Sandlin	Stark	Velazquez
Sawyer	Stenholm	Vento
Schakowsky	Strickland	Visclosky
Scott	Stupak	Waters
Serrano	Tanner	Watt (NC)
Sherman	Tauscher	Waxman
Shows	Thompson (CA)	Weiner
Sisisky	Thompson (MS)	Wexler
Skelton	Thurman	Weygand
Slaughter	Tierney	Wise
Smith (WA)	Towns	Woolsey
Snyder	Turner	Wu
Spratt	Udall (CO)	Wynn
Stabenow	Udall (NM)	

NOT VOTING—5

Chenoweth	McDermott	Peterson (PA)
Cummings	Oberstar	

□ 1640

Mr. CRAMER changed his vote from ''yea'' to ''nay.

Mr. GOODLATTE changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PACKARD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 2605) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from California?

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to House Resolution 261 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2605.

□ 1642

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2605) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes, with Mr. Hansen in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from California (Mr. PACKARD) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. PACKARD).

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

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

Mr. PACKARD. Mr. Chairman, it is my privilege to present to the Committee of the Whole for its consideration the bill H.R. 2605, making appropriations for energy and water development for the fiscal year ending September 30, 2000.

Mr. Chairman, this bill provides annual funding for a wide array of Federal Government programs involving such diverse matters as national security, environmental cleanup, flood control, advanced scientific research, navigation, alternative energy sources, and the nuclear power regulation.

□ 1645

Programs funded by this bill affect multiple aspects of American life, having significant implications for domestic security, commercial competitiveness, and the advance of science.

I am proud of the bill reported by the Committee on Appropriations without amendment, and I believe it merits the support of the entire membership of this body.

Perhaps the most remarkable aspect of this bill is its constrained size. The measure represents an unqualified victory for fiscal austerity, conservativism, and responsibility.

Total funding for the energy and water bill in H.R. 2605 is $20.19 billion. This is more than $900 million below the fiscal year 1999 baseline for energy and water development programs. Further, it is $1.4 billion below the budget request and more than $1 billion less than the energy and water bill passed by the Senate earlier this year.

Mr. Chairman, the substantial cuts contained in H.R. 2605 are real. They are not produced by smoke and mirrors gimmicks or creative accounting. They, rather, are the result of a fiscal discipline demanding reduction in the size, scope, and cost of the Federal Government.

Despite the bill's deep programmatic reductions, it provides adequate funding for the continuation of high priority programs, promising the greatest return on the investment of taxpayer dollars.

The cost-effective civil works program of the U.S. Army Corps of Engineers, for example, is funded at a level significantly higher than the budget request and slightly higher than the fiscal year 1999 level. This funding is more than offset by considerable reductions in the Department of Energy.

The bill requires, for example, a reduction of $125 million in DOE contractor travel expenses. This is one-half the level of this current year. And, as my colleagues all know, we have received documented evidence of abusive travel in that Department.

Mr. Chairman, I owe a great debt of gratitude to the hard-working members of the Subcommittee on Energy and Water Development. They have labored hard under difficult fiscal constraints to provide a bill that is balanced and fair.

I especially want to express my gratitude to the ranking minority member, the honorable gentleman from Indiana (Mr. VISCLOSKY). He has been extremely helpful. Together we have developed a good bill. I know there are one or two items of disagreement, but overall I think both of us support a very good bill.

I am very proud of his efforts and pleased that we have worked as well as we have together. It is in large part due to his effort that we present this bill that merits the support of all the Members on final passage.

Mr. Chairman, I urge all Members to support H.R. 2605 as reported by the Committee on Appropriations.

Mr. Chairman, it is my privilege to present to the Committee of the Whole for its consideration H.R. 2605, making appropriations for energy and water development for the fiscal year ending September 30, 2000. Mr. Chairman, this bill provides annual funding for a wide array of Federal government programs, comprehending such diverse matters as national security, environmental cleanup, flood control, advanced scientific research, navigation, alternative energy sources, and nuclear power regulation. Programs funded by this bill affect multiple aspects of American life, having significant implications for domestic security, commercial competitiveness, and the advance of science. I am proud of the bill reported by the Committee on Appropriations without amendment, and I believe it merits the support of the entire membership of this body.

Perhaps the most remarkable aspect of this bill is its constrained size. The measure represents an unqualified victory for fiscal austerity, conservatism and responsibility. Total funding for energy and water programs in H.R. 2605 is $20.19 billion. This is more than $900 million below the fiscal year 1999 baseline for energy and water development programs. Furthermore, it is $1.4 billion below the budget request and more than $1 billion less than the Energy and Water Bill passed by the Senate earlier this summer.

Mr. Chairman, the substantial cuts contained in H.R. 2605 are real. They are not produced by smoke and mirrors, gimmicks, or creative accounting. Rather, they are the result of a fiscal discipline demanding reduction in the size, scope and cost of the Federal government.

Despite the bill's deep programmatic reductions, it provides adequate funding for the continuation of high-priority programs promising the greatest return on the investment of taxpayers dollars. The cost-effective civil works program of the U.S. Army Corps of Engineers, for example, is funded at a level significantly higher than the budget request and slightly higher than fiscal year 1999. This funding is more than offset by considerable reductions in the Department of Energy. The bill requires, for example, a reduction of $125 million in DOE contractor travel expenses, an area of documented abuse.

Title I of the bill provides funding for the civil works program of the Corps of Engineers. The Subcommittee on Energy and Water Development is unanimous in its belief that this program is among the most valuable within the Subcommittee's jurisdiction. The national benefits of projects for flood control, navigation

and shoreline protection demonstrably exceed project costs. The bill acknowledges the importance of water infrastructure by funding the civil works program at $4.19 billion, an increase of $91 million over the fiscal year 1999 level and $283 million over the amount requested by the Administration.

Within the amount appropriated to the Corps of Engineers, $159 million is for general investigations, $1.413 billion is for the construction program, and $1.888 billion is for operation and maintenance. In addition, the bill includes $313 million for the Flood Control, Mississippi River and Tributaries, project. This is an increase of $33 million over the Administration's patently inadequate budget request. The bill also fully funds the budget request for the regulatory program, general expenses, and the Formerly Utilized Sites Remedial Action Program.

Mr. Chairman, funding for title II, most of which is for the U.S. Bureau of Reclamation, totals $822 million—a reduction of less than $3 million below the fiscal year 1999 level. The bill includes level funding of $75 million for the CALFED Bay-Delta restoration program and fully funds the budget request for the Central Valley Project restoration fund and the Bureau of Reclamation loan program.

Substantial reductions are included throughout title III of the bill, which funds the Department of Energy. DOE spending reductions, however, are not applied indiscriminately. The Committee has examined each program to determine its relative value and merit. As a consequence, the bill includes more than $2.7 billion for the science programs of DOE. This represents an increase of $36 million over the fiscal year 1999 level and reflects our commitment to protecting the Federal investment in our national scientific infrastructure.

Funding for energy supply programs of the Department totals $578 million. This includes $326 million for research and development of solar and renewable energy technologies. Although this falls short of the Administration's unrealistic budget request, it is a substantial and credible level of funding. Given the Department's historical difficulties in executing these programs, I submit that the recommendation is more than generous.

The energy supply account also includes $266 million for nuclear energy programs. The bill provides $20 million, an increase of $1 million over last year's level, for the nuclear energy research initiative. It also includes $5 million, the full amount of the budget request, to initiate the nuclear energy plant optimization program.

The largest spending category in the Energy and Water Bill is that of environmental restoration and waste management at Department of Energy sites. Funding for cleanup activities in title III of the bill exceeds $6 billion—more than $5.44 billion for defense-related cleanup and more than $560 million for non-defense cleanup activities. The Committee is dedicated to the environmental restoration of areas that participated in the development and maintenance of our nuclear weapons complex. This bill reflects the Committee's continued efforts to promote actual, physical site cleanups and to accelerate the completion of remediation work at DOE sites. Accordingly, the Committee has provided $1.05 billion, the full amount of the budget request, for defense facilities closure projects. This account concentrates funding on discrete sites that are on schedule for cleanup completion by the year 2006.

The bill includes $4 billion for weapons activities of the Department of Energy. This considerable amount should be sufficient to provide for legitimate requirements of stockpile stewardship and management in the coming year. When Congress agreed to initiate the science-based stockpile stewardship program of the Department, it did so based on the pretense that funding for weapons activities would be contained at $4 billion a year for ten years. In the few short years since this program's initiation, however, weapons funding has steadily climbed to $4.4 billion in fiscal year 1999, and the budget requests a further increase of $124 million for fiscal year 2000. The Department has demonstrated neither the capacity nor the commitment to contain program expenses, leaving it to Congress to rein in these runaway costs.

In recognition that the national security programs of DOE must be reorganized, the bill includes language fencing $1 billion of the $4 billion weapons appropriation until such time as the national security programs of the Department have been restructured or an independent agency for national security programs has been established. We will not continue to pour money into a dysfunctional security operation without the promise of meaningful reform.

