorized by Congress in 1968, is filled with misinformation and half-truths.

For example, one Front Range newspaper said that before Congress approves the project it must be certain that it isn't adding to the list of broken promises to the Indians.

There are several things wrong with that. First is the fact that Congress has already approved the project, initially when it was authorized in 1968; later, through annual appropriations bills; and most importantly, when it adopted the 1988 Indian Water Rights Settlement Act.

Secondly, the 1988 act wasn't approved only by Congress, but by the states of Colorado and New Mexico, and by the Ute Mountain Utes and Southern Ute Indian Tribes. Essential to that act is the construction of the Animas-La Plata to provide water to the Indian tribes, a provision the Indians accepted in return for dropping their long-standing claims under the Winters Doctrine to water in rivers of the region.

If Animas-La Plata isn't built by the deadlines set in that agreement, the Indians are free to go back to court and win a much more costly settlement from the U.S. government. But the Indians have said repeatedly that they want the water the project will provide, not a prolonged court battle.

Much is also made of the fact the Animas-La Plata will be built in two phases, and there is no guarantee the second phase, which won't have federal involvement, will ever be constructed. Therefore, critics charge, there is no guarantee the Indians will get the water due them from the project.

But the Indians will receive 60,000 acre feet of water from Phase 1 of the Animas-La Plata project, no small amount of water currency. (It's instructive to note that when critics talk about the cost of the Animas-La Plata, they use the most recent figures for both Phase 1 and Phase 2, approximately \$710 million, not the roughly \$525 million for Phase 1. But when they talk about the benefits of the project, they only mention Phase 1.)

In 1991, the U.S. Fish and Wildlife Service acknowledged that the primary features of the project could be constructed with no threat to the endangered Colorado squawfish and issued a final biological opinion stating as much. The sufficiency language now proposed in Congress would simply require construction of what was allowed under that opinion.

However, the 1991 opinion was a disappointment to Sierra Club officials, who have vowed to keep the project tied up in litigation for 40 years. They immediately filed a lawsuit claiming the project violated the National Environmental Policy Act on the grounds that "all reasonable and prudent alternatives" to the project were not adequately examined. Unfortunately, the Sierra Club got a federal judge to agree, forcing the U.S. Bureau of Reclamation to halt its construction plans and file a supplemental Environmental Impact Statement. That supplement is expected to be completed later this year.

This project has had agonizing environmental examination, as well as broad-based official approval. Congress should adopt the language in the appropriations bill and allow the project to proceed.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, this rule, which I support, gives evidence of how well our conference system works. Many times, as in this case in title IV, the House which provided no moneys, shall we

say, for the Delaware River Basin Commission or the Susquehanna River Basin Commission, an ongoing independent agency, in both cases the Senate, in its wisdom, did something different. Then the conference, in its own type of wisdom, was able to strike a compromise and bring in amounts of money that reflect the desire of the Congress to continue the operation of some of these independent agencies, albeit with a warning that in years to come more and more responsibility for their activities will have to be placed within their own bailiwicks in their local governments.

□ 1315

In the compact types of commissions like the Susquehanna River Basin Commission, New York, Pennsylvania, and Maryland, they will, in due time, be able to reconstruct their funding streams in such a way that they will be able to continue their activities well. They could not do it, though, with a zeroing out of their funding for this particular year.

Hence, the conference saved the ongoing stream of funding for the Susquehanna River Basin Commission, but at a lower level. The conference has worked. The people's will has been met through the work of the House and the Senate.

Mr. Speaker, I urge adoption of the rule.

Mr. BEILENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

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

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

There was no objection.

#### CONFERENCE REPORT ON H.R. 1905, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996

Mr. MYERS of Indiana. Mr. Speaker, pursuant to the provisions of House Resolution 248, I call up the conference report on the bill (H.R. 1905), making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.