

Resolution (H. Res. 488) providing for consideration of the bill (H.R. 2391) to amend the Fair Labor Standards Act of 1938 to provide compensatory time for all employees, which was referred to the House Calendar and ordered to be printed.

#### APPOINTMENT OF CONFEREES ON H.R. 3005, SECURITIES AMEND- MENTS OF 1996

Mr. BLILEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3005) to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

Mr. DINGELL. Mr. Speaker, reserving the right to object, I do so simply to have a very brief colloquy with my respected and dear friend, the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Virginia, but I believe the request for the appointment of conferees represents the agreement that we have had earlier; is that correct?

Mr. BLILEY. Mr. Speaker, the gentleman is absolutely correct.

Mr. DINGELL. Then, Mr. Speaker, I do not object.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota? The Chair hears none and, without objection, appoints the following conferees: Messrs. BLILEY, FIELDS of Texas, OXLEY, TAUZIN, SCHAEFER, DEAL of Georgia, FRISA, WHITE, DINGELL, MARKEY, BOUCHER, GORDON, Ms. FURSE, and Mr. KLINK.

There was no objection.

#### ENERGY AND WATER DEVELOP- MENT APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 483 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. 3816.

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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. 3816) making appropriations for energy and water development for the fiscal year ending September 30, 1997, 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 rose earlier today, all time for general debate had expired.

Pursuant to the order of the House of earlier today, the bill is considered read.

The text of H.R. 3816 is as follows:

H.R. 3816

*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, 1997, 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, \$153,628,000, to remain available until expended, of which funds are provided for the following projects in the amounts specified:

Norco Bluffs, California, \$180,000;

San Joaquin River Basin, Caliente Creek, California, \$150,000;

Tampa Harbor, Alafia Channel, Florida, \$200,000;

Lake George, Hobart, Indiana, \$100,000;

Little Calumet River Basin, Cady Marsh Ditch, Indiana, \$200,000;

Barnegat Inlet to Little Egg Harbor Inlet, New Jersey, \$558,000;

Brigantine Inlet to Great Egg Harbor Inlet, New Jersey, \$600,000;

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

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

Townsends Inlet to Cape May Inlet, New Jersey, \$375,000;

South Shore of Staten Island, New York, \$300,000;

Mussers Dam, Middle Creek, Snyder County, Pennsylvania, \$450,000;

Monongahela River, West Virginia, \$500,000;

Monongahela River, Fairmont, West Virginia, \$250,000; and

Tygart River Basin, Philippi, West Virginia, \$250,000.

##### CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$1,035,394,000, to remain available until expended, of which such sums as are necessary pursuant to Pub-

lic 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, and Lock and Dam 24, Mississippi River, Illinois and Missouri, projects, and of which funds are provided for the following projects in the amounts specified:

San Timoteo Creek (Santa Ana River Mainstem), California, \$7,000,000;

Ohio River Flood Protection, Indiana, \$1,800,000;

Indianapolis Central Waterfront, Indiana, \$8,000,000;

Indiana Shoreline Erosion, Indiana, \$2,200,000;

Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$18,500,000;

Martin County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$350,000;

Middlesboro (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$2,000,000;

Pike County (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$2,000,000;

Town of Martin (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$300,000;

Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, \$4,050,000;

Salyersville, Kentucky, \$3,500,000;

Lake Pontchartrain and Vicinity, Louisiana, \$18,525,000;

Red River below Denison Dam Levee and Bank Stabilization, Louisiana, Arkansas, and Texas, \$100,000;

Glen Foerd, Pennsylvania, \$800,000;

South Central Pennsylvania Environmental Restoration Infrastructure and Resource Protection Development Pilot Program, Pennsylvania, \$10,000,000;

Wallisville Lake, Texas, \$10,000,000;

Richmond Filtration Plant, Virginia, \$3,500,000; and

Virginia Beach, Virginia, \$8,000,000;

*Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$1,000,000 of the funds appropriated in Public Law 104-46 for construction of the Ohio River Flood Protection, Indiana, project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed, in cooperation with State, county, and city officials and in consultation with the Des Moines River Greenbelt Advisory Committee, to provide highway and other signs appropriate to direct the public to the bike trail which runs from downtown Des Moines, Iowa, to the Big Creek Recreation area at the Corps of Engineers Saylorville Lake project and the wildlife refuge in Jasper and Marion Counties in Iowa authorized in Public Law 101-302: *Provided further*, That using \$500,000 of the funds appropriated for the Passaic River Mainstem, New Jersey, project under the heading "General Investigations" in Public Law 103-126, the Secretary of the Army, acting through the Chief of Engineers, is directed to begin implementation of the Passaic River Preservation of Natural Storage Areas separable element of the Passaic River Flood Reduction Project, New Jersey.

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), \$302,990,000, 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, \$1,701,180,000, 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:

Raystown Lake, Pennsylvania, \$4,190,000; and

Cooper Lake and Channels, Texas, \$2,601,000.

*Provided*, That using \$1,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to design and construct a landing at Guntersville, Alabama, as described in the Master Plan Report of the Nashville District titled "Guntersville Landing" dated June, 1996.

#### REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$101,000,000, to remain available until expended.

#### FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act approved August 18, 1941, as amended, \$10,000,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use up to \$8,000,000 of the funds appropriated herein and under this heading in Public Law 104-134 to rehabilitate non-Federal flood control levees along the Puyallup and Carbon Rivers in Pierce County, Washington.

#### GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Engineering Strategic Studies Center, and the Water Resources Support Center, 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 104-46, \$145,000,000, 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.

#### GENERAL PROVISIONS

##### CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) In fiscal year 1997, the Secretary of the Army shall advertise for competitive bid at least 10,000,000 cubic yards of the hopper dredge volume accomplished with government owned dredges in fiscal year 1992.

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

SEC. 102. None of the funds appropriated in this Act may be used to study, design, or undertake improvements of the Federal vessel, McFARLAND.

#### TITLE II

##### DEPARTMENT OF THE INTERIOR

##### CENTRAL UTAH PROJECT

##### CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For the purpose of carrying out provisions of the Central Utah Project Completion Act, Public Law 102-575 (106 Stat. 4605), and for feasibility studies of alternatives to the Uintah and Upalco Units, \$42,527,000, to remain available until expended, of which \$16,700,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into the Account, \$5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Act and \$11,700,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under the Act.

In addition, for necessary expenses incurred in carrying out responsibilities of the Secretary of the Interior under the Act, \$1,100,000, to remain available until expended.

##### BUREAU OF RECLAMATION

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

##### GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, \$14,548,000, to remain available until expended: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such amounts shall remain available until expended: *Provided further*, That of the total appropriated, \$500,000 shall be available to complete the appraisal study and initiate preconstruction engineering and design for the Del Norte County and Crescent City, California, Wastewater Reclamation Project, and \$500,000 shall be available to complete

the appraisal study and initiate preconstruction engineering and design for the Fort Bragg, California, Water Supply Project.

##### CONSTRUCTION PROGRAM

##### (INCLUDING TRANSFER OF FUNDS)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, \$398,069,000, to remain available until expended, of which \$23,410,000 shall be available for transfer to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and \$71,728,000 shall be available for transfer to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543), and such amounts as may be necessary shall be considered as though advanced to the Colorado River Dam Fund for the Boulder Canyon Project as authorized by the Act of December 21, 1928, as amended: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation under this heading: *Provided further*, That funds contributed by non-Federal entities for purposes similar to this appropriation shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall remain available until expended: *Provided further*, That all costs of the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, performed under the authority of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506), as amended, are in addition to the amount authorized in section 5 of said Act: *Provided further*, That utilizing funds appropriated for the Tucson Aqueduct System Reliability Investigation, the Bureau of Reclamation is directed to complete, by the end of fiscal year 1997, the environmental impact statement being conducted on the proposed surface reservoir. The Bureau of Reclamation is further directed to work with the City of Tucson on any outstanding issues related to the preferred alternative.

##### OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, \$286,232,000, to remain available until expended: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from the special fee account established pursuant to the Act of December 22, 1987 (16 U.S.C. 4601-6a, as amended), may be derived from that fund: *Provided further*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same purpose and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further*, That revenues in the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project.

BUREAU OF RECLAMATION LOAN PROGRAM  
ACCOUNT

For the cost of direct loans and/or grants, \$12,290,000, 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 \$37,000,000.

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

## CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, 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.

## GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$45,150,000, to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

SPECIAL FUNDS  
(TRANSFER OF FUNDS)

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

## ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 6 passenger motor vehicles for replacement only.

TITLE III  
DEPARTMENT OF ENERGY  
ENERGY PROGRAMSENERGY SUPPLY, RESEARCH AND DEVELOPMENT  
ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for energy supply, research and development activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 24

for replacement only), \$2,648,000,000, to remain available until expended: *Provided*, That of the \$13,102,000 made available to the Office of Energy Efficiency and Renewable Energy for program direction, \$1,440,000 is available only for termination expenses related to reducing FTEs of the headquarters staff of that Office.

## URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.) and the Energy Policy Act (Public Law 102-486, section 901), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of electricity as necessary; and the purchase of passenger motor vehicles (not to exceed 3 for replacement only); \$53,972,000, to remain available until expended: *Provided*, That revenues received by the Department for uranium programs and estimated to total \$42,200,000 in fiscal year 1997 shall be retained and used for the specific purpose of offsetting costs incurred by the Department for such activities notwithstanding the provisions of 31 U.S.C. 3302(b) and 42 U.S.C. 2296(b)(2): *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1997 so as to result in a final fiscal year 1997 appropriation from the General Fund estimated at not more than \$11,772,000.

URANIUM ENRICHMENT DECONTAMINATION AND  
DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, \$200,200,000, to be derived from the Fund, to remain available until expended: *Provided*, That \$34,000,000 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.

## GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, \$996,000,000, to remain available until expended.

## NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$182,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund, subject to authorization: *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), \$195,000,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511, et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$125,388,000 in fiscal year 1997 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 1997 so as to result in a final fiscal year 1997 appropriation from the General Fund estimated at not more than \$69,612,000: *Provided further*, That end of year employee levels for fiscal year 1997 may not exceed the following by organization: Board of Contract Appeals, 6; Chief Financial Officer, 192; Congressional, Public, and Intergovernmental Affairs, 35; Economic Impact and Diversity, 30; Field Management, 20; General Counsel, 153; Human Resources and Administration, 550; Office of the Secretary, 23; and Policy, 20.

## 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, \$24,000,000, 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 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 94 for replacement only), \$3,684,378,000, to remain available until expended.

DEFENSE ENVIRONMENTAL RESTORATION AND  
WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other 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 20, of which 19 are for replacement only), \$5,409,310,000, to remain available until expended: *Provided*, That an additional amount of \$134,500,000 is available for privatization initiatives.

## 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), \$1,459,533,000, to remain available until expended.

#### DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$200,000,000, to remain available until expended.

#### POWER MARKETING ADMINISTRATIONS

##### OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, \$4,000,000, 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 official reception and representation expenses in an amount not to exceed \$3,000.

During fiscal year 1997, 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, \$18,859,000, to remain available until expended.

##### OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 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 \$3,787,000 in reimbursements, to remain available until expended.

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

###### (INCLUDING TRANSFER OF FUNDS)

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7101, et seq.), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500, \$211,582,000, to remain available until expended, of which \$203,687,000 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: *Provided further*, That the Secretary of the Treasury is authorized to transfer from the Colorado River Dam Fund to the Western Area Power Administration \$3,774,000 to carry out the

power marketing and transmission activities of the Boulder Canyon project as provided in section 104(a)(4) of the Hoover Power Plant Act of 1984, to remain available until expended.

#### FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$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), \$141,290,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$141,290,000 of revenues from fees and annual charges, and other services and collections in fiscal year 1997 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1997 so as to result in a final fiscal year 1997 appropriation from the General Fund estimated at not more than \$0.

#### GENERAL PROVISION

#### SEC. 301. PRIORITY PLACEMENT, JOB PLACEMENT, RETRAINING, AND COUNSELING PROGRAMS FOR UNITED STATES DEPARTMENT OF ENERGY EMPLOYEES AFFECTED BY A REDUCTION IN FORCE.

##### (a) DEFINITIONS.—

(1) for the purposes of this section, the term "agency" means the United States Department of Energy.

(2) For the purposes of this section, the term "eligible employee" means any employee of the agency who—

(A) is scheduled to be separated from service due to a reduction in force under—

(i) regulations prescribed under section 3502 of title 5, United States Code; or

(ii) procedures established under section 3595 of title 5, United States Code; or

(B) is separated from service due to such a reduction in force, but does not include—

(i) an employee separated from service for cause on charges of misconduct or delinquency; or

(ii) an employee who, at the time of separation, meets the age and service requirements for an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(b) PRIORITY PLACEMENT AND RETRAINING PROGRAM.—Not later than 30 days after the date of the enactment of this Act, the United States Department of Energy shall establish an agency-wide priority placement and retraining program for eligible employees.

(c) The priority placement program established under subsection (b) shall include provisions under which a vacant position shall not be filled by the appointment or transfer of any individual from outside of the agency if—

(1) there is then available any eligible employee who applies for the position within 30 days of the agency issuing a job announcement and is qualified (or can be trained or retrained to become qualified within 90 days

of assuming the position) for the position; and

(2) the position is within the same commuting area as the eligible employee's last-held position or residence.

(d) JOB PLACEMENT AND COUNSELING SERVICES.—The head of the agency may establish a program to provide job placement and counseling services to eligible employees.

(1) TYPES OF SERVICES.—A program established under subsection (d) may include, but is not limited to, such services as—

(A) career and personal counseling;

(B) training and job search skills; and

(C) job placement assistance, including assistance provided through cooperative arrangements with State and local employment services offices.

#### 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, \$155,331,000, 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, \$12,000,000, 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, \$471,800,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$11,000,000 shall be derived from the Nuclear Waste Fund, subject to the authorization required in this bill under the heading, "Nuclear Waste Disposal Fund": *Provided further*, That from this appropriation, transfer 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 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 \$457,300,000 in fiscal year 1997 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 funds herein appropriated for regulatory reviews and other activities pertaining to waste stored at the Hanford site, Washington, 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 1997 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1997 appropriation estimated at not more than \$14,500,000.

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, \$5,000,000, 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 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 1997 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1997 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, \$2,531,000, to be derived from the Nuclear Waste Fund, subject to the authorization required in this bill under the heading, "Nuclear Waste Disposal Fund", and to remain available until expended.

TENNESSEE VALLEY AUTHORITY

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, \$97,169,000, to remain available until expended: *Provided*, That none of the funds provided herein shall be available for activities of the Environmental Research Center in Muscle Shoals, Alabama, except for necessary termination expenses: *Provided further*, That of the funds provided herein, not more than \$5,000,000 shall be made available for operation, maintenance, improvement, and surveillance of Land Between the Lakes: *Provided further*, That of the amount provided herein, not more than \$16,000,000 shall be available for Economic Development activities.

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.

SEC. 502. Section 508(f) of Public Law 104-46, the Energy and Water Development Appropriations Act, 1996, is repealed.

SEC. 503. 42 U.S.C. 7262 is repealed.

SEC. 504. Public Law 101-514, the Energy and Water Development Appropriations Act, 1991, is amended by striking "'Provided' and all that follows through 'nonreimbursable'" under the heading, "Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration".

SEC. 505. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program—Alternative Repayment plan" and the "SJVDP—Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal Reclamation law.

This Act may be cited as the "Energy and Water Development Appropriations Act, 1997".

The CHAIRMAN. Pursuant to that order, no amendment shall be in order except the following amendments, which shall be considered read, shall not be subject to amendment or to a demand for division of the question, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed:

Amendment No. 1 by the gentleman from New York [Mr. SOLOMON] for 10 minutes;

Amendment No. 2 by the gentleman from Pennsylvania [Mr. FOGLIETTA] for 10 minutes;

Amendment No. 3 or 4 by the gentleman from Wisconsin [Mr. OBEY] for 40 minutes;

Amendment No. 5 by the gentleman from Minnesota [Mr. GUTKNECHT] for 20 minutes;

Amendment No. 6 by the gentleman from Wisconsin [Mr. KLUG] for 20 minutes;

Amendment No. 7 by the gentleman from Wisconsin [Mr. KLUG] for 20 minutes;

Amendment No. 8 by the gentleman from Indiana [Mr. ROEMER] for 10 minutes;

Amendment No. 9 by the gentleman from Indiana [Mr. ROEMER] for 10 minutes;

Amendment No. 10 by the gentleman from California [Mr. ROHRBACHER] for 10 minutes;

Amendment No. 11 by the gentleman from Ohio [Mr. TRAFICANT] for 5 minutes;

Amendment No. 12 by the gentleman from Texas [Mr. BARTON] for 10 minutes;

Amendment No. 13 by the gentleman from Nebraska [Mr. BEREUTER] for 10 minutes;

Amendment No. 14 by the gentleman from Tennessee [Mr. HILLEARY] for 10 minutes;

Amendments Nos. 15 and 16 en bloc by the gentleman from Massachusetts [Mr. MARKEY] for 20 minutes.

Amendment No. 17 by the gentleman from Wisconsin [Mr. PETRI] for 20 minutes;

Amendment No. 20 by the gentleman from New Jersey [Mr. ZIMMER] for 10 minutes;

An amendment by the gentleman from Kentucky, [Mr. ROGERS] regarding the New Madrid Floodway, for 5 minutes;

An amendment by the gentleman from California [Mr. FILNER] regarding the Tijuana River basin, for 10 minutes;

An amendment by either the gentleman from Wisconsin [Mr. KLUG], or the gentleman from Colorado [Mr. SCHAEFER], or the gentleman from California [Mr. FAZIO], regarding solar energy, for 30 minutes;

An amendment by the gentleman from Arizona [Mr. KOLBE] regarding the Central Arizona project for 10 minutes; and

An amendment by the gentleman from Virginia [Mr. PICKETT] regarding the Sandbridge Beach project, for 10 minutes.

Pursuant to House Resolution 483, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

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

Mr. MYERS of Indiana. Mr. Chairman, I ask unanimous consent to strike the last word to explain the procedure for the remainder of the evening.

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

There was no objection.

Mr. MYERS of Indiana. Mr. Chairman, the committee hopes and expects to finish this bill tonight. That is our expectation, and the procedure we are going to use for the next hour and a half, until about 8:30 or quarter of 9, is that we are going to roll all ordered votes until that time.

At this time, down at the Ellipse, the Army has a tattoo to honor those Members of Congress who are retiring. Mr. BEVILL, Mr. CHAPMAN among them, two members of this subcommittee who are retiring; Mr. BEVILL, et al., retired Army types. We would love to have been down there, but work comes first, so there will be no votes ordered, no votes taken during the next hour and a half, no earlier than 8:30, and probably closer to 8:45 or 9 o'clock.

So we now understand what the procedure is, and hopefully, we will hold discussion to a minimum here. We have 20 amendments, some having as much as 40 minutes. To finish those by 11 o'clock is ambitious, but with the cooperation of everyone, we will get out early.

We do not want to cut anyone off. We will try to make sure that everyone that wishes to speak has that opportunity, but let us expedite it if we possibly can.

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But let us expedite it as quickly as we can. Everyone knows the issues we are going to be discussing tonight. Let us stick with it, and we will try to expedite it as rapidly as possible.

Mr. PORTER. Mr. Chairman, I ask unanimous consent to strike the last word.

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

There was no objection.

Mr. PORTER. Mr. Chairman, unfortunately, we will soon be bidding a fond farewell to our good and old friends, the gentleman from Indiana [Mr. MYERS] and the gentleman from Alabama [Mr. BEVILL]. Both will be very sorely missed in this Chamber. Both have brought professionalism, knowledge, and collegiality to this body, qualities that we need in order to make our system work, and do not always find in our Members.

Despite a great deal more partisanship and contention in this Chamber, those who understand our system realize that cooperation and comity are necessary to find the common ground we need to govern. TOM and JOHN represent to me the personal qualities envisioned in our constitutional system, and I commend them for their work, for their making a difference in their service in the Congress, and wish both of them all good things in their retirements and in the years ahead.

Mr. Chairman, I would ask the chairman of the subcommittee if I may engage him in a colloquy.

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

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

Mr. MYERS of Indiana. Mr. Chairman, I am happy to engage in a colloquy with the gentleman.

Mr. PORTER. Mr. Chairman, I am concerned with the funding level for the section 205 continuing authorities program. I want to be certain that projects under this section specifically mentioned in the report, including the North Libertyville Estates project, will receive priority funding by the Army Corps of Engineers for fiscal year 1997.

Mr. MYERS of Indiana. If the gentleman will continue to yield, it certainly is the intention of this committee that projects such as Libertyville Estates in Libertyville, IL, will receive the top priorities from the Corps of Engineers.

The gentleman has our support, yes.

Mr. PORTER. I would also like to clarify that when the Army Corps of Engineers commits the requested funding for the North Libertyville Estates project, the project cooperation agreement between the local sponsor and the Army Corps of Engineers Chicago District Office can be signed. This commitment indicates to the local sponsor the Federal Government's financial obligation to the project. When the PCA is signed, the local sponsor can begin working on the sewer system. Following the completion of that work, which may take up to 8 months, the Army Corps will begin construction on the levee. The Corps hopes to complete its work in less than 1 year.

It is also my understanding that when funding is committed by the Department of the Army Office of Civil Works, the PCA can be signed and the local sponsor can be assured that the funding for the Federal share is set aside for that project.

I would ask the chairman of the subcommittee, is that correct?

Mr. MYERS of Indiana. If the gentleman will continue to yield, that is correct. When the local sponsor is willing to put money up, it shows two things. First, the people of that area who are going to be affected are concerned and, second, are willing to put their money up; so, yes, that is the intention of the subcommittee.

Mr. PORTER. I very much thank the chairman of the subcommittee.

Mr. DICKEY. Mr. Chairman, I ask unanimous consent to strike the last word.

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

There was no objection.

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

Mr. Chairman, H.R. 3816 includes \$8 million for the Army Corps of Engineers to continue work on the Montgomery Point Lock and Dam, in Arkansas, on the White River, without cost sharing from the Inland Waterways Trust Fund.

I would ask the chairman of the subcommittee, is it his intent to direct the Corps to use these funds in fiscal year

1997 to continue construction on the Montgomery Point Lock and Dam?

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

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

Mr. MYERS of Indiana. Mr. Chairman, the gentleman is correct. If he will read the report language, we very specifically said this is to be provided completely with Federal funds from the taxpayers.

Mr. DICKEY. Would that provision in this bill direct the Corps to use the funds provided in fiscal year 1997 to begin construction of a diversion channel, or at least to begin moving dirt?

Mr. MYERS of Indiana. The gentleman is correct.

Mr. DICKEY. Mr. Chairman, I would ask the chairman of the subcommittee, is it his intent that the Corps maintain its published schedule for the completion of the Montgomery Point Lock and Dam?

Mr. MYERS of Indiana. If the gentleman will continue to yield, Mr. Chairman, this is not a new project. It has been before us for a good long time. We understand the level of the two rivers is a problem, that something must be done, and we completely support it. The Corps should understand, and I think they do, they have told us they do, that they have to proceed.

Mr. DICKEY. I want to thank the gentleman. I know he is going to be glad after he retires that he will not hear any more about the Montgomery Point Lock and Dam.

Mr. MYERS of Indiana. Promise?

Mr. DICKEY. I cannot promise. Best wishes to you, Mr. Chairman.

Mr. SKAGGS. Mr. Chairman, I ask unanimous consent to strike the last word.

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

There was no objection.

Mr. SKAGGS. Mr. Chairman, I would like first of all to echo really the understated praise that has been offered by many Members for both the chairman and ranking member who are completing their service this year. I was privileged to serve with them on this subcommittee for a couple of years, and enjoyed that very much, and respect their good work for the country enormously.

Mr. Chairman, I would like to engage the chairman of the subcommittee in a brief colloquy, if I may, concerning one of the projects funded in this bill, namely, the Animas-La Plata project in New Mexico.

As the chairman knows, the bill includes money for this project. There is an extensive discussion of it in the committee report. As we discussed when the bill was before the committee for markup, I think it is important that there be no misunderstanding about this part of the report and the intent that it reflects.

Report language starts by saying, "In the event that the funding provided the



Bureau of Reclamation is inadequate for the task to be accomplished this year, the committee expects the Bureau to reprogram available funds for construction of the project."

Mr. Chairman, am I correct in understanding that any such reprogramming would be subject to the normal procedures, including consultation with the committee?

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

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

Mr. MYERS of Indiana. Mr. Chairman, the gentleman is absolutely correct. This has been an ongoing program for the many years the gentleman from Alabama [Mr. BEVILL] and I have been on this subcommittee, and we have tried to make sure that all the concerns, be they environmental, State, whatever it might be, all these are met.

There is no intention here to short-circuit anything. All the normal requirements for reprogramming must be met.

Mr. SKAGGS. If I may follow on further, Mr. Chairman, the project as the gentleman knows has been the subject of some litigation concerning the applicability of various environmental laws, NEPA, endangered species, and so forth. The report also refers to the need for environmental compliance and the possibility that implementation of the Endangered Species Act could limit water development in the San Juan River Basin, which includes the Animas and La Plata Rivers.

Is it nonetheless correct that nothing in the report should be read as suggesting that there is any intent to waive NEPA or the Endangered Species Act or any other environmental law, or to limit the extent to which any such law applies to the Animas-La Plata project?

Mr. MYERS of Indiana. If the gentleman will continue to yield, there is absolutely no intent by this subcommittee to circumvent or to bypass any present environmental laws or rules. The language is written to make sure we do not apply some new rules someplace down the road 2 or 3 years from now.

Mr. SKAGGS. Finally, Mr. Chairman, the report further says that "Construction of the first stage of the project may proceed without adversely affecting any other water users on the San Juan system."

Again, I would ask if I am correct in understanding that this simply states an opinion based upon information available to the committee and is not intended to foreclose the ability of any holders of water rights on the San Juan River or its tributaries to raise any issues about the project's effects on their rights?

Mr. MYERS of Indiana. There is no intent by this subcommittee, Mr. Chairman, if the gentleman will continue to yield, to ever change riparian rights. They are as old and constitu-

tional as our country. Downstream holders of rights must not be denied. We have no change in the riparian rights.

Mr. SKAGGS. I greatly appreciate the gentleman's clarification on these points, Mr. Chairman.

AMENDMENT OFFERED BY MR. SOLOMON

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: Page 36, after line 10, insert the following new sections:

SEC. 506. (a) DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS.—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 an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that the institution (or any subelement thereof) has a policy or practice (regardless of when implemented) that prohibits, or in effect prevents—

(1) the maintaining, establishing, or operation of a unit of the Senior Reserve Officer Training Corps (in accordance with section 654 of title 10, United States Code, and other applicable Federal laws) at the institution (or subelement); or

(2) a student at the institution (or subelement) from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

(b) EXCEPTION.—The limitation established in subsection (a) shall not apply to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the institution (or subelement) has ceased the policy or practice described in such subsection; or

(2) the institution has a longstanding policy of pacifism based on historical religious affiliation.

SEC. 507. (a) DENIAL OF FUNDS FOR PREVENTING FEDERAL MILITARY RECRUITING ON CAMPUS.—None of the funds made available in this Act may be provided by contract or grant (including a grant of funds to be available for student aid) to any institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that the institution (or any subelement thereof) has a policy or practice (regardless of when implemented) that prohibits, or in effect prevents—

(1) entry to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of Federal military recruiting; or

(2) access to the following information pertaining to student (who are 17 years of age or older) for purposes of Federal military recruiting: student names, addresses, telephone listings, dates and places of birth, levels of education, degrees received, prior military experience, and the most recent previous educational institutions enrolled in by the students.

(b) EXCEPTIONS.—The limitation established in subsection (a) shall not apply to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the institution (or subelement) has ceased the policy or practice described in such subsection; or

(2) the institution has a longstanding policy of pacifism based on historical religious affiliation.

SEC. 508. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York [Mr. SOLOMON] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

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

Mr. Chairman, I do not believe there will be anyone rising in opposition to this very good amendment. It has been accepted by all of the chairmen of all of the preceding subcommittees of the Committee on Appropriations, as well as the ranking member.

Mr. Chairman, the amendment that I am offering with the gentleman from California [Mr. POMBO] and the gentleman from Indiana [Mr. BUYER] has passed this House a number of times, most recently on the VA-HUD and Labor-HHS appropriation bills, so I will be brief.

Mr. Chairman, as we know, in many places across the country military recruiters are being denied access to educational facilities, preventing recruiters from explaining the benefits of an honorable career in our Armed Forces of the United States of America, explaining it to our young people. Likewise ROTC units have been kicked off of several campuses around this country.

This amendment today would simply prevent any funds appropriated in this act from going to any institution of higher learning which prevents military recruiting on their campuses or has an anti-ROTC policy. Mr. Chairman, institutions that are receiving Federal taxpayer money just cannot be able to then turn their backs on young people who are defending their country.

Mr. Chairman, it is really a matter of simple fairness. That is why this amendment has always received such strong bipartisan support and become law for Defense Department funds.

A third part of the amendment would also deny contracts or grants to institutions that are not in compliance with the existing law that they submit an annual report on veterans' hiring practices to the Department of Labor. In the same vein, this is simple commonsense and fairness to the people who defend our country. Mr. Chairman, all we are doing here is asking for compliance with existing law. I would urge support of the Solomon-Pombo-Buyer amendment.

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

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

Mr. MYERS of Indiana. Mr. Chairman, the gentleman discussed this amendment with the committee. Coming from a congressional district that has six universities, and having gone through the Vietnam war and the Korean war and some of the problems we had, I completely agree with the gentleman. There is no reason whatsoever for that. These universities are here because some people have fought for the right for them to be there, so we completely agree with the gentleman. We accept the amendment.

Mr. SOLOMON. Mr. Chairman, I certainly thank the gentleman.

Mr. BEVILL. Mr. Chairman, I have no objection to the amendment.

The CHAIRMAN. Is there any Member who seeks time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. ROGERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROGERS: On page 7, line 11, strike "\$302,990,000" and insert in lieu thereof: "\$303,240,000".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kentucky [Mr. ROGERS] and a Member opposed each will control 2½ minutes.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, this amendment deals with a project in Missouri's Eighth Congressional District, which has been represented, as we all know, by the late and great Bill Emerson. The St. John's-New Madrid project was authorized in the Water Resources Development Act of 1986, but was delayed due to disagreements between the Corps and the local sponsor over cost-sharing issues. Those issues I am told have now been resolved.