Section 317 of H.R. 2605 contains language intended to impose limits on the ability of Federal power marketing administrations to compete with the private sector in certain areas outside the sale of electricity. It is the intention of the House Managers that this section not vitiate or adversely impact any of the self-financed or ongoing direct financing relationships for power operations and maintenance or power capital rehabilitation between the power marketing administrations (PMAs) and the Bureau of Reclamation or the U.S. Army Corps of Engineers. Likewise, the House Managers do not interpret this provision to impair the ability of PMAs to aid their customers, other utilities, state and local and other Federal government entities or the public in cases of emergencies or disruption of electrical service where assistance is not otherwise available to the requesting entity. Also, it is not the intent of the legislation to prohibit or disrupt the ability of PMAs to carry out the electrical transmission interconnection mandates of the Federal Energy Regulatory Commission's open access Orders Numbers 888 and 889. Finally, it is not the intent of the provision to disrupt any Y2K planning, testing and modifications necessary for the continued reliability of PMA electrical systems.

Title IV of the bill provides funding for certain independent agencies of the Federal government, including the Nuclear Regulatory Commission, the Appalachian Regional Commission, the Defense Nuclear Facilities Safety Board, and the Nuclear Waste Technical Review Board. Reductions in spending for independent agencies over the past five years have been nothing short of remarkable. In fiscal year 1995, Congress appropriated $470 million for title IV programs. The comparable figure for fiscal year 2000 is $84 million, a reduction of 82%. The bill provides no funding for the Tennessee Valley Authority, eliminating appropriated subsidies to that New Deal-era electric utility.

Mr. Chairman, I owe a debt of gratitude to the hard-working and dedicated Members of the Subcommittee on Energy and Water Development. They have labored under difficult fiscal constraints to produce a bill that is balanced and fair. I am especially grateful to the Ranking Minority Member, the Honorable PETE VISCLOSKY. It is in large part due to his efforts that we present a bill that merits the support of all Members of the House.

Mr. Chairman, I urge all Members to support H.R. 2605 as reported by the Committee on Appropriations.

ENERGY AND WATER APPROPRIATIONS BILL, 2000 (H.R. 2605)
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF DEFENSE - CIVIL					
DEPARTMENT OF THE ARMY					
Corps of Engineers - Civil					
General investigations	161,747	135,000	158,993	-2,754	+23,993
Construction, general	1,429,885	1,239,900	1,412,591	-17,294	+172,691
Supplemental appropriations (P.L. 105-277)	35,000	.....	.....	-35,000	.....
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	321,149	280,000	313,324	-7,825	+33,324
Emergency appropriations (P.L. 105-277)	2,500	.....	.....	-2,500	.....
Operation and maintenance, general	1,653,252	1,835,900	1,888,481	+235,229	+52,581
Emergency appropriations (P.L. 105-277)	99,700	.....	.....	-99,700	.....
Regulatory program	106,000	117,000	117,000	+11,000	.....
FUSRAP	140,000	150,000	150,000	+10,000	.....
General expenses	148,000	148,000	148,000	.....	.....
Total, title I, Department of Defense - Civil	4,097,233	3,905,800	4,188,389	+91,156	+282,589
TITLE II - DEPARTMENT OF THE INTERIOR					
Central Utah Project Completion Account					
Central Utah project construction	25,741	21,002	20,431	-5,310	-571
Fish, wildlife, and recreation mitigation and conservation	10,476	12,047	10,476	.....	-1,571
Utah reclamation mitigation and conservation account	5,000	5,000	5,000	.....	.....
Subtotal	41,217	38,049	35,907	-5,310	-2,142
Program oversight and administration	1,283	1,321	1,283	.....	-38
Total, Central Utah project completion account	42,500	39,370	37,190	-5,310	-2,180
Bureau of Reclamation					
Water and related resources	617,045	652,838	604,910	-12,135	-47,928
(By transfer)	(25,800)	.....	.....	(-25,800)	.....
Supplemental appropriations (P.L. 106-31)	1,500	.....	.....	-1,500	.....
Loan program	8,421	12,425	12,425	+4,004	.....
(Limitation on direct loans)	(38,000)	(43,000)	(43,000)	(+5,000)	.....
Central Valley project restoration fund	33,130	47,346	47,346	+14,216	.....
California Bay-Delta ecosystem restoration	75,000	95,000	75,000	.....	-20,000
Policy and administration	47,000	49,000	45,000	-2,000	-4,000
Total, Bureau of Reclamation	782,096	856,609	784,681	+2,585	-71,928
Total, title II, Department of the Interior	824,596	895,979	821,871	-2,725	-74,108
(By transfer)	(25,800)	.....	.....	(-25,800)	.....
TITLE III - DEPARTMENT OF ENERGY					
Energy supply	727,091	834,791	577,579	-149,512	-257,212
(By transfer)	.....	(5,821)	(5,821)	(+5,821)	.....
Supplemental appropriations (P.L. 105-277)	60,000	.....	.....	-60,000	.....
Non-defense environmental management	431,200	330,934	327,223	-103,977	-3,711
Uranium enrichment decontamination and decommissioning fund	220,200	240,198	240,198	+19,998	.....
Science	2,682,860	2,839,178	2,718,647	+35,787	-120,531
Supplemental appropriations (P.L. 105-277)	15,000	.....	.....	-15,000	.....
Nuclear Waste Disposal	169,000	258,000	169,000	.....	-89,000
(By transfer)	.....	(39,000)	.....	.....	(-39,000)
Departmental administration	200,475	240,377	193,769	-6,706	-46,608
Miscellaneous revenues	-136,530	-116,887	-106,887	+29,643	+10,000
Net appropriation	63,945	123,490	86,882	+22,937	-36,608
Y2K conversion (emergency appropriations)	10,000	.....	.....	-10,000	.....
Office of the Inspector General	29,000	30,000	30,000	+1,000	.....
Environmental restoration and waste management:					
Defense function	(5,576,824)	(5,785,768)	(5,440,250)	(-136,574)	(-345,518)
Non-defense function	(651,400)	(571,132)	(567,421)	(-83,979)	(-3,711)
Total	(6,228,224)	(6,356,900)	(6,007,671)	(-220,553)	(-349,229)
Atomic Energy Defense Activities					
Weapons activities	4,400,000	4,524,900	4,000,000	-400,000	-524,900
Defense environmental restoration and waste management	4,310,227	4,503,276	4,157,758	-152,469	-345,518
Y2K conversion (emergency appropriations)	10,340	.....	.....	-10,340	.....
Defense facilities closure projects	1,038,240	1,054,492	1,054,492	+16,252	.....
Y2K conversion (emergency appropriations)	3,500	.....	.....	-3,500	.....
Defense environmental management privatization	228,357	228,000	228,000	-357	.....
Subtotal, Defense environmental management	5,590,664	5,785,768	5,440,250	-150,414	-345,518
Other defense activities	1,696,676	1,797,991	1,651,809	-44,867	-146,182
Emergency appropriations (P.L. 105-277)	525,000	.....	.....	-525,000	.....
Y2K conversion (emergency appropriations)	13,650	.....	.....	-13,650	.....
Defense nuclear waste disposal	189,000	112,000	112,000	-77,000	.....
Total, Atomic Energy Defense Activities	12,414,990	12,220,659	11,204,059	-1,210,931	-1,016,600
Power Marketing Administrations					
Operation and maintenance, Southeastern Power Administration	7,500	.....	.....	-7,500	.....
Operation and maintenance, Southwestern Power Administration	26,000	27,167	27,167	+1,167	.....
(By transfer)	.....	(773)	(773)	(+773)	.....

ENERGY AND WATER APPROPRIATIONS BILL, 2000 (H.R. 2605)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	203,000	171,471	171,471	-31,529	.....
Falcon and Amistad operating and maintenance fund	1,010	1,309	1,309	+299	.....
Total, Power Marketing Administrations	237,510	199,947	199,947	-37,563	.....
Federal Energy Regulatory Commission					
Salaries and expenses	167,500	179,900	174,950	+7,450	-4,950
Revenues applied	-167,500	-179,900	-174,950	-7,450	+4,950
Total, title III, Department of Energy	17,060,796	17,077,197	15,553,535	-1,507,261	-1,523,662
Appropriations	(16,423,306)	(17,077,197)	(15,553,535)	(-869,771)	(-1,523,662)
Supplemental appropriations	(75,000)	.....	.....	(-75,000)	.....
Emergency appropriations	(525,000)	.....	.....	(-525,000)	.....
Y2K conversion (emergency appropriations)	(37,490)	.....	.....	(-37,490)	.....
TITLE IV - INDEPENDENT AGENCIES					
Appalachian Regional Commission	66,400	66,400	60,000	-6,400	-6,400
Defense Nuclear Facilities Safety Board	16,500	17,500	16,500	.....	-1,000
Denali Commission	20,000	.....	.....	-20,000	.....
Rescission	.....	.....	-18,000	-18,000	-18,000
Nuclear Regulatory Commission:					
Salaries and expenses	465,000	465,400	455,400	-9,600	-10,000
Revenues	-444,800	-442,400	-432,400	+12,400	+10,000
Subtotal	20,200	23,000	23,000	+2,800	.....
Office of Inspector General	4,800	6,000	6,000	+1,200	.....
Revenues	-4,800	-6,000	-6,000	-1,200	.....
Subtotal	.....	.....	.....	.....	.....
Total	20,200	23,000	23,000	+2,800	.....
Nuclear Waste Technical Review Board	2,600	3,150	2,600	.....	-550
Tennessee Valley Authority: Tennessee Valley Authority Fund	.....	7,000	.....	.....	-7,000
Supplemental appropriations (P.L. 105-277)	50,000	.....	.....	-50,000	.....
Total, title IV, independent agencies	175,700	117,050	84,100	-91,600	-32,950
Grand total:					
New budget (obligational) authority	22,158,325	21,996,026	20,647,895	-1,510,430	-1,348,131
Appropriations	(21,493,635)	(21,996,026)	(20,665,895)	(-827,740)	(-1,330,131)
Rescissions	.....	.....	(-18,000)	(-18,000)	(-18,000)
Emergency appropriations	(664,690)	.....	.....	(-664,690)	.....
(By transfer)	(25,800)	(45,594)	(6,594)	(-19,206)	(-39,000)

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

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

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

Mr. VISCLOSKY. Mr. Chairman, I would again begin, as I did under the rule, to thank the chairman and all of the members for their good work and for this nonpartisan bill that is before the House today but to reiterate, as the chairman alluded to in his remarks during general debate, that there is one fundamental disagreement. That is two environmental riders that were added to the legislation. During the amendment process, I will have an amendment to remove those.

I would like to use my time during the general debate to set the stage for the House, if I could, on the two issues before us. Both deal with the Army Corps. Both deal with wetlands. Both deal with the Clean Water Act. If they are not removed from the legislation, the administration has indicated that they would veto the legislation because they are now included.

I would suggest to the body that they should be removed today.

The first deals with the issue of jurisdictional appeal. Today if a property owner wants to find out if there is a wetland on his or her property, they would approach the Corps and receive a determination. If the determination is not satisfactory to the property owner, they would then proceed to the permitting process and thereafter have jurisdiction to go to the U.S. Federal courts.

The Corps, since 1996, and the administration has recognized that this is not good policy. I would acknowledge to all of my colleagues it is not good policy and it ought to change.

That is what they are about, to promulgate an administrative appeal process so that if a property owner is aggrieved, there is an appeal process within the Corps itself before recourse is taken, especially to the Federal courts. I think that that is what we should be about and that is the process that we should retain.

In the bill, $5 million is included to fully fund the completion and implementation of this appeal process. And we call upon the Corps to do it as expeditiously as possible.

I think that the language that was approved by the other body is acceptable and that the offending language on the jurisdictional issue goes for one final portion talking about final agency action.

What the gentleman from California (Mr. PACKARD) would do in the legislation is to suggest that if an appeal is taken, it would be considered a final agency action and that the property owner could then go to Federal court without first seeking a permit.

I do not believe that this is appropriate policy, because a jurisdictional determination, first of all, does not restrict use of the property. It simply suggests that a permit would be necessary and 95 percent of the permits requested are granted.

Instead of expediting the process, and that is certainly what I think most people want to see encouraged on both sides of the political aisle, it would result in delay. Because instead of people and personnel at the Corps considering permit evaluations and considering other matters dealing with wetland and expeditious consideration, they would be defending those actions in Federal court. It would burden the courts. It would burden the Department of Justice and it certainly is a burden to the Corps.

Finally, it seeks remedy where there is no harm. The issue only arises if there is a wetland. And it is the primary policy of this Nation it preserve those wetlands. And it only occurs if a permit is required.

So I would suggest at this point in time the language that is included in the bill would simply lead to more litigation, and it would not solve the problem as intended.

The second issue refers to a program called Permit 26. And essentially today, and since about 1977, there are 37 different general permits that the Corps of Engineers established to again expedite the process. They are meant to protect wetlands. They are meant to facilitate implementation of the Clean Water Act. If a certain criteria is not met under general permitting, then an individual permit would be necessitated.

Permit 26 is the only one of the 37 that does not meet the standards of the Clean Water Act because it is based on size and acreage and not on activity.

The administration recognized this in 1996 and began to develop a permitting process that is activity based. In 1996, they reduced acreage and allowed the Permit 26 to continue 2 years while this program proceeded. On July 1 of last year, the situation was extended until March of this year, and comments were solicited from the public.

In October of last year, one of the six activities that had been proposed by the Corps based on the comments received were withdrawn, that dealing with master plan development. The Corps heard the concern of property owners, developers, and landowners. An additional comment period was set aside in September of last year.

As we speak, a third comment period relative to this permitting process is now underway. It began on July 21 to make sure that the public input is provided.

It is anticipated, as with the jurisdictional issue, that this permitting situation will be resolved and a final process will be put into place by the end of this year. I think it is inappropriate for us to intervene in an extraordinary fashion to now delay that implementation after the Corps has worked so hard to ensure that it is put in place this year.

I am very concerned about this provision. This is not something that is minor or insignificant. And again, I would remind all of my colleagues that FEMA, the EPA, the Army Corps of Engineers have strongly objected and the administration has now issued a veto threat.

I do believe that the language ought to be removed.

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

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky (Mr. ROGERS) a member of the full committee and also a member of the subcommittee.

Mr. ROGERS. Mr. Chairman, I rise in strong support of this bill and commend it to the body.

In his first year as chairman, our good friend the gentleman from California (Mr. PACKARD) has done an outstanding job. He has taken the courageous approach to producing this bill, working with a lot less money than his predecessors. He compensated for that with difficult but justified decisions throughout the bill.

This bill restores the public works programs of the Army Corps of Engineers, maintaining commitments between the Federal Government and communities across the Nation for flood control, navigation, and shoreline protection.

The President's requested budget ignored many ongoing projects and zeroed them out, while at the same time he proposed $80 million in brand new activities.

The administration adopted the practice of low-balling the annual Corps budget, leaving ongoing projects dangling and walking away from front-line responsibilities that Congress has directed and the Corps has proceeded with.

We on the subcommittee have repeatedly hammered the White House for that practice because it breaks the faith between the Congress the Corps and our communities. It is an irresponsible approach to budgeting for our Nation's needs, and our constituents deserve better.

Fortunately, we have the gentleman from California (Mr. PACKARD) at the helm; and this bill goes a long way towards getting these projects back on track. The recommendation of $4.2 billion will ensure that these vital national priorities are adequately funded.

In addition, Mr. Chairman, I want to speak very briefly in favor of the bill's provisions regarding wetland permitting.

We have been hearing and we will hear more from the opponents on this issue claiming that the bill reduces Federal protections and allows expanded development on remaining wetland. Simply put, that accusation is false. Neither the intent nor the impact of these provisions will be harmful to the environment.

With regards to the administrative appeals process, the bill's provisions

merely reflect what the administration expressed support for some time ago. But despite report language in both the 1998 and 1999 bills giving the Corps the direction and the resources to implement an administrative appeals process for jurisdictional wetlands, nothing has happened.

The underlying provisions in this bill in no way undermine public interest groups' rights in the appeals process. It merely gives private property owners, those most affected by the jurisdictional determination, the same rights now afforded to our environmental interest group friends.

The language currently in the bill is a common-sense measure and should have been implemented by the Corps some time ago. I urge the House to support it.

In closing, I will just say that the gentleman from California (Mr. PACKARD) and his very capable staff have put together something we can all be proud of, and I would urge everyone to vote in favor of this bill.

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

Mr. PACKARD. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHUSTER), chairman of the Committee on Transportation and Infrastructure.

□ 1700

Mr. SHUSTER. Mr. Chairman, I thank my good friend for yielding me this time.

I may not be able to be here on the floor when we debate the Visclosky amendment, although it has already been referred to by the gentleman from Indiana (Mr. VISCLOSKY). I must say that I rise in strong opposition to that amendment.

This amendment, if it passed, would delete a provision in the bill that simply requires a report to Congress before the Corps of Engineers finalizes extremely controversial changes to the nationwide permitting program. There are at least three compelling reasons to support the modest provisions in the bill and vigorously oppose this amendment:

First, the right to know, truth-in-permitting. Congress and the American public have a right to know the costs and workload impacts of sweeping changes to the nationwide permitting program. What is the administration trying to hide? Why are unelected regulators so afraid to assess and disclose information on workload impacts and costs?

Secondly is a question of fairness. While comprehensive reform on wetlands will have to wait for another day, there are some small steps we can take. One is to insist that the administration fully implement the administrative appeals process promised.

Thirdly, accountability. We must hold the administration accountable. President Clinton promised an appeals process in 1993. To date, no process has been established for robust administrative appeals or expedited judicial review.

We have got to hold the environmental extremists and the fearmongers accountable. This bill does not destroy wetlands, risk lives or cause flooding. Read the language. It simply is telling the Corps to share information with the appropriators and with the authorizers. It is not changing any standards under the Clean Water Act.

Stop this misinformation. When the time comes, vote ''no'' on the Visclosky amendment.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, there is a pilot project at the mouth of the Columbia River, established through the Oregon Graduate Institute and the Marine Environmental Research and Training Station in Astoria, Oregon which provides both realtime and historical model forecasts. The technology from this pilot project could have numerous applications, including channel deepening, habitat restoration and the reduction of flood hazards.