This amendment would provide money for the project, allowing the Corps to complete its planning work and to sign formal agreements with the sponsor and begin construction. This project is a priority in this district because of the flooding that it would prevent. It provides levee protection for 400 acres of prime farmland in a three-county area and it will protect three townships, two of which have suffered flooding this year.

It will also prevent flooding on two major U.S. interstate highways.

This amendment provides a relatively small amount, \$250,000 for the project, so that the Corps can move it along.

Mr. Chairman, I want to say as vice chairman of the subcommittee what a pleasure it has been working with the gentleman from Indiana, JOHN MYERS, and the gentleman from Alabama, Mr. BEVILL, two stalwart giants of this body whom we will all miss very much. It has been a great pleasure working with them, seeing them work from the inside. It is as pleasurable as seeing them work from the outside.

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

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

Mr. MYERS of Indiana. Mr. Chairman, I thank our colleague, first for his nice words, and his contribution to the subcommittee.

The committee is very much aware of the situation in the New Madrid area of Missouri. Our good friend, Bill Emerson, talked to the committee a number of times. I have been in his district twice on this particular issue. We discussed it with Bill before his passing, that it was a new start. The committee has tried to hold the line on new starts because of concern about future funds. We are completely understanding. We loved Bill. We want to honor his memory. But we did put the language in our report on page 37 that the Corps of Engineers is to complete its preconstruction engineering activities on the St. Johns-New Madrid floodway, and they are to report back to the committee within 6 months. So while I cannot obligate the next Congress or the conference committee, it is fully understood that this is a high priority. We respect that we want to remember Bill this way, and we hope that future Congresses will do this job.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

Does any Member seek unanimous consent to control the time in opposition?

Mr. MYERS of Indiana. Mr. Chairman, I ask unanimous consent to control the time in opposition, while I am not opposed to the amendment.

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

There was no objection.

Mr. MYERS of Indiana. Mr. Chairman, I yield the gentleman from Kentucky [Mr. ROGERS].

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

Mr. Chairman, I would ask the gentleman, is this something the chairman and the Members could consider as we proceed along in the future?

Mr. MYERS of Indiana. Mr. Chairman, we are going to go to conference hopefully next week, even, with the other body. If the opportunity presents itself, and we do not know what funds they will have, it will be, I assure the gentleman, under consideration when we do go to conference. The gentleman will be a member of that conference, so I assure him we will give it every consideration. We loved Bill Emerson and we want to remember him properly.

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Mr. ROGERS. Mr. Chairman, I thank the gentleman for that willingness to consider the project in conference as we proceed.

Mr. Chairman, with that assurance, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT:

(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.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio [Mr. TRAFICANT] and a Member opposed each will control 2½ minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I want to start out by associating myself with all of the remarks relative to the gentleman from Indiana [Mr. MYERS] and the gentleman from Alabama [Mr. BEVILL]. I want to thank both of the gentlemen, on behalf of all of the people in the 17th District of Ohio, for over the years having worked with us, being honest with us, and attempting to give us a hand, and certainly on behalf of all of the people in the country.

Let me also say that my amendment is straightforward. Any person who affixes a fraudulent Made-in-America label on an import shall be ineligible to receive any contract or subcontract under this bill. It is good, straightforward legislation.

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

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

Mr. MYERS of Indiana. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Ohio [Mr. TRAFICANT], as always, has discussed his amendment with the committee. We have added the basic language to our bill for a number of years under the leadership of the gentleman from Alabama [Mr. BEVILL], and we are pleased to accept your new additional language which we understand and completely agree with.

Mr. TRAFICANT. Mr. Chairman, I yield such time as he may consume to



the distinguished gentleman from California [Mr. MILLER].

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. I thank the gentleman for yielding. I rise in support of his amendment and also in support of his legislation.

I rise in support of H.R. 3816, making appropriations for energy and water development for fiscal year 1997.

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

I am particularly pleased that the committee's bill seeks to resolve two important matters affecting California's Central Valley Project and the protection of water quality in the Sacramento-San Joaquin Delta. Specifically, the committee has included language to compel San Joaquin Valley irrigators to repay over \$30 million in costs related to cleaning up the contamination at Kesterson Reservoir and for studies on how to resolve the mounting drainage crisis in the Central Valley. Committee members also voted to reimpose a ban on selection of any terminus for the San Luis Drain. The drain was proposed years ago to benefit irrigators who want to convey their agricultural wastes from the Valley into the Delta and San Francisco Bay.

Agricultural wastewater in California's Central Valley poisoned Kesterson Reservoir in the 1980's and demonstrated the severe pollution generated by irrigated agriculture in the West. Years later, there is widespread opposition to any drain that would dump those wastes into the Delta and San Francisco Bay. For years, the farmers whose irrigation practices caused the severe pollution problems in the Valley have evaded paying for the cleanup costs. With the language included in H.R. 3816, the delays will end, and the payment will begin. The restriction on selection of any terminus re-emphasizes the Congress' often-stated concerns about the proposed drain to the Delta.

As a result of these provisions, taxpayers will finally receive long-overdue payment for the costs of cleaning up Kesterson Reservoir; the Delta and San Francisco bay will be protected from toxic discharges of agricultural wastes; and Central Valley irrigators can close the books on Kesterson and pursue innovative solutions to their drainage problems within their own area instead of seeking to export their pollution problems elsewhere.

My own opposition to such a drain is longstanding and reflected in years of testimony before the Appropriations Committee in support of the restrictive amendment that once again is included for fiscal year 1997. The Bay-Delta system is the ecological and economic core of northern California. We have spent years, and billions of tax dollars—and private dollars—cleaning it up and restoring its water quality, its fisheries, and its aesthetic appeal. Through a series of laws I have authored, including the Central Valley Project Improvement Act of 1992, we have rededicated our efforts toward those goals through major reforms in the management of our water resources. We are never going to go backward and again allow others to treat our Bay-Delta system as a cesspool for their own contamination.

As important as these provisions concerning repayment and the drain terminus are, they alone will not resolve the drainage problems in the San Joaquin Valley. The Bureau of Reclamation, acting pursuant to a court order, is now negotiating a memorandum of understanding with the California State Water Resources Control Board and the Westlands Water District regarding the terms and conditions under which an environmental impact statement addressing drainage issues will be prepared. I have had an opportunity to review a draft of this MOU, and I note that it quite properly assigns full responsibility for payment of all costs of preparing the EIS to the Westlands Water District. Any agreement that allows Westlands to evade paying 100 percent of the expenses of preparing this EIS will not be acceptable. In addition, the MOU must strictly limit Westlands' role in the actual preparation of the EIS and in approving all or portions of the EIS. Under no circumstances should Westlands or other Central Valley Project water users be in a position of authority with respect to NEPA compliance. I have alerted the Bureau of Reclamation of my concerns regarding the pending execution of this MOU, and I will continue to insist that the strictest standards of public involvement be followed as solutions to drainage issues in the San Joaquin Valley continue to be pursued.

H.R. 3816 and the accompanying committee report also raise an additional issue which I will address in my capacity as senior Democratic member of the Committee on Resources.

I wish to register at this time my strong objections to language contained in the committee report accompanying H.R. 3816 (House Report 104-679), which directs that no funds be made available for the San Joaquin River Basin Resource initiative in fiscal year 1997. As my colleague from California, Ms. PELOSI, noted in her additional views on this bill, the San Joaquin study is required by law; it is not optional. The study was authorized to determine how to restore fish to the San Joaquin River, where diversions of water for irrigation have wiped out several stocks of commercially valuable anadromous fish.

The Appropriations Committee is obviously determined to kill this study and prevent people from learning the truth about the destruction of fishery resources in the San Joaquin River. The effort to kill this study is important only to a small group of CVP beneficiaries who continue to profit from their subsidized water supplies at the expense of California's commercial and sport fish businesses. The San Joaquin study has been authorized by Congress and the Secretary is obligated to complete this study. The San Joaquin study should be fully funded and allowed to proceed without interference from special interests.

Mr. TRAFICANT. Mr. Chairman, before I close I want to thank the gentleman from Indiana [Mr. MYERS] for his position and leadership on the Committee on Commerce. I urge an "aye" vote.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member seek the time in opposition?

The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

Mr. HASTINGS of Washington. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. HASTINGS of Washington. Mr. Chairman, I would like to engage in a colloquy with the gentleman from Indiana [Mr. MYERS] and also associate myself with the remarks that were made earlier in his behalf on his retirement. We have worked closely together over the last 2 years and I greatly appreciate his hard work on this legislation.

What I would like to do, however, Mr. Chairman, is inquire about report language that has been included in the Senate bill. This encourages the Bonneville Power Administration to enter into an energy exchange with non-Federal hydro projects on the Columbia River that are affected by Federal fish protection measures.

The Douglas County PUD district estimates that it loses almost one-fifth of its energy-carrying capability as a result of the Federal fish protection programs. The cost of these losses, which do not take into account the PUD's own fish protection costs, have nearly tripled in this past decade.

The Senate language is intended to urge BPA to provide winter energy to non-Federal projects in return for delivery of an equal amount of energy generated in those projects from the increased Federal fish flows in the spring and the summer. Such an exchange is similar to the kinds of federally authorized seasonal exchanges BPA already makes with utilities in California. This is also specifically provided under by the Northwest Power Planning Act.

I believe that this issue is best resolved between BPA and those interested non-Federal utilities. However, I am willing to explore a solution to this problem as a member of the House Committee on Resources, should I be convinced that BPA is not negotiating in good faith.

Will the chairman be willing to work with us to arrive at an acceptable resolution to this problem?

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

Mr. HASTINGS of Washington. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, of course, the committee will be very pleased to work with the gentleman, as we always have. The committee shares that concern about which we are all interested in saving the salmon and other fish, but at what cost? We have to offset that some way, so we are very much willing to work with the gentleman. I thank the gentleman for bringing this issue up.

Mr. HASTINGS of Washington. Mr. Chairman, I thank the gentleman for that. I would also like the chairman to know, because we have been discussing other issues mainly with the Department of Energy on environmental

cleanup efforts, I want him to know, however, that the House and Senate have accepted legislation dealing with this from a structural standpoint. Those issues are in committee right now and should be resolved in the authorization bill. So I wanted to let the gentleman know that that is proceeding on even though it is out of his jurisdiction.

I also appreciate the chairman's willingness to work with us to ensure that the savings reached in the new Hanford contracts which are in my district can be used to compensate for the Department's plan to transfer \$185 million in cleanup into an insurance fund. I appreciate his work on this because this is critical to my district, and, Mr. Chairman, I thank the gentleman for his consideration.

Mr. MYERS of Indiana. I thank the gentleman.

Mr. BROWN of California. Mr. Chairman, I ask unanimous consent to strike the last word in order to engage in a colloquy.

The CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Chairman, I would say to my colleague, the gentleman from Indiana [Mr. MYERS] that this is what I would like to do. I am going to give a brief description of the situation of the Salton Sea for which we have in this bill \$400,000, and then I am going to conclude by asking the gentleman if he would be willing to consider adding report language directing the Bureau of Reclamation to develop a mitigation plan for the Salton Sea. The gentleman can think about that while I describe the situation.

Mr. Chairman, my colleagues, these two charts show the Salton Sea, in case you think it does not exist. The Salton Sea is this body of water right here in the southeast corner of California. It is about 500 square miles. It is probably one of the largest bodies of inland water outside of the Great Lakes in the United States. It is an artificial lake that was created 90 years ago by the flooding of the Colorado River, and a good lawyer would easily find that the Federal Government was responsible for that flood and for cleaning up the mess that now exists there, which I am going to describe very briefly.

The Salton Sea was created, as I said, by the overflow of the Colorado River 90 years ago. It was a fresh water lake to begin with and it had fresh water fish, trout and so on. Over the last 90 days it has become a salt water lake. It is now 50 percent saltier than the ocean.

The 1992 Water Act, which we passed in this House, authorized \$10 million for the analysis of this situation, the problem of the Salton Sea. The Bureau of Reclamation in its wisdom has only requested \$300,000 of that \$10 million to

engage in research, and they requested nothing for the next fiscal year.

I want to thank the gentleman from Indiana [Mr. MYERS] and his committee in their wisdom for adding \$400,000, unrequested by the Bureau.

Now, the Bureau's description of the Salton Sea project, which I have here, and I would like to quote from it briefly. It says that "Over the last several decades there has been concern over the increasing salinity of the Salton Sea." It is, as I said, now 50 percent saltier than the ocean. It goes on to say that "There are indications that increasing salinity is adversely impacting biological values."

Would pictures of acres of dead fish constitute an indication that biological values were being impacted? Because that is what we have, acres of dead fish, and it is now clear that all fish in that lake will be dead within a very short time.

I quote further: "There are also adverse impacts on recreational uses." The actual value of those adverse impacts is \$50 million a year today and going up.

Another concern is that the surface elevation of the sea has been on the rise. That elevation can fluctuate by a foot or more with a very small change in the amount of water coming in, and that inflow is not being controlled. The one lawsuit that I know of which was brought on that matter resulted in a liability judgement by the court of \$10 million against the irrigation district for not controlling it.

Now, this situation will become drastically worse within 5 years because of the plans to conserve and sell water in the Imperial Valley. They are going to probably conserve 20 percent of the irrigation water coming from here into the Salton Sea and reduce the size of the Salton Sea by probably about 20 percent, leaving a huge vacant area around the edge of the Salton Sea, and those properties which are now lake-side properties will be a mile from the edge of the lake. Every one of those property owners is going to sue. The potential damages run into the hundreds of millions of dollars.

Now, why did the Bureau of Reclamation not ask for any money this year to continue research on solutions to this problem? I do not know. They are all nice people. I have talked to them. They say, "Well, it is pretty controversial. We are not sure that we ought to get into something at this time." Another year from now may be too late. We have to have an action plan.

I want to see the Bureau, which has the best qualified people in the world, begin to do something. Would the chairman, the gentleman from Indiana [Mr. MYERS] be willing to give them some modest direction in the language of committee report saying that we would like to see them use this \$400,000, which must be matched by local sources, meaning \$800,000, to prepare an action plan?

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

Mr. BROWN of California. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, the Salton Sea is, I guess, California's Dead Sea. We are very much aware of it. We have had it under consideration for quite some time.

The gentleman said it was not requested. The gentleman from California [Mr. BROWN] requested it from the committee, so it may not have been requested by the Bureau of Reclamation. We are very much aware of it.

Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. MYERS of Indiana. Mr. Chairman, I will yield to my colleague for a response here, but first, we are fully aware of this. The New River is becoming more and more polluted. We understand there is a threat from Mexico. I think it meets the requirements to clean it up. They are going to shut some of our water off, and that will present a worse problem.

We are very much aware of that. That is where the gentleman put \$400,000. We are asking the Bureau of Reclamation to get its work done and do what the gentleman is speaking of here. We are very much aware of it, and we are going to be pushing and making sure that BOR does its job.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I would like to express my profound thanks to the gentleman from Indiana [Mr. MYERS] for his knowledge about this situation. As he has already indicated, the Mexicans now have EPA money and United States-Mexico Border Commission cleanup money to build a sewage system. They are going to clean up that water and then they are going to keep it in Mexico. That reduces, again, the amount of flow coming from across the border here into the Salton Sea and it means the problem becomes worse.

Mr. MYERS of Indiana. Mr. Chairman, we have the Kesterson situation in California, similar to this because it was neglected in years past. Now, we are still living with that problem. We want to avoid this at this point. We have recurring responsibilities in this country. We think they should also adhere to the recurring responsibility and have an obligation downstream to help keep that lake alive.

Mr. BROWN of California. Mr. Chairman, if the gentleman will yield further, I am not going to take any more of his time, but he has been a true gentleman, and I appreciate it.

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

Mr. MYERS of Indiana. Mr. Chairman, I yield to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman from California [Mr. BROWN] would remain, I just have a couple of questions for him.

Not being on the committee, I can tell you where Worchester is and Pintail Duck Club, and so can my father-in-law because we use it all the time, and I am aware of some of the pollution problems. I am not aware of some of the areas which the gentleman is trying to help.

I support what the gentleman is trying to do. If the gentleman could make me more knowledgeable on the issues as far as what those plans are, maybe I could even be more supportive for him.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, if I may respond briefly to the gentleman, the duck hunters from my district, which is one reason I have a concern, are very unhappy with the situation down there. This is a flyway, a migratory bird flyway where they come from the north down to the Gulf of California here. There are large nesting areas down here.

The duck hunters are now seeing examples of bird kill from eating the dead fish which may have selenium in them, and further increases in salinity will compound the problem. We will have environmentalists suing all over the place to force Salton Sea to be cleaned up, which can be done probably in the same way they did at Kesterson, which is to shut down part of the agriculture, and that is a \$1 billion a year agriculture industry there. A 10 percent shutdown is \$100 million a year.

Mr. MYERS of Indiana. Mr. Chairman, the committee understands the concern and shares that concern and we will do all we can.

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Mr. FOGLIETTA. Mr. Chairman, I ask unanimous consent to strike the last word in order to enter into a colloquy with the chairman of the subcommittee.

The CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. FOGLIETTA. Mr. Chairman, I am deeply concerned about the language in the bill which prohibits funding for the hopper dredge, the U.S.S. *McFarland*. The *McFarland* is a sea-going hopper dredge owned by the Philadelphia District Army Corps of Engineers. This vessel is vital to the commerce in the Delaware River as well as to the environment in the area. I understand that there are some ideas on dredging in the future, but I am concerned with a provision of this bill forbidding the expenditure of funds to maintain the capabilities of this vessel. It is my understanding that we have the gentleman's commitment, according to our prior conversation, to work

together with myself and my colleague, the gentleman from Pennsylvania [Mr. BORSKI], to arrive at a result in conference that would enable the *McFarland* to be maintained and improved so that it can continue to do its job in the Delaware River.

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

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

Mr. MEYERS of Indiana. Mr. Chairman, the *McFarland*, as we all know, is an old, old hopper dredge. The necessity of keeping it in inventory to do the type of work the gentleman is referring to, local work there, the committee has recognized for several years. The concern was to spend good money after bad. It is an old, old hopper dredge. We have rejected major overhaul improvements and this is what the intent of this language was, to make sure that it is maintained so it can do the job when needed but not to be put back into inventory to do a job it was never intended to, and it has outlived its lifetime.

Mr. FOGLIETTA. But we certainly do not anticipate a complete overhaul of this ship or this vessel. All we want to do is maintain it in its full capability it now has to continue doing its work as it is now doing until the Army Corps of Engineers issues its report, which is due in the near future.

Mr. MEYERS of Indiana. The intent was to keep it like it is today, repairs when necessary but no major overhaul.

Mr. FOGLIETTA. We are not looking for a major overhaul.

Mr. MEYERS of Indiana. We are reading on the same page.

Mr. FOGLIETTA. I thank the chairman.

AMENDMENT OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. BARTON of Texas: Page 20, line 18, insert "(reduced by \$1,000,000)" after "\$195,000,000".

Page 21, line 21, insert "(increased by \$1,000,000)" after "\$24,000,000".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas [Mr. BARTON] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I talk about my amendment, I want to compliment the gentleman from Indiana, Chairman MYERS, and the gentleman from Alabama, Ranking Member BEVILL, for their work, not just this year but in prior Congresses. They have always been a pleasure to work with and been very professional and have helped me not just on this amendment but many other issues in the past, including the

late lamented superconducting super collider that they both worked very hard for.

Mr. Chairman, the amendment before the body is a straightforward amendment. It would reduce the general administration account in the departmental administration, Department of Energy, by \$1 million, from \$195 million to \$194 million, and transfer that \$1 million to the Inspector General account in that same department. The Inspector General office last year actually spent \$28 million. The Senate mark this year was at \$23 million. The current House mark is at \$24 million. So this transfer of \$1 million would increase the Inspector General account to \$25 million. The Inspector General's office in the department has been very helpful to me in my duties as chairman of the Committee on Oversight and Investigations of the Committee on Commerce, especially with regard to the travel practices of the current Secretary, Mrs. O'Leary. They have uncovered numerous instances of waste of funds. In fact, the Secretary herself in her appearances before my subcommittee has admitted that mistakes have been made and is trying to work to rectify those mistakes.

So I would hope that we would accept this amendment, and it is my understanding that both the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS] are prepared to accept it.

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

Mr. BARTON of Texas. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, let me explain how we got here. We put \$25 million, as the gentleman has expressed, last year to the IG. The IG is a very important function of government, of every agency. We need inspections. I appreciate the fact that the gentleman has shared that they have helped him very much in his examination of the way the funds of the department have been spent. Last year the IG was appropriated \$25 million but later, not too long ago we learned that not only did they spend the \$25 million that we had appropriated, but they had also had some funds someplace of more than \$3 million that they also spent. We were not aware of that at the time we marked the bill up. We have had to cut back, reduce the size of government, so we cut back \$1 million here as badly as the IG is needed. So with the understanding now that they used these extra funds, where it came from I am not sure yet.

In any event, we accept the amendment because they do a very necessary and fine job. I thank the gentleman for offering the amendment.

Mr. BARTON of Texas. Mr. Chairman, it is my understanding that the minority also accepts the amendment.

With that, Mr. Chairman, I yield back the balance of my time, but I do have a query to the Chair: Is the bruise above the Chairman's left eye going to

preclude him from participating in the sporting contest tomorrow evening that he has been preparing for for the last several months?

The CHAIRMAN. Nothing could keep me from that game.

Mr. BARTON of Texas. Mr. Chairman, I would hope for a unanimous vote in support of the amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BARTON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROEMER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. ROEMER: Page 17, line 21, strike "\$2,648,000,000" and insert in lieu thereof "\$2,638,400,000".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana [Mr. ROEMER] and a Member opposed each will control 5 minutes.

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

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

Mr. Chairman, I offer this amendment in the spirit of bipartisanship with the gentleman from California [Mr. ROHRBACHER], my chairman who serves with me on the Subcommittee on Energy of the Committee on Science. We have offered this amendment for two reasons: Primarily for deficit reduction. If we are going to move toward a balanced budget by 2002, if we are going to achieve that in a fair manner, we need to come up with some spending reductions in a host of different accounts. When we looked very carefully at this budget, we found that the field offices under the Energy Department jurisdiction had actually said that they were going to decrease their staff by 6 percent. Instead they got a 7-percent increase. We offer this amendment to cut \$9.6 million out of those field offices and take them down to the level that they said they would go down to.

The second reason is the U.S. Senate has agreed to this cut. They have already made the cut of \$9.6 million in this account. So if this body agrees to this bipartisan amendment, this will bring it to the same level as the U.S. Senate.

Oftentimes around this body to spending reductions, we take the approach called NIMBY, not in my backyard, Mr. Chairman. Don't cut it if it affects us out in the field in our congressional offices.

We have cut the headquarters in Washington, DC, under this budget by about 25 percent. Yet, as I said previously, we have not cut the field offices. This would apply those same fair cuts to some of the field offices. Not devastating cuts, fair cuts to help us reach a balanced budget in the next few years.

The justification for this, and I do not think this is an onerous amendment at all, Mr. Chairman, reading through the budget request, here is something typical of one of the field offices:

The budget request of an Idaho field office states that it needs \$893,000 to pay seven new employees but later on, Mr. Chairman, five pages later in the budget to be precise, the office says that it will cut its staff by 15 employees next year. So it needs money to add employees and then it is going to cut employees, anyway.

I think this is in line with some of the fair cuts that we are trying to work together on in a bipartisan spirit, Mr. Chairman, and I would encourage this body to vote in favor of this amendment.

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

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

Mr. MYERS of Indiana. Mr. Chairman, my good friend and colleague from Indiana has discussed this amendment, and we have agreed. We have cut headquarters; we have cut the administrative staff quite a little bit. We did not cut the field offices, but we agree with the gentleman. I think there can be a reduction there. I think everyone agrees. We accept the gentleman's amendment.

Mr. ROEMER. Mr. Chairman, I am not going to use any more of any time on this amendment. I know a good thing when I see it. This will save the taxpayers almost \$10 million. I urge the body to agree with the chairman and the ranking member's recommendations and move my amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. ROEMER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROEMER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. ROEMER: Page 17, line 21, strike "\$2,648,000,000" and insert in lieu thereof "\$2,638,000,000".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana [Mr. ROEMER] and a Member opposed each will control 5 minutes.

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

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

Mr. Chairman, I am going to be very brief with this amendment. I am delighted to have passed the last amendment. This amendment would save the taxpayer approximately \$10 million.

In testimony that I sat through based on the February 1995 Galvin report, Alternative Futures for the Department

of Energy National Laboratories, Dr. Robert Galvin, the former CEO of Motorola, estimated that the labs could reduce their cost by 50 percent through streamlining and other efficiencies. Since the publication of this report, DOE has implemented some of its recommendations.

As a result, DOE claims to have saved \$264 million in fiscal year 1996 and expects to save \$366 million in fiscal year 1997. In total, DOE has promised to save over \$1.7 billion in the next 5 years. Overall the DOE budget request remained level from fiscal year 1996 to fiscal year 1997. Thus, despite savings from the Galvin initiative, DOE has made up for the administrative cost reductions by advancing other new initiatives. These new initiatives included the National Ignition Facility and countless smaller activities.

Mr. Chairman, my amendment says if we are going to save the money through the Galvin report, it should not be resented, then, from administrative savings on other new initiatives. Let us say to the Department of Energy, if we are going to run it better, cheaper, more efficiently for the taxpayer, then the taxpayer needs to see some of the benefits from that.

My amendment would make sure that the taxpayer received some of those benefits by making sure that the \$10 million in this amendment goes to deficit reduction.

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

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

Mr. MYERS of Indiana. I thank my friend for yielding.

Mr. Chairman, we share the concern that the gentleman has, and he is right. We have many, many, too many national labs today. We have to do something about it. It is a concern of this committee. We have had concern for several years. We have to consolidate some of them. We just cannot continue to fund all of these. However, we have already reduced this account. We were aware of Mr. Galvin. In fact, we invited him last year to appear before our committee. While we have made significant reductions here, we feel that might be too much at this time. But in the future I think that we are going to have to do something along this line and reduce.

I urge the gentleman to withdraw at this time this amendment. I think the gentleman is on the right track, but maybe we have cut it enough already in the bill.

Mr. ROEMER. Reclaiming my time, Mr. Chairman, I would just say that for those kinds of comments and the kind of bipartisanship that the gentleman from Indiana [Mr. MYERS] has shown our side in the past, we will sincerely miss him next year when I will hopefully continue to work on this.

Mr. MYERS of Indiana. We wish the gentleman well.

Mr. ROEMER. It will be a fight, as the gentleman from Indiana knows. We

will continue to try to restructure, not just cut the national laboratories. They are an invaluable resource for this country. We do need to restructure them, we do need to make sure they are not duplicating efforts from our colleges and universities in the private sector, and we do need to make sure when we cut costs that we actually save money for the taxpayer.

With that, Mr. Chairman, and with the kind words from the distinguished Member from my State of Indiana, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. KOLBE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KOLBE: On page 12, line 23 strike "\$398,069,000" and insert "\$377,496,000", and on page 13, line 1 strike "\$71,728,000" and insert "\$51,155,000".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona [Mr. KOLBE] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona [Mr. KOLBE].

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

Mr. Chairman, the amendment I am offering on behalf of the entire Arizona congressional delegation reduces the FY 1997 funding level of the Central Arizona Project [CAP] by \$20,573,000. If adopted, my amendment would bring the FY97 appropriation for the CAP from the \$76.6 million recommended in the bill to \$56,073,000. That's about a 27% cut in this project alone, and a nearly 5% cut in the total Bureau of Reclamation construction budget.

Mr. Chairman, most members would agree this is a tad unusual: to cut your own construction project! So they may wonder why I'm proposing this reduction, particularly as Federal commitments to Energy and Water programs are dwindling and funding for worthwhile and important projects is difficult to obtain.

But the truth is simple—we don't need all of this money! Of course, I'm extremely grateful to Chairman JOHN MYERS and Ranking Minority Member TIM BEVILL for being such stalwart supporters of this project over the years. But, the fact is we are nearing the completion of this monumental project, and we just don't need the money that the Bureau is trying to spend on this project.

This amendment does not imply that the CAP has diminished in importance. This simply is not the case. Bringing a stable water supply from the mainstream of the Colorado River into central and southern Arizona is, very simply, the sustenance that has allowed Arizona to thrive. The Ancient Ones—the

Hohokams—knew that the area could not survive without a dependable source of water. Their disappearance 800 years ago is associated with their inability to have an assured water supply during a long-term sustained drought. However, with the help of Congress and the vision of some great leaders from my own State of Arizona, we have accomplished what past civilizations could not. The Central Arizona Project provides the water that has become our lifeblood. Its value is being proved, even as I speak, as it delivers water to thirsty Arizona during the worst drought in 100 years.

That doesn't mean, however, that we have to gild the lily. We don't have to add things to the project that have nothing to do with delivering water to central Arizona. But that is exactly what the Bureau has proposed doing in their budget request this year. As I stated earlier, the CAP is nearing completion; in fact, it has been declared "complete" and operation turned over to its ongoing manager, the Central Arizona Water Conservation District [CAWCD]. It has thus become possible to scale back the Federal Government's financial commitment to minor parts of the CAP's budget without having any negative impact on the overall project. Working with the management and board of CAWCD, I have identified several programs within the CAP whose funding can be reduced for fiscal year 1997.

The following list identifies the specific projects/activities, provides a brief description of the work to be performed, lists the projects location in the Bureau of Reclamation's Budget Justifications for fiscal year 1997, and the total amount of the reduction that I'm proposing. Again, the total amount of the reductions that I am proposing to the CAP's fiscal year 1997 budget is \$20,573,000.

(1) Hayden-Rhodes Aqueduct: Siphon Repairs, PF-2B, page 5, line 5, \$1,616,000.

(2) Hayden-Rhodes Aqueduct: other repairs, PF-2B, page 5, line 12, \$1,509,000.

(3) Modified Roosevelt Dam: noncontract costs, PF-2B, page 14, line 15, \$4,465,000.

(4) Other project costs: Water allocations non-contract costs, PF-2B, page 33, line 9, \$500,000.

OPC O&M during construction, PF-2B, page 33, line 15, \$350,000.

Curation Facilities, PF-2B, page 34, line 3, \$750,000.

Native Fish Protection, PF-2B, page 34, line 13, \$2,775,000.

Native Fish—noncontract costs, PF-2B, page 34, line 14, \$332,000.

(5) Environmental Enhancement: Major contracts, PF-2B, page 35, line 6, \$2,200,000.

Noncontract costs, PF-2B, page 35, line 7, \$801,000.

(6) New Waddell Dam: Roadrunner Campground, PF-2B, page 10, line 2, \$1,470,000.

New Recreation Enhancement Contracts, PF-2B, page 10, lines 3, 4, 5, & 6, \$1,550,000.

Non-contact costs, PF-2B, page 10, line 1, \$2,255,000.

Total reduction in fiscal year 1997 cap budget—\$20,573,000.

Mr. Chairman, in some cases these programs do not need to be funded at

all, and others require no funding in fiscal year 1997. For instance, \$1.6 million was requested for siphon work, but the Bureau of Reclamation (the Bureau) completed siphon work on September 30, 1993. Furthermore, the Bureau has declined to perform any siphon repairs that may be needed. If this issue is ever resolved and the Bureau agrees to initiate and do the work on the siphons in need of repair, then we can provide them with money in fiscal year 1998. But the Bureau has not made any indications that they are willing to undertake this work.

Another example of unneeded federal funding is the \$1.5 million earmarked for Reach 11 dike repairs. The Bureau has already completed Reach 11 dike repairs and has no need of any more money for work related to those repairs. Staff costs earmarked for modified Roosevelt Dam are in a similar situation; \$4.5 million was included for staff costs. Modified Roosevelt Dam, however, is now complete and a notice of "substantial completion" will be issued by the Bureau this fall. And that is an exorbitant cost to finish up this project.

The same can be said for over the \$5 million recommended for recreational related activities at New Waddell Dam. Although recreational activities enhance one's overall outdoor experience, they aren't integral to the delivery of Colorado River water to central and southern Arizona, and they certainly shouldn't be paid by taxpayers elsewhere in our nation. If a case can be made that these appealing, yet ancillary activities, should be funded, then we can review this information and consider funding them in fiscal year 1998. The list I have prepared is replete with similar situations. That is why these programs have been targeted for funding reductions.

The Bureau in responding to my amendment allege that cuts of the order that I have proposed would jeopardize other CAP features and delay work on several projects. The Bureau also states that the proposed reductions would cause a delay in funding "\*\*\*\* work on the Pascua Yaqui and San Carlos Indian Distribution Systems \*\*\*\*" and delay the "Gila River Indian Community (GRIC) Self Governance contract". To further illustrate their concern the Bureau claims that they would have to "reassign" \$5.3 million that has been earmarked for the GRIC contract to other activities. This not so veiled threat is gamesmanship, at best, and I categorically and completely refute the Bureau's contentions.

First of all, my amendment does not have any impact on work related to the Indian Distribution System account. Funding for work related to this vital project is contained in a separate line item within the CAP budget and one which my amendment leaves untouched. I firmly believe that Federal commitments made to tribal leaders should be fulfilled. Secondly, the Bureau's threat to reprogram monies set aside for the GRIC contract are hollow. Final reprogramming authority is vested with Congress and more specifically

the House and Senate Appropriations Subcommittees on Energy and Water Development. I don't think this Congress will be a willing partner in any effort to renege on a long-standing commitment to the Gila River Indian Community. Lastly, I am amazed that in an era of downsizing the Bureau of Reclamation is fighting tooth and nail to keep from trimming their bureaucracy.

I am convinced that my amendment will not negatively impact ongoing projects which are vital to the CAP. In fact, I have a letter from the general manager of the Central Arizona Water Conservation District, the governing body of the CAP, endorsing my amendment.

In the letter the general manager reiterates that the reduction proposed by my amendment will not impact CAWCD's ability to manage the Central Arizona Project, and that CAWCD agrees with the level of reductions that are being proposed.

Mr. Chairman, this is a win-win-win for all of us. American taxpayers don't have to put up the front money for unnecessary work on this project; CAP water users don't have to pay higher property taxes to repay parts of a project that are unneeded; and Bureau personnel and resources can be released for other important projects.

Mr. Chairman, this Nation is facing a \$5.2 trillion debt, and this Congress is working diligently to reduce our annual deficit. The Central Arizona Water Conservation District and the residents of Arizona are prepared to do our part to assist in this endeavor. My amendment trims over \$20 million from the Central Arizona Project's budget in fiscal year 1997. I ask that my colleagues support this cost saving amendment.

□ 1945

Mr. Chairman, I ask my colleagues to support this cost-saving amendment.

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

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

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Does any Member seek time in opposition?

Mr. KOLBE. Mr. Chairman, in the absence of any Member in opposition, I ask unanimous consent that the gentleman from Indiana [Mr. MYERS] be allowed to take the 5 minutes.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana [Mr. MYERS] for 5 minutes.

Mr. MYERS of Indiana. Mr. Chairman, the gentleman, who is a member of the full committee and a very strong advocate of the CAP, has discussed this amendment with us. In examining his recommendations, on a number of these we completely agree. How we missed them, I do not know.

As an example, the siphons. The siphons are in litigation, have been for

quite some time. And some of the repairs, I understand, have been made. But there are still some that have not been made subject to whatever the decision will be by the court. But a number of others are legitimate and ways to save money.

Anytime this committee can find a way to save money, and it is unanimous from the gentleman's delegation from Arizona, we have no objections. We welcome it, and I thank the gentleman.

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

Mr. MYERS of Indiana. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I appreciate the gentleman's support. The Senators concur with that, and they will be offering the same reduction over on the Senate side.

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

Mr. MYERS of Indiana. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, I have no objections.

Mr. MYERS of Indiana. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. KOLBE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PETRI

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PETRI: Page 12, line 23, after the dollar amount, insert "(reduced by \$10,000,000)".

Page 12, line 24, after the dollar amount, insert "(reduced by \$9,500,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Wisconsin [Mr. PETRI] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

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

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

Mr. Chairman, this amendment cuts the \$10 million in the bill that would be used to begin construction of the Animas-La Plata [A-LP] Bureau of Reclamation water project in southern Colorado and northern New Mexico.

Just on the face of it, pumping water over 1,000 feet uphill into another watershed, largely for irrigation, does not appear to be a sensible thing to do. I know of no other irrigation system with such an inherently uneconomic basic design.

Proponents attempt to justify A-LP by saying it is needed to satisfy Indian water rights claims, but this project can't possibly be built in time to avoid litigation.

The 1988 Settlement Agreement says that if the Indian water rights have not been fulfilled by the year 2000, the

tribes may unilaterally abandon the A-LP project and seek an alternative settlement. It is physically impossible for the Bureau of Reclamation to meet this construction deadline.

Although the Indian water rights provide an excuse for this project, they are not its driving force. The driving force is huge Federal water subsidies for local, non-Indian water users.

Now, let me be clear: I don't have a problem with supplying water to non-Indian users—as long as they are willing to pay for it.

There is no national interest whatever in forcing my constituents—and everyone else's too—to pay for the massive water subsidies in A-LP.

For example, let's look at irrigation, the use to which most of the project's water would be devoted.

The capital cost of irrigating each acre of land works out to \$7,467.

The land that would be irrigated is currently worth about \$300 to \$500 per acre.

With irrigation, the value of these high elevation and rather marginal lands might double.

The farmers who own this land are supposed to pay about \$300 per acre to build the A-LP project, but everybody else would pay the rest.

Does it make any sense at all to force nonirrigators to pay over \$7,000 per acre to raise irrigators' land values by a few hundred dollars per acre?

For \$7,000 per acre, maybe we could grow corn in Antarctica. But that wouldn't make sense, and neither does this.

Federal taxpayers would get almost as bad a deal on the project's municipal and industrial water. Under Federal law, municipal and industrial users are supposed to cover the entire cost of that water—signing a contract with the Federal Government before construction starts.

In the case of the A-LP project, some repayment contracts have been signed, but records show that those contracts wouldn't repay the full cost of the water to the Treasury.

Even worse, only a couple of the municipal and industrial users have signed such contracts, while other have not.

How can we possibly start building this project when we don't have the appropriate contracts in place?

At the very least, we shouldn't appropriate money to start construction on a boondoggle like this until applicable laws have been complied with.

Perhaps the best argument against Animas-La Plata is contained in this ad in favor of it, that appeared in the Durango Herald in 1987. It says: "Why we should support the Animas-La Plata project. Reason No. 7: Because someone else is paying most of the tab. We get the water. We get the reservoir. They pay the bill."

My friends, we should not pay this bill.

The days of massive Federal subsidies—subsidies from your constituents and mine—for mammoth water



projects aimed at opening and developing the West should be over.

The West is open and developed. Any further development should be paid for by the people who benefit from it.

Therefore, I urge my colleagues to vote "yes" on our amendment to delete funding for this "Jurassic" porker.

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

The CHAIRMAN. Is there a Member seeking time in opposition?

Mr. MYERS of Indiana. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Indiana [Mr. MYERS] is recognized for 10 minutes.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. BEVILL], my colleague of long standing, the ranking member.

Mr. BEVILL. Mr. Chairman, I rise in opposition to the amendment to kill the Animas-La Plata. I say that this is a project that actually had 100 years of negotiation between the two large Indian tribes in Colorado and the Indians. Those tribes gave up many of their very valuable water rights.

They have unemployment at the rate of 65 percent, and every phase of government entered into this agreement, the local government, the State, the Federal Government. We had a ground breaking there some 3 or 4 or 5 years ago and over 2,000 people turned out for that dedication because of the interest in this water project and because it means so much to these people who have been suffering as a result of not having a water supply.

With that agreement, the Federal Government as well as the others are obligated. Everybody has lived up to their part of the agreement, except the Federal Government, and is ready and willing to go ahead and proceed with it. All the court cases by everybody that has opposed it have been acted on unsuccessfully by those who opposed it. It seems we still have some who feel like they are in opposition to the program.

But I urge we go ahead in all fairness and in commitments by this Federal Government to those two Indian tribes and the people of southwest Colorado that the gentleman from Indiana, Chairman MYERS, and I have visited during a time when everybody was getting together on it and we participated in it. Many years of work have gone into it and the integrity of the U.S. Government is really at stake with these people. It would be very unfair and I just urge my colleagues to support the Animas-La Plata project. It is one of great need and one that they deserve and they are entitled to.

Mr. PETRI. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. DEFAZIO].

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

Let us try to explain the issue before us. Animas-La Plata. Sounds good. Satisfy Indian claims. Well, actually,

it is a project that cannot be built without violating the environmental laws of our Nation, voiding the laws that require local cost for sharing for new Federal water projects.

It is a project that has been sold as an Indian water rights settlement, except that it will not deliver affordable or usable water to the Indian tribes in question. It is a project that will deliver a \$5,000 an acre irrigation subsidy to non-Indian farmers in the high desert of southwestern Colorado so they can grow low-value crops. Two-thirds of the water will go to them if this project is ever completed, if we void the environmental laws, if we go ahead with a project that will produce 36 cents of benefits for every Federal dollar invested.

Thirty-six cents of benefits for every Federal dollar invested. How can that be in a time when we are striving to balance the Federal budget? We will hear a lot from the opposition. They think they have a strategy to get this through, 36 cents of benefits for every dollar that every American taxpayer will invest. And they are going to say that it is because it is satisfying Indian water claims. It is not.

What is before us today is called phase I stage A of the Animas-La Plata project. It barely passes muster under the Endangered Species Act. It fails the cost-benefit test. And it does not even come close to satisfying the Indian water rights.

□ 2000

That is phase one.

Now, if the proponents are successful in pushing through this nearly \$500 million project, despite the environmental problems, despite the negative cost/benefit ratio, it still will not satisfy the Indian water claims because it does not deliver the water to those tribes.

There is some thought that maybe they can sell the water or they can do something else with it. Colorado law will not allow them to sell it out of State. The water is going to be extraordinarily expensive. It is not going to be delivered in time to satisfy the Indian water claims. In fact, they can back out. The Bureau of Reclamation says we can finish the project by 2003. The tribe has the right, after the year 2000, to back out of this agreement.

I believe when they see that they are going to be delivered water at an extraordinary price that they cannot sell to anybody, that they are going to opt out. They are going to pursue their claims in court and a future Congress is going to be where we are today, except they will have spent nearly \$500 million, if they void the environmental laws of the land, if they waive all cost share and if they build a project that delivers 36 cents on the dollar, if we pony up all that money. And they will then have to come up with some other proposal to meet the Indian water claims.

There is a better way to do it. The Inspector General of the Interior Depart-

ment says, cut \$170 million out of this particular project and you can just direct it to the Indian claims and you could better meet their claims. Local citizens are looking at other non-dam alternatives.

The amendment before us would cut \$10 million that is going to irrevocably commit us to this poorly thought out project. It is also about the ultimate \$481 million to be spent by the taxpayers to bring a return of 36 cents on the dollar to Federal taxpayers. The proponents cannot say it is economically justified. It is not, by the numbers of the Bureau of Reclamation, who always try to cook the numbers in favor of these projects, they cannot say it is environmentally justified. We will have to waive a whole host of laws to complete the project. So they are staking their hopes on convincing us that this will satisfy the Indian water rights settlement. As I explained earlier, it will not.

It is quite simple, in my opinion, Mr. Chairman. This half a billion dollar boondoggle should be stopped now before we waste any more of Federal taxpayers' dollars on this project.

Mr. MEYERS of Indiana. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. MCINNIS].

Mr. MCINNIS. Mr. Chairman, I would like to extend appreciation from the native American tribes and from the people of the State of Colorado to both the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS]. They realize the importance of this project. And what is beautiful about the work that they have given us, they understand the history. They know the history. They have seen the history. Year after year they have been with us on this project, because they understand the significance of what this government did in 1988 when we made an agreement with the native Americans.

Years ago, when I was a young man, I liked to trade baseball cards. I remember very distinctly one time when I made a trade on a baseball card. I did not give the card to the party with whom I traded. But I had this baseball card. After I made the agreement to trade the card, guess what? I found out that I could have got a lot more than I did. So I went to my father and my mother. They were both business people. I asked them, I said, I think I can get a lot better deal. I was kind of hoping they were going to reinforce my thought at the time and that was, go with the better deal. But my father and my mother said one thing to me. This is exactly what they had. Son, keep your word.

You can talk about all the statistics that you want and the preceding speakers have done that. The fact is, in 1988, the native Americans who had a lawsuit against us, the United States of America, were about to prevail on that lawsuit. I was in the State legislature. Our very best attorneys told us we were going to lose that lawsuit. You

need to settle with the native Americans. You need to make an agreement with them.

On behalf of the United States of America, on behalf of the State of Colorado, President Reagan in this country, the U.S. Congress, the State legislature in Colorado, all of the elected officials dealing with this, we made an agreement with the native Americans. We said, drop your lawsuit, because we know you are going to win; drop your lawsuit and we will build this project.

Now look what happens. Is history coming back to haunt us again? Are we once again going to walk away from the native Americans from the promises we made? Do not let these statistics lead you astray. Those are opinions. This is fact. This is fact. We have an agreement. We made an agreement with the native Americans. We have every obligation to fulfill that agreement.

You are going to hear some statistics, you have heard some earlier that the costs were 36 times or the cost/benefit ratio. The study that the gentleman from California uses, in fact, has in very clear language that they do not consider the cost if we do not do what we said we were going to do. And what is going to happen if we do not do what we said we were going to do, for the gentleman from California, we are going to have to build the project. They are going to sue us in Federal court. We will lose. They will get specific performance. We will have to do what we said we said we were going to do. We cannot build it for several years because of the litigation. That will add hundreds of millions of dollars in costs.

Then the court is going to assess the cost of the water, the value of the water to storage between when we built the project and when we said we were going to build it and when we finally did build it. On top of that, they are going to assess attorney fees. If you worry about the taxpayers today, you are going to vote no on this amendment, because the taxpayers today are much further ahead by going ahead with this project and just doing it.

In conclusion, let me just remind all of us, we made an agreement. The gentleman from California had Congressmen out of California who are signatories to this agreement. The Congress, this Congress made it. Our President signed it. Our State legislature did it. I was in the room when we sat down with the Indian chiefs and the native Americans councils. One of their questions to us was, are you going to keep the agreement? Fortunately, they did not trust us. They said, you are good people and everything, but we want it in writing.

We put it in writing. We have a written contract. They call it a treaty; we call it a contract. We have a written contract and it is about time the people of this country and I think the people of this country want to stand up and honor the obligations that we made to the native Americans.

What more do you have if you do not have your word? We need to keep our word.

Mr. PETRI. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

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

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Petri amendment. This amendment is just common sense. It applies the principles of fiscal responsibility and cost-benefit analysis that the project's supporters always claim to support. And it protects an environmentally precious area from needless degradation—another goal to which we all claim allegiance.

Let's look at the economic issues first. The project would return only 36 cents for every dollar invested. Who reached that conclusion? Not an opponent of the project, but its sponsor—the Bureau of Reclamation.

And not only does the project have a laughable cost-benefit ratio, it has already exceeded its indexed cost ceiling—and that's without factoring in the usual cost overruns. How can we balance the budget if we fail to pull the plug on projects that cannot justify their costs or live within a budget?

But this project would not only provide inadequate benefits, it would cause actual and irreparable harm. It would divert almost half the flow in one of the last free-flowing rivers in the West. It would destroy numerous wetlands. It would jeopardize the existence of endangered species. It would cause water quality violations in New Mexico.

It is no wonder that a broad coalition of taxpayer and environmental groups are calling for passage of this amendment. The arguments are compelling. Vote for the Petri amendment and pull the plug on wasteful and environmentally damaging Federal spending.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FAZIO] who has been on this project for a good many years like the rest of us here.

Mr. FAZIO of California. Mr. Chairman, I do rise in opposition to this amendment because I really think it kills the Animas-La Plata project. This project is a peacefully negotiated settlement between parties that are normally at odds. By this action tonight, if we were to concur in the amendment, I think we would strike a real death blow at something that admittedly has not been perfected, has not been worked out as much as we hope it can be, but prematurely put the Ute and Mountain Ute tribes in a position of having in effect entrusted themselves to a process that totally let them down. There is not any question that their leadership has made a judgment and for 8 years that judgment has been to work with the environmental community to find compliance in this project. In patient, good faith efforts

they have extended this project and, therefore, it will cost more. But those 8 years of delay for the sake of the environment should not now be used as a means of destroying their agreement, an agreement that we all have made with the tribes that have, I think, cooperatively worked with their Government to bring about the real acquisition of their water rights.

We have heard a lot about the cost of this project. But Members do not tell us that the second phase of the project is a non-Federal commitment. They do not tell us that the agreement with the Fish and Wildlife Service is going to limit the project's size. They do not tell us that municipal and industrial users are fully reimbursable under this and that power revenues from the Colorado River will pay for a large segment of this project's cost. They do not talk about the fact that water users must sign contracts to repay the Government. In fact for 2 years now, sitting at the Department of Interior, are the repayment contracts that would make sure that the taxpayers are not taking a hit in this program. There is no way that we should turn our back on these tribes or on the people of this part of Colorado.

I urge Members to join together with this committee and let this project continue to be negotiated, with a supportive Secretary of Interior, following Governor Romer and former Governor Lamm and Senator Hart and Congressman Wirth in supporting this proposal. We can remove many of the problems with further negotiation. Let us not once again renege on a deal we've made.

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

I would conclude by saying that in fact very few municipal contracts have been entered into for only a fraction of that part of the cost. The cost of the project for the land involved will be \$7,467 per acre, several hundred dollars paid for by the landowners, the rest paid for by the taxpayers. So that is the rest of the story. I urge adoption of the amendment.

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

Mr. Chairman, the arguments used against this project have been used many times. They were used in litigation in at least two court cases that I am aware of. Mr. BEVILL and I and Mr. FAZIO have been on this committee for a good many years. The same arguments were used in court and it was settled several times, we thought, both legally and in litigation with the environmentalists, only to have the environmentalists find some new way to approach this.

Congress heard this same argument back in 1988, when Congress passed the Colorado Ute Indian Water Rights Settlement Act of 1988, agreeing that we would start on this phase. This is phase 1 that we are speaking about here.

It is absolutely true, the benefit-cost ratio only looked at one phase of it.

The next phase the Indians will provide. The State of Colorado has already appropriated \$42,600,000 to complete this, realizing their legal responsibility.

It is not a matter of fact tonight whether we should consider this again. We have a number of times met the legal responsibility through court action, litigation, as well as through congressional action, the action of 1988, and agreement with the two Indian tribes, the Ute Indian Tribes.

We have a legal responsibility. You might try to renegotiate and back out on it, but it will not hold in court because we have agreed, both through congressional action as well as through court action and through litigation with the environmentalists, that we make this agreement helping the Indian tribes and agreeing to the water rights that they have.

They have given up a lot. We have a legal obligation. If you want to address all these other things, OK. But legally, this Congress, even though you may not have been here in 1988, or even prior to that, we have a responsibility, you are part of us today who made that responsibility. You have to go along or you destroy the whole system of government.

Support the Indian tribes with whom we have a legal responsibility. Reject this amendment.

□ 2015

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

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

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

The CHAIRMAN. Pursuant to House Resolution 483, further proceeding on the amendment offered by the gentleman from Wisconsin [Mr. PETRI] will be postponed.

AMENDMENT OFFERED BY MR. PICKETT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PICKETT: Page 6, line 5, strike "and".

Page 6, after line 5, insert the following: Sandbridge Beach, Virginia Beach, Virginia, Beach Erosion Control and Hurricane Protection, \$283,000; and

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

Before beginning my remarks on the amendment, I would like to join in with the others who made laudatory remarks about the gentleman from Indiana [Mr. MYERS] and the gentleman from Alabama [Mr. BEVILL] for the outstanding job that they have done here in their capacity on this committee. I think all Members recognize that stellar work they have accomplished.

The amendment that I have offered is one that would transfer funds in the

bill for a project at Sandbridge Beach in the City of Virginia Beach, that I represent, from planning to construction. This is for an Erosion Control and Hurricane Protection act.

This project was authorized in the Water Resources Development Act of 1992, and pursuant to the authorization, the people in Virginia Beach in the area where the project is located entered upon a special tax district that they assessed themselves, the moneys required to meet the local match for this project.

In the justification for this project, the Army Corps of Engineers took into account only the property protection aspects of the project. Nothing else was considered. The project was fully justified based on the property that it would protect, and if this project is not built, there is going to be a substantial loss of property as a result of water action from the Atlantic Ocean.

I would like to tell the body that the U.S. Navy occupies the property immediately north of this project. The Navy has seen fit to commence and is now completing a \$6 million project to protect Navy property in this area. If this project is not built, then the Navy project could very well be put at risk because of wave action that would take place in the project area.

The Army Corps of Engineers, in April 1996, completed its limited reevaluation report and reaffirmed the economic justification used in the project authorization.

The amount of money that is being set aside in the bill for planning is \$283,000. This amendment would allocate those funds for construction purposes of the project. I am hopeful that by the time this bill is presented to the President for his signature that some additional moneys will be available for this project so that construction can go ahead.

If this project is not built, as I have said, there is going to be substantial property destruction. This property is largely insured under a flood control program, which means that, one way or the other, the company is going to end up paying the cost of this project.

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

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

Mr. MYERS of Indiana. Mr. Chairman, I share the gentleman's concern. He has touched on a point that this committee suffered this year, and I say "suffered," and I mean just exactly that.

There are a great many projects such as the gentleman's very meritorious. If we had all the money in the world, we would have a lot more in here. But we have to prioritize, limit to only so many, and we tried to go about what we thought was most important. Maybe we made some mistakes; we hope not.

The gentleman has a very worthy project, but there are a number of them.

The gentleman from Virginia [Mr. SISISKY], the gentleman's State, had a very important project that we just could not fund. The gentleman from New York [Mr. BOEHLERT] was speaking about some in this district, and he is a member of the authorizing committee. We spoke earlier about Mr. Emerson of Missouri. These are all very fine projects, but we told over a hundred in the same category as our colleague from Virginia that we just could not deal with everything in the world.

The gentleman from Virginia is a gentleman; he has been very kind to us. Very succinctly and very appropriately, he asked for those funds when he appeared before our committee. We did put one of the programs in for the gentleman's beach that we thought was maybe higher priority than this, in our judgment—not the gentleman's, but our judgment—but we felt that we just could not do everything that we would have liked to do.

So we fully understand. I do not know what will happen when we go to conference, whether there will be more money over there. We cannot promise anybody anything, but these are some of the projects we will have in mind as we go to conference.

So all we can tell the gentleman is, we hope he will withdraw it, because we would love to have done it, but we just do not have the money in the House.

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

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

Mr. BEVILL. Mr. Chairman, I support the gentleman's position, and like our chairman, if the door is closed, there is not much we can do. But I just want to say it is a good project, and if during the appropriations process, there is an opportunity, I will be supporting the gentleman from Virginia.

Mr. PICKETT. Mr. Chairman, with those remarks, I ask unanimous consent to withdraw the amendment at this time.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word for the purpose of engaging the chairman in a brief colloquy.

Mr. Chairman, I want to begin by recognizing the efforts to produce a water and energy appropriations bill that continues the Federal commitment to improving our Nation's water infrastructure. As the chairman of the House Water Resources and Environment Subcommittee, I share the gentleman's strong interest the quality of America's harbors, reservoirs, rivers, canals, locks, and dams. Water infrastructure, as we all know, is a critical component of this Nation's economic and environmental future and the bill before us today reflects this reality.

As my colleagues know, the House Transportation and Infrastructure Committee reported the 1996 Water Resources Development Act this week, and is likely to consider this legislation on the House floor next week. Included in WRDA 1996 is a measure that is critical to the public health of 9 million Americans. That is section 554, the New York City Watershed Program. WRDA 1996 authorizes \$25 million for the Corps of Engineers to carry out critical water-related environmental infrastructure projects in the 2,000 square mile New York City Watershed. Through this and other targeted programs in the watershed we will be able to protect the drinking water supply for 9 million Americans while saving \$8 billion in unnecessary filtration expenditures. This point bears repeating—we will be able to protect the drinking water supply for 9 million Americans and save taxpayers over \$8 billion through the New York City Watershed Program.

It is my understanding that the chairman understands the critical nature of the New York City Watershed Program authorized in WRDA 1996 and that funding this program will be a priority in conference. Is my understanding correct?

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

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

Mr. MYERS of Indiana. Mr. Chairman, the gentleman is correct. We have worked very closely with the gentleman who is chairman of the subcommittee. This is a high priority, but as I expressed earlier to our colleague from Virginia, it is one of those things that we just simply run out of money. But it is very high priority and would be a model for other programs.

So it is a very high priority. If money can be found someplace between now and conference, it will be a very high priority. We cannot do everything for everyone. The chairman and I have both visited the tunnels in New York City; we understand the tremendous problem New York City is going to have in the future that supply municipal and industrial water for the population of New York City. So we fully understand and we will do our best. I assure the gentleman from New York, we will work with him.

Mr. BOEHLERT. Mr. Chairman, I want to thank the gentleman from Indiana for his support, and I want to thank the ranking minority member for the interest he has evidenced in this. Before I sit down, I want to say on behalf of all of my colleagues how much we appreciate the work of the gentleman from Indiana [Mr. MYERS] and all the great work the gentleman from Alabama [Mr. BEVILL] did over the years. It has been a pleasure for all of us to work with them, and I say, both of these gentlemen are going to be deeply missed.

AMENDMENT OFFERED BY MR. KLUG

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KLUG: Page 34, line 2, after the dollar amount, insert the following: "(reduced by \$16,000,000)".

Page 34, line 9, strike the colon and all that follows through "activities" on line 12.

The CHAIRMAN. Pursuant to the order of the House to today, the gentleman from Wisconsin [Mr. KLUG] and a Member opposed 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 might consume.

Mr. Chairman, as my colleagues know, much of the debate in this House and this Chamber over the last 2 years has really focused on what level of Government best organizes and administers program. In fact, we just had a vote in the Chamber last week on welfare reform, and we decided that States were capable of essentially running their own operations and administering their own programs.

Well, I think the second part of that dialogue that needs to go on and frankly needs to be amplified over the next several years is, are there programs involved that maybe we should not run or the States should not run, that we should just get out of, out of altogether. That is where we find ourselves, I think, today in this discussion about the Tennessee Valley Authority.

Now, my colleagues are going to hear in a couple of minutes about what an important economic tool the TVA has been for the southeastern region of the United States, and you get no arguments from me, but the TVA was first established in the 1930's, and here we are, 60 years later, making the same argument that the region served by the Tennessee Valley Authority needs additional help from the Federal Government to kind of kick-start its economy.

The money we have targeted in this amendment is merely \$16 million in economic development money targeted to the TVA region.

Now, let me make it clear that the region served by the Tennessee Valley Authority already gets money under the Economic Development Administration, as does every other region of this country; and in addition, the TVA gets an additional pot of money because it is part of the region served by the Appalachian Regional Commission, which pours additional economic development money into the 13 States that stretch along the Appalachian River.

So the TVA gets money for 60 years, it gets additional money from the Appalachian Regional Commission, and it gets economic development money already poured into economic development projects across the rest of the country.

This is a very simple amendment. And let me make it clear that the TVA itself admits that economic develop-

ment is not an essential part of its appropriated activity; it is not required in statute under Federal law, and in fact, the TVA itself proposes phasing out this function over the next 3 years. In this town, it is always the next 3 years; it is never today and it is never this year.

Let us make it very simple and begin to separate ourselves from the Tennessee Valley Authority and say, no more economic development money, strike this \$16 million.

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

Mr. MYERS of Indiana. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Indiana will control the 10 minutes in opposition.

Mr. MYERS of Indiana. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I rise in opposition to this unnecessary agreement and want to say to my colleagues here that the economic development activities of the Tennessee Valley Authority were created so that this section of the country could have the opportunity to have the kind of economic development that other sections of the country would have.

TVA has in fact taken steps, I say to my colleague, to phase this out. This would not be the time to pull the rug out from under them. They have shifted from a grant activity program to business services and investments. They have in fact cut staff by 45 percent. They have terminated 25 programs. So they are on line to do what we want them to do. It is just that they cannot have this rug pulled out from under them.