Is it the chairman's understanding and the ranking member's understanding that the Army Corps of Engineers can exchange information and provide professional advice to the Oregon Graduate Institute and the Marine Environmental Research and Training Station in the Institute's development and implementation of this system?

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

Mr. WU. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I understand the gentleman's position, and the gentleman is correct.

Mr. VISCLOSKY. If the gentleman will yield, I would agree with the gentleman from Pennsylvania, the gentleman is correct.

Mr. WU. I thank the chairman and the ranking member and encourage the Corps to interact with the Institute as this remarkable project moves forward in Oregon.

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), a very valuable member of the subcommittee.

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

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

Mr. Chairman, I rise today in support of H.R. 2605, making appropriations for Energy and Water Development. Let me first thank the gentleman from California (Mr. PAKARD) and the gentleman from Indiana (Mr. VISCLOSKY) for their approach to this year's Energy and Water bill. It is a model of bipartisanship. Likewise, I would like to thank the staff of the committee for their tireless work on behalf of the Nation.

Mr. Chairman, this bill stresses important national priorities while keeping our commitment to downsizing the Federal Government and to keep our budget balanced. Again this year the President's budget request for the Army Corps of Engineers was woefully inadequate. Despite this committee's repeated calls for the President to fund these important infrastructure needs, he chose to ignore us. This bill maintains funding for critical flood safety, coastal protection and dredging projects throughout our Nation and flatly rejects the administration's efforts to back away from these very important and long-term investments. It restores the needed funds to protect American life and property and promotes our international competitiveness.

In addition to the funding for our Nation's infrastructure, this bill provides funding for the Department of Energy. While this bill funds many critical programs at the Department, I would like to speak favorably, but do it under extended remarks, about some of the nonproliferation programs that the gentleman from California and a number of us visited in Russia recently. I think these are long-term investments in protecting our world, and I would like to thank the gentleman from California for taking us to Russia to visit two closed cities, nuclear cities, where we could see firsthand how some of our tax dollars are spent in protecting the world from a growing nuclear problem where, in fact, nuclear materials can get into the wrong hands.

Mr. Chairman, I support the bill.

As you know, Mr. Chairman, after the Cold War, our country and the Soviet Union were left with vast stockpiles of nuclear weapons, plutonium and highly enriched uranium. As a result, the mission of safeguarding this material has fallen to the DOE. In particular, the U.S. needed to ensure that Russian nuclear weapons were being dismantled and that the excess fissile materials removed from them were not used again to produce new nuclear weapons.

The Warhead and Fissile Material Transparency Program, one of the many programs established at the DOE, sought to incorporate a comprehensive strategy to work cooperatively with Russia to develop transparency measures providing confidence that Russian nuclear arms were being dismantled. This program has opened doors in Russia which were once closed to the world.

Also, under the Nuclear Cities Initiative, the U.S. and Russia are now joining forces to bring jobs and commercial enterprises to Russia's nuclear cities. Similarly, the Energy Department is working in Russia to install modern safeguards against further loss of controls over nuclear weapons, elements and knowledge under Material Protection, Control and Accountability System paid for with Energy Department dollars.

Both of these programs are examples of how crucial this international work is and this bill continues to emphasize this importance. The reason I have taken the time to point out a few of these programs is to highlight, that

this appropriations bill is more than just meeting our nation's infrastructure needs and scientific research. This bill continues our commitments made through treaties and agreements with Russia and underscores the importance of our continued work together to protect the world from new nuclear threats.

Finally, let me say a word about fusion research. The Committee worked very hard to see that funds were provided to keep this important research on track. Specifically, I am very pleased that the bill includes $250 million for fusion research. Fusion energy has the potential to be unlimited and ultra-clean source of energy for the world. After numerous years of declining budgets for this program, it is refreshing to provide this important commitment.

Mr. Chairman, this bill represents real progress towards setting national priorities. I urge my colleagues to support this bill.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chairman, I thank the gentleman from California and the gentleman from Indiana for their leadership in bringing this bill to the floor. They have made a serious effort to keep the bill clean and their dedication to that effort has been instrumental in putting together a bill that we can move through the process. I would like to also thank the gentleman from California (Mr. FARR) for his assistance with a matter in the report regarding the Trinity River Diversion.

It is my understanding that the report language relating to the Trinity River Diversion is meant to ensure that a decision on the Trinity River flows is made in accordance with existing law.

Is that the gentleman's understanding as well?

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

Mr. THOMPSON of California. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, the gentleman is correct. That is my understanding.

Mr. THOMPSON of California. Mr. Chairman, I look forward to working with the gentleman from California and the gentleman from Indiana to ensure final passage.

Mr. PACKARD. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I want to take a moment to thank the gentleman from California for bringing such a fine bill to the floor today. Many Members know the difficulty it is for a chairman to wrestle all the issues that they are confronted with because so many priorities exist around America that we all want to deal with.

We all know the funding constraints the Subcommittee on Energy and Water Development was under this year and I think the gentleman from California did an excellent job of funding Members' priorities.

I think the gentleman from California did a particularly fine job funding beach renourishment projects which are vital to the economies of coastal States like Florida. Every year, the administration refuses to recognize the Federal commitment to these projects by not requesting funds. Since I arrived here in 1994, I was quite shocked at the fact that they chose not to fund any beach renourishment projects in my district. I will suggest to Members if they look back at the history of Florida, particularly around the areas where the beaches have suffered the greatest damage, it is as a result of the inlets that were dug by the Corps of Engineers, years, some of them 50, 60 years ago, that have then changed the, if you will, flow of sand that occurs on the beaches, and particularly those to the south of the beach where the inlet was dug have suffered consequences that are extremely dire and environmental concerns on ocean, if you will, enhancements, in turtle nesting, a number of things. I again want to underscore the gentleman's particular fine attention to beach renourishment.

I know that makes the subcommittee's job more difficult, and I thank the gentleman from California for not going along with the administration's irresponsible policy. These are projects that demand and deserve the Federal Government as an active and willing partner, including, in my particular district, there are a number of communities that have, if you will, brought forward local tax dollars in support of these. In fact, some to the degree of well over 50, 75 percent of the local matching effort.

I also want to thank the gentleman from California for fully funding the Everglades and South Florida Ecosystem Restoration Account. This account funds the Everglades ''critical restoration projects'' authorized in the Water Resources Development Act of 1996 which also includes Ten Mile Creek, a project in my district, these entire projects for the sustainability of Everglades National Park, underscore ''national park,'' a priority we should all share in this Chamber as we care about our national parks in every region and every State and every jurisdiction.

Finally, Mr. Chairman, this year's House bill funds the critical projects list that I just specified that have been designed by the local sponsor, South Florida Water Management, the Corps of Engineers and other entities to the tune of $21 million, an amount greater than the previous 2 years combined, to keep these vital restoration efforts moving forward.

Again, I want to finally and strongly commend the gentleman from California, his first year as chairman of the Subcommittee on Energy and Water Development, for listening to Members' concerns, for looking out for the welfare and vitality of all of our regions, all of our States, for the entirety of our Nation. My hat is off to him for his excellent work and stewardship of this bill to the floor today.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Chairman, let me thank the chairman and the ranking member for their leadership on the bill and thank the gentleman from Indiana (Mr. VISCLOSKY) for yielding me this time. I also appreciate the support of both the gentleman from Tennessee (Mr. TANNER) and the gentleman from Tennessee (Mr. BRYANT) on this project that is important not only to the International Port of Memphis but also to the ports along the Lower Mississippi from Cairo, Illinois to Baton Rouge, Louisiana.

Mr. Chairman, in 1944 the Congress authorized a 12-foot navigation channel on the lower Mississippi River between Cairo, Illinois, and Baton Rouge. However, the U.S. Army Corps of Engineers only maintains a 9-foot channel. And although it is estimated that a 12-foot channel exists 85 percent of the time, the need for a formal reevaluation by the U.S. Army Corps of Engineers is necessary. I ask the committee to direct the Corps of Engineers to evaluate the current feasibility of maintaining a dependable 12-foot navigation channel on the Mississippi River below Cairo to Baton Rouge within available Mississippi River and Tributaries funds. The study should determine if the expansion is technically sound, environmentally acceptable and economically justified.

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

Mr. FORD. I yield to the gentleman from California.

Mr. PACKARD. I thank the gentleman from Tennessee for his leadership on the inland navigational issue and will be more than pleased to work with him.

Mr. FORD. Mr. Chairman, the lower Mississippi River is vital to our Nation as the primary commerce link between our Nation's agricultural heartland and the foreign and domestic markets. It also serves as an economic backbone to the economically challenged areas of the lower Mississippi delta area. A 12-foot navigation channel can increase the cargo-carrying capacity of the existing system with the least investment cost to the Nation. I appreciate the committee's willingness to address this issue and hope that language will be included in the conference report that would direct the Corps of Engineers to evaluate this issue.

Mr. PACKARD. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding me this time. I rise today in support of H.R. 2605, the Energy and Water Development appropriations bill for the fiscal year 2000.