Currently, there are over \$40 million in existing programs being managed by TVA. TVA must phase out those programs, but they have got to do that in an orderly way. We are holding their feet to the fire, but we are doing it in a responsible way.

Let us oppose this irresponsible amendment.

Mr. KLUG. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. FOLEY].

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Mr. FOLEY. Mr. Chairman, today I rise in strong support of the amendment to strike economic development funding from the Tennessee Valley Authority. I want to thank the gentleman from Wisconsin [Mr. KLUG], the chairman of the Privatization Task Force, for bringing this amendment to the attention of this body.

This taxpayer-friendly amendment would save \$16 million in an unnecessary appropriation from this legislation. The gentleman from Wisconsin [Mr. KLUG] mentioned, and I read from page 130 of the bill, the economic development, "In testimony before the Subcommittee on Energy and Water Development this year, TVA conceded that

economic development is not an essential appropriated activity of the Authority." They agree. They admit it. But they still want \$16 million.

What my friend, the gentleman from Wisconsin, [Mr. KLUG], is getting at today is not merely the unnecessary \$16 million appropriation for economic development, but the larger problem of the TVA, an authority that the former TVA Executive, Mr. William Malec, said should be sold, and called a "New Deal Dinosaur" in the Wall Street Journal this time last year.

I think the elimination of the economic development funding for the TVA is a prudent and fiscally responsible step, especially given the fact that the TVA itself admitted that the economic development is not an essential activity.

Let us look at a newspaper article. First of all, "Power Agency to Form Joint Venture in India. The Tennessee Valley Authority intends to lend its agency and expertise to a profit-producing joint venture in India."

OK, "Limo Expenses Among TVA Expenditures." Knoxville News Journal: "\$86,000 spent on trips," \$86,000 of ratepayers' money. Then, thousands on alcoholic beverages; nearly \$40,000 for limousine services; and \$48,000 for air travel to and from China. Mr. Chairman, when it is their own money, they go by cab or Metro. When it is the Government's money, let us call up a limousine, a Lincoln Town Car.

Now, they were asked: "Please tell us why you use expensive chauffeur-driven Lincoln Town Cars rather than using rental cars, taxis, or the Washington's electric air-conditioned subway system?"

"I am writing down your question and I will get back to you." Mr. Francis from the Authority says, "I am writing the question down, I will have to get back to you." He could not answer it. Now we are going to China, we are going to India. And this is supposed to be promoting economic development in the Southeast. Southeast Asia? I must have missed where we are doing business.

Mr. Chairman, this is taxpayers' dollars. Sixteen million dollars I know does not amount to a hill of beans around this place. Unless you talk billions and trillions, you do not get anybody's attention. Today Mr. KLUG's amendment will save \$16 million. Mr. and Mrs. Average America could thank you for that kind of sacrifice.

Mr. MYERS of Indiana. Mr. Chairman, I yield 4 minutes to the gentleman from Alabama [Mr. BEVILL], the ranking member of the committee.

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

Mr. Chairman, I rise in opposition to this amendment. I do not know of any public works project in the history of this Congress that has been more successful than the Tennessee Valley Authority, which was created by the Roosevelt administration for the purpose of leading this Nation out of a Great

Depression. It has been very successful. It is the only project that I know that sends the government a check every month, or every year, it is an annual payment, paying it back for all that the Federal Government deposited into it.

This particular part of the program, which has nothing to do with the power program, which is self-sustaining, is an economic development program. It has proven very successful. It has returned \$16.00 for every federal dollar that has been invested. But the committee, the subcommittee, has approved and recommends to the Members that this program over the next 3 years, be phased out, so that there will be no rough edges. We cannot just use the chop block method that is being used now and just cut it all off. They have contracts. It will cost the government more money. As we say, it will be penny-wise and pound foolish just to try to cut the funds off of this project.

The subcommittee on the Committee on Appropriations has approved it, the full committee unanimously approved this plan, and for goodness sakes, do not take out after it with a hatchet here and try to pretend you are saving money, because you are not. You will be wasting money.

Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I would say to the gentleman from Wisconsin, he would not get a Gold Medal in the South or the Tennessee Valley area for his misrepresentation of the facts, being a former member of the TVA and former chairman of the TVA Congressional Caucus.

We do have a lot to be proud of, just as the gentleman from Alabama [Mr. BEVILL] said.

Mr. Chairman, my colleague who is offering the amendment is not from the seven-State region which TVA services. Perhaps he does not realize the important role TVA plays as a regional development agency. TVA provides electricity to over 7 million citizens in seven States. This service is fully funded by TVA customers, charged by Congress to help develop the Tennessee Valley region, not by the taxpayers.

Let me repeat this, Mr. Chairman, because I think it goes to the heart of the debate today: TVA is a resource development agency, charged by Congress to help develop the Tennessee Valley region.

Wisconsin and other States do it in different ways. They receive Federal funds, but it goes through different departments and agencies. We decided in the South that we would designate TVA as that agency that appropriates those funds and provides those services.

Mr. Chairman, I would like to make a final point regarding some of the misconceptions and outright inaccuracies made by TVA's critics. They leave the impression that the Federal taxpayer is subsidizing TVA's power pro-

gram. I repeat it again, nothing could be further from the truth. The truth is that TVA must charge sufficient electric rates to cover the cost of the power program. Not one single Federal cent goes into TVA's power programs, so when TVA critics state that TVA provides government-subsidized power, obviously they have been misinformed or ill-advised.

The Klug amendment is wrong in its assumptions and it is wrong for our people. I urge my colleagues to vote against the Klug amendment.

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

Mr. Chairman, I just want to make one brief point, which is to say that my colleague, the gentleman from Alabama, points out that every year the TVA writes a check to Washington. Of course they do, because they borrowed money from us. In fact, the Tennessee Valley Authority is \$28 billion in debt. That is why they sent us checks, not because they are making money. If they were making money on the operation they would not have to get \$16 million in appropriated funds.

Mr. Chairman, I yield 1 minute to my colleague, the gentleman from New Jersey [Mr. FRANKS].

Mr. FRANKS of New Jersey. Mr. Chairman, the previous speaker on the other side indicated that the TVA is an enormously valuable program. It may well be. But the problem is that it promotes an egregious regional inequity. The program is great, but only for that handful of States that benefit from its activities. The fact of the matter is the taxpayers from all around the country are paying for this subsidy for only one region. That regional inequity should not longer be able to prevail in a climate where we are struggling to balance the Federal budget.

We have also noted that TVA derives significant economic development activity funds from a variety of agencies, including the Appalachian Regional Commission and the Economic Development Administration. When the very leadership of the TVA says in testimony before the subcommittee that this is not a core mission and it ought to be phased out, that should give us the open opportunity to exploit that opportunity by ridding ourselves of this unnecessary program. It will help to eliminate this regional inequity and help us balance the Federal budget.

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. WAMP].

Mr. WAMP. Mr. Chairman, I want to leave the time to close to the distinguished TVA Caucus chairman, the gentleman from Tennessee [Mr. QUILLEN].

Mr. Chairman, I just want to point out that the Academy Awards could be given out here tonight. TVA's budget is about \$5.5 billion. One fifty-first of that budget comes from the Federal Government. The rest of it is ratepayer income. It is one of the biggest power companies in the country. We cannot

take the budget from the power side and compare it to the nonpower side. They are phasing out the economic development budget; not phasing it out, they are moving it over 3 years from the nonpower program, which we subsidize, over to the power program.

If we add up the ARC money, the EDA money, and the TVA money our region gets, we are still way behind the rest of the country. That is what we have to point out. The entire Appalachian region, gentlemen, has been impoverished since the Great Depression, and we are still behind the rest of the country. There is a legitimate reason for some of this funding. You cannot just wipe it all out at one time. We are downsizing TVA efficiently, effectively. We took a cut last year. We are taking another cut this year. But you cannot just wipe it all out.

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

Mr. Chairman, I simply want to make several key points to close. First of all, Mr. Chairman, my colleague, the gentleman from Florida, pointed out that if the TVA has the financial resources to do deals in India and China, and that is where their investments are, then what in God's name are we doing sending the taxpayers' money to Tennessee?

As the region already gets \$170 million in economic development aid from the Economic Development Administration and from the Appalachian Regional Commission, so we are going to send them a third pot of money to go to the Tennessee Valley Authority region?

Finally, let me make the point from where we were last week in this Chamber. We have been talking about ending welfare as we know it in this country. We want to set time limits for individuals, to say no more aid for 2 years. We want to make welfare a ladder, not an escalator.

We are talking about 60 years of Federal aid. It did a valuable service back in the 1930s. I do not begrudge that. It has done a wonderful job servicing the Southeast corner of the United States, but the fundamental question is, when is enough enough? I know it is going to get done in 3 years. Everything around here always gets done in 3 years. My simple answer is, get it done this year: Sixteen million dollars zeroed out.

Mr. MYERS of Indiana. Mr. Chairman, with pleasure, I yield the balance of my time to the gentleman from Tennessee [Mr. QUILLEN], the Republican dean of the House of Representatives in the majority party, the chairman of the TVA Caucus, and a good friend for many years.

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

Mr. Chairman, here we go again: the gentleman from Wisconsin [Mr. KLUG], trying to destroy other parts of the country, when he does not try to destroy any part of his State. Mr. Chairman, when it comes to the Corps of En-

gineers, he supports it. He does everything except wanting to do violence to TVA and the ARC in other parts of the country.

TVA is a fine organization. It has tightened its belt and is doing a great job economically, in economic development, and has created over 300 new business, several hundred thousand jobs. It does a tremendously helping hand for all of the area.

Mr. Chairman, TVA covers seven States, 60 percent rural, when the dams were created to stop the flooding so farmers could exist. If all of the funds for TVA appropriated by the Government are cut out, then the Corps of Engineers would have to take over and do the things that TVA is doing now.

Mr. Chairman, I say to the gentleman from Wisconsin, he is off target, he is off base. Leave us alone. Sixteen million dollars for economic development brings up an area that is in poverty. We must not listen to the gentleman from Wisconsin. Vote to defeat his amendment, and let us look at something that he offers in the future for Wisconsin, and maybe we would give that more attention than he has given to the Tennessee Valley Authority.

Mr. Chairman, I urge the amendment be defeated. I urge that the people come to the cause of supporting TVA and the \$16 million economic development funds. Over the 2-year period or longer, those funds have been reduced more than half, so let us do this tonight. Let us do it for the poor people of the Tennessee Valley area. Let us do it for America. I urge the defeat of the amendment.

Mr. CRAMER. Mr. Chairman, I rise in opposition to Representative KLUG's amendment which would eliminate funding for the Tennessee Valley Authority's [TVA] economic development activities.

The mission of TVA's Economic Development program is to increase the number of businesses and quality jobs in the Tennessee Valley with emphasis on rural communities. The Tennessee Valley is almost 60 percent rural. Rural per capita income in this area is 27 percent below the national average with over 18 percent living below the poverty level.

As part of its economic development program, TVA's business incubators are effective national models. Partnerships in nine Valley business incubators resulted in the creation of over 300 new businesses and over 2200 new jobs. In my own district, a TVA-Huntsville-Madison County alliance for Technology Transfer has proved invaluable. Local technical, academic, and business experts are aligned to help small and new high-tech firms solve problems in many areas including materials and manufacturing processes. A successful Shoals Entrepreneurial Center has required two expansions with over 150 jobs created—three businesses have graduated from incubators. A Managers Assistance and Training for Minority Business Entrepreneurs program aided five business startups and supported eight existing minority small business. TVA also manages an additional \$12 million in projects for the Appalachian Regional Council [ARC] for a total of \$52 million in existing programs.

Nevertheless, in order to be sensitive to Federal budget pressures and still allow for an orderly and business-like phaseout of existing programs and services, the TVA Board of Directors recommended the following fiscally responsible phaseout plan for economic development. In the past 3 years, TVA has shifted economic development programs from grants to business services and investments. In fiscal year 1995 and 1996, new investments returned \$16 for each dollar TVA invested. Staff has been reduced by 45 percent in the past 3 years and 25 major programs have been terminated.

Over 50 percent of economic development funds go direct into the communities for programs and services. There are currently over \$40 million in existing programs being managed by TVA that must be phased out in a logical and orderly, business-like manner. Ignoring TVA's proposed phaseout plan would unnecessarily devastate these programs in hundreds of communities in 7 States. This action would be wrong and unjustified given the strength TVA has clearly demonstrated in economic development.

I urge my colleagues to vote against this mean-spirited, unnecessary 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 483, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] will be postponed.

AMENDMENT OFFERED BY MR. ROHRBACHER

Mr. ROHRBACHER. Mr. Chairman, I offer amendment No. 10.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. ROHRBACHER: Page 17, line 21, after the dollar amount, insert the following: "(reduced by \$1,000)".

Page 17, line 23, after the dollar amount, insert the following: "(reduced by \$5,200,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California [Mr. ROHRBACHER] and a Member opposed will each be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. ROHRBACHER].

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

Mr. Chairman, this amendment addresses the concerns of many Members, including some on my subcommittee, that we should continue to fund renewable energy research.

Unfortunately, the Department of Energy has confused the issue by constantly directing funds away from research and into the commercialization and marketing process.



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I believe the result has been harmful to the future success of the renewable energies technologies that our country will depend upon in the future.

My amendment would move the program in the right direction by restoring the photovoltaic research program to fiscal year 1996 levels. It would do so without taking money from other science research programs. Instead, it would add \$9.2 million to the photovoltaic program as follows: \$5.2 million from program direction, \$2 million from the renewable energy production incentive, \$2 million from the solar appliance R&D account. In the budget this is still listed by its old name, solar building technology research.

So first let us talk about bureaucracy. The Department of Energy's Office of Energy Efficiency and Renewable Energy is funded for two appropriations bills, both energy and water and interior. All together, program direction has \$48 million of the total appropriations to run a \$700 million program. By comparison, energy research operates a \$1.4 billion program with only \$30 million in program direction. This amendment would still leave the office with \$43 million for this purpose.

Why is this number inflated, one might ask? Well, one reason is that this office has become the repository for the Clinton reelection team. Since 1994, the political appointees have nearly doubled from 8 to 15. By comparison, energy research, fossil energy and nuclear energy have 4 apiece, 4 political appointees apiece. Let us put these people back on the campaign payroll and use taxpayer funds for solar energy research.

The renewable energy production incentive is nothing more than a handout to utilities and, basically, we are trying to basically convince them to use alternative energy sources. But when it comes right down to it, what we are talking about is a handout to utilities. The solar building technologies program includes many small programs, but its primary purpose is to promote the use of solar hot water heaters.

This is a pet project of the solar industry lobbying group, and no wonder it is. The Department of Energy basically extends \$1.7 million this year. Basically of that, \$265,000 of it goes to the Solar Energy Industries Association.

Well, Mr. Chairman, every dime that is not spent on these promotion programs goes to research programs, and every dime that goes to promotion programs comes out of the hide of research. So when we are talking about the photovoltaic program, it is a success story. Since 1976 the cost per kilowatt hour has dropped from \$5 to 16 cents. If solar energy is to become a real alternative, the cost must continue to go down. Spending scarce funds which should be going to research on promotional programs may be great for the lobbyists, but it does nothing to help renewable energy.

It is also wrong to use other science programs as a cash cow for basically

renewable energy, as the Schaefer amendment does. My amendment is the only one that would not cut one research program to fund another. If my colleagues want to support true solar energy research without cutting other science programs, one should vote yes on this amendment.

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

The CHAIRMAN. Is there a Member in opposition to the amendment?

Mr. FAZIO of California. I am, Mr. Chairman.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

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

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

Mr. Chairman, I just rise in opposition to the amendment and urge everyone to vote against it and support the subcommittee and the full Committee on Appropriations and support the House position.

Mr. FAZIO of California. Mr. Chairman, I yield myself such time as I may consume. I would be at this time inclined to use the remainder so that we can move on with this debate.

I rise in opposition to the Rohrabacher amendment and in support of the amendment adopted by the full Committee on Appropriations which was offered by myself and the gentleman from California [Mr. RIGGS], another member of the subcommittee.

I regret that I must say I begin by agreeing with the gentleman from California [Mr. ROHRBACHER]. There is a need for photovoltaic research, and the way to accomplish that is to support what may be the next amendment offered, an amendment offered by the gentleman from Colorado [Mr. SCHAEFER], that will add \$7 million to the photovoltaic research program.

That is, I think, the best way to address the concern that Mr. ROHRBACHER indicated he hopes to relate to with his amendment. But I must oppose the source of the funds that he has outlined for that purpose.

First of all, the Subcommittee on Energy and Power and the full committee chose to add \$10 million to three of the six programs that were zeroed out in the markup for fiscal year 1997. They are wind energy, solar buildings, and the renewable energy production incentive program. REPI, as it is called, is the equivalent for public utilities of a program that operates through the Tax Code for those in the stockholder-owned utility category.

There is no question that the program has worked. It permits the Department of Energy to pay consumer-owned utilities up to 1.5 cents per kilowatt for electricity generated by projects that use solar, wind, geothermal or biomass technologies. These REPI funds have provided the margin of difference required to make a new

project feasible. Across the country we have found that this is the key to bringing a number of renewal projects on line.

There are many, many, many kilowatt hours of fossil fuels saved as a result of this renewable investment. We ought not to eliminate, as the gentleman from California [Mr. ROHRBACHER] would, this very important program.

The solar buildings appliances R&D program is designed to conduct the research and development necessary to develop energy-producing technologies that are an integral part of advancing the science and technology base for solar renewable programs. This is not some sort of benefit to developers, as Mr. ROHRBACHER unfortunately indicates. It really has made a tremendous difference since the mid-1970's in bringing on many new solar technologies; yes, including solar water heating systems that have been installed nationwide generating some 25,000 job years of employment and creating tremendous savings to our utilities across the country.

So once again, this is not an appropriate place for the Congress or Mr. ROHRBACHER to zero out funding. These are modest sums. We are only asking for \$2 million to be spent in this category. So I would hope that Members here on the floor will not only support the Schaefer amendment that is coming up soon that will address all of the needs in the renewable area that have been left, regrettably, in this very tight budget year, but certainly not undo any of the progress that we attempted to make in full committee. We understand that all of these programs need a modest amount of funding, and they cannot be traded off one for another.

That is why I hope that Mr. ROHRBACHER will not ask for a recorded vote and will allow the debate on the Schaefer amendment to really suffice as we deal with the need to move forward on our solar renewable account with very limited funds in this bill.

I am hopeful that all of us will appreciate the fact that we have made tremendous market penetration and that our collaborative approach here using some 100 utilities around the country will continue in a way that will allow us to have even further market penetration of up to perhaps 300 percent more during the next 3 to 5 years, both through the REPI Program and as a result of some of the research investments that we have made.

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

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

Mr. Chairman, let me just say I will be asking for a recorded vote on this. This goes right to the core of what we are spending our money on.

The fact is photovoltaic cells have shown a great deal of progress. We are

taking money right out of research and development to put into promotional programs to get people to put hot water heaters on their roofs, things that are outdated, programs that are just heavy with bureaucracy.

Let us keep money in research and development; let us make sure that we develop solar energy and do what we are supposed to do with our money rather than feed the bureaucracy. That is what this choice is all about. I would ask my colleagues to back up what the real purpose of our spending is supposed to be for, science and development, and that is spending it to improve better technology.

Mr. FAZIO of California. Mr. Chairman, let me conclude simply by saying that I think we are talking about research and development.

Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado [Mr. SCHAEFER] to make that point. This is not a bail-out for developers, it is research and development in other areas of solar energy.

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

It has been mistaken many, many times that renewables are corporate welfare, and this is not the case. The Energy Policy Act that was passed in 1992 was with overwhelming support by 362 House Members, and signed by President Bush. I think this is an excellent piece of legislation as is. We should continue to support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. ROHRABACHER].

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

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

The CHAIRMAN. Pursuant to House Resolution 483, further proceedings on the amendment offered by the gentleman from California [Mr. ROHRABACHER] will be postponed.

AMENDMENT OFFERED BY MR. BEREUTER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BEREUTER:

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

SEC. 506. 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.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Nebraska [Mr. BEREUTER] and a Member opposed each will control 5 minutes.

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

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

Mr. Chairman, this is a straightforward amendment which would simply prevent the Army Corps of Engineers from revising the Missouri River master water control manual in such a way that it would increase the likelihood of springtime flooding. This is the same amendment which was accepted on the House floor last year, exactly the same language, during consideration of the energy and water appropriation bill.

This common-sense amendment is needed to ensure that the Corps does not repeat its previous mistake, a proposal which would have devastated farms, businesses, landowners in 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 are already most vulnerable to flooding due to snow melt and heavy rainfall. And again we saw that this year.

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 manmade disasters which would have been caused by the Corps' proposal. The floods and heavy spring rains of recent years, again this year, offer clear and convincing proof that the proposal was seriously flawed.

Mr. Chairman, at a series of two dozen hearings throughout the Missouri River Basin region, hundreds and hundreds of citizens expressed their very strong, even vociferous 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 its original proposal and expressed a willingness to reevaluate the issue.

However, this Member believes this common-sense amendment is needed to make absolutely certain that the Corps does not move away from their commitment and repeat the mistake of the manual.

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

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

Mr. MYERS of Indiana. The committee has examined the gentleman's amendment. It is, I think, exactly the same language that was offered last year?

Mr. BEREUTER. Mr. Chairman, it is.

Mr. MYERS of Indiana. There was some question last year about the concern of downstream or other Members,

but I understand that has been resolved, at least. Contingent upon that, we accept the amendment.

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

The CHAIRMAN. Is there a Member in opposition to the Bereuter amendment?

Mr. JOHNSON of South Dakota. Yes, Mr. Chairman, I am.

The CHAIRMAN. The gentleman from South Dakota [Mr. JOHNSON] is recognized for 5 minutes.

□ 2100

Mr. JOHNSON of South Dakota. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will not take the 5 minutes, and I will not ask for a recorded vote. I simply want to, however, express concern about legislative changes to the master manual, a process which already has been delayed some time here. There is great concern among Northern States, upstream States of the Missouri River about a long overdue change in the master manual, a concern about changes of priorities which have occurred since the Pick-Sloan plan was first established decades ago. While the gentleman from Nebraska's amendment, I do not believe, is by itself something to cause great concern in the State of South Dakota—it may in fact be neutral in many ways—I do want to express some concern about legislative efforts other places and here to address the master manual to head off the deliberation that is going on in the course of making long overdue modifications of that manual. Again while I do not have great resistance and I understand where the gentleman from Nebraska is coming from, I do want to express concern about short-circuits of that manual deliberation.

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

Mr. JOHNSON of South Dakota. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank my colleague, my neighbor, my friend for yielding.

Mr. Chairman, I would say to the gentleman quite candidly and with full commitment, I am not interested in delaying the revision of the master manual. All I want to assure is what the citizens downstream from the gentleman have said. That is, that the spring rise only accentuates the normal kind of flooding we too often have from snow melt and from excessively heavy rains during that period of time. I want to see the revision myself. I believe it is true that my amendment should not have any impact upon the upstate Missouri—Montana, North Dakota, and South Dakota—States. I am committed to seeing the manual revised and something hopefully that can please all the States.

Mr. JOHNSON of South Dakota. I thank the gentleman for his comments. He has long played a constructive role relative to the Missouri River and development of the northern plains in

general. Again I have some concern about legislative strategy at this point, but I do recognize the concern that the gentleman from Nebraska has. We share a concern about downstream flooding, erosion on the river banks and so on. I certainly do recognize that as a legitimate concern that he has.

Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, I urge my colleagues to support this legislation. I think it does no damage to my upstream friends from the Dakotas. I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. BEREUTER].

The amendment was agreed to.

Mr. WELLER. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. WELLER. Mr. Chairman, I rise to engage the gentleman from Indiana [Mr. MYERS], the chairman, in a colloquy.

Mr. Chairman, I appreciate this opportunity to discuss with the gentleman the importance of a provision in this particular bill.

First, I want to thank the chairman for his hard work in bringing this vital piece of legislation to the floor. This bill includes funding for many important energy and water initiatives throughout the country, and there is one particular project of particular concern to the people of the Chicago metropolitan area, particularly in the south suburbs which I represent. That is a project which I know the gentleman is personally familiar with because of his personal visit to the south suburbs earlier this June. That is particularly the tunnel and reservoir project, which many know as the deep tunnel, TARP, in the Chicago metropolitan area.

As you know, the Thornton Reservoir, in the south suburbs, is an important project which is designed to protect south suburban communities in the south suburbs and will provide about 5 billion gallons of floodwater storage when completed. The reservoir has a service area of 91 square miles and provides flood relief to 131,000 dwellings in 14 communities with a current population of over a half million.

Mr. Chairman, I flew back to Illinois just this past weekend, on Friday, because of excessive flooding that occurred in my district and throughout the Chicago area. Like my colleagues in the Chicago area, I saw firsthand the devastation to hundreds of homes and small businesses caused by these high waters. In fact, four counties in my district were declared a state of emergency by the Governor. The Governor has since requested Federal disaster re-

lief. If the TARP were fully operational, most of this flooding would not have occurred.

It is my understanding, Mr. Chairman, and I would like to clarify this with the gentleman, that there is carryover construction funding for the Army Corps of Engineers which has been included in this particular bill. The energy and water report language directs the Corps of Engineers to use \$6,650,000 of this funding to continue construction of the McCook and Thornton Reservoir projects.

Mr. Chairman, is that the intended use of this funding?

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

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

Mr. MYERS of Indiana. Mr. Chairman, I thank my colleague for his question. I am quite familiar with the problems on the Sout' Side, my wife coming from the Sout' Side. I taught her to speak English. She says "South Side" now. But, yes, I am very familiar with the project. For years I have watched the Thornton quarry being dug out, another useful use for this quarry.

I am very familiar with the floods the gentleman is having on the West Side and the south side. In fact, for a number of years we have been providing for some type of water plan that you have now for restoring this surface water, and we now have the McCook and the Thornton program. Last year we put in \$6,655,000 for the design, of which \$604,000 is still available for the Thornton Reservoir.

Of course, there are some problems about real estate as we visited the gentleman's area. As soon as that real estate gets worked out, we are directing the Corps to continue the project, the design and engineering. There is no reason why that would not be on schedule. I think maybe as early as early fall, this year, is our understanding with the Corps. But the Corps is understanding, and they are ready to start moving as soon as they get that real estate problem worked out, a trading of land as we have discussed.

The gentleman is right, it is on schedule. It has to be done. It is tragic that they had to have this flood. I am glad they had it after I was there. I hope I did not cause it.

Mr. WELLER. Mr. Chairman, I of course want to thank the gentleman for the support he has given the people of the south suburbs and the fact that we have allocated \$6,650,000 to help continue construction of the Thornton and McCook Reservoirs will be a big help for flood relief. Of course I want to thank the gentleman for his personal time and investment in this project and also for his support, the fact that it was included in this important piece of legislation.

Mr. MYERS of Indiana. We clearly recognize the need and will continue to support your wishes.

#### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 483, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 17 offered by the gentleman from Wisconsin [Mr. PETRI]; amendment No. 7 offered by the gentleman from Wisconsin [Mr. KLUG]; and amendment No. 10 offered by the gentleman from California [Mr. ROHRBACHER].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

#### AMENDMENT OFFERED BY MR. PETRI

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. PETRI] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 200, not voting 12, as follows:

[Roll No. 354]

#### AYES—221

Abercrombie	Duncan	Johnson (CT)
Ackerman	Durbin	Johnson (SD)
Andrews	Edwards	Johnson, E.B.
Baldacci	Ehlers	Johnston
Ballenger	Engel	Kanjorski
Barcia	English	Kaptur
Barrett (WI)	Eshoo	Kasich
Beilenson	Evans	Kelly
Bentsen	Everett	Kennedy (MA)
Berman	Ewing	Kennelly
Bilbray	Farr	King
Blumenauer	Fields (LA)	Kingston
Blute	Flake	Klecza
Boehlert	Foglietta	Klug
Bonior	Foley	LaFalce
Borski	Forbes	LaHood
Brown (CA)	Fox	Lantos
Brown (FL)	Frank (MA)	LaTourette
Brown (OH)	Frisa	Lazio
Brownback	Furse	Leach
Bryant (TX)	Ganske	Levin
Bunning	Gedjenson	Lewis (GA)
Buyer	Gephardt	Lipinski
Camp	Geren	LoBiondo
Campbell	Gilchrest	Lofgren
Cardin	Gillmor	Longley
Castle	Gilman	Lowe
Chabot	Goodlatte	Luther
Christensen	Gordon	Maloney
Chrysler	Gutierrez	Manzullo
Clay	Hall (OH)	Markley
Clayton	Hall (TX)	Martini
Clement	Hamilton	Matsui
Clinger	Hancock	McCarthy
Clyburn	Harman	McDermott
Coble	Hastert	McHugh
Condit	Hastings (FL)	McKinney
Cooley	Hefner	McNulty
Costello	Heineman	Meehan
Coyne	Hinchey	Menendez
Cummings	Hobson	Metcalfe
Cunningham	Holden	Mica
Danner	Horn	Miller (CA)
Davis	Houghton	Miller (FL)
Deal	Hyde	Minge
DeFazio	Inglis	Mink
DeLauro	Istook	Moakley
Dellums	Jackson (IL)	Moran
Deutsch	Jackson-Lee	Morella
Doggett	(TX)	Nadler
Doyle	Jacobs	Neal

□ 2132

Miss COLLINS of Michigan, Ms. MILLENDER-McDONALD, Messrs. BURTON of Indiana, TIAHRT, LEWIS of Kentucky, MCCOLLUM, SOLOMON, FAWELL, McKEON, McCREARY, GREENWOOD, BACHUS, BROWDER, BECERRA, BONO, WARD, COX of California, and Mrs. CUBIN changed their vote from “aye” to “no.”