Mr. Chairman, this bill plays a critical role in public works projects throughout my coastal district. I am especially grateful to the gentleman from California and the gentleman

from Indiana for their efforts in the area of shore protection. Since the Clinton-Gore administration decided several years ago to drastically cut shore protection from their annual budget, the Subcommittee on Energy and Water Development has struggled each year to come up with the additional millions of dollars to meet critical beach erosion needs all across our country. This fact, coupled with the budget cap realities, has coastal communities across the country finding themselves facing severe beach erosion with little Federal relief in sight.

Funding issues aside, I am also concerned over the slow rate of progress being made to renourish beaches in Broward County and Miami-Dade County, Florida, where arcane and archaic Army Corps policies have slowed down beach renourishment projects. I am hopeful that I can work with the subcommittee over the next few weeks to find innovative solutions to overcome these obstacles.

I also would be remiss if I did not express my appreciation to this committee as well as the Subcommittee on Interior and also to the chairman of the full committee the gentleman from Florida (Mr. YOUNG) for their sensitivity to our needs of the environment in the Everglades. The attention that this Congress has given to our environmental needs in Florida has really been most gratifying. I want to express appreciation for the entire Florida delegation on this matter.

I urge my colleagues to vote ''yes'' on this bill.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise today in strong support of this Energy and Water appropriations bill and to thank the gentleman from California and the gentleman from Indiana for all their hard work along with the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY).

On behalf of my constituents from the Seventh Congressional District, I want to convey my heartfelt gratitude for a very important project made possible by this legislation. This bill allows for an Army Corps of Engineers feasibility study to be conducted in Flushing Bay and Flushing Creek in Queens County in New York City.

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This study will develop ideas for improving water quality in these bodies of water and help make them viable again for the citizens of New York.

Mr. Chairman, without Federal funding, Flushing Bay and Flushing Creek would not be cleaned up.

I thank the committee for recognizing the importance of this project to the people of Queens and to agreeing to help us maintain and, more importantly, to improve our bodies of water, and once again, Mr. Chairman, I would like to thank the gentleman from Indiana (Mr. VISCLOSKY) for all his support and help in this effort.

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), a valued member of the subcommittee and the full Committee on Appropriations.

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding this time to me. I appreciate obviously all the work he has done on this bill, his staff included, and the gentleman from Indiana (Mr. VISCLOSKY) for his work in bringing about a great bipartisan proposal. I would like to thank the committee as well for addressing my concerns on back-door implementation of the Kyoto Treaty. This bill includes my language to prohibit the DOE, the Department of Energy, from issuing rules or regulations to implement this fatally flawed agreement until it is ratified by the Senate.

The Kyoto Treaty is unfair. The United States Senate has unanimously voted that it will not consent to a treaty that is so unfair.

Given the stakes involved, Congress must be vigilant in ensuring that this agreement is not rammed through the back door. Make no mistake about it. As the offerer of the amendment, I intend that no taxpayer dollars be spent to do any work whatsoever on carbon emissions trading, be it under the rubric of educational materials, or a seminar or otherwise.

Mr. Chairman, I am also pleased that that bill provides much needed funding for nuclear R&D. Nuclear energy, which represents 20 percent of the Nation's energy supply, provides a viable, cost-efficient and clean alternative to fossil fuels. However, for nuclear energy to become a more prominent energy source for the American people in the 21st century, the Federal Government must dedicate more money to nuclear R&D.

This bill provides 20 million for the NERI program, 12 million for the university support programs, and a first-time appropriation of 5 million for the NEPO program. This modest investment of taxpayer dollars will facilitate the development of technology that will make nuclear energy safer and more efficient. It also ensures that the United States will continue to produce the best nuclear scientists in the world, and it provides the resources to improve the efficiency, the safety and reliability of our existing nuclear power plants.

Mr. Chairman, I believe these programs provide enormous benefits to the American people, and I would like to see their funding increased even further. I understand however the realities of this at this time are not possible.

Once again, I do want to sincerely thank the gentleman from California (Mr. PACKARD) and the gentleman from Indiana (Mr. VISCLOSKY). I want to recognize the staff again because they did a super job, a tremendous job, in bringing this bill to closure.

So with that I urge a yea vote on this bill.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS), a valued member of the subcommittee.

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

Mr. Chairman, this is not going to be one of the highest profile bills that we will pass before this House this year, but I think it will be one of the most important, one of the most important if my colleagues believe that providing for flood control for communities and urban rural areas across our country is important. One of the most important if they think it is a role of our Federal Government to safeguard the nuclear stockpile, provide for energy research, and help solve the problem and the threat of nuclear proliferation. This bill deals with those crucial, crucial issues.

The reason this bill is not going to be one of the highest profile bills in the Congress is because we had a great chairman of the subcommittee, the gentleman from California (Mr. PACKARD), and a great ranking member, the gentleman from Indiana (Mr. VISCLOSKY), who worked together in a bipartisan, really nonpartisan, fashion on so many of the important decisions that had to be made. And as happens when we have leaders in this House that work together, the press, the national press, pays very little attention to that.

So notwithstanding the honest disagreements as there would be and should be on issues such as the environment and the wetlands issue in this bill, the chairman and the ranking member did an outstanding job of putting together this package on a nonpartisan basis.

Let me say personally while I wish we had more money to fund the critical programs in the Department of Energy, the budget simply did not allow that, and I hope the final conference report might include some plus ups in some of those programs.

And as a final note, Mr. Chairman, let me say that I understand that there are between, depending on how one counts them, 800 and a thousand Member requests for additional spending in this bill, and to those who would argue in support of nearly a trillion dollars tax cut over the next 10 years that we can cut domestic discretionary spending by 20 to 40 percent, I would suggest they need to look at the finer details of legislation such as this, important flood control, water research projects; that if they were to be cut by 20 to 40 percent, we would undermine some terribly, terribly important causes and programs for this country.

This is a good bill. Notwithstanding what happens on the amendment dealing with the wetlands, I intend to support it, and I want to again commend the chairman, the gentleman from California (Mr. PACKARD), and the

ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for their leadership on this legislation.

Mr. PACKARD. Mr. Chairman, I have a series of colloquies that I would like to take care of, if we can during the general debate time, and to begin that series I yield such time as he may consume to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, first of all let me express my appreciation for the hard work of the gentleman from California (Mr. PACKARD) and that of the ranking member, the gentleman from Indiana (Mr. VISCLOSKY), in putting together this bill that is before us today.

I know they were approached with many requests that simply could not all be accommodated. I, along with a number of our colleagues, sought funding for a study to be conducted by Oakridge Laboratory of the Atlas Uranium Mill Tailings site in Moab, Utah. I know the gentleman from California is familiar with this issue as this site sits within 750 feet of the Colorado River which runs drinking water for 25 million people.

I understand that funding was not provided because this particular study is not currently authorized. It is my hope that in the coming year, we will secure adequate authorization. At that point would the chairman be willing to work with us to secure funding in the future for this vital study and other remediation efforts?

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

Mr. CANNON. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, as the gentleman knows, we did not fund any unauthorized projects, and thus this could not be funded. I will be more than happy to work with the gentleman in the future years.

Mr. CANNON. Mr. Chairman, I thank the chairman and the ranking member.

Mr. PACKARD. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Chairman, I would like to commend the gentleman from California (Mr. PACKARD) and the entire committee and their staff for the good bill they brought before us. They worked hard to cut wasteful spending out of the Department of Energy's budget.

I do appreciate this opportunity to engage the chairman, the gentleman from California, in a colloquy, and I would like to urge the gentleman to make the Department of Energy's tight budget even tighter. I believe more cuts can be made to questionable grants awarded under the nuclear energy research initiative or NERI program including cold fusion and others.

Now cold fusion can receive a grant, then the grant administrators are simply not taking seriously their responsibility to the taxpayers. We have to question the adequacy of DOE's peer review process. The whole NERI project needs to be looked at under a microscope. The Department of Energy is not doing this. They are reviewing only the cold fusion grant.

Now here is a perfect opportunity to stop the traditional government solution of throwing more money at a problem in the hope that it will go away. The American people are tired of paying more taxes simply because the government sometimes does not know what it is doing.

The general focus of the other cuts that I suggest are an unnecessary administrative cost.

I hope my colleague can also work to restore or increase funds for several critical programs such as the computational and technological research to ensure that the cleanup of the Defense sites remains on schedule and to guarantee the Department of Energy can adequately fund its payment in lieu of taxes. The DOE has been in arrears on its obligations in these counties since 1994, and with all the money taxpayers give DOE, they should be able to be current on the PILT.

We also need to ensure the safekeeping of our nuclear secrets by increasing counterintelligence funding.

Mr. Chairman, the gentleman has raised funding in this bill for counterintelligence, and I commend him for it, but we need to make sure the job is done right by increasing this funding by about $2 million more.

Mr. Chairman, it is my understanding that the gentleman from California and the committee will work to make some of these changes in conference to address these concerns and save the American taxpayers money.

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

Mr. COOK. I yield to the gentleman from California.

Mr. PACKARD. The gentleman is correct. We will be more than pleased to work with him in conference, and we are trying to resolve this issue.