Messrs. MATSUI, BLUMENAUER, COYNE, HASTERT, HALL of Texas, Mrs. ROUKEMA, Messrs. EWING, TANNER, EDWARDS, JOHNSON of South Dakota, MINGE, HEFNER, McHUGH, TORKILDSEN, LAZIO of New York, and ORTIZ changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KLUG

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 236, answered “present” 1, not voting 12, as follows:

[Roll No. 355]

AYES—184

Neumann  
Ney  
Obey  
Olver  
Ortiz  
Owens  
Payne (NJ)  
Payne (VA)  
Pelosi  
Peterson (MN)  
Petri  
Porter  
Poshard  
Quinn  
Rahall  
Ramstad  
Rangel  
Reed  
Rivers  
Roemer  
Rohrabacher  
Roth  
Roukema

Royal-Allard  
Royce  
Rush  
Salmon  
Sanders  
Sanford  
Sawyer  
Saxton  
Scarborough  
Schroeder  
Schumer  
Scott  
Seastrand  
Sensenbrenner  
Serrano  
Shaw  
Shays  
Shuster  
Slaughter  
Smith (MI)  
Smith (NJ)  
Souder  
Spratt

Stark  
Stokes  
Studds  
Stupak  
Tanner  
Taylor (NC)  
Torkildsen  
Torres  
Torrice  
Towns  
Upton  
Velazquez  
Vento  
Waters  
Watt (NC)  
Waxman  
Weldon (PA)  
Weller  
Whitfield  
Wolf  
Woolsey  
Wynn  
Zimmer

NOES—200

Allard  
Archer  
Armey  
Bachus  
Baesler  
Baker (CA)  
Baker (LA)  
Barr  
Barrett (NE)  
Bartlett  
Barton  
Bass  
Bateman  
Becerra  
Bereuter  
Bevill  
Bilirakis  
Bishop  
Bliley  
Boehner  
Bonilla  
Bono  
Boucher  
Brewster  
Browder  
Bryant (TN)  
Bunn  
Burr  
Burton  
Callahan  
Calvert  
Canady  
Chambliss  
Chapman  
Chenoweth  
Coburn  
Collins (GA)  
Collins (MI)  
Combest  
Cox  
Cramer  
Crane  
Crapo  
Cremeans  
Cubin  
de la Garza  
DeLay  
Diaz-Balart  
Dickey  
Dicks  
Dingell  
Dixon  
Dooley  
Doolittle  
Dornan  
Dreier  
Dunn  
Ehrlich  
Ensign  
Fattah  
Fawell  
Fazio  
Fields (TX)  
Filner  
Flanagan  
Fowler  
Franks (CT)

Franks (NJ)  
Frelinghuysen  
Funderburk  
Gallegly  
Gekas  
Gonzalez  
Goodling  
Goss  
Graham  
Green (TX)  
Greene (UT)  
Greenwood  
Gunderson  
Gutknecht  
Hansen  
Hastings (WA)  
Hayworth  
Hefley  
Herger  
Hilleary  
Hilliard  
Hoekstra  
Hoke  
Hostettler  
Hoyer  
Hunter  
Hutchinson  
Johnson, Sam  
Jones  
Kennedy (RI)  
Kildee  
Kim  
Klink  
Knollenberg  
Kolbe  
Largent  
Latham  
Laughlin  
Lewis (CA)  
Lewis (KY)  
Lightfoot  
Linder  
Livingston  
Lucas  
Manton  
Martinez  
Mascara  
McCollum  
McCrery  
McHale  
McInnis  
McIntosh  
McKeon  
Meek  
Meyers  
Millender-  
Donald  
Molinari  
Mollohan  
Montgomery  
Moorhead  
Murtha  
Myers  
Myrick  
Nethercutt  
Norwood

Nussle  
Oberstar  
Orton  
Oxley  
Packard  
Pallone  
Parker  
Pastor  
Paxon  
Peterson (FL)  
Pickett  
Pombo  
Pomeroy  
Portman  
Pryce  
Quillen  
Radanovich  
Regula  
Richardson  
Riggs  
Roberts  
Rogers  
Ros-Lehtinen  
Sabo  
Schaefer  
Schiff  
Shadegg  
Sisisky  
Skaggs  
Skeen  
Skelton  
Smith (TX)  
Smith (WA)  
Solomon  
Spence  
Stearns  
Stenholm  
Stockman  
Stump  
Talent  
Tate  
Tauzin  
Taylor (MS)  
Tejeda  
Thomas  
Thompson  
Thornberry  
Thornton  
Thurman  
Tiahrt  
Traficant  
Visclosky  
Volkmer  
Vucanovich  
Walker  
Walsh  
Wamp  
Ward  
Watts (OK)  
Weldon (FL)  
White  
Wicker  
Williams  
Wilson  
Wise  
Young (AK)  
Zeliff

NOT VOTING—12

Coleman  
Collins (IL)  
Conyers  
Ford

Gibbons  
Hayes  
Jefferson  
Lincoln

McDade  
Rose  
Yates  
Young (FL)

Miller (FL)  
Minge  
Moorhead  
Moran  
Nethercutt  
Neumann  
Nussle  
Orton  
Oxley  
Parker  
Paxon  
Peterson (MN)  
Petri  
Porter  
Portman  
Pryce  
Ramstad  
Reed  
Regula  
Riggs  
Rivers  
Roemer

Rohrabacher  
Roukema  
Royce  
Salmon  
Sanford  
Saxton  
Scarborough  
Schaefer  
Schumer  
Seastrand  
Sensenbrenner  
Shadegg  
Shaw  
Shays  
Sisisky  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Solomon  
Souder  
Stearns

NOES—236

Abercrombie  
Ackerman  
Bachus  
Baesler  
Ballenger  
Barr  
Barrett (NE)  
Bartlett  
Bateman  
Becerra  
Beilenson  
Bentsen  
Berman  
Bevill  
Bishop  
Bliley  
Blumenauer  
Boehlert  
Bonilla  
Bonior  
Borski  
Boucher  
Brewster  
Browder  
Brown (CA)  
Brown (FL)  
Bryant (TN)  
Bryant (TX)  
Bunn  
Bunning  
Buyer  
Callahan  
Calvert  
Cardin  
Chambliss  
Chapman  
Clay  
Clayton  
Clement  
Clinger  
Clyburn  
Collins (GA)  
Collins (MI)  
Combest  
Costello  
Coyne  
Cramer  
Cummings  
Danner  
Davis  
de la Garza  
Deal  
DeFazio  
Dellums  
Diaz-Balart  
Dickey  
Dicks  
Dingell  
Dixon  
Dooley  
Doyle  
Duncan  
Durbin  
Edwards  
Engel  
English  
Eshoo  
Evans  
Everett  
Farr  
Fattah  
Fawell  
Fazio  
Fields (LA)  
Filner

Flake  
Franks (CT)  
Frost  
Furse  
Gallegly  
Gephardt  
Geren  
Gilchrist  
Gilman  
Gonzalez  
Goodling  
Gordon  
Graham  
Green (TX)  
Gutierrez  
Hall (OH)  
Hall (TX)  
Hansen  
Harman  
Hastings (FL)  
Hefner  
Heineman  
Hilleary  
Hilliard  
Horn  
Houghton  
Hoyer  
Hutchinson  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jacobs  
Johnson (SD)  
Johnson, E. B.  
Jones  
Kanjorski  
Kelly  
Kildee  
Kim  
Kingston  
Klink  
Knollenberg  
LaFalce  
Lantos  
Latham  
Leach  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Lightfoot  
Linder  
Lipinski  
Livingston  
Lofgren  
Lowey  
Lucas  
Maloney  
Manton  
Martinez  
Mascara  
Matsui  
McCrery  
McDermott  
McHugh  
McIntosh  
McKinney  
McNulty  
Meek  
Menendez  
Meyers  
Millender-  
Donald  
Miller (CA)  
Mink

Moakley  
Molinari  
Mollohan  
Montgomery  
Morella  
Murtha  
Myers  
Myrick  
Nadler  
Neal  
Ney  
Norwood  
Oberstar  
Obey  
Olver  
Ortiz  
Owens  
Packard  
Pallone  
Pastor  
Payne (NJ)  
Payne (VA)  
Pelosi  
Peterson (FL)  
Pickett  
Pombo  
Pomeroy  
Poshard  
Quillen  
Quinn  
Radanovich  
Rahall  
Rangel  
Richardson  
Roberts  
Rogers  
Ros-Lehtinen  
Roth  
Roybal-Allard  
Rush  
Sabo  
Sanders  
Sawyer  
Schiff  
Schroeder  
Scott  
Serrano  
Shuster  
Skaggs  
Skeen  
Skelton  
Slaughter  
Spence  
Spratt  
Stark  
Stokes  
Studds  
Tanner  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Tejeda  
Thompson  
Thornton  
Thurman  
Torrice  
Towns  
Traficant  
Velazquez  
Vento  
Visclosky  
Volkmer  
Vucanovich  
Walsh  
Wamp

Ward	Whitfield	Woolsey
Waters	Wicker	Wynn
Watt (NC)	Williams	Young (AK)
Watts (OK)	Wilson	
Waxman	Wise	

## ANSWERED "PRESENT"—1

Kaptur

## NOT VOTING—12

Coleman	Gibbons	McDade
Collins (IL)	Hayes	Rose
Conyers	Jefferson	Yates
Ford	Lincoln	Young (FL)

□ 2140

Ms. SLAUGHTER, Ms. HARMAN, and Mr. FAWELL changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ROHRABACHER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. ROHRABACHER] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 90, noes 331, answered "present" 1, not voting 11, as follows:

[Roll No. 356]

## AYES—90

Archer	Fox	Mica
Armey	Funderburk	Myers
Bartlett	Ganske	Myrick
Barton	Gekas	Nadler
Bilbray	Gillmor	Neumann
Bono	Goodling	Ney
Burton	Goss	Parker
Calvert	Greene (UT)	Paxon
Campbell	Greenwood	Petri
Castle	Gutknecht	Pryce
Chabot	Hancock	Quillen
Chenoweth	Heineman	Radanovich
Chrysler	Heger	Rohrabacher
Coble	Hilleary	Royce
Coburn	Hoke	Sanford
Cooley	Horn	Scarborough
Cox	Inglis	Schiff
Crane	Jones	Seastrand
Crapo	Kasich	Sensenbrenner
Cremeans	Kelly	Shadegg
Diaz-Balart	Kildee	Souder
Dornan	Kim	Stearns
Dreier	Klug	Stockman
Duncan	Largent	Taylor (NC)
Ehlers	Linder	Thomas
English	McCollum	Tiaht
Ensign	McIntosh	Walker
Flanagan	McKeon	Wamp
Foley	Meehan	Weldon (FL)
Forbes	Metcalf	Weller

## NOES—331

Abercrombie	Barr	Bilirakis
Ackerman	Barrett (NE)	Bishop
Allard	Barrett (WI)	Bliley
Andrews	Bass	Blumenauer
Bachus	Bateman	Blue
Baesler	Becerra	Boehlert
Baker (CA)	Beilenson	Boehner
Baker (LA)	Bentsen	Bonilla
Baldacci	Bereuter	Bonior
Ballenger	Berman	Borski
Barcia	Bevill	Boucher

Brewster	Hefner	Packard
Browder	Hilliard	Pallone
Brown (CA)	Hinchey	Pastor
Brown (FL)	Hobson	Payne (NJ)
Brown (OH)	Hoekstra	Payne (VA)
Brownback	Holden	Pelosi
Bryant (TN)	Hostettler	Peterson (FL)
Bryant (TX)	Houghton	Peterson (MN)
Bunn	Hoyer	Pickett
Bunning	Hunter	Pombo
Burr	Hutchinson	Pomeroy
Buyer	Hyde	Porter
Callahan	Istook	Portman
Camp	Jackson (IL)	Poshard
Canady	Jackson-Lee	Quinn
Cardin	(TX)	Rahall
Chambliss	Jacobs	Ramstad
Chapman	Jefferson	Rangel
Christensen	Johnson (CT)	Reed
Clay	Johnson (SD)	Regula
Clayton	Johnson, E. B.	Richardson
Clement	Johnson, Sam	Riggs
Clinger	Johnston	Rivers
Clyburn	Kanjorski	Roberts
Collins (GA)	Kaptur	Roemer
Collins (MI)	Kennedy (MA)	Rogers
Combest	Kennedy (RI)	Ros-Lehtinen
Condit	Kennelly	Roth
Costello	King	Roukema
Coyne	Kingston	Roybal-Allard
Cramer	Klecza	Rush
Cubin	Klink	Sabo
Cummings	Knollenberg	Salmon
Cunningham	Kolbe	Sanders
Danner	LaFalce	Sawyer
Davis	LaHood	Saxton
de la Garza	Lantos	Schaefer
Deal	Latham	Schroeder
DeFazio	LaTourrette	Schumer
DeLauro	Laughlin	Scott
DeLay	Lazio	Serrano
Dellums	Leach	Shaw
Deutsch	Levin	Shays
Dickey	Lewis (CA)	Shuster
Dicks	Lewis (GA)	Sisisky
Dingell	Lewis (KY)	Skaggs
Dixon	Lightfoot	Skeen
Doggett	Lipinski	Skelton
Dooley	Livingston	Slaughter
Doolittle	LoBiondo	Smith (MI)
Doyle	Lofgren	Smith (NJ)
Dunn	Longley	Smith (TX)
Durbin	Lowe	Smith (WA)
Edwards	Lucas	Solomon
Ehrlich	Luther	Spence
Engel	Maloney	Spratt
Eshoo	Manton	Stark
Evans	Manzullo	Stenholm
Everett	Markey	Stokes
Ewing	Martinez	Studds
Farr	Martini	Stump
Fattah	Mascara	Stupak
Fawell	Matsui	Talent
Fazio	McCarthy	Tanner
Fields (LA)	McCrery	Tate
Fields (TX)	McDermott	Tauzin
Filner	McHale	Taylor (MS)
Flake	McHugh	Tejeda
Foglietta	McInnis	Thompson
Fowler	McKinney	Thornberry
Frank (MA)	McNulty	Thornton
Franks (CT)	Meek	Thurman
Franks (NJ)	Menendez	Torkildsen
Frelinghuysen	Meyers	Torres
Frisa	Millender	Torrice
Frost	McDonald	Townsend
Furse	Miller (CA)	Townsend
Gallely	Miller (FL)	Townsend
Gejdenson	Minge	Townsend
Gephardt	Mink	Townsend
Geren	Moakley	Townsend
Gilchrest	Molinari	Townsend
Gilman	Mollohan	Townsend
Gonzalez	Montgomery	Townsend
Goodlatte	Moorhead	Townsend
Gordon	Moran	Townsend
Graham	Morella	Townsend
Green (TX)	Murtha	Townsend
Gunderson	Neal	Townsend
Gutierrez	Nethercutt	Townsend
Hall (OH)	Norwood	Townsend
Hall (TX)	Nussle	Townsend
Hamilton	Oberstar	Townsend
Hansen	Obey	Townsend
Hastert	Olver	Townsend
Hastings (FL)	Ortiz	Townsend
Hastings (WA)	Orton	Townsend
Hayworth	Owens	Townsend
Hefley	Oxley	Townsend

Wolf	Wynn	Zeliff
Woolsey	Young (AK)	Zimmer

## ANSWERED "PRESENT"—1

Harman

## NOT VOTING—11

Coleman	Gibbons	Rose
Collins (IL)	Hayes	Yates
Conyers	Lincoln	Young (FL)
Ford	McDade	

□ 2148

Mr. SHADEGG and Mr. CREMEANS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. MYERS of Indiana. Mr. Chairman, I ask unanimous consent to strike the last word.

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

There was no objection.

Mr. MYERS of Indiana. Mr. Chairman, we have just had our last vote for the evening. What we plan to do at this point forward, after working with the leadership on the Democrat as well as on the Republican side, as well as the gentleman from Alabama [Mr. BEVILL], the gentleman from Wisconsin [Mr. OBEY], and the gentleman from Louisiana [Mr. LIVINGSTON], we have agreed that what we will do now, we will consider those amendments that were made in order under the unanimous consent agreement earlier, we will have no more recorded votes.

Any votes ordered will be put over until tomorrow morning sometime after 10 o'clock, so if my colleagues have an amendment that they are going to offer tonight under the rule, or if they have some comment they would like to make about the amendment, they had better stick around tonight because we will not honor any amendments tomorrow. We are going to finish all amendments tonight except the final passage on any amendments on any vote that is ordered.

If there is any question about that, my colleagues had better bring it up now, but that is the way it is going to be done.

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

Mr. MYERS of Indiana. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I think the gentleman from Indiana needs to clarify that we are going to finish all debate on all amendments.

Mr. MYERS of Indiana. We will finish all debate. We will have a vote if any votes are ordered. We will roll those over until tomorrow. All debate will be finished tonight on the bill, except final passage and any votes on amendments ordered tonight. But there will be no debate or amendments tomorrow.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to strike the last word.

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

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me acknowledge the kindness of the gentleman from Indiana [Mr. MYERS], and the ranking member, the gentleman from Alabama [Mr. BEVILL], and the gentleman from Wisconsin [Mr. OBEY] for allowing me this time.

Certainly I know a lot of work has gone into the energy and water development appropriations subcommittee work, and I would like to inquire of the gentleman from Indiana if he would be willing to enter into a colloquy on the Army Corps of Engineers oversight role of existing local flood control projects.

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. We would be pleased to enter into a colloquy with the gentlewoman, yes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his leadership.

He might not be aware, but we in Houston have a particularly unique set of circumstances in that we are 50 feet below sea level and very often have a tendency to flood. Having gone home and spoken to my constituents, I have been concerned about the quality of the Army Corps of Engineers' oversight role of the Sims Bayou flood control project in my congressional district in Houston.

We have already suffered several flooding situations in that area, in particular in 1993. The Crestmont Park neighborhood surrounding the Sims Bayou flood control project and other neighborhoods experienced severe flooding, as I said, in 1993 and 1994, and the response of the Corps has not been as quick and responsive as I believe it should have been. As constituents have noted, since the Corps gives a significant amount of funds for these projects, should they not be the senior partner in the partnerships with the local and county governments and be closely worked with to monitor the progress of these projects?

Mr. MYERS of Indiana. Well, certainly this committee and the Corps of Engineers are concerned about the co-operation of local communities. Local communities have to pay part of the expense of these projects, cost sharing, but the important part is the work must be worked by the Corps, with local communities. We encourage that cooperation, and I am disappointed to hear tonight we are not getting that kind of support.

We will urge the Corps to work with the local community. While the Corps has the responsibility of doing the job, we all recognize that, they should be working with the cooperation of those who are paying part of the expenses locally and who are vitally concerned about the job that is being done.

Ms. JACKSON-LEE of Texas. I appreciate that. I wanted to go on record to express my support for a strong Corps

role, because the Corps needs to show a greater commitment to many low-income and urban areas that sometimes seem unlikely sites for flooding and seem to be left behind, and work more closely with the local governments.

Mr. MYERS of Indiana. That is exactly right. That is the attempt, and that is what we have encouraged the Corps to do. In most cases, the Corps does this, so we will urge the Corps to continue their cooperation. Regardless of income bracket, everyone is entitled to the efforts that the Corps can make to help prevent flooding and help relieve the pressure.

Ms. JACKSON-LEE of Texas. I thank the gentleman from Indiana, and I want to acknowledge the ranking member, the gentleman from Alabama [Mr. BEVILL] who has been very helpful and very forceful, if my colleagues will, in ensuring that the Army Corps of Engineers works with communities around this country.

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, I am familiar with this project and support it completely.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman from Alabama [Mr. BEVILL] very much. I thank the gentleman from Indiana [Mr. MYERS], and I would say, with this, that I would expect that the Sims Bayou project would move along quickly with the involvement of Army Corps of Engineers.

Mrs. ROUKEMA. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I rise to support H.R. 3816, the Energy and Water Development Appropriations Act for fiscal year 1997.

This bill includes an appropriation that is vitally important for several hundred members of my district. The bill provides \$250,000 for the Ramapo River at Oakland flood control project. This is a down payment toward the \$11.3 million that has been authorized for the project. It will allow the Army Corps of Engineers to coordinate with the State of New Jersey to prepare for the beginning of construction.

Flooding along the Ramapo River has occurred 15 times in the past 24 years. The people who live along its banks cannot continue to endure the repeated economic hardship and personal tragedy this flooding brings.

The 1984 flood alone caused more than \$9 million in damage and the Army Corps of Engineers has estimated that another major flood could cause \$11 million in damage. Clearly, the funds we are seeking to protect homes and businesses would be well spent.

This flood control project would protect residents and businesses along the Ramapo River from Pompton Lake Dam in Wayne, NJ, to Pompton Lakes upstream through Oakland, NJ. This is about a 3-mile stretch of river that is home to more than 300 families.

I have worked closely with the Energy and Water Subcommittee and the Appropriations Committee for funding for this project, along with many State and local officials. I want to thank Chairman MYERS and Chairman LIVINGSTON for their support.

Ms. LOFGREN. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LOFGREN. Mr. Chairman, I wanted first to thank the gentleman from Indiana [Mr. MYERS] and the gentleman from Alabama [Mr. BEVILL] for their extraordinary courtesy to me as a brand-new Member of the House and for helping to show me the way and being so courteous and helpful.

□ 2200

I know many of us have had the experience of advocating for flood control projects and other things that we know about. However, today I wanted to mention and engage the chairman in a brief colloquy about something that is not in my district, but it is something we all care about. That is the fusion research program in this country.

I know that the chairman, as well as the gentleman from Alabama [Mr. BEVILL], are supporters of fusion, that we have very tight fiscal constraints. However, last year we had a 33 percent reduction below the requested amount. This year, once again, funding is a little bit on the slim side for what will be needed for the restructured program envisioned last year.

Mr. Chairman, I know that every effort has been made to support the program. I guess my question to the chairman is not an amendment or a suggestion to change the language or anything of that nature, but to ask whether he would be willing, if additional funds should become available within this bill in the conference committee, to do his best to see that especially university-based fusion research and basic research might be the beneficiary of any good news in conference.

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

Ms. LOFGREN. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Of course, the committee is always willing to look at additional funds if we can find them, Mr. Chairman. Unfortunately, we were not able to find them before we came to the floor today. But when we do go to conference with the other body we will have to wait and see what they may have. We appreciate the interest the gentlewoman has. This committee has always supported fusion.



Ms. LOFGREN. I know the gentleman has, Mr. Chairman, and I know he will do his very best in conference should something occur that is happier than we now know.

I would note also that the gentleman from California [Mr. FAZIO] joins in this good wish, and thanks the chairman of the subcommittee also for his efforts.

Mr. FAZIO of California. Mr. Chairman, the Fusion Energy Program is one of the most exciting and important programs at the Department of Energy. It is also very important to my State.

California is host to the U.S. home team of the International Thermonuclear Experimental Reactor [ITER].

Several campuses of the University of California have fusion research programs.

Lawrence Livermore and Lawrence Berkeley Labs have programs and several California companies are heavily involved in fusion research and development.

Unfortunately, for both the Nation and my State, at the same time the fusion program is making tremendous progress, it has suffered heavy cuts at the hands of this Congress. Last year, as many of my colleagues are aware, the fusion program was cut \$130 million—33 percent—and the bill before us now cuts another \$19 million from the program. Accompanying the cuts in last year's Energy and Water bill were instructions for the Department of Energy and the Fusion Energy Advisory Committee to restructure the fusion program.

This Congressional guidance set off an extensive, time consuming, and, frankly, a painful redesign of the fusion program. It also put into place a thorough peer review process. Both the redesigned program and the ongoing peer review process have been widely praised.

It is regrettable that the lack of adequate funding in this bill pits one aspect of the fusion program against another. I will work in conference to see that all of the needs of the fusion program are met. I think it is important.

However, if that does not happen, I am concerned that the language currently in the bill which tries to set priorities for the program within the limited funding constraints may conflict with the direction the program is intended to take. It could also result in substantial damage to a number of California programs, facilities and high tech jobs and divide the fusion community.

If funding constraints force us to make difficult choices in how to fund the fusion program, we should leave that decision up to the Department of Energy with the guidance of the fusion Energy Sciences Advisory Committee.

I look forward to working in conference to fully fund the fusion program and to work toward language that is less prescriptive and more consistent with the peer review process for this important program.

Mr. DUNCAN. Mr. Chairman, I ask unanimous consent to strike the last word.

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

There was no objection.

Mr. DUNCAN. Mr. Chairman, I would like to engage in a colloquy with the distinguished gentleman from Indiana [Mr. MYERS], chairman of the Subcommittee on Energy and Water Development. I have a brief colloquy that has already been approved by the chairman.

Earlier in this Congress, I introduced legislation, H.R. 28, the Freedom From Government Competition Act. It has been brought to my attention by some of my constituents that at least one Federal agency under this bill is considering some competition with private industry. As the chairman knows, when the last White House conference on small business met here in Washington, the problem of unfair government competition and the failure of government to adequately utilize the private sector was ranked as one of the very top issues for small business.

Additionally, since the Eisenhower administration, it has been official U.S. government policy that "the Federal Government will not start or carry on any commercial activity to provide a service or a product for its own use if such product or service can be procured from private enterprise through ordinary business channels."

I would like to ask the chairman of the subcommittee if, as a general proposition, the subcommittee intended that money appropriated in this legislation be used by Federal agencies or quasi-governmental agencies for the purpose of competing with private business.

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

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

Mr. MYERS of Indiana. Mr. Chairman, I would say to the gentleman, no, not at all. Small businesses have difficult time enough staying in business in competition with the rest of the world. Being in competition with their own government is just unreasonable.

Mr. DUNCAN. That was the very point of this colloquy. I thank the gentleman from Indiana. I believe he and his colleagues on the subcommittee have done an excellent job on this legislation.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer amendment No. 4.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. OBEY: On page 17, line 21, after the dollar amount insert the following: "(reduced by \$17,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Wisconsin [Mr. OBEY] and a Member opposed will each control 20 minutes.

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

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

Mr. Chairman, this amendment is very simple. It eliminates the \$17 million in this bill for the advanced light water reactor. The arguments against this funding are many. They have been articulated on this floor in the past. Many Members have voted against it in the past. Last year we voted on this amendment. If failed by a 191 to 227 vote. This year we have a number of additional cosponsors, including the gentleman from Florida [Mr. FOLEY], the gentleman from Minnesota [Mr. MINGE], the gentleman from California [Mr. ROYCE], the gentleman from Massachusetts [Mr. MARKEY], and the gentleman from California [Mr. ROHRBACHER]. Obviously, with a crowd like that, there ought to be some additional attention paid to the amendment above that which was paid to it last year.

In 1992, the Energy Policy Act authorized the funding of efforts to design, engineer, and obtain regulatory approval for new evolutionary nuclear reactors. Since then, through fiscal 1996, DOE has given away \$295 million to companies such as General Electric, Westinghouse, and a number of others.

The 1992 act specifically states that "No entity shall receive assistance under this subsection for a period greater than 4 years." Mr. Chairman, both Westinghouse and General Electric will have already completed 4 years of funding in the fiscal 1996 budget. They should not get any further funding in this bill.

Let me make it clear, I have absolutely nothing against those companies. They are fine companies. That is the point. They are very healthy companies, with billions in annual revenues. They do not need the corporate welfare provided for them in this bill. They have already enjoyed 4 years of funding, as authorized. It is time to terminate the program. The authorization has expired. This is the 5 year of funding for what was supposed to be a 4-year program.

Mr. Chairman, we might wonder why there is no new authorization. I suspect it might be because no American utility has successfully ordered a nuclear power plant since 1973. Second, I suspect it might be because an overwhelming majority, 89 percent, in a recent poll of utility executives, said that their company would never consider ordering a nuclear power plant.

It also might be that the current reactors that are being funded through the program, the 600 megawatt size, are not commercially viable in this country. In fact, in February of this year GE, who received \$50 million from DOE, announced they were abandoning further design work on the SBWR reactor because it was not commercially viable.

Why does DOE continue to fund the program? I suppose on reason is that the agency seems to be generically incapable of terminating any program.

The official reason seems to be that the designs could provide the basis for future commercial orders. The official reason seems to be that the agency thinks that there might some day, in the far distant future, be somebody who would change their mind and order one of these turkeys. Frankly, the likelihood is quite dim. The Secretary of Energy, in recent testimony, has said, "For the foreseeable future, we do not expect new nuclear power plants to be ordered or built in the United States."

I would point out that the Energy Policy Act stipulates that the recipient of these funds must certify that the reactors are designed for sale in the United States. The fact is, the most likely markets for these reactors are abroad; most likely Indonesia or China. There is a ban on the export of nuclear technology to China at the moment, and I do not see any circumstances under which that is going to change in the foreseeable future.

So I would simply make the point, this program was authorized under the premise of licensing nuclear power plants in the United States. That is no longer happening. No serious person expects it to happen. I would simply say that a Congress that is big enough to get tough on kids is a Congress that ought to be tough enough to say no to more corporate welfare to the nuclear power industry.

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

Mr. MYERS of Indiana. Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. MYERS] is recognized for 20 minutes in opposition to the amendment.

Mr. MYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON] the chairman of the Committee on Appropriations.

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

Mr. LIVINGSTON. Mr. Chairman, I thank my friend and the distinguished chairman of the subcommittee for yielding time to me.

Mr. Chairman, I rise in opposition to the Obey amendment to strike the remaining funding from the light water reactor program. The fact is that the budget request from the President was \$40 million for this program. This committee has only provided about \$17 million. So we are achieving cost savings right there.

The only way the industry is going to get back into the nuclear energy business in this country is, in fact, if the Government participates in some way. In the case of this particular program, this is the last year of funding. Any funding that we provide this year completes the program. But in the case of the advanced light water reactor, total industry cost-sharing in this program is over 60 percent, which comes from the industry itself.

The industry has contributed some \$444 million of their own money to this

program. The government expenditures to date total, the gentleman from Wisconsin [Mr. OBEY] has used the sum \$295 million, my own figure is \$269 million; obviously considerable sums. But what are we going to do? Just cut, run, and stop the program? Because industry itself has relied on the commitment of Government and spent, of its own money, \$444 million. The industry is committed to pay back most or all of the Federal costs if future sales are made.

This program is important because it represents a joint commitment by Government and industry to develop a new generation of standardized, advanced reactors, coupled with a one-step Nuclear Regulatory Commission licensing process.

Whether we like it or not, new nuclear energy sources will one day be needed in the United States. Nuclear energy is still safe. It does not produce greenhouse gas emissions that we hear so much about with fossil fuel usage. Nuclear energy as generated represents 20 percent of the power generation in this country, and substantially more than that, anywhere up to 50 to 70 percent, in other industrialized countries like Japan or France. We must finalize the development of a standard turn key safe design for marketing to plants overseas and for this country, if we decide to build them here.