Mr. COOK. I thank the gentleman very much for engaging me in this colloquy.

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. First of all, I want to congratulate the gentleman from California for his leadership and hard work on this bill, and his time and commitment is appreciated by me and the entire Congress. And for this reason, Mr. Chairman, I am here at the well to discuss the ability of the State of Nevada and all affected local governments in the State to carry out their oversight authority of Yucca Mountain, Nevada, as was granted to them under the Nuclear Waste Policy Act of 1982.

Currently the Department of Energy is conducting tests to determine if Yucca Mountain will be a suitable permanent repository site for nuclear waste. When the Nuclear Waste Policy Act of 1982 was created, Members of this body felt that it was imperative for the State of Nevada and all affected local governments to have sufficient resources to carry out their own oversight.

These necessary moneys are used to properly oversee tests the Department of Energy is carrying out to determine whether or not Yucca Mountain is suitable as a permanent nuclear waste site. This is a very critical part of the 1982 act because it allowed for Nevada and, particularly its residents, to have confidence in the scientific studies and especially the validity of those tests that the Department of Energy has been conducting.

These resources will allow for State and local governments to continue to perform their own independent validation and oversight tests to ensure the best science is used to determine site suitability. It has been my experience that local scientists have been nonbiased and have produced needed assurances that only the best scientific data is used to determine the hydrologic and geologic character of the Yucca Mountain area.

We have nearly 2 million people in Nevada, and their safety and quality of life in this debate should not be ignored, making it imperative that we provide the financial resources to ensure the State of Nevada and affected local governments are able to monitor and report on this activity.

Therefore, I would ask, Mr. Chairman, that the House conferees work with me to get $4.727 million for the State of Nevada and $5.432 million for the affected local governments. These appropriated amounts are consistent with the moneys appropriated in the Senate Fiscal Year 2000 Energy and Water Development Appropriations Act.

And as time moves closer to designate Yucca Mountain as a permanent nuclear repository, it becomes imperative that we address the scientific and safety concerns of the citizens of Nevada, and again I would thank the gentleman from California (Mr. PACKARD) for his work on this bill and appreciate his willingness to work with me on this very important issue.

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

Mr. GIBBONS. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I would like to assure the gentleman that I do understand the Yucca Mountain issue, particularly as it relates to the Nevada people, and I will do my best to work with the gentleman in resolving the issues. It is a very, very important issue nationally as well as in the gentleman's state.

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for his understanding on this very important issue. These moneys are important to Nevada and to its future.

Mr. VISCLOSKY. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I wanted to take this opportunity

to again express my support for this bill. I also want to thank the gentleman from California (Mr. PACKARD) and the ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for working with me and my colleague, the gentleman from Arizona (Mr. SALMON) on our amendment on renewable energy.

I am glad that the gentleman has agreed to accept our amendment, and I look forward to discussing it in more detail at the appropriate time.

Mr. PACKARD. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP), a member of the committee.

Mr. WAMP. Mr. Chairman, I seek time to thank the distinguished chairman of this subcommittee and to thank the excellent staff with which he works every day and also to engage him in a colloquy.

□ 1730

This is an issue of great importance to our Nation.

As the gentleman knows, the Y–12 nuclear weapons plant is located in the district that I serve. These facilities were on the front lines of the Cold War and were an integral part in bringing that long conflict to a successful and victorious end. The workers in Oak Ridge selflessly served our country and did a magnificent job.

As their representative here in the House, I am acutely aware that our national security depends on adequately funding their mission and making sure our aging weapons plants are properly maintained and modernized. However, earlier this year the President submitted a budget that was insufficient to maintain the current activity level at the Y–12 plant. Recognizing this shortfall, the House Committee on National Security provided a $38.6 million increase in funds for the Y–12 weapons plant and environmental management activities there in Oak Ridge.

Because of the small allocation and the extreme pressures placed on the subcommittee, the chairman was not able to fully fund this request. While I understand that not much can be done at this time, I would like to make a strong appeal to the chairman of the subcommittee that when the conference committee convenes, that every effort is made to adequately fund the critical missions of nuclear weapons, stockpile and stewardship and modernization of their facilities.

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

Mr. WAMP. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, the gentleman is very much aware of the fact that we have very limited funding, and if additional funds become available between now and conference, we will do our best to make sure that the gentleman's concerns are addressed in conference.

Mr. WAMP. Mr. Chairman, I thank the gentleman.

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

Mr. PACKARD. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, as the chairman of the subcommittee is aware, I have an amendment at the desk that has been made in order. The purpose of this amendment is to take $150,000 from the ''General Investigation'' section under Title 1 for a project in my district and place that amount in the ''General Construction'' section of that same project. After discussing this in detail with the gentleman from California (Mr. PACKARD), while this is an authorized project and I view it as sound policy, I have decided not to offer that amendment at this time.

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

Mr. POMBO. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I want to thank the gentleman for not offering this amendment. I will work with the gentleman as we proceed through the regular process and through the conference. I understand this project, and I agree that it merits reimbursement funding at the appropriate time during the conferencing.

Mr. POMBO. Mr. Chairman, the Corps did not include this in its current budget request. In order to ensure that this project is included in the Corps' next fiscal year budget proposal, I drafted this amendment and appreciate the gentleman taking an interest in seeing this important issue resolved.

Mr. PACKARD. Mr. Chairman, if the gentleman will further yield, I am aware of the importance this holds to Stockton, California, the city where the gentleman certainly has a great interest in his district, and I will work to see that they are promptly repaid by the Federal Government for authorizing Federal flood control work projects as it carries out on behalf of the Corps. I will do my best.

Mr. POMBO. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The gentleman from Indiana (Mr. VISCLOSKY) has 13½ minutes remaining; the gentleman from California (Mr. PACKARD) has 1½ minutes remaining.

Mr. PACKARD. Mr. Chairman, I would inquire if the gentleman from Indiana (Mr. VISCLOSKY) would be willing to yield 5 minutes for the purpose of engaging in colloquies with various Members.

Mr. VISCLOSKY. Mr. Chairman, my understanding is the gentleman may need up to 6 minutes, and I am happy to yield him that 6 minutes for purposes of control.

The CHAIRMAN. Without objection, the gentleman from California will control 6 additional minutes.

There was no objection.

Mr. PACKARD. Mr. Chairman, I thank the gentleman from Indiana.

Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. WATKINS) for the purpose of a colloquy.

Mr. WATKINS. Mr. Chairman, I would like to thank the gentleman from California and also the ranking member, the gentleman from Indiana, the committee members and staff for the great job they have done on this bill.

As my colleagues know, I had the privilege of serving for 10 years on this subcommittee, and I miss the opportunities of being there for a lot of the discussion and debate. But I do appreciate the committee including funding for the southeast Oklahoma water study which is in my district. The study would determine what benefits and needs there are for the potential use of that water in southeast Oklahoma. It is my understanding that the study will also include two hydroelectric projects under consideration at Pine Creek Dam on Little River and at the Broken Bow Re-Regulation Dam on Mountain Fork River, both in my district.

Is that correct, Mr. Chairman?

Mr. PACKARD. Mr. Chairman, if the gentleman will yield, that is correct.

I want to thank the gentleman for his expertise and input and experience on this, and I look forward to working with the gentleman on this very important project.

Mr. WATKINS. I thank the Chairman.

Mr. PACKARD. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HORN) for the purpose of a colloquy.

Mr. HORN. Mr. Chairman, I thank the gentleman from California (Mr. PACKARD), the chairman of the subcommittee, and the gentleman from Indiana (Mr. VISCLOSKY), the ranking member, and all members of the committee, as well as the very fine staff. I have read through most of this very thorough report which goes on for roughly 201 pages; and in those pages we can see fairness. We can see responsibility and thinking about the national interests in all of these various projects that affect millions of our fellow citizens.

For millions of Americans, my colleagues on the subcommittee have shown the way in building what needs to be done to prevent floods, to utilize and purify our waters in many ways, and to enable us to have great harbors.

I thank the chairman of the subcommittee on behalf of the five congressional districts in Los Angeles County where 500,000 people are in the flood plain. It is a very expensive project, but hopefully it will be almost the last year of construction. The flood area is in the most devastated part of the county of Los Angeles. 400,000 aerospace workers became unemployed starting in March of 1988 and for the next decade.

On top of that then, FEMA imposed flood insurance on this project, and millions of dollars were extracted from thousands of low income workers.

The subcommittee and its members were wise to finish this project which affects so many people in a county of 10 million residents.

Again, I thank the gentleman (Mr. PACKARD) and all of the members of the subcommittee for their help. They have shown fairness and recognition of a population in need, and we thank him for it.

Mr. PACKARD. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Chairman, I want to thank the subcommittee for the work they have done on this bill, and I want to draw the gentleman's attention today to an issue that is important to the people of Montana.

Last year, Congress authorized the sale of certain Federally owned cabin sites on Canyon Ferry Reservoir. The proceeds from the sale, estimated to be $18 million to $20 million, will be used to improve fish and wildlife habitat and recreational access along the Missouri River. In addition, the sale of the cabin sites would enhance the local property tax base.

The Congress made the sale of the cabin sites contingent on the establishment of a $3 million Canyon Ferry Broad Water County Trust, funded in full or in part by in-kind projects carried out by the Bureau of Reclamation. Unfortunately, this bill does not contain any money for these projects.

Does the Chairman believe that it is critical for the Bureau of Reclamation, working in conjunction with the cabin site owners and the local units of government, to identify specific improvement projects around Cabin Ferry in order to ensure that the intent of the Cabin Ferry legislation is fulfilled?

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

Mr. HILL of Montana. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I want to thank the gentleman. The gentleman is correct. I appreciate his leadership on making me aware of this important issue, and I want to compliment him for his hard work and diligence in attempting to complete this sale.

I look forward to working with the gentleman from Montana on this important issue as it proceeds through the appropriations process.

Mr. HILL of Montana. Mr. Chairman, I thank the chairman for his comments and I look forward to working with the subcommittee and with him in the future to complete this important project.

Mr. PACKARD. Mr. Chairman, I yield 2½ minutes to the gentleman from Washington (Mr. NETHERCUTT), a member of the full committee.

Mr. NETHERCUTT. Mr. Chairman, I also want to thank the gentleman from California (Mr. PACKARD) for the good work that has been done on this bill, as well as express appreciation to the ranking member to try to put this bill together in a way that is fair for all parts of the country who have issues relating to energy and water, especially the work that has been done, Mr. Chairman, on addressing of the salmon restoration funding in the Pacific Northwest. There are tight fiscal constraints in this year's budget, and I appreciate the effort that has been undertaken to address those issues of salmon restoration.

The Pacific Northwest has numerous salmon species listed as endangered or threatened, and the committee has expressed concerns about the money spent on restoration efforts. In fact, last year the subcommittee provided $7 million for Columbia fish mitigation efforts by the Corps of Engineers and included report language that questioned the amount of money that has been spent on fish mitigation efforts.

Mr. Chairman, we are delighted that we are making progress in the region, and I appreciate the gentleman's willingness to provide $65 million in funding for Columbia River fish mitigation efforts. We must continue to look at all options for recovering salmon, including addressing predation by Caspian Terns, thoroughly evaluating ''PIT'' tag research, and to encourage the Corps of Engineers to make improvements to the current hydroelectric system to improve salmons' survival success rate. It is critically important to the Northwest.

I also appreciate the efforts the gentleman has made to address my concerns regarding section 317 of this bill, since it was marked in the full committee last week. I am still concerned about the interpretation of the language, but I appreciate, Mr. Chairman, the clarification of the intent that appears in this bill.

The Federal Power Marketing Administration, such as BPA, Bonneville Power Administration, provides power in the Pacific Northwest. They are interconnected to other transmission systems. In the case of BPA, the transmission lines are interconnected by areas such as California and Wyoming, and even Canada, and were mandated by law to maintain the safety and reliability of the transmission system.

There are times in these remote areas when power marketing administrations may be the only utility capable, because of manpower and having necessary equipment, of restoring downed transmission lines. PMAs may do this for a public or private utility, thereby expending ratepayer funds, but the operations are done based on reciprocal contracts. In the case of BPA, the ratepayers are reimbursed by the incumbent utility for their work.

So I appreciate the clarification, Mr. Chairman, that has been done with respect to PMAs providing these kinds of services. I am concerned that the language would be interpreted to prohibit PMAs, including BPA, from providing these reciprocal agreements and could hinder the reliability of the system, especially for remote and rural customers.

I appreciate the gentleman's help in this regard.

Mr. VISCLOSKY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Chairman, I rise today to address the importance of the Department of Energy's Worker and Community Transition Program. I am greatly concerned and disappointed with the report language regarding this program.

This year's energy and water report states that, ''Funding at DOE cleanup sites in the nuclear weapons complex has stabilized. The need for enhanced severance payments to contract employees and grants to local communities has declined. Worker and community transition is not an enduring mission of the government. The committee does not intend to continue to fund this program, and the Department should prepare for significantly decreased or no funding in fiscal year 2001.''

Mr. Chairman, I represent one of two uranium enrichment facilities which is located in Piketon, Ohio. The other plant is located in Paducah, Kentucky; and I know the gentleman from Kentucky (Mr. WHITFIELD), my friend and colleague, has been very supportive of this program.

Our plants were privatized last summer and since privatization, both sites have experienced significant layoffs. Our communities are bracing for more layoffs this summer with future workforce reductions imminent. Now is not the time to eliminate funding for the Worker and Community Transition Program, because we would effectively leave numerous Cold War veterans without the assistance others have received over the years.

I urge the committee to revisit this issue.

Mr. VISCLOSKY. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I want to thank the chairman of the subcommittee, the gentleman from California (Mr. PACKARD), and the gentleman from Indiana (Mr. VISCLOSKY), the ranking member. I recognize this is their first year working together, and I think they have done a very good job on this very important bill. I want to thank them for all the money they gave to specific projects in the Pacific Northwest.

Mr. Chairman, as the gentleman from Washington (Mr. NETHERCUTT) did, I want to register my concern, however, about two provisions included in this year's Energy and Water Appropriations Act relating to the power marketing administrations. I understand that the chairman has demonstrated willingness to clarify the language, but I still have deep concerns about the implications, unless the bill language is amended.

Section 316 of the bill would limit the ability of the power marketing administrations to install fiberoptic cable. It

is my understanding that the Bonneville Power Marketing Administration is willing to develop a report to the subcommittee which would present their fiberoptic capacity needs, projections, construction, and financing plans.

This provision in the bill limits the ability of the Power Marketing Administrations from certain ''construction, expansion or upgrades'' to dark fiberoptic telecommunication lines which are repaid by users. I believe this provision is premature and unnecessary. We should allow the PMAs to complete ongoing projects and allow them to provide the Congress with their view of the public benefits before we enact a legislative provision in this appropriations bill.

Additionally, section 317 prohibits the PMAs from providing emergency transmission system maintenance and repair and reimbursable contract services to their customers, which are provided by service utilities across the country.

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This provision not only jeopardizes the safety and reliability of the vast transmission system owned by Bonneville, but also violates the Federal Energy Regulatory Commission's order 888, which states that the PMAs in certain circumstances must provide transmission access and construction of additional facilities to neighboring utilities.

This section would prevent the Bonneville Power Administration from directly funding the power operations and maintenance of the 29 Federal Columbia River Power System dams which they are required to do under Federal law. The Northwest power system cannot operate without these funds.

Each of these sections in the bill is unworkable in its current form. It is my great hope that both provisions can be removed, and the PMAs and the subcommittee can work together to address any concerns they may have.

I appreciate, again, all the help from the chairman, he bent over backwards to help us, and the gentleman from Indiana (Mr. VISCLOSKY) has been very willing to help us, as well. We look forward to working with the gentleman in the conference on this issue.

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

Mr. VISCLOSKY. Mr. Chairman, I yield 30 seconds to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, I would like to engage in a colloquy with the distinguished chairman of the subcommittee, the gentleman from California (Mr. PACKARD).

Mr. Chairman, I would like to thank the gentleman for his past support for the Jennings, Louisiana, biomass ethanol plant. It is my understanding, Mr. Chairman, that it will be possible to explore ways to complete the Federal funding of this plant in fiscal year 2000.

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

Mr. JOHN. I yield to the gentleman from Louisiana.

Mr. PACKARD. The gentleman is correct, Mr. Chairman. I will do my best to work with the gentleman.

Mr. JOHN. I thank the gentleman.

Mr. WU. Mr. Chairman, I rise today in support of H.R. 2605, the Energy and Water Appropriations Bill. I would also like to thank Chairman PACKARD and Ranking Member VISCLOSKY for their hard work on bringing a fair and balanced bill to the floor.

I have the privilege and honor of representing the greater Portland area and the Northwest Coast of Oregon. For those of you who have had the pleasure of visiting this wonderful city, you will know that much of the vitality of our region depends on the Willamette and Columbia rivers. Commerce, recreation, and scenic beauty are three products of these Rivers. The Columbia River, stretching from the eastern part of Washington and ending at the mouth in Astoria is one of America's greatest resources.

One in six jobs in the state of Oregon depend on the commerce from the Columbia River. The success of the river is vital to our economy and way of life. Unfortunately, as trade and technology increases, so does the need for passable channels for ships to continue to move in and out of the area ports. This bill includes important operation and maintenance funds to ensure that sorely needed dredging activities can take place and keep commerce moving. Commerce in Oregon will continue to prosper, and the benefits of a solid economy will follow.

I hope to continue to work with the Corps of Engineers to insure that the disposal of dredged materials not affect the crab fishers on the Oregon coast and work to have the least amount of environmental impact as possible. Furthermore, with the deepening of the Columbia River channel, there is concern about the local efforts to develop the Port of Astoria as a deep draft port. As with all ports, development of extensive infrastructure must be market driven, and I am looking forward to doing all I can to look at viable options.

I would also like to take this opportunity to thank the Committee for their support of the Clatskanie River and Fox Creek Projects. With the federal funding allocated, Clatskanie city officials will be able to commence with planning of the Lewis and Clark Bicentennial with a free flowing river; and fish will swim freely in Fox Creek. Finally, I would like to thank the committee for their support of the East Mooring Bay repair in the city of Astoria. These desperately needed funds, along with other funding, will allow Astoria to repair almost half of the breakwater.

Again, Mr. Chairman, Chairman PACKARD, Ranking Member VISCLOSKY, thank you for giving me the opportunity today to support the Energy and Water appropriations bill and more importantly to support the funding for the Columbia River Deepening Project.

Mr. JACKSON of Illinois. Mr. Chairman, I rise in support of the Energy and Water Appropriations bill, but I have one concern that I hope can be resolved during Conference.

My concern is bill language in ''Title I, General Expenses'' that will force the closure of the Chicago office of the Great Lakes/Ohio River division of the Army Corps of Engineers. Because of the importance of the Great Lakes to the United States, both for shipping and providing drinking water to millions of people, an agreement was reached in 1996 to maintain dual headquarters of the Great Lakes/Ohio River Army Corps division in both Chicago and Cincinnati. This dual headquarters system should be maintained, and I hope that the House conferees will recede to the Senate's silence on this matter.

Otherwise, I am supportive of the bill because it provides funding for critical flood control projects in my district and throughout the Chicago area.

These projects include:

$4.5 million to continue work on the ''Deep Tunnel'' project, including the Calumet leg of the tunnel in Chicago's South Side and south suburbs, and the McCook and Thornton reservoirs.

$200,000 for detailed planning of a detention pond and storm sewer improvements along Natalie Creek near the Chicago Sanitary and Ship Canal in Oak Forest and Midlothian.

$150,000 for small ecosystem restoration at a reservoir along Hickory Creek in Tinley Park.

$100,000 each for preliminary studies of recurrent flooding problems along: Tributaries A and B of Thorn Creek in Chicago Heights; Flossmoor Tributary of Butterfield Creek in Flossmoor; and Village streets in Calumet Park.

I commend Chairman PACKARD and Ranking Member VISCLOSKY for putting together a bipartisan, even-handed bill under difficult budget circumstances. They have done an amazing job with this bill, while taking into consideration the countless deserving project requests they received from Members from all regions of the country.

I look forward to working with my colleagues on the Appropriations Committee to resolve the issue of closure of the Chicago office of the Great Lakes/Ohio River division, and I encourage my colleagues to support the bill.

Mr. CRANE. Mr. Chairman, I just wanted to take this opportunity to congratulate and thank the chairman of the Energy and Water Appropriations Subcommittee, the chairman of the full Appropriations Committee and all of my colleagues who serve on those two bodies for the excellent work they have done in crafting the Energy and Water Appropriations measure for Fiscal Year (FY) 2000. Not only is the bill, as reported, fiscally responsible, but for the most part its priorities make sense—as does its treatment of wetlands and the environment.

Permit me to elaborate. As it came to the House Floor, the FY2000 Energy and Water Appropriations (H.R. 2605) bill called for $880 million less in spending than the total amount appropriated for energy and water programs in FY1999. Even if one subtracts out the emergency appropriations for those functions in FY1999, the bill is still $215 million below last year's spending level. More impressive yet, the sum of the spending provided for in the committee-reported version of this bill is, according to the committee report, more than $300 million below the amount appropriated in FY1995. What better way to make good on our commitment to a balanced federal budget that locks away Social Security surpluses and reduces our national debt, than to adopt a measure such as this.

Certain critics of H.R. 2605 demur, citing several provisions of the bill that deal with the wetlands permitting process. Their fear is that

these provisions will hasten the demise of America's wetlands and, for that reason, they have labeled them ''anti-environmental'' riders. I beg to differ. Not only do the provisions in question treat all parties interested in wetlands determinations more fairly, but the critics are overlooking another item in the bill that will promote the creation and restoration of wetlands and help us better understand the role they can play in controlling flooding.

That item is the appropriation of the last $1.75 million needed to complete the Des Plaines River Wetlands Demonstration Project (DPRWDP) in northern Illinois. I make particular mention of the project, not just because it is located in the district I am privileged to represent in Congress, but because it has already provided us with invaluable information about the way wetlands work and how they can contribute to such things as habitat preservation and flood control. When the DPRWDP is finished, not only will additional research information be available, but so too will be a ''how-to'' guide that will help other areas of the country restore wetlands for environmental and flood control purposes. That, in turn, will aid in the accomplishment of the very objective that critics of the wetlands permitting provisions of H.R. 2605 have in mind: the preservation and restoration of wetlands areas around the country.

Having been a supporter of the DPRWDP for over a decade now, I am proud of its accomplishments, excited about its potential and pleased by its inclusion in this bill. Like many other items funded by H.R. 2605, the DPRWDP promises to save American taxpayers many more dollars than it will cost. Not only that, but it should ease the minds of those who are concerned about the future of America's wetlands. The DPRWDP is, in short, a win-win proposition. Within the context of an overall bill that is one of the most fiscally responsible appropriations measures in recent memory, it promotes environmental responsibility as well. That being the case, I urge my colleagues to look at the DPRWDP as one more reason to support the FY2000 Energy and Water Appropriations bill. with the DPWFDP included, H.R. 2065 is a measure to which most everyone should be able to give their enthusiastic backing.

Mrs. ROYBAL-ALLARD. Mr. Chairman, I rise in support of the Energy and Water Appropriations Bill for Fiscal Year 2000, and I compliment the job of my two colleagues on the Appropriations Committee, Subcommittee Chairman RON PACKARD and Ranking Member PETER VISCLOSKY, on their first year in their respective roles.

The Energy and Water Appropriations bill is always of great importance to California because of its impact on our harbors and waterways, and the need to protect our residents from natural disasters such as flooding.

I will focus on a number of projects that are of specific importance to my constituents in the 33rd Congressional District as well as the entire Los Angeles area.

One of the most important projcts for my constituents is the Los Angeles County Drainage Area flood control project along the Los Angeles and Rio Hondo Rivers, known as the ''LACDA'' project. This project was recommended by a task force of government agencies, environmental groups, and neighborhood groups. My constituents and other residents along the Los Angeles River are impacted directly because each year of project delay costs local residents as much as $130 million in flood insurance premiums as well as the adverse economic impact associated with building restrictions within the flood plain. Fortunately, FEMA has given us an indefinite postponement of flood insurance increases, but I am pleased that the final increment of this funding has been provided so we can bring the much-needed protection to my constitutes. The LACDA project will restore an adequate level of flood protection to 500,000 people and 177,000 structures, and it will affect 11 cites over 82 square miles in Los Angeles County. Without the LACDA project, an estimated $2.3 billion in damages would result from a large storm event.

I am also pleased that the bill provides the funding to complete the next phase of the Pier 400 construction project in Los Angeles Harbor. This project will create an additional 315 acres of new land at Pier 400 upon which new state-of-the-art marine terminals will be built. In addition, a deep draft navigation project will be completed in order to accommodate the next generation of larger container ships. The Corps of Engineers has already made this project a top priority by reprogramming funds in order to maintain an optimal construction schedule.

Although I was disappointed that funds for the pre-construction, engineering and design phase of the main channel deepening project have not been included, I look forward to working with the committee once this project has been formally authorized to continue these needed improvements to Los Angeles Harbor.

This bill also provides funds for clean-up of the San Gabriel Basin. The San Gabriel groundwater basin is the primary source of drinking water for about one million residents in the San Gabriel Valley. Unfortunately, the groundwater is contaminated with both organic and inorganic compounds, so I am pleased that funds have been included in the bill to get the clean-up project underway. My constituents may draw their water from the Central Basin, but this project is still important to them. If we do not undertake the cleanup of these contaminated sediments in a timely fashion, we run the real risk of contamination of the Central Basin, serving 1.4 million Los Angeles County residents, including my constituents in Vernon, Cudahy, Maywood, Bell, Bell Gardens and South Gate.

Finally, as a member of the House Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China, I understand the Committee's concern with the Department of Energy's national security programs centered around its weapons' laboratories. Given the recent revelations regarding Chinese espionage at our national labs, these concerns are valid and timely. However, I have serious reservations about the way the Committee has chosen to address this issue.

It may be the practice for the Appropriations Committee to delay obligating funds to an agency in order to correct a problem, achieve a specific end, or perhaps just to send a message. In this case, however, the withholding of $1 billion in funding from DOE's nuclear weapons program until June 30, 2000, is overly harsh and, in my view, unnecessary. That level of funding amounts to one-fourth of the Department's total funding for weapons activities. Restricting these funds for the majority of the fiscal year would seriously hamper DOE's ability to carry out its weapons-related research and functions.

Further, both the House and the Senate are already addressing this issue. Just last week, the Senate passed an amendment to the Intelligence Authorization bill which establishes a separately organized Agency for Nuclear Stewardship to be headed by a new Under-Secretary who will report directly to the Secretary of Energy. Within this new agency, a separate office focusing on counter-intelligence would be established with a direct line to the new Under-Secretary as well as the Energy Secretary. The House-passed version of the bill includes several recommendations to increase security at the labs that were agreed to by our bi-partisan Select Committee. Further, the House Science Committee, the Commerce Committee, and the House Select Intelligence Committee are all looking into