Again, Mr. Chairman, this is the last year of funding. This project is authorized under the general authorization of the Atomic Energy Act of 1954. No Federal funds have been or will be used to subsidize any construction. That is left up to the industry. So I urge my colleagues to vote against this ill-considered amendment.

Mr. OBEY. Mr. Chairman, I yield 30 seconds.

Mr. Chairman, the gentleman from Louisiana said they have already cut the program because they have only provided \$17 million out of the \$40 million. The fact is the Senate has already funded the other two portions of the program. The game plan in conference is to fund all three pieces, and, smackaroo, you have \$40 million bucks right back in the bill again. Do not kid yourself, this program is not going to be cut one dime without this amendment.

Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Florida [Mr. FOLEY].

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

Mr. Chairman, I want to rise in strong support of this amendment to strike the \$17 million. The supporters of corporate welfare for the advanced light water reactor program are playing fast and loose with the facts. We hope Members will take the opportunity to separate real fact from the fiction they have been spreading.

Our amendment to strike the advanced light water reactor funding is not part of some anti-nuclear agenda. Moving past its authorized limits, this

program has become a subsidy to a wealthy industry capable of supporting its own projects. Congress should abandon wasteful funding for this giveaway. Again, clearly, first-of-a-kind engineering, the Energy Policy Act strictly states, item B, "No entity shall receive assistance under this subsection for a period greater than 4 years."

Mr. Chairman, we talk about this nuclear reactor and suggest that some day, somehow, somewhere, we will recapture some of the dollars our great taxpayers have invested in this project. Why has Westinghouse canceled construction of its own reactors? They are not using the technology. The only places we are able to find any utilization of this technology is in China, is in areas that we are critically concerned about nuclear proliferation, and these reactors could in some way benefit a program of expanding those nuclear reactors.

Mr. Chairman, sure, \$17 million is small if you are a corporation in an industry with annual revenues in excess of \$100 billion. However, the last time we checked, it was an enormous amount to American taxpayers. The nuclear industry has dominated energy research and development over the last 50 years, receiving more than \$47 million.

□ 2215

Now they are clamoring for another 17 million for this reactor without a future. Just how many taxpayers does the Department of Energy want to work their entire lives to pay for this corporate giveaway?

They will tell you the termination costs are going to cost the government millions of dollars. Folks, clearly in the contract: Item number C, reimbursement for costs specified in termination above shall be subject to the availability of appropriated funds.

Much like every government contract that is written, the government protects itself and has a hold-harmless clause that, if you do not appropriate the moneys, it in fact will not be tendered as cancellation fees. I have heard it before when we cancelled gas turbine last year, we would have to pay all of these millions of dollars in termination fees. Clearly not the case.

What are broad groups like Citizens Against Government Waste, CATO Institute, Competitive Enterprise Institute, Friends of the Earth, Heritage Foundation, Progressive Policy Institute, Public Citizen, Safe Energy Communication Council, Taxpayers for Common Sense and U.S. Public Interest Research Group in one group together advancing against this project. It does not make any sense to spend the hard-earned tax dollars of the American public to support projects that do not work.

Mr. Chairman, I would like to read some editorials from newspapers around the country later in the debate.

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

Mr. DOYLE. Mr. Chairman, I rise in opposition to the amendment offered by my colleagues from Wisconsin and Florida. In the Energy Policy Act of 1992, Congress reaffirmed its commitment to the nuclear option by authorizing a program for research and development of standardized inherently safe reactor designs.

At that time, Congress recognized the artificially high cost of developing and certifying new reactor designs to meet the government's extremely stringent requirements. EPACT proceeded with this program precisely to ensure that new passively safe reactor designs would be readily available when U.S. utilities were prepared to order new baseload generating plants.

The authors of this amendment would like to say that this is funding for the sixth year of a 5-year program. They know this is not true. EPACT was authorizing legislation and was passed in 1992, but this program did not have funds appropriated for it until fiscal year 1993, which means that this will be the fifth year of a 5-year program. Thus, DOE is fully authorized to fund the advanced light water reactor program in fiscal year 1997.

No taxpayers' dollars have been used to pay NRC fees. NRC's increased review and testing requirements forced the program to perform additional technical work. While most of the extra work was funded by industry, part of the added cost was supported by the DOE advanced light water reactor program. The additional technical work expanded the work scope for the program but was clearly authorized by EPACT.

Mr. Chairman, this would be a very entertaining debate if it were not for the fact that we are talking about a major component of U.S. energy security, as well as the certification of a technology that holds the potential for the creation of thousands of high-paying jobs here in the United States. The construction of one AP-600 employs 5,000 people for 5 years. Now let us look at how much money we are going to save if we terminate this program.

I have a letter here from the Department of Energy which I will submit for the RECORD that shows that terminating this program would cost the taxpayer more than it would to complete this program.

Mr. Chairman, this is an ill-advised amendment, and I urge that we defeat it.

Mr. Chairman, I submit the letter referred to earlier for the RECORD:

DEPARTMENT OF ENERGY,  
Washington, DC, July 24, 1996.

Hon. MICHAEL DOYLE,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN DOYLE: The Department of Energy opposes the amendment to eliminate funding for the Department's Advanced Light Water Reactor (ALWR) program from the FY 1997 Energy and Water Development Appropriations Bill. We strongly urge the House of Representatives to reject this amendment and support FY 1997 funding for the ALWR program.

This program is nearing a successful conclusion. The First-of-a-Kind Engineering program, for example, was authorized by Congress in FY 1993 to be conducted for five years. FY 1997 is the last year that the Department plans to request funds for this effort, and one of the two plant designs in the program—the Advanced Boiling Water Reactor (ABWR)—is scheduled to be completed by the end of the year. In addition, we expect that Nuclear Regulatory Commission (NRC) design certification of the ABWR and the System 80+ will be granted in FY 1997. Design Certification for the AP600—an advanced, modular plant with passive safety features—is scheduled for completion in the following fiscal year.

Taxpayers have invested about \$300 million in ALWR research and development since 1986 and U.S. industry, led by electric utilities from across the country, has contributed an additional \$500 million. Much of this investment could be wasted if the goals of the program—Nuclear Regulatory Commission design certification and completion of First-of-a-Kind-Engineering were not met because of a decision to terminate funding in FY 1997 when the program is so close to conclusion.

#### LWR PROGRAM TERMINATION COSTS

The Department has requested \$40 million to conduct its Advanced Light Water Reactor (ALWR) program in FY 1997. These funds would allow the Department to complete its First-of-a-Kind Engineering (FOAKE) program for the AP-600 and Advanced Boiling Water Reactor and accomplish Nuclear Regulatory Commission design certification of two of three ALWRs.

Since 1986, U.S. industry has contributed approximately \$500 million to the federal ALWR program, with taxpayers contributing another \$300 million. This program is nearly completed and must of the benefit of this \$800 million public/private investment could be lost if it is terminated in its final stages. The Department believes that this effort should be allowed to conclude successfully, providing the United States with a viable, safe, and economic nuclear energy option that will be available before the end of the decade.

If these programs are terminated at the end of FY 1996, the federal government will have to plan for the following impacts:

Tens of millions of dollars in other termination costs would be sought from the Department by program contractors and other participants. Westinghouse, for example, estimates that the termination of their portion of the design certification program would cost about \$28 million. Westinghouse also estimates that its FOAKE termination costs would be approximately \$10 million. Other contractors would be expected to seek lesser amounts, as their participation in the program is nearly complete. The Advanced Reactor Corporation, which manages the FOAKE program, has indicated that its termination costs could be as much as \$24 million if the program is terminated at this stage.

The Department would seek to negotiate these costs, but legal action on the part of program participants to recover termination costs can be expected.

A maximum of \$125 million in lost potential cost-recovery from industry. Termination of the program at this late stage would mean that the federal government would lose the right to collect funds from industry based on future plant sales. Westinghouse, for example, has agreed to pay \$25 million to the government with the sale of its first AP-600 to repay design certification funding and an additional \$4 million for each reactor sold to repay federal FOAKE contributions. General Electric recently sold

two reactors to Taiwan; the federal government expects to collect \$3 million from this transaction. All of these cost recoupments would be forfeited if the ALWR program is terminated now.

Unless new work assignments are found for federal and national lab staffs working on the program, DOE will require about \$1.5 million to terminate personnel at DOE headquarters in Germantown, MD; at the field offices in Oakland, CA and Chicago, IL; and at the Idaho National Engineering Laboratory and the Sandia National Laboratories.

The ALWR program is essential in order to maintain the nuclear energy option in the United States. Without FY 1997 funding, we will not achieve the design certifications that we have worked toward for years, and a huge public/private investment will have been largely wasted. We will also be forced to terminate our contracts with the program's industry participants, and risk a potentially expensive legal response.

Further, termination of the program at this late stage would mean that the federal government would lose the right to collect funds from industry based on future plant sales. Westinghouse, for example, has agreed to pay \$25 million to the government with the sale of its first AP600 to repay design certification funding, and an additional \$4 million for each reactor sold to repay the Department's contributions. Taiwan recently awarded General Electric a contract to build two new reactors, and the U.S. government expects to collect \$3 million from this transaction. All of these cost recoupments would be forfeited if the ALWR program is terminated now.

For a modest sum in FY 1997, the program can be brought to a logical and successful conclusion, and the taxpayer and industry investments in these technologies will result in the form of detailed, certified designs of next-generation nuclear power plants.

Sincerely,

RAY A. HUNTER  
(For Terry R. Lash,  
Director, Office of  
Nuclear Energy,  
Science and Technology).

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

The gentleman is leaving a wrong impression with the House. First of a kind funding is limited to 4 years. The gentleman is talking about other pieces of the Energy Act. The first of a kind funding, which is the subject of this amendment, is limited to 4 years. If we do not pass this amendment, we are providing it for a fifth year without authorization.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself 1 minute.

Mr. Chairman, as to the statement just made, I have in my possession here a letter today from the Department of Energy saying the first of a kind engineering program, for example, is authorized by Congress in fiscal year 1993 to be conducted for 5 years. This 1997 fiscal year is the fifth year in 5 years, according to the Department of Energy.

Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BROWN], a very distinguished member of the Committee on Science and the former Chairman who is now ranking member.

Mr. BROWN of California. I thank the gentleman very much for yielding me this time.

Mr. Chairman, I am not at all sure that I have anything new to contribute. I used to believe that I knew as much about the nuclear energy program as anyone in Congress, but I see from the remarks of the gentleman from Pennsylvania [Mr. DOYLE] and the gentleman from Louisiana [Mr. LIVINGSTON] that they have been doing a lot of boning up on the subject. I think probably they know more than I do at this particular time.

I do want to just recite for historical purposes the fact that I have lived through and been actively involved in the development of the civilian power reactor program ever since it began 20-odd years ago. I have seen it grow with unrealistic hopes that it represented the solution to all of the world's energy problems and seen those hopes dashed as we found that there were problems with nuclear industry and with the development of nuclear power plants.

As a result of our failures to anticipate these problems, we placed a very large burden on the U.S. nuclear industry, and no new plants have been built in recent years and no new plants are on order.

What was the reason for that? The reason basically was that we overinvested in plants that had the diverse designs that were subject to different and changing safety regulations, and many energy companies went broke as a result of this. It became clear that we needed to remedy that situation. This Advanced Light Water Program was an effort to remedy that situation. It was to focus on a single design that could be precertified as to safety, that you could build repetitively and cut the costs as a result of that, and then you could become competitive again in terms of world markets, if that is what you were interested in, or in terms of competing with other forms of energy here in the United States.

That was our goal. It was a very realistic goal. This program was aimed at achieving it. It is about to complete it; it is very near to completion. If it is successfully completed, it will again put us in a position, if we are forced to do so, and I think we will be, to build more nuclear plants as a way of avoiding some of the environmental problems of fossil, for example, or as merely a way of competing in the world market where other countries which do not have the energy resources that we do, have to rely upon nuclear energy. We should be competing for that market.

Mr. Chairman, if we refuse to do this, I think we are putting our heads in the sand. I think that this is a program which, as has been pointed out already, is heavily cost-shared by industry. I fully believe that we are authorized to continue it. As has been argued here, even if it is not authorized, we have a waiver of points of order against authorization, so it really does not make that much difference.

So I would urge that this amendment be defeated and we spend the \$17 mil-

lion which will once again make us competitive in world markets.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds to again correct a statement made by the gentleman from Indiana.

It is true that there is a \$100 million cap on this program for a 5-year period, but under the authorization no corporation is supposed to receive funding for a period longer than 4 years and under this bill without this amendment would have a 5-year provision to Westinghouse, which is in opposition to the authorization statute.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I say to my colleagues, Adam Smith is spinning in his grave as he listens to this debate tonight. This is the wealthiest industry in the United States. How in the world can we subsidize General Electric and Westinghouse to develop an incremental advancement on a 50-year-old technology? Either it works in the marketplace or it does not work in the marketplace. If we cannot cut this subsidy out of the budget, we cannot cut any subsidy out of the budget.

This is like conducting a French revolution and not attacking the Bastille. If there is going to be a revolution out here, we got to cut out unneeded programs. And if we cannot cut out a subsidy to an industry which has received \$50 billion worth of subsidies over the last 40 years in this country, we are not cutting out subsidies for anyone.

By the way, the technology is not being built commercially because it does not work in the marketplace. It is 6 cents a kilowatt hour. Coal is cheaper, natural gas is cheaper, wind is cheaper. It is losing in the marketplace.

I say to my colleagues, we cannot stand out here on the floor of Congress and interject Federal taxpayers' dollars into industries that they are already paying too high rates in their electricity bills already because the electric utility executives in the areas invested in the wrong technologies.

If they in fact want these next generation of technologies, and by the way, not one new nuclear power plant has been ordered in the United States since 1973, and I will predict right now and guarantee you that there will not be a new nuclear power plant ordered as long as any person in this room is alive, how in the world can we justify this kind of investment?

As we move to wholesale and retail wheeling of electricity, the marketplace is going to ruthlessly demand the lowest priced energy. Nuclear power is not that energy. We must demand the Obey amendment be adopted here this evening.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself 1 minute.

I think the gentleman from Massachusetts is in good health, and I thought I would live a little while.

But I might add that it is true that the United States is not building. What

other major developing country in the world is not moving fast toward more nuclear power? Japan had the worst experience with nuclear of any country in the world, yet they are buying boiling water reactors, looking at advanced light water reactors. This committee was over there last August. They are looking.

We wonder where the jobs went; we have run them out. Every other country in the world subsidizes and helps their industry to be competitive in the world. And we talk about corporate welfare? Wait until we hear tomorrow or later tonight about solar. How many people are buying solar reactors today? Would we want more money spent on solar?

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

Mr. MYERS of Indiana. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, if the gentleman is willing to cut this subsidy out, I will vote to cut out all subsidies for solar. It is everyone gets a subsidy or no one gets a subsidy. But let us give the same subsidies to both technologies, not 10 times more.

Mr. MYERS of Indiana. Mr. Chairman, percentage-wise it is a bigger cut than we have on solar.

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

Mr. WALKER. Mr. Chairman, shouting about this amendment does not make it any smarter. It is too dumb to start with.

Just as we are going to get the payoff from this program, some are prepared to kiss off the program. Now, that makes no sense whatsoever. First of all, it makes no sense because what we are going to actually do is end up increasing spending here. I realize people cavalierly toss off the idea that there might have to be termination costs in all of this. Sure, it takes appropriations, but if the court orders us to make the payments, we are going to have to make the payments. It is about \$40 million compared to what would otherwise be a \$17 million expenditure.

Mr. Chairman, this is not about corporate subsidy as much as it is about nuclear safety. This is an advanced light water reactor program that is a government-mandated program to design a new passively safe reactor to replace existing ones. It is a safety program. If we are going to abandon the government's involvement in safety, it seems to me that what we are pursuing is rather ludicrous.

Now, the fact also remains that we have a legal commitment in the authorization, in Public Law 102-486 to pursue this program. We ought to meet that commitment.

It also does not make any business sense. The gentleman stood up here and talked to us about Adam Smith. General Electric just sold two nuclear reactors to Taiwan. The Federal Government plans to get about \$3 million

from that transaction. One of the reasons why we are recovering money from these programs is because we have a provision of recoupment that is in the program.

If in fact tonight we decide to abandon this program, we do not get any recoupment. We lose the money. We lose the \$3 million in the AP-600. We could lose \$4 million for every reactor they sell. It makes no sense.

□ 2230

This is empty symbolism. It is dumb to do. It would be an act of extreme stupidity for the House to do this amendment tonight for the sake of some empty symbolism.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, this is further proof of the existence of God. OBEY and ROHRABACHER on the same side talking in disagreement with the gentleman from Pennsylvania, Mr. WALKER. Let me say that I want to commend the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Florida [Mr. FOLEY] for the great leadership they have taken on this issue.

They call this program the light water reactor, but it is mighty heavy on the taxpayers, basically to the tune so far of \$200 million; \$50 million of that went down the drain this year when General Electric decided to pull out of the program. Although this company makes \$4 billion a year in after-tax profits, the Department of Energy could not tell us at our authorization hearing of how they expect to get back that \$50 million that we gave to this giant company already.

Now Westinghouse, which makes \$1 billion a year in after-tax profits, says this program will just disappear unless they get another \$40 million. If Government subsidies serve any purpose, it should be to help small companies develop technology. It strains anyone's belief that Westinghouse, which has just purchased a TV network for \$4 billion and makes millions of dollars off existing contracts with the Department of Energy, would not pay for its own certification if they believed that this was going to make them a profit, that this was a profitable operation and they could actually sell this product and make a profit from it.

Mr. Chairman, I believe that nuclear power is clean, safe, and is a positive alternative source of energy for the people of the United States of America. But supporting nuclear power does not mean that we should be supporting wasteful corporate welfare. If these products are as good as advertised, these big corporations will not need all of this money. They will not need a taxpayer subsidy to be successful.

Basically we are being told that we must give more money to a huge corporation that can afford to do it on their own or the project will disappear. That shows how much confidence this corporation has. We should not be put-

ting more taxpayers' money down a rathole.

Again, Mr. Chairman, I would suggest to my colleagues to vote yes for fiscal responsibility, yes on the Obey-Foley amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, I would first like to commend the distinguished chairman and ranking member of the subcommittee for their many years of dedicated work and bipartisan cooperation. I wish them both the very best in their future endeavors. They are a distinguished pair and a credit to this institution.

Mr. Chairman, I rise in strong support of the common sense amendment to terminate the funding of the advanced light water reactor. I join with my colleagues in cosponsoring this important effort to cut wasteful spending and to save the taxpayers \$17 million.

There are many reasons why this egregious corporate handout should be stopped, but as co-chair of the Porkbusters Coalition, I am most interested in the fact that this \$17 million appropriation for nuclear engineering is no longer authorized. As the Chair may know, there was funding authorized for the commercialization of advanced light water technology under the Energy Policy Act of 1992, but that authorization has expired and clearly does not apply to this appropriation.

To be sure, I brought with me the authorizing statute for the advanced light water reactor program so we can see why this appropriation is not authorized. First, note in the highlighted language here that it must be technology that would be used in the United States, commercialized and used in the United States. This is not the case with this particular program.

The intent of the advanced light water reactor program was to provide the taxpayers with new domestic sources of energy in return for their investment, not provide corporate giants with pork subsidies to finance profitable overseas business ventures.

Finally and most importantly, this statute established strict funding limitations for corporate participants. It clearly states that there is a life of 4 years, and here is the statutory language, a life of 4 years.

Mr. Chairman, in summary, this program ought to be stopped. This amendment ought to be adopted.

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

Mr. KLINK. I thank the gentleman for yielding this time to me.

Mr. Chairman, we have got a problem in this country with not making the kind of investment in industry that creates jobs. While Great Britain and France and Japan and Germany go with their industrial leaders around the world and see that they have an opportunity to create job markets, the United States just sits here, not doing anything.

Mr. Chairman, Energy Secretary Hazel O'Leary has made some mistakes. They have been well documented. But it was because she was trying to do something that was right. Industry has understood this. They have come before our Subcommittee on Oversight and Investigations and have said, "We are getting business because of this." The Advanced Light Water Reactor Program is indeed an example of something right that this country is doing.

In the Energy Policy Act of 1992, Congress determined that in order to ensure that nuclear power was maintained as a viable energy option for our Nation as we approached the 21st century that there needed to be a partnership between private industry and the Federal Government. Because we had uncertainties and complexities that dealt with the risks of nuclear licensing processes, the importance of the program's future demanded, in fact, that the Government would play a role.

Congress authorized a two-phase program: Design certification to cover the NRC regulatory process, and first-of-a-kind engineering. The Advanced Light Water Reactor Program is an effective program. It is recognized as a world-class development. Both General Electric and ABB Combustion Engineering presented reactor designs in the program that are going to be completed by the end of fiscal year 1996. The AP 600 design is 88 percent complete and there is a payback to the Federal Government. Westinghouse is competing with France, by the way, for every unit they sell, for every AP 600 they sell. Over in the Far East these developing countries where there is \$1 trillion worth of energy development, these developing countries are going to be building their energy production while we have about built our limit. For every AP 600 that is built, there will be 5 years worth of work for 5,000 people. If those jobs are not created here, they will be created in France or somewhere else. The very first unit that is sold, \$25 million goes right back to the Federal Government. With each additional unit, there will be \$4 million more, for each unit, going back to the Federal Government.

I believe if the Obey amendment passes that we give up all chance for recoupment. We have gone this far. There is going to be a payoff. Someone is going to manufacture this. I want it to be American workers. I want those jobs to be created in this country. I think the Obey amendment will see that that work goes overseas and not here in this country.

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

Mr. ROYCE. Mr. Chairman, I rise to express my strong support for this amendment. Authorization for Federal subsidies to develop the advanced light water reactor was established by the Energy Policy Act of 1992, which was enacted into law on October 24 of that year, and I am just going to quote from

that law. It states that "The Secretary" of Energy "shall conduct a 5-year program of technical and financial assistance to encourage the development of advanced light water reactor designs which" shall be "no later than the end of fiscal year 1996." That is the law that was passed.

Last year we went through this. On July 12, the distinguished chairman of the House Appropriations Subcommittee on Energy and Water defended continued Federal funding of this program, and he said at that time, " \* \* \* this is the fifth year of a 5-year program for the advanced light water reactor." That was a year ago. Now we have the Department of Energy concurring with the assessment in a March 28, 1996 memo.

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

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Chairman, last year during floor consideration of an amendment to eliminate the advanced light water reactor program, I supported continued funding for the program. I did it because I was assured that fiscal 1996 would be the final year of the program. To my surprise, tonight is *deja vu* all over again.

I thought it was important to support the program throughout its completion in order to recoup some of the \$340 million of taxpayer money we have invested in the program to date. But it is becoming increasingly apparent that this technology, once certified, may not even have a market.

General Electric canceled development of a similar reactor because they believe that the market for smaller advanced light water reactors is nonexistent. If this reactor is really worth the investment, can a corporate giant like Westinghouse not come up with the \$17 million to complete the program? We can save \$17 million for the taxpayers tonight if we vote for discontinuing this program, or we can be back here next year, same program, same debate, *deja vu* again.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, let me sum it up.

We have got \$378 million invested. I just heard a minute ago we are going to get \$3 million back on the sale of a reactor somewhere. With that kind of math we have almost 120 or 140 reactors yet to sell to break even. What a great investment.

San Francisco Chronicle:

If there's a lucrative export market, let them finance their own development programs.

The Oregonian:

Let's face it, nuclear power in the United States, no matter how you feel about it, is a dead issue.

The Charleston Gazette:

Why on earth is Congress giving taxpayers' money to billion-dollar companies?

The Courier-Journal of Kentucky:

Given the new competitive pressures in the utility industry, no manager with any concern for his company's financial stability would even think of going nuclear.

Kennebec Journal in Maine:

The project is a classic government boondoggle, all the more egregious since it squanders taxpayers' money.

The Morning Sentinel in Maine:

Funding continues despite the fact that no utility has built a nuclear plant in 23 years and that 89 percent of utility executives claim they will never order another nuclear plant.

Mr. Chairman, clearly the editorial boards from around the Nation are against this. Clearly CATO and all the other groups that have weighed in are against this. The gentleman from Wisconsin [Mr. OBEY] has led the fight for years. I give him credit. This year we are going to win it and win it for the taxpayers.

□ 2245

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

Mr. Chairman, I have just one comment for my friends on the majority side of the aisle: Two years ago, when you took over this House, you indicated that you wanted to see an end to business as usual. You indicated that you wanted to eliminate the Department of Energy.

I would point out that if you cannot tonight or tomorrow, when this vote takes place, at least vote to eliminate this tiny program, then indeed your revolutionary trumpet has turned into a piccolo. I urge Members to vote for the amendment. This is one of the wealthiest industries in the country. It does not need this subsidy.

This program was supposed to be helping develop nuclear reactors in this country, not in Taiwan. I urge Members to vote for the amendment in the interest of saving the taxpayer a dime. This investment is something that has outlived its usefulness a long time ago.

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

Mr. Chairman, I think all of us understand the issue here. The taxpayers of our country have invested about \$300 million in the technology of the light water advanced reactor.

It is true that we are not building reactors for our own consumption in this country. I think that is a sad commentary on our industry. I do not think it is because our American industry would not like to, but we have built too many impediments, through the Nuclear Regulatory Commission and others, discouraging now a CEO from buying a nuclear reactor. But the rest of the world is willing to buy. They are buying and they are building.

They are advancing their light water reactors. They have a boiling water reactor in Japan. They are advancing. They are moving forward. We can be part of the sales or we can sit back and let everyone else in the world.

The gentleman from Pennsylvania, [Mr. KLICK] made a very, I think, compelling reason why if we have got \$300 million already invested, the utilities and the heavy companies that are producing, like General Electric and Westinghouse, have more than \$500 million invested, for another \$17 million this year, to show not only that maybe the money is not near as significant but to indicate that America is standing behind its own industry.

We have a product that will do the job, that we are in the market to sell reactors to the rest of the world who are willing to buy and are expanding.

In closing, we do have a letter from the Department of Energy. All of us are not wanting to see the demise of the Department of Energy. Some of us would like to see it improved somewhat, be more realistic for today's needs, but some of us are not in favor of doing away with the Department of Energy.

I am quoting now. They say the program is nearing a successful conclusion; much of the investment could be wasted if the goals of the program, Nuclear Regulatory Commission design certification and completion of first-of-a-kind engineering, which is to complete the first-of-a-kind engineering, if that is not completed we will have lost the money we have invested.

I respect my colleagues from Wisconsin. He is very sincere and others, but it is the argument we have heard before. Stick with your committee. Vote to reject this amendment.

Mr. ROEMER. Mr. Chairman, the Advanced Light Water Reactor is the last nuclear option left in the federal budget. I rise today to give my support to this project and to oppose the Obey amendment to kill this project.

We must cut spending, but we must also invest. The ALWR program is an investment that will be repaid: it leverages public dollars to allow U.S. industry to move into a newer, more efficient and safer nuclear age. Pursuit of common interests is a valid use for federal investment in energy research and development. Eliminating the last commercial nuclear energy program is not in our best interest. Without this investment, we might well find ourselves again overly dependent on foreign energy sources and technology. We could lose, for many years, the ability to build affordable nuclear technology for our nation's energy needs.

This is the fifth year of a five-year program. It was born of competitive bidding, and is a partnership with our nation's utilities. We must not sit idly by, watching other nations develop advanced technologies which they will almost certainly use as an unfair competitive advantage against our nation in the world market.

Like fusion, this is a technology that most advanced nations are pursuing. And also like fusion, should our nation fail to invest in our own share of this important research, our ability to produce affordable energy and compete in an increasingly competitive global market could be seriously weakened.

I urge my colleagues to support the ALWR and oppose this amendment.

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



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

Mr. OBEY. 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 483, further proceedings on the amendment offered by gentleman from Wisconsin [Mr. OBEY] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. SCHAEFER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCHAEFER: Page 17, line 21, strike “, to” and insert in lieu thereof “(reduced by \$11,930,200) (increased by \$42,103,200), to”.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado [Mr. SCHAEFER] and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

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

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

Mr. Chairman, I am introducing an amendment which I feel is very, very important, not just for the current generations that we have in this country but for the future generations that we have in this country.

The aim of the amendment is really very simple: to ensure the future generations that they can enjoy energy security. This means that our children and our grandchildren and their children should be able to have stable, dependable and relatively inexpensive sources of power for their homes, cars, businesses and factories.

As chairman of the Committee on Commerce's Subcommittee on Energy and Power, I have seen first hand how vital it is to have a vibrant and diverse energy production base. Solar, wind, geothermal, biofuels, hydrogen, hydro power and other renewable sources are increasingly viable for energy production in this country. We must ensure continued research and development.

This is why I, along with Representatives KLUG and THURMAN and MINGE and SALMON and FAZIO would like to help keep funding at the renewable source and not reduce it. Over a period of time the funding has been cut in the last 3 years. Over a period of time, still renewables are getting cheaper, less expensive. And if we look to the future generations, we know darn well that this is going to happen and we are going to run out of fossil fuels one day. We are going to run out of coal one day, and it is very important to continue this funding for renewables.

What we have done is went across the board and now are cutting only 0.4 percent of the total budget of 26 billion, which is about \$11 million out of that and taking money that now has been given back to us from the Central Arizona Project and the DOE field labs.

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

The CHAIRMAN. Is there a Member seeking time in opposition to the amendment?

Mr. MYERS of Indiana. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. MYERS] is recognized for 15 minutes.

Mr. MYERS of Indiana. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. KNOLLENBERG] a very valuable member of our committee.

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, I rise in opposition to this amendment. I recognize the time and the effort and extraordinary commitment that the gentleman from Colorado has, but I would just say to him that there is a lot of talk in this body about cuts for solar and renewable energy programs. I know that there are a lot of Members that are fascinated with the whole idea of renewables. I happen to be to some extent, too, in fact, to a great extent. But we also know during the next few years, next few decades that we expect the depletion of our supplies of fossil fuels. But that time has not come. And at some point we will have to be prepared for that, but it is not here yet.

I think it is critically important that my colleagues understand that all Federal programs designed to further the cause of solar and renewable energy are not created equal. We have basic research programs that are designed to remove the technological barriers to cheap plentiful sources of renewable energy.

It seems to me that the widespread use of solar and renewable technologies will not make economic sense, some say, for another 40 to 60 years. If that is the case, we should devote most of our research developing new technologies rather than pumping up current technologies that have not proven economically competitive.

This amendment moves in the opposite direction. In fact, I would say also that this amendment does nothing, absolutely nothing to change the law on its face. The amendment is dependent upon the legislative intent we expressed here in this debate.

I believe we should take the 9.6 million that was saved in the Roemer amendment to reduce the DOE's field management account and the 20.6 million that was saved with the Kolbe amendment to reduce the Central Arizona Project, I believe this money, both of these moneys should go to deficit reduction.

We can still do that. However, if we are so inclined to take this savings that the American taxpayers have enjoyed for less than an hour and a half, maybe, how long has it been, and just turn around, I think we ought to take the savings and put it somewhere into research and development and energy supply.

I will just tell Members that the solar and renewable accounts are already overflowing with cash. Listen to this, these are unspent balances and the proponents of the Schaefer amendment want to increase funding for programs that have huge unspent balances: solar building technology research, 3.3 million; that is 163 percent of last year's appropriation. Electric energy systems, 42.8 million; that is 141 percent of last year's appropriation. Here is one, wind energy systems, 55.6 million; that is 171 percent of last year's appropriation, and solar technology transfer, 24.3 million; that is 566 percent of last year's appropriation.

What does this all mean? It means that some of these accounts could go on for five years at the current level of funding and longer without needing another dime.

I think it is time that we look at precisely the situation that we are doing here. We are trying to subsidize a program that frankly has not reached viability commercially. It truly has not. I have got a project in my home state of Michigan where they have subsidized, the individual subsidies make it work, but that comes out of their pocket. It does not cost DOE a penny.

I am suggesting that in this time of limited fiscal resources, basic research, not corporate welfare, is what we need now. I urge Members to vote “no” on the Schaefer amendment.

Mr. SCHAEFER. I yield 2½ minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I thank the gentleman for his leadership on this issue.

I rise in strong support of the gentleman's amendment to keep the solar renewable industry viable. We are talking about a renewable energy technology account which amounts to our only domestic contribution to an industry which is growing by leaps and bounds, projected to grow by 70 percent in 5 years. Renewable energy technologies, when you look back, have made up 10 percent of our domestic energy production, more than doubling their contribution since 1973.

Wind energy is now a \$4 billion industry in the United States. Biomass has increased fivefold over the past two decades. The solar industry boasts over a half billion dollars in annual sales.

What has merely been a downpayment on what is needed has begun to be eroded in drastic terms. The renewable account took a 29-percent cut last year. Another 20 percent was going to be cut this year with a number of program terminations.

The enactment of this amendment, I think, will reverse what is an ominous

trend. It is shortsighted to perpetuate our dependence on foreign oil, when we have the potential here at home to promote technologies we can depend on. Whether you cite the bombing in Saudi Arabia or simply the price at the pump that we experience early this year, Americans continue to understand just how vulnerable we are to the reality of an increasing amount of imported energy.

We need to acknowledge that this is not the time to be scaling back our commitment to renewable energy. We are moving beyond research to achieve numerous technological breakthroughs from which commercial applications are currently being realized.

What are we facing around the world as we look at our competition? Denmark is spending more for wind research and development than the United States. Japan is spending twice what the United States is on photovoltaic research and development and an additional 150 million on PV procurement. Germany is spending 50 percent more than the United States on photovoltaic R&D and a tremendous amount of money at the local level, \$100 million, for their program through local governments. Spain is investing in an equal amount on solar thermal power as the United States of America.

They see this market growing. If we turn our back on it, we will regret it in the loss of jobs and a cleaner environment.

Mr. Chairman, I rise in support of this effort to keep the solar and renewable industry viable.

I have long been an advocate for this industry for many reasons. Renewable energy technologies account for about 10 percent of the Nation's domestic energy production and have more than doubled their contribution since 1973.

Combined, they now provide almost seven quadrillion BTU (quads) of energy annually. Biomass and hydropower account for over 45 percent each, with the balance of the mix of geothermal, wind and solar resources.

Wind energy is now a \$4 billion industry in the United States. Geothermal is America's second largest renewable energy source creating energy through electric transmission.

Biomass has increased fivefold over the past two decades. An innovative example is a plant in my district which will turn rice straw into ethanol.

The solar industry boasts over a half billion dollars in annual sales.

The Renewable Energy Production Incentive Program, which I helped initiate under the Energy Policy Act, has helped public power agencies develop a wide array of renewable energy technology and move toward greater competition.

The validity of these programs is why I offered an amendment in committee to provide \$10 million for 3 programs which were zeroed out—wind, solar buildings, and REPI.

That was merely a downpayment on what is needed. This account took a 29 percent cut last year. Another 20 percent was going to be cut this year with a number of program terminations.

It is shortsighted to perpetuate our dependence on foreign oil when we have the potential

here at home to promote technologies that we can depend on.

This amendment increases the solar and renewable account close to 1996 levels.

It calls for offsets across-the-board in the Energy Supply, Research and Development account, including solar and renewables.

I regret that an offset is required at all because this increase should not take away from other programs within the Department of Energy of equal importance.

The difficulty stems from the insufficient amount allocated to energy and water in this appropriations cycle. I hope that the House will recede to the higher Senate numbers thereby giving us the needed flexibility to restore energy supply, R&D to their original levels. This should be a priority in conference.

For now, we need to acknowledge that this is not the time to be scaling back our commitment to renewable energy.

We are moving beyond research to achieve numerous technological breakthroughs from which commercial applications are currently being realized.

There is great industry interest and financial support for taking these applications into the marketplace.

Budget tightening forces us to make choices. Investing in solar and renewables is an investment in the future—this should be our priority if we intend to become less oil dependent and more self-reliant on our energy resources.

I urge my colleagues to support this amendment.

Mr. MYERS of Indiana. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER], chairman of the Committee on Science.

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

First of all, I would just like to figure out on the amendment, Mr. Chairman, as I understand it, this amendment which purports to be one that is for wind energy, photovoltaic energy, solar thermal energy, solar international, so on, he way the amendment is drafted, you could actually spend it on hydrogen, on light water reactors, on superconductivity, on basic energy sciences, and a number of those kinds of things; is that not true?

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

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

Mr. MYERS of Indiana. Mr. Chairman, that is right. Biomass, which is probably a better way to spend it.

Mr. WALKER. In other words, the way in which the amendment is drafted, the other thing we ought to know about the amendment is that the way in which the amendment is drafted also increases spending now by \$30 million. Because the House earlier this evening cut money back, and so now we are going to respond the money. This is actually, in the way in which this amendment is drafted at the present time, an amendment that can spend money in all kinds of areas other than what is being purported out here. But it also increases spending by about \$30 million.

I think it is important to understand where this money has gone before, because you might say that, well, wind energy and all these things are good things to do.

We ought to examine where we have been spending this money. Has it really gone for solar energy and wind energy? Let me give Members a couple of examples of where this money goes.

Back in 1993, the money from these accounts went to pay the Solar Energy Industries Association of Washington, DC, for the Soltech Conference and Earth Day. Lobbyists loved it. The lobbyists got good money out of this and so on. That is what it went to pay for.

We have got a couple of dandies here. In fiscal 1995 just passed, in a non-competitive award to the American Wind Energy Association of Washington, DC, what did we get out of this, we got a grant to study avian activities associated with wind power. In case my colleagues do not know, what that means is what they studied and found was that if birds fly into windmills, it kills them.

□ 2300

Now, as my colleagues know, I am not so certain that we are getting a lot of wind energy out of that kind of thing. Then, in 1995, we also gave \$864,000 in a noncompetitive award to Castles and Associates, Incorporated, noncompetitive, of Arlington, VA, for a communications plan for the Olympics. In addition, in fiscal year 1995, we awarded a \$234,000 noncompetitive award to Wal-Mart. To do what? To implement PVs in environmental demo stores to power electric powered shopping carts.

Now, I am suggesting to my colleagues that this is not doing what the people here are telling us it is doing. This is not money being spent to get us the kind of basic research that this country needs in order to fund the future energy of this country. In fact what is happening in this amendment, whatever money is being taken out is being taken out of basic research in favor of giving money to people to study whether or not birds that fly into windmills get killed. They do, and we do not need to study it anymore.

Mr. SCHAEFER. Mr. Chairman, I yield 2 minutes and 40 seconds to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, when I, years ago now unfortunately, it seems, went through my MBA program in school, one of the first principles I learned in investment is the idea of diversifying one's portfolio. If someone puts all their eggs in one basket, they have the high potential to lose them.

I suggest to my colleagues tonight that that is what this amendment in many ways is all about.

Today, several years after the end of the gulf war, we import more than 50 percent of our energy needs in the form of oil from the Middle East. In fact, crude oil and petroleum imports are responsible for \$51 billion or nearly one-

third of the Nation's trade deficit in 1994.

What this amendment really reflects is to look at this Nation's energy portfolio and to make an intelligent decision about where we think those scarce dollars should go.

Now, let us make it very clear that under the appropriations bill the last several years the renewable accounts have taken a hit. That is fine with me. I mean, I think every program that this Congress evaluates and spends money on should be capable of taking a hit. But we have got to be awfully careful in terms of limiting our ability to balance that energy portfolio if we do this much too aggressively and not particularly intelligently.

Under the amendment tonight sponsored by the gentleman from Colorado [Mr. SCHAEFER] on a bipartisan coalition, renewables will still sustain a 2-percent cut, and we are asking other energy programs to take a cut by only 1½ percent. So even under our plan to restore funding to renewables, to slow down this decline in the trend line we still take a 2-percent decrease. So let us make that very clear.

Now, the one major reason that I think we need to continue this funding is because it is just finally beginning to pay off. In the next several years, nations across this world will spend \$1 trillion to meet their new energy needs. In fact, at this point, the global market for energy efficiency technologies and services, including renewables, is \$84 billion a year. And look at what the investment by the Federal Government is beginning to do, which is to show the cost of solar, the cost of wind, the cost of biomass, and the cost of geothermal are beginning to decline precipitously, so we have a competitive advantage in this country to take advantage of a market that is approaching \$100 billion a year.

And what is the bottom line that we get for all of this? Not only do we begin to decline, reduce America's dependence on foreign oil imports, we begin to keep many of those resources right here at home.

I urge my colleagues to support this amendment and to continue our investment in renewables to diversify this Nation's energy portfolio. That is what this amendment is all about.

Mr. SCHAEFER. Mr. Chairman, I yield 2½ minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, I have a prepared statement, but I would like to depart from that prepared statement to join in the debate that we have had this evening here on the floor about this very important amendment, and there are three points that I would like to make.

First, it is interesting to note that this amendment is juxtaposed with an amendment that was previously considered regarding nuclear energy. Now, many of us are interested, if not fascinated, with nuclear energy. In fact we have invested hundreds of millions

of dollars in this country in this technology. But it is also very clear to us that this country is no longer interested in developing nuclear plants. We cannot dispose of the fuel that has been generated, and as a consequence, we have an industry that is almost a white elephant domestically. Yet we continue to invest in this industry.

By comparison, we have tremendous interest in renewable energy, biomass production. It is an emerging industry, and we ought to invest in this new technology.

Second, there has been some discussion about unallocated balances and whether or not the Department of Energy is sitting on funds that it has not been able to use, and is it not foolhardy to allocate yet more money in an appropriations bill?

I think it is important to recognize, and the Members of this body ought to realize that the Department of Energy has, in fact, used and allocated over 90 percent of the balances. They have been obligated to multiyear contracts so that these funds indeed have been used; they are not languishing in the Department of Energy.

Third, there has been some reference to silly expenditures, and I will take at face value the comments by the distinguished gentleman from Pennsylvania that indeed the Department of Energy has made some foolish expenditures. But I would like to remind this body that we have an oversight obligation, and I trust that the Committee on Science will faithfully fulfill that obligation and that we will prevent this type of silly expenditure in the future.

We have an obligation not to let the anecdotal evidence of a handful of expenditures deter us from doing our job, forthrightly moving ahead and supporting this important emerging industry.

Mr. Chairman, I rise in strong support of the SAFE, or Securing America's Future Energy amendment that I have introduced with Representatives SCHAEFER, KLUG, THURMAN, SALMON, and FAZIO. Our amendment will increase Department of Energy renewable energy research and development funding by \$42 million. This amount will partially restore funding for wind, biomass, solar, and geothermal to their fiscal year 1996 levels. The amendment is budget neutral and is paid for by a .47 percent across-the-board cut to all energy supply, research and development programs. Even with our amendment, renewables will still be cut by \$6 million from fiscal year 1996. This represents a 20-percent cut for renewables, which is larger than the .47-percent we are asking the other programs to sustain. The purpose is to establish a viable funding level for renewables.

Unfortunately, renewable R&D funding in this bill sustained a \$44 million cut from a fiscal year 1996, a 16-percent cut. This is a substantially larger cut than any other civilian DOE program. If we add this to last year's cut of 29 percent, we get a total of 40 percent reduction in renewables over the last 2 years.

We need only look to the Middle East to see how our energy security and national security are intimately related. We fought the Persian

Gulf war, in large part, over the threat to our oil supply. I would remind the body that earlier this month 19 American soldiers tragically lost their lives in Saudi Arabia defending our access to Middle East oil. We simply cannot afford to rely on such an unstable supply. The Department of Energy is forecasting that we will become even more dependent on this volatile source of energy during the next 20 years.

Our best insurance policy against future energy security problems, more gas price hikes, further pollution and degradation in the environment is renewable energy research and development.

The majority must believe that the American public will not notice that Congress is cutting solar and renewable R&D. Perhaps they think that the American public will not care. However, poll after poll shows that the American people not only know about these programs but overwhelmingly support them. According to a recent poll done by Republican pollster Vincent Breglio, 59 percent of Americans said that a congressional candidate's support for energy funding will affect how they vote.

With each new breakthrough in renewable fuels, this country moves closer to the day when we can significantly reduce our dependence on imported oil and become more self-sufficient in all forms of energy. It will also ease our chronic trade deficit problem. Roughly 50 percent of our trade deficit is caused by imports of foreign oil. It also augers well for our national security, enabling us to become less vulnerable to interruptions in supply from foreign oil sources and less necessary to send our troops to defend these supplies.

Expanding the development of renewable energy is also beneficial to our national economy. Exports of these new energy technologies on the world market are a significant opportunity. American entrepreneurs and national labs in our country represent the cutting edge of this industry. We must not pull the plug on these small businesses and lose out on this untapped potential. Already, our European and Japanese competitors are capitalizing on these technologies and investing far more than we in this area. Do we really want another technology giveaway like we had with VCR's?

Renewable energy technologies provide a boost in economic benefits to our rural communities. Farmer-owned ethanol plants have already brought new jobs to many declining rural communities who depend on corn production, not to mention the benefit of displacing imported oil. Biomass R&D will further improve the efficiency of ethanol production from biomass sources. Biomass R&D will also develop electricity generation. Wind energy is another cutting edge energy technology that holds promise throughout the windy Plains States. Yet wind R&D takes the biggest hit in the committee's budget—a cut of 82 percent from last year. This does not make any sense when the industry is on the verge of production cost competitiveness.

We must not overlook the environmental benefits that renewable energy technologies provide. As clean technologies like wind, biomass, solar, geothermal, and hydro continue to displace coal and oil, and the air we breathe will improve.

The American public understands that we have too much at stake in energy security, in curbing pollution, and creating and capturing

high-technology markets. Let's show the American people that Congress has gotten the message. I urge my colleagues to support the Schaefer-Klug-Thurman-Minge amendment to restore renewable energy R&D.

Mr. SCHAEFER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Chairman, the amendment we offer today is about what America wants. Americans want bipartisan answers to our Nation's problems, and I am pleased that I have had the opportunity to work with Members from both sides of the aisle to try to provide some of those solutions.

But, Mr. Chairman, our amendment is also about what Americans do not want. Americans do not want to continue to send their sons and daughters to war because of our addiction to foreign oil. The one sure way to reduce that possibility is to increase our commitment to alternative energy sources.

But this is not what the bill before us today does. The committee measure cuts renewable energy programs 16 percent below fiscal year 1996 funding.

I worked very closely with researchers at the University of Florida solar energy labs. While the U.S. commitment to renewables is eroding, the researchers at U.F. watch their colleagues around the world capitalizing on the growing market for renewable technologies.

Of course, people will argue that renewable funding is somehow corporate welfare, or pork. These folks think that we should only spend money on basic research and forget about applying this work to marketable technology. In fact there was a Dear Colleague that crossed my desk yesterday that said solar energy would not be economically competitive for 40 to 60 years.

The truth is that just last month the Financial Times reported that solar power is increasingly being seen as a viable energy option with vast commercial potential.

As we ignore the potential market for renewables, the British Department of Trade and Industry just helped finance the UK's first solar powered office building block. They know that photovoltaics allow for power generation at the point of use. When we add the savings to be gained by avoiding transition and distribution costs to the benefit of not being dependent on foreign oil, we can begin to see the many advantages solar development has in the United States.

Finally, there is a tremendous world market for these products. At any rate, American know-how should mean American jobs and American profits.

Mr. SCHAEFER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I thank the gentleman very much for yielding this time to me.

Mr. Chairman, I again have found it extremely interesting to listen to the debate on this subject because of my

long involvement in the efforts to develop these alternative energy sources. We are on hard times today with regard to developing the promise of alternative energy, and in part it stems from opposition from a variety of sources. Of course, the opposition that stems from a desire to cut the budget the kind of opposition reflected by the gentleman from Pennsylvania [Mr. WALKER] in his remarks who feel that it is not appropriate and wise from a policy standpoint to fund what he would describe as applied research, which is what a great deal of his alternative energy is.

I do not happen to agree with this point of view. I have seen our investments in alternative energy over the last 20 years produce a continuing decline in the cost of the energy coming from these and a continuing increase in the market and particularly in the overseas market which is going to do so much for us in terms of creating jobs for American workers.

I would say that the indication of this last 20 years of history is that we have an extremely good thing which we developed in this country, alternative energy, and this is not the time to give it up by making these drastic cuts that we have in the program.

Now, I know the problems of the subcommittee in terms of finding money for all these programs. I respect those problems very much. I was worried about supporting this amendment initially because I feared that the offsets might require cuts in other programs of equally high priority.

I think the situation is somewhat better now, and I urge very strongly a "yes" vote on this amendment.

Mr. SCHAEFER. Mr. Chairman I yield 1 minute to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, the reason that we should support the Schaefer amendment here this evening is that we will be helping to distort favorably the marketplace to compensate for the huge financial distortion which has been created by the Federal Government in giving huge subsidies to the nuclear industry over the last 40 and 50 years. Even since 1973, the last year nuclear power plant was in our country, \$27 billion has been voted on this floor to subsidize nuclear energy. If we were going to list, as the gentleman from Pennsylvania did, all of the investments in nuclear energy that has been wasted in the last 20 years, it would be every single dollar. We have not seen a single benefit from it in new nuclear power generation in our country.

A solar energy investment is the investment in the technology of the 21st century. That is what a "yes" vote on Schaefer represents here this evening.

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

Mr. KNOLLENBERG. Mr. Chairman, I just happened to hear some things I

thought I should respond to because some folks have the impression that nothing is really happening here; we just slide these numbers around, everything is cool, everything is kind of like nice.

Let me just tell my colleagues a little bit about what is happening here. Some think we are not taking away; we are just squeezing out of nowhere. We are not.

Let me tell my colleagues the Schaefer-Klug amendment adds wind energy, \$22½ million; photovoltaic energy, \$7 million; solar energy, \$2 million; solar international, \$2 million; resources assessment, \$2 million; energy storage systems, \$2 million; solar building technology, \$1 million; the wrecking program which, by the way, was blown out by last year's committee entirely. And what does it take away? These are the things it takes away: nuclear safety, domestic environmental waste cleanup, the fusion program, environmental and biological research, including the human genome project, lab safety and improvement program, medical isotopes program which provide isotopes for hospitals, environment, safety, health and improvement activities which help ensure worker and public safety, environmental restoration, and it goes on.

□ 2315

Those are the things that are being taken away. So do not think this is just something we are slipping out of the air.

I would also remind Members, maybe they did not know that this committee provided \$10 million more than last year, this year. The President's request, by the way, was \$64 million higher than DOE's own request to OMB. The committee provided 18 percent more than fiscal year 1991.

Mr. Chairman, this is the kicker. I think it is important. Mr. Chairman, this committee this year provided \$231 million for solar and renewable technology R&D, plus out of the basic energy services, \$18 million for solar and renewable related basic research, for a grand total of \$419 million; not small potatoes.

Mr. SCHAEFER. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. OLVER].

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

Mr. OLVER. Mr. Chairman, I rise in strong support of this S.A.F.E. amendment offered by the gentleman from Colorado [Mr. SCHAEFER].

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

Mr. Chairman, in closing my part of this, we are talking about a total budget here of \$2.6 billion. We are talking about a .04 percent overall cut, \$11 million out of \$2.6 billion. I think for the future of our grandchildren, as has been stated, that sooner or later we are

going to run out of fossils, we are going to run out of coal, we are going to run out of everything else, and this is good, clean energy that is being developed now at less and less a cost every year.

This is not corporate welfare. Private industry is not going to go out and develop this when there is not a profit to be made. That is why we have to put the dollars in to find these good, clean, renewable sources. I would urge Members to support the Schaefer-Klug-Minge-Fazio, et al. amendment.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume in opposition to the amendment.

Mr. Chairman, I think everyone understands the issue here. We are readjusting dollars away from other priority items that this committee in its judgment felt were a higher priority and better spending of the taxpayers' money than more money on solar.

The gentleman from Michigan [Mr. KNOLLENBERG] has identified some of the very high priorities, such as the isotopes used not only in diagnostic work but also in treatment that would be denied. This is restoring some programs that we eliminated last year, some eliminated by the President, and others that were not even in the President's budget this year. So these new adds are denying other funds for other programs.

It is a matter of judgment whether we want to go along with this. But let us take a look. We have not cut to the bare bone. We started in 1991, and from 1991 to 1995 we increased solar research by 98 percent, almost doubling funding. Last year, we realized that we were not getting a bang for the buck from our investment, so we started cutting back.

Photovoltaics was mentioned. There are 100 industries today producing photovoltaics; hardly a destitute industry needing help.

We talked about helping the utility industry a while ago. We have more than 300 companies now that are selling solar-related products. So, Mr. Chairman, the technology is here today. Does it need more funding?

Mr. Chairman, we have put money in this year and there is money from prior years. Last year, we asked the department for an analysis of remaining funds that are unspent. Solar building technology from last year, and this was taken as of May 31, two-thirds of the way through the year, they had an unspent balance of \$3.3 million. They still had 163 percent of what we appropriated last year for solar building technology.

Wind energy systems. My gosh, what is new about that? I am 70 years old and as a kid we had a wind energy system. The wind program has \$56.5 million unspent, 174 percent of the amount we appropriated last year for wind energy.

Solar technology transfer. Do we need that? We are selling solar. They always tell us how valuable it is; \$23.3

million unspent—566 percent, 5 times more money than we appropriated last year was left unspent.

International solar energy systems, \$7.8 million unspent, 194 percent still left on May 31. For all the solar renewable programs, including those, there was an unspent balance of \$336 million. Do they need more money?

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

Mr. MYERS of Indiana. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, rise in opposition to the amendment, and in support of the committee and the chairman.

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

In closing, Mr. Chairman, we have a letter from SURA, the Southeastern University Research Association, from its president, Mr. Barnes. At the proper time I will ask that it be included in the RECORD. I urge us not to go along with this. We are denying some very important research programs. He represents 41 southeastern universities. He says, do not do this; you are hurting some valuable programs in research and you are putting money in some places, I am paraphrasing here, that will not get the bang from the buck.

So go along with your committee. They have not been able to spend the money we have put in for prior years. We just are not getting the benefit of the dollars for this investment. We are continuing to have research on other renewable, but wind and solar just have not produced for the dollars we have spent.

Mr. Chairman, I include for the RECORD the letter from Mr. Dennis Barnes.

The letter referred to is as follows:

SOUTHEASTERN UNIVERSITIES  
RESEARCH ASSOCIATION, INC.,  
Washington, DC, July 24, 1996.

Hon. JOHN T. MYERS,  
Chairman, House Appropriations Subcommittee  
for Energy and Water, Rayburn House Of-  
fice Building, Washington, DC.

DEAR CHAIRMAN MYERS: The purpose of this letter is to express the opposition of the Southern Universities Research Association (SURA) to the amendment to be offered by Mr. Schaefer to the Energy and Water appropriations bill, H.R. 3816. It is my understanding that the amendment would add \$42.1 million to renewable energy research—which the Committee has already increased by \$10 million—while cutting an identical amount from energy supply, research and development programs.

SURA—which represents 41 universities in the Southeast—fully supports the Committee bill and is particularly pleased with the recognition the Committee gives to the importance of the General Science programs of the Department of Energy which funds nuclear and high energy physics. However, SURA strongly opposes the amendment's offset which would cut basic energy science research.

As you know, the basic science programs funded by the Office of Energy Research over the past several decades have led to a wealth of technological advances that have dramatically improved the energy security of our country and the welfare of its citizens. For

more than a half century, every Congress and every President has recognized the unique role of basic science in sustaining the nation's world power status.

Sincerely,

DENNIS W. BARNES,  
President.

I urge a no vote, and I yield back the balance of my time, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. SCHAEFER].

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

Mr. MYERS of Indiana. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 483, further proceedings on the amendment offered by the gentleman from Colorado [Mr. SCHAEFER] will be postponed.

AMENDMENTS EN BLOC OFFERED BY MR.  
MARKEY

Mr. MARKEY. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. MARKEY: Page 17, line 21, insert "(reduced by \$5,000,000)" after "\$2,648,000,000".

Page 22, line 22, insert "(reduced by \$15,000,000)" after "\$5,409,310,000".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

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

Mr. Chairman, I am pleased that the gentleman from Ohio [Mr. KASICH], the gentleman from Wisconsin [Mr. OBEY], and the gentleman from Massachusetts [Mr. TORKILDSEN] have joined me today in offering two bipartisan amendments, dealt with en bloc, dealing with pyroprocessing, a program that has important budget, nonproliferation, and environmental consequences for our country.

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 name instantly recognized by citizens across the country. In fact, if you are not a nuclear physicist, like the gentleman from Michigan [Mr. EHLERS], then you probably never heard of pyroprocessing, which is a chemical procedure used to separate plutonium and uranium, the building blocks of a nuclear bomb from radioactive waste. Its secondary definition in the dictionary is, it is also a fancy

name for burning money, taxpayers' money, at very rapid rates, getting almost nothing in return.

Mr. Chairman, nonetheless, you do not have to be a Ph.D. to understand that pyroprocessing is a budget-busting boondoggle that is bad for the environment and bad for American efforts to stop the spread of nuclear weapons.

Mr. Chairman, before any pyroprocessing pyrotechnics erupt on the floor over whether pyroprocessing at the Argonne National Lab is the same thing as a procedure called reprocessing, let me start by simply saying that a radioactive rose by any other name is a radioactive rose, nonetheless.

According to James Warf, a group leader for the Manhattan project and a holder of several patents on reprocessing, he says, "There is no question that the projects proposed to be conducted at the Argonne National Lab West is reprocessing."

Prof. Albert Wohlstetter, who over the last 45 years has served as a science and security adviser at the White House, National Security Council, and Departments of Defense, State, and Energy, for every Democrat and Republican President for the last 40 years, stated in a recent court case: "Whatever the name, what DOE proposes is clearly reprocessing."

The top three reasons why the Markey-Kasich-Obey-Torkildsen amendments should be adopted. First, our amendment is good budget policy. Pyroprocessing is a radioactive relic from a bygone era when specialized nuclear reactors called breeders were touted as the answer to our energy needs.

After pouring billions of dollars into the breeder program, Congress killed the breeders by terminating the infamous Clinch River reactor in 1983, and the advanced liquid metal reactor in 1994. Costs of a breeder program are astronomical. Former chairman of the Nuclear Regulatory Commission, Ivan Selin, estimated that it would cost \$82 billion to build and operate a full-scale breeder program.

But like a vampire that just refuses to die, a money-sucking program, the pyroprocessing part of the breeder program continues to haunt us, sucking money from taxpayers by draining millions of dollars for a program that should have been buried along with the breeder program.

Taxpayers for Common Sense and Citizens for a Sound Economy support the Markey-Kasich amendment to cut funding for pyroprocessing as a way of putting an end to the wasteful breeder program once and for all.

Pyroprocessing also raises serious nuclear proliferation issues. According to national security experts like former assistant director of national security policy in the White House, Frank von Hippel, pyroprocessing could undermine the long-standing U.S. policy of discouraging reprocessing in other countries. This policy began in the Ford administration and has been in place ever since.

Changing course now would be a radical departure from our 20-year position and would send a contradictory and potentially dangerous message abroad. Pyroprocessing would make it easier for rogue states to use a civilian nuclear program as a cover for a nuclear weapons program, like India did and like North Korea did.

Peter Johnson, the project director of the 1994 Office of Technology Assessment study on the advanced liquid metal reactor, has stated that the pyroprocessing project should not be encouraged in other countries, and it should be protected from use by countries that may wish to protect weapons materials.

Our amendments are supported by major arms control groups, including Physicians for Social Responsibility, the Union of Concerned Scientists, the Nuclear Control Institute, and Greenpeace.

Finally, pyroprocessing is bad for the environment. Everyone agrees that we must find a way to handle our nuclear waste safely and efficiently. However, while the backers of pyroprocessing promote it as an environmentally friendly method of handling nuclear waste, the reality is quite different. Pyroprocessing actually creates a variety of new waste materials. This waste has not been evaluated to determine its stability over the long term.

As the National Academy of Sciences points out, rather than solving the waste problem, pyroprocessing only makes it worse by generating more waste, including wastes that have not been analyzed to ensure they are stable enough for long-term storage.

□ 2330

This amendment is endorsed by the Friends of the Earth and the League of Conservation Voters. I urge my colleagues to support the Markey-Kasich-Obey amendment. It cuts out \$20 million not needed. The amendments are supported by budget watchdog groups, Citizens for a Sound Economy and Taxpayers for Common Sense. Our amendments are supported by arms control groups, Physicians for Social Responsibility, the Union of Concerned Scientists and Nuclear Control Institute. Our amendments are supported by environmental groups, the Friends of the Earth and the League of Conservation Voters. Bad budget policy. Bad energy policy, bad environmental policy, bad nonproliferation policy.

A "yes" vote tonight helps to preserve this Congress investing in each one of those dangerous avenues for the American people.

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

Mr. MEYERS of Indiana. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. MYERS] is recognized for 10 minutes.

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

Mr. FAWELL. Mr. Chairman, I have heard a lot of noise there and an awful lot of misinformation beginning with the fact that I do not think it is the Kasich amendment at all. He signed a "Dear Colleague," but I think he has some afterthoughts about having even done that.

Mr. Chairman, I certainly rise in opposition to this Markey amendment. The amendment would zero out an appropriation of \$20 million for what I believe is an extremely important ongoing environmental nuclear waste reduction research program being conducted by the Department of Energy in Illinois and in Idaho.

The program is known as the electrometallurgic treatment program. It shows, I believe, promise as a method to greatly reduce, reduce, not increase, the volume and toxicity of over 2,700 metric tons or more than 150 different types of spent nuclear fuel which is supported at various DOE sites throughout this Nation.

It is a new and exciting treatment of spent fuel which also locks up and makes inaccessible plutonium that spent fuel contains. There is no proliferation here of plutonium. And that is what, when we talk about reprocessing, I think the gentleman must know; when we talk about reprocessing of nuclear waste, we are talking about the creation of pure plutonium. That alone is weapons grade plutonium. When we take that plutonium and we bind it with the actinides and the transuranic wastes, then you have no problem in that regard. And that is what this new process does. It is not reprocessing.

This technology can also potentially be applied to commercial spent fuel as well. This process also is not an enrichment technology, as has been erroneously contended, and it cannot become such. If, however, the fuel that is treated contains highly enriched uranium, it is blended down with a depleted uranium to make low enriched uranium. And it is not a breeder reactor, it is not the IFR, it is not the old breeder reactor. It is a research program designed to take spent nuclear fuel and make it less threatening to the environment.

It is obviously environmentally sound, and it is endorsed by the administration. It is endorsed by the Department of Energy. It is endorsed by the National Academy of Sciences, the National Academy of Engineering, the Institute of Medicine, who have looked into this and evaluated them very closely.

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

Mr. BROWN of California. Mr. Chairman, I thank the chairman of the subcommittee for yielding me this 2 minutes. I am not an expert on this process, but I have been led to examine it at some length, and particularly to looking at the National Academy of Sciences review of the program. I have become convinced that the program is

technically viable and desirable as giving us another option for the control of high-level nuclear waste.

I was vastly entertained by the description of the program by the gentleman from Massachusetts [Mr. MARKEY]. The gentleman could follow another career with great profit as an entertainer based upon his performance here. I am particularly interested in his trying to relate this to the breeder reactor program or the development of a plutonium society. I actually led the fight at the time that he mentioned to end the Ventura breeder reactor at the request of President Carter, and I am not a fan of breeders.

I do not want to see an economy based upon breeders, an energy economy or any other kind. From everything that I can see about this technology, it has no real relationship to the development of a breeder program. It is intended instead to be a safe way of disposing of the waste from what is known as the EBR-2, the experimental breeder reactor 2, which we are building at the present time, merely as a small experimental breeder.

It is intended to be a technology for disposing of a major part of the waste stream from that reactor. I therefore urge defeat of the Markey amendment.

Mr. MYERS of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Idaho [Mr. CRAPO] who has been a very valuable member of this committee.

Mr. CRAPO. Mr. Chairman, I too rise in opposition to the amendment. I think that several things need to be restated. First, this is not a debate over the breeder reactor. Those who oppose this technology have consistently tried to make that connection and falsely so.

The argument has been made that this is a budget issue. The fact is that the D.C. Superior Court recently ruled that by 1998 the Department of Energy must take possession of and manage the spent fuel in this country. This is a technology that will help us reduce the volume of the spent fuel and reduce the toxicity of the spent fuel and better manage it.

The argument has been made that it is a nonproliferation risk. I do not know whether we are talking about the same technology here, because this does not increase the plutonium, it binds the plutonium so that it cannot be used for weapons grade material, and it makes it ready for storage in safe manners.

In fact, as I listened to the debate of the gentleman from Massachusetts, I was convinced that we were literally talking about different technologies. As has been indicated, there are major different scientific groups that support this. I encourage my colleagues to look to those scientists and oppose this amendment.

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

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

What we are talking about here is electrometallurgical treatment. It seems to me that maybe Shakespearean scholars do not want to listen to what scientists have to say about this, but it is, it seems to me, somewhat relevant that the National Academy of Sciences supports this kind of research. Shakespearean scholars may not care about what scientists think, but it does seem to me that the fact that the National Research Council supports this process makes some sense.

Shakespearean scholars may not care what scientists think, but it is true that the National Academy of Engineering supports this kind of process. It is also true that scientists at the Institute of Medicine in looking at this think that it is worthwhile to do.

Now, we can quote a whole bunch of people who have an agenda who are opposed to this kind of research, but let us understand what that agenda is. That agenda is to try to kill nuclear power. And so when they are given the kind of research that is critical to the solution of the Nation's spent nuclear fuel problem, obviously they are opposed to continuing that research. When they are given research that reduces the volume and the toxicity of the spent fuel and better prepares it for safe storage, they are opposed to that because their agenda is to kill nuclear energy. It is not to do good science.

Good science is supported by the National Academy of Science, by the National Research Council, by the National Academy of Engineering and by the Institute of Medicine. They all say we ought to go forward with this. I think we should too. Stop the Markey amendment. Defeat it tomorrow.

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

Let me say quite clearly that the gentleman who was just in the well unfortunately has such a commitment to these corporate welfare programs that is impossible to break the addiction. This amendment is opposed by Citizens for a Sound Economy and Taxpayers for Common Sense. Those of us who are committed to balancing the Federal budget by the year 2002 have to be informed by these taxpayer groups that are looking, scouring the Federal budget, looking for the pork barrel projects that cannot be justified any longer. And under the guise of the red herrings, making this sound like some kind of antinuclear amendment, when the primary reason we should be opposing it is that the Citizens for a Sound Economy, Taxpayers for Common Sense, oppose it.

I am feeling right now that we should put an aquarium down in the well to contain all of the red herrings that the gentleman from Pennsylvania and others have injected into this debate. In fact, the reality here is that without question not only does this not solve the problems that have been pointed

out by the opponents of this amendment, but it creates new ones.

The scientists, well, I have scientists. And my scientists, Albert Walstetler, perhaps the most respected, by the way, of any in the United States, he says quite clearly, whatever the name, what DOE proposes is clearly reprocessing. It is the separation of fissile, of fertile material from nuclear waste in the special case of EBR-2 spent fuel reprocessing may or may not make it easier to dispose of the waste, but it does not alter proliferation dangers. Vote "yes" on the Markey amendment.

Mr. MYERS of Indiana. Mr. Chairman, I will present a letter from the PIRG opposing this amendment. Mr. Chairman, I yield the remainder of my time to the gentleman from Michigan [Mr. EHLERS], the only scientist, I think, in Congress who knows what he is talking about.

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding me this time. After that introduction, I am almost afraid to hear what I am going to say. It reminds me of a little medal which a friend presented to me a few days ago which I do not have the courage to wear on the floor. But it says, why, yes, I am a rocket scientist, which might be appropriate at this point.

I would note that the gentleman from Massachusetts referred to red herrings, which reminded me that you need boats in order to catch red herrings or other-colored herrings. And I come from Michigan where we have a great many boats, and we define a boat as a hole in the water into which you pour money. And that is unfortunately true.

But in our nuclear waste program in this Nation, nuclear waste repository is a hole in the ground into which you pour money. If we are serious about budget problems, we should worry about how we can reduce the costs of burying nuclear waste. We have spent billions and billions of dollars on the nuclear waste repository in Nevada. Frankly, anything we can do to reduce the volume of nuclear waste is going to be a moneysaver, not an expenditure out the Federal budget. I support anything that is likely to reduce the amount of waste.

It seems to me the supporter of the amendment makes a comment that it is reprocessing, and therefore it is bad. Of course it is reprocessing. That does not necessarily make it bad. In fact it is able to reduce the problem, increase the safety of disposal of the waste, I think it is a good project.

The National Research Council has evaluated it and has come up with a statement that this is the methodology that should be pursued. Is it in fact going to be a positive response to our nuclear waste problems? We cannot guarantee that, but it certainly looks promising to the Research Council and National Academy of Sciences and others. Based on that, I think we should pursue the research further and determine whether or not it is going to be



effective. Based on that, I urge the defeat of the Markey amendment.

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

□ 2345

Mr. TORKILDTSEN. Mr. Chairman, I rise in strong opposition of this amendment to cut funding for pyroprocessing in the fiscal year 1997 energy and water appropriations bill.

Pyroprocessing is a chemical procedure used to separate plutonium and uranium from fuel that has been run through a nuclear reactor. The Department of Energy planned to use pyroprocessing as part of its program to develop the breeder reactor, similar, though not identical to the advanced liquid metal reactor which Congress killed in 1994.

This process is extremely hazardous to our environment because it creates additional radioactive wastes so toxic they may not be suitable for geologic storage. Pyroprocessing just doesn't make sense, especially when it is funded out of the DOE's waste management account which seeks to clean up hazardous material.

Furthermore, the funds this amendment seeks to eliminate were not authorized by the National Security Committee and will cut programs that will do more to clean up Department of Energy sites.

This amendment is endorsed by Citizens for a Sound Economy, the League of Conservation Voters, Taxpayers for Common Sense, and other environmental and public interest groups. It's not every day that the distinguished chairman of the Budget Committee, and the ranking minority member on Appropriations agree, but when they do we should listen.

Congress already had a similar debate when we voted to kill the advanced liquid metal reactor in 1994. Although the original program for which pyroprocessing was intended is long gone, the Department of Energy still receives funding for this program. Somehow this technology has taken on a life of its own and here we are again fighting for the environment and to eliminate this wasteful spending once and for all.

I urge my colleagues to protect the environment, balance the budget, and support the Markey-Kasich-Obey-Torkildsen amendment.

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 483, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. MARKEY] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. GUTKNECHT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. GUTKNECHT: Page 36, after line 10, insert the following new section:

SEC. 506. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Minnesota [Mr. GUTKNECHT] and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. GUTKNECHT].

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

Mr. Chairman, the hour is late and we have had plenty of debate. This is the ninth time that I have offered this same amendment. This is a 1.9 percent across-the-board reduction.

Again, just for the benefit of those who may be keeping score at home, what we are really trying to do is recover the \$4.1 billion which we increased in spending above and beyond what this House said we were going to spend, causing a spike in the proposed deficit for next year.

Mr. Chairman, I am again offering this amendment in good faith. Even though I know that the chairman, the gentleman from Indiana [Mr. MYERS] and his subcommittee have done an excellent job in controlling spending, I really believe if we are serious about balancing the budget we have got to find a way to recover that \$4.1 billion. Otherwise, I am afraid we cannot face our kids in good conscience and say that in 3 years we will be able to save \$47 billion.

Mr. Chairman, I do not have that much to say about this amendment other than that it would ultimately reduce total expenditures in this bill by about \$376 million. We would still be spending \$19.4 billion.

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

The CHAIRMAN. Is the gentleman from Indiana in opposition to the amendment?

Mr. MYERS of Indiana. Mr. Chairman, I do rise in opposition.

The CHAIRMAN. The gentleman from Indiana [Mr. MYERS] will be recognized for 10 minutes.

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

Mr. Chairman, I think everyone who has been here this evening has heard the desperation some Members have wanting more money added in the bill. We have cut this bill just about every category right down to the bare bone. I am in sympathy with what the gentleman from Minnesota [Mr. GUTKNECHT] is trying to do. Through the years I think I have certainly supported my share of across-the-board cuts. Back years ago, Frank Bow, former ranking member of this Committee on Appropriations, used to offer a 10-percent amendment. I often supported that. We used to have Clarence

Miller of Ohio offer a 5-percent amendment. We have had various deviations from this. But this bill has already been cut right down to the bare bones. As an example, we now are just barely meeting the maintenance requirements for the Corps of Engineers to operate 50-year-old locks and dams. There is a safety factor. We have a danger. We had one dam in California collapse because we were not properly maintaining it. We can not just start cutting things that we just simply cannot afford to cut any further.

I am concerned about balancing the budget by 2002. In fact, I would like to make it by the year 2000. But these are all investments in our future. Much of the funding has already been cut. I ask a "no" vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, essentially we are talking about two pennies, two pennies out of every dollar allocated to Federal spending that can keep us from increasing this deficit. Is it too much to expect Washington to live within its means? Is it extreme to expect Washington to balance the people's budget?

Millions of hard-working American families are forced to balance their budgets every month. We are talking about balancing the budget in 7 years. We are talking about cutting domestic discretionary spending by 1.9 percent, simply 1.9 percent, so that we can get back on that path that we said we would stay on. We promised that we would go on a diet but now we are saying, well, we are going to have one more milkshake.

I do respect what the committees have done, as the chairman says, and I believe he is speaking in good faith that we have cut this budget down to the bone, but frankly, Mr. Chairman, we are going to have to cut even further as we go along toward that 2002 goal. So if we are down to the bone now, how will we ever possibly balance the people's books?

This is not about a mean-spirited accounting exercise. I am not trying to demagogue this issue. What I am really saying on behalf of the children of America is that we have got to make the tough choices, we have got to eliminate more of the waste in the Federal Government, we have got to cut Federal spending. Otherwise, we will ensure that our kids are going to enjoy a lower standard of living than we enjoyed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT].

The amendment was rejected.

Mr. RIGGS. Mr. Chairman, I ask unanimous consent to strike the last word for the purposes of engaging in a colloquy with the subcommittee chairman.

The CHAIRMAN. Without objection, the gentleman from CA is recognized for 5 minutes.

There was no objection.

Mr. RIGGS. Mr. Chairman, as the subcommittee chairman well knows, vernal pools are seasonal wetlands which form in poorly drained swales or depressions in the earth. A number of plant species are indigenous to these pools and they sometimes serve as temporary waterfowl habitat. Because they are defined as jurisdictional wetlands of the United States, vernal pools are regulated by the Army Corps of Engineers under existing Federal law.

These vernal pools can be found in various parts of northern California, including my congressional district. In the 102d Congress, I convened a so-called vernal pools task force for the purpose of trying to streamline the regulatory process dealing with vernal pools.

As our committee's report points out, the goal of the vernal pools task force, which has been in existence and continued their work since the 102d Congress, is to develop a general permit application that will identify a finite area of high grade vernal pools suitable for protection.

Funding for the vernal pools task force has been provided through the annual energy and Water Development appropriations. As a member of this subcommittee and as a convenor and initiator of the task force, I am pleased to have a role in overseeing the task force funding.

However, as we proceed to consider funding for the vernal pools task force in the future, I am concerned that the task force is diverting from its original objectives. If this effort is to receive further support from the Congress, then the Santa Rosa plain vernal pool ecosystem plan and the general permit issued by the Corps of Engineers to implement this plan should be designed to further the following principles:

First, the regulatory burden on landowners should be reduced wherever and whenever feasible.

Second, the regulatory process should be streamlined by simplifying the rules, eliminating unnecessary or duplicative rules and processes and reducing the number of agencies reviewing and approving the activities of landowners.

Third, local control of land use should be promoted by confirming that the primary responsibility for such matters resides with local government.

Fourth, the plan and the implementing general permit from the Army Corps of Engineers should recognize the interest of landowners and society in the uses of land for a variety of purposes, such as housing, transportation, agriculture and business as well as conservation of natural resources.

Fifth, the plan and the implementing general permit should be based on accurate information and sound science.

Sixth, the plan and the implementing general permit should be developed in a manner that encourages public participation and affords an opportunity to achieve as much consensus as possible.

Seventh, individual landowners should be directly notified by the Corps of Engineers of actions that might impact on their properties.

In summary, Mr. Chairman, the vernal pools plan and the implementing permit should mirror nationwide permit 26. There should be sites where activities are authorized without an individualized review or approval by any Federal agency provided that such sites do not contain habitat for any threatened or endangered species. Such sites should include: any parcel of land less than 1 acre in size; any parcel of land where 90 percent or more of the land has been improved with structures, infrastructure, landscaping or related facilities; and any parcel of land containing less than 1 acre of these wetlands.

I ask the chairman to respond to my comments and acknowledge my concerns regarding the ongoing work of this vernal pools task force.

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

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

Mr. MYERS of Indiana. I thank the gentleman for his observations here. This committee has heard about vernal pools and has been concerned, but no one knew what to do about them. We congratulate him for establishing this task force to conduct an investigation and hopefully come up with some good recommendations.

I am sure the committee will continue to be concerned about the issue that the gentleman has identified here. It is a real problem, I know, for the gentleman and for Californians. We will continue to support and watch the accomplishments the gentleman makes with his task force.

Mr. RIGGS. Mr. Chairman, I appreciate that very much. I know the gentleman is moving on and will not have to worry or concern himself with matters such as the vernal pools, but I do appreciate his support for the concerns that I have expressed in this colloquy and again wish him best wishes.

Mr. MYERS of Indiana. Maybe I will come out and fish in those pools sometime.

Mr. RIGGS. The gentleman would be most welcome.

AMENDMENT OFFERED BY MR. FILNER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FILNER: Page 2, after line 23, insert the following: "Tijuana River Basin, California, \$600,000;"

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California [Mr. FILNER] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise to offer an amendment that would allow the Army Corps of Engineers to conduct critically needed studies to begin addressing and remedying serious flooding in the Tijuana River Valley in San Diego.

Back in 1979 the Army Corps built a flood control project in the river valley but conditions have changed and it no longer works. It needs to be reevaluated, and this study can be fit entirely within the General Investigations account of the Army Corps.

The International Boundary and Water Commission which has the responsibility to maintain this project recently informed me that the situation within the Tijuana River Valley requires an immediate reevaluation of the hydraulic conditions.

As they said, the area downstream of the project has changed considerably within the last 25 years and has changed the hydraulic characteristics. Because of this change the project can no longer function as originally designed.

In fact, serious flooding has occurred in the valley in 1983, 1985 and again in 1993. Furthermore, a couple of months ago there was a bomb scare at the Rodriguez Dam in Mexico. If this dam were to break, it would devastate the areas downstream of the reservoir, in this case the whole southern portion of San Diego County. It literally would imperil hundreds of thousands of American citizens. During this apparent terrorist episode the city of San Diego and the county water district discovered that there was no emergency response plan to deal with the failure of this dam.

My amendment would appropriate \$600,000 and direct the Army Corps, in consultation with the International Boundary and Water Commission, to conduct a study to provide an update of the hydrology in the Tijuana River Valley and prepare an emergency dam break response plan.

Mr. Chairman, the Tijuana River Valley deserves protection from floods and from terrorists. I urge my colleagues to approve this request.

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

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

Mr. MYERS of Indiana. Mr. Chairman, the gentleman has discussed this problem, which is an international problem now, with the committee and the committee is very much aware of the situation. But, unfortunately, as we have discussed, we do not have the funds to do everything. But we are very much aware of it and we have worked very closely with the gentleman from California.

Mr. FILNER. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. BILBRAY]. I thank him profusely for staying with us late in the evening and for his support.

The CHAIRMAN. The gentleman from California is recognized for 3 minutes.

Mr. BILBRAY. Mr. Chairman, it has been an interesting evening.

Mr. Chairman, I stand in support of the amendment. It is actually not in my district but it is adjoining my district. To be really blunt about it, the people in my district along the coast are really kind of tired of seeing the damage and the carnage occurring in Mr. FILNER's district through floods caused by an international agreement and actually the damage flushing down into my district.

Frankly, I will say this, though it is not my district, I personally rescued drowning livestock and drowning illegal aliens who have been stranded in this situation that has been cruel and with a great loss of life because of this situation.

Mr. Chairman, this is not a local problem and it is not a natural problem that Mr. FILNER is speaking about here. This is a problem that has been created through the actions of the United States Government in conjunction with the Mexican Government. Both the treaty of Guadalupe Hidalgo which created the International Boundary and Water Commission and the cooperative efforts on projects that have related to that treaty are directly related to this flooding.

The flooding that has occurred has been a direct product of the channelization on the Mexican side with the support and the subsidy of the United States Government. The dam at Rodriguez is a dam that was built in the 1930's and the 1940's with the subsidies and the treaty of the U.S. Government.

□ 0000

The problem that Mr. FILNER's district is incurring at this time is a direct responsibility of the U.S. Government. It is one that we can not walk away from. It is one that is not just a responsibility to Mr. FILNER's district but it is also a responsibility that we bear signing treaties with a foreign government, the Republic of Mexico, that we would address the flooding problems that occurred because of their channelization and the improvements on their side of the border.

I would just ask both sides of the aisle to recognize that this is not a situation of nature flooding Mr. FILNER's district. This is an issue of a breakdown along international boundaries, of Federal intervention without completing a project.

There has been problems that have occurred in this area, Mr. Chairman, that were unforeseen. We all accept that. But I just ask you that, because they were unforeseen, you do not treat them as if they are nonexistent.

I ask this body to address this problem. It does not relay only on Mr. FILNER's people to address this problem. They did not have the authority to make the decision for these treaties or to build these projects. That responsibility and that right rests with us in the Federal Government. Thus, the

problems that have occurred because of those problems rest with us today. I ask for support of the amendment.

Mr. MYERS of Indiana. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. MYERS] is recognized for 5 minutes.

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

As I previously stated, we just do not have the money to do this project. We understand the problem.

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

Mr. MYERS of Indiana. I yield to the gentleman from California.

Mr. FILNER. Mr. Chairman, I appreciate the understanding of the chairman and the understanding of the ranking member. I understand that because of the international nature of this request and the urgency of it, that they will be working with us to try to deal with it in the future.

Mr. FILNER. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. HILLEARY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HILLEARY: At the appropriate place in the bill, insert the following:

SEC. . . None of the funds made available to the Tennessee Valley Authority by this Act may be appropriated when it is made known to the Federal official having authority to obligate or expend such funds that the Tennessee Valley Authority is imposing a performance deposit on persons constructing docks or making other residential shoreline alterations.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Tennessee [Mr. HILLEARY] and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. HILLEARY].

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

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

Mr. Chairman, I urge my colleagues to support this amendment to protect the private property rights of thousands of dock owners on lakes in the Tennessee Valley.

TVA is currently developing new regulations known as the Shoreline Management Initiative. The proposed regulations call for imposing a \$1,000 deposit on all persons who own docks on TVA lakes. Under the proposal, the deposit would be returned to the owner, with interest, upon the sale of the property. Therefore, my amendment will have no impact on the budget.

My objection is that this new charge will have a significant impact on the property values of the lakeshore residents.

TVA has 11,000 miles of shoreline along its lakes. More than 47,000 permits have been issued for structures on the lakes. This new deposit will affect every one of those property owners when they attempt to sell their property. New owners will have to bring an additional \$1,000 to the table at closing. That's an awful lot of extra money needed at closing.

This means that either the owner will have to reduce his selling price or agree to pay the deposit for the buyer. Either way, the homeowner has lost value in his property.

Mr. Chairman, there have been many problems in the development of these new regulations as well.

I, like my constituents, just learned of the impact of these new draft regulations about 2 weeks ago when TVA began holding public hearings to explain the new 300-page document which contains the draft regulations. Further, many of my constituents have been outraged that they only learned about the meetings after they occurred.

Many of my constituents have contacted me complaining that they were not informed of the development of the Shoreline Management Initiative or the public hearings in their area. Only 6,500 people received an invitation in the mail to these hearings out of millions who live in the Tennessee Valley.

Clearly, the citizens impacted by the Shoreline Management Initiative were not well informed of the process.

In a recent letter I sent to the Chairman of TVA, I encouraged TVA to schedule additional meetings and to extend the public comment period beyond August 31.

I am pleased to announce that late this afternoon TVA agreed to my request and extended the comment period through the end of September.

There is an urgent need for us to adopt this amendment because if we do nothing, TVA could implement these new regulations as soon as December of this year. My constituents need the opportunity to be clearly heard on the proposed regulations which will have such a major impact on the property rights and property values of lakeside residents.

Mr. Chairman. I urge my colleagues to support this amendment.

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

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

Mr. MYERS of Indiana. Mr. Chairman, the gentleman has discussed this amendment with the committee. We understand the problem, and we are willing to accept the amendment.

Mr. HILLEARY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. HILLEARY].

The amendment was agreed to.

Mr. MYERS of Indiana. Mr. Chairman, I ask unanimous consent to strike the last word.

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

There was no objection.

Mr. MYERS of Indiana. Mr. Chairman, the committee has completed its work this evening on the bill. All amendments have been taken care of. We will have three votes tomorrow ordered on amendments and the possibility of any votes on any amendments that might have been passed when they come back in the full House. Then we will have a vote on final passage.

Mr. Chairman, we thank everybody for their patience and understanding.

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. RIGGS) 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. 3816) making appropriations for energy and water development of the fiscal year ending September 30, 1997, and for other purposes, had come to no resolution thereon.

#### REPORT OF ACTIVITIES OF UNITED STATES GOVERNMENT IN THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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 International Relations:

##### *To the Congress of the United States:*

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during calendar year 1995. The report is required by the United Nations Participation Act (Public Law 264, 79th Congress; 22 U.S.C. 287b).

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 24, 1996.

#### APPOINTMENT AS MEMBER OF BOARD OF VISITORS TO U.S. NAVAL ACADEMY

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 6968(a) of title 10, United States Code, the Chair announces the Speaker's appointment of the following Member of the House as a member of the Board of Visitors to the U.S. Naval Academy to fill the existing vacancy thereon: Mr. MCHALE of Pennsylvania.

There was no objection.

#### SUPPORT H.R. 3849, LEGISLATION AMENDING THE CLEAN AIR ACT AMENDMENTS OF 1990

(Mr. BURR asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. BURR. Mr. Speaker, sometimes the Federal Government makes a mistake. The test of truly effective government is how quickly an institution can correct those errors. Today I stand here on the House floor to remedy such a mistake.

In 1990 the EPA listed a chemical called ethylene glycol monobutyl ether, or EGBE, on its hazardous air pollutants list under the Clean Air Act amendments. This chemical is considered not harmful to the stratosphere and according to scientific studies does not harm the environment. This is in fact a case of mistaken identity.

Although the listing of chemicals seems like an insignificant blunder, the incorrect listing of this material has far-reaching effects. The mislabeling of this chemical has the potential to cost the can manufacturing industry hundreds of millions of dollars and threatens jobs across the country. In my district alone over 450 citizens hold jobs in the can industry.

Last week I and 22 of my colleagues introduced a commonsense piece of legislation that will remedy this situation. I urge my colleagues to support H.R. 3849.

Mr. Speaker, I have introduced legislation, with 22 bipartisan colleagues, that would remedy a regulatory situation that I believe mistakenly identifies and regulates a chemical used in the can manufacturing process as hazardous. The mislabeling of this chemical seems technical on its face, but this technicality has the potential to cost the can manufacturing industry hundreds of millions of dollars and threatens the job of can workers. It is up to Congress to take corrective action.

The chemical (ethylene glycol monobutyl ether—EGBE) is listed on the EPA's list of Hazardous Air Pollutants [HAP's] as established under the Clean Air Act amendments of 1990. While most chemicals are listed separately, Congress created a situation in which whole families of some chemicals are listed as pollutants under a "unique chemical substances" category, even when certain members of the families are not hazardous when used in a specific manufacturing process. This is the case with EGBE when used as a can coating.

I am not arguing that we should back away from our regulation of known hazardous air pollutants. Those elements are, and should continue to be, regulated under HAP's. EGBE, however, is not a hazardous air pollutant. It was included on the HAP's list because it belongs to a large family of widely-varying "unique chemical substances" known as glycol ethers. This legislation simply stipulates that the glycol ether category does not include EGBE when used as part of the can manufacturing process.

As you are aware, Mr. Speaker, inclusion on the EPA's list of HAP's triggers a series of regulations often requiring the installation of ex-

pensive emissions control equipment. That is the case with the listing of EGBE as a hazardous air pollutant. Unless corrected, this listing will force the installation of emissions control equipment at each can manufacturing facility, at a cost of compliance estimated to be about \$4 million per plant. Nationally, the cost may reach a quarter of billion dollars for all plants to comply. That financial burden will likely mean an increase in the cost of cans, lower productivity, an international trade disadvantage, and most importantly, potential job losses for the thousands of workers in these plants.

I am proud to represent the 467 employees at the American National Can Co. beverage can plant in Winston-Salem and the Reynolds Metals Co. beverage can plant in Reidsville. That may not sound like a large number of workers to many of you, but they are important to me and to the economic vitality of my district. And I am not alone in this body. There are can manufacturing facilities in 34 States and in more than 180 districts across the Nation. These are some 45,000 highly paid, skilled workers in these plants. They should not be placed at risk of job loss because of what I believe is a technical error Congress helped to create and Congress must correct.

We need to protect the environment. We will continue to do so. Substances that are legitimately classified as hazardous air pollutants will continue to be regulated by their listing as a Hazardous Air Pollutant under the Clean Air Act amendments of 1990. When we find, however, that broad policy decisions result in specific regulatory mistakes, then we should fix what we broke. That is precisely what this legislation does.

There is overwhelming scientific evidence that EGBE should not be considered a hazardous air pollutant when used in the can manufacturing process. The Environmental Protection Agency itself has consistently told the industry that they believe the can industry's use of EGBE is not harmful to the stratosphere and does not harm the environment. The EPA, however, does not have a process for delisting a single circumstance like this under the Clean Air Act amendments. They have worked with the industry, but may not be able to remedy this situation administratively. Delisting must, therefore, be achieved through the legislative process.

By approving this legislation, we can help maintain the vitality of the industry and save jobs without jeopardizing the integrity of our environmental laws. I urge my colleagues to join me in making this correction to the clean air amendments of 1990.

#### TRIBUTE TO DAVID J. TOSCANO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. PAYNE] is recognized for 5 minutes.

Mr. PAYNE of Virginia. Mr. Speaker, I rise today to recognize a citizen whose passion for public service has benefited his community for over a decade.

On July 1, 1996 David J. Toscano stepped down as mayor of Charlottesville, VA after presiding in that office for 2 years. During his tenure as mayor, as well as his previous political career, David has squarely focused his efforts on making sustainability a reality for the city of Charlottesville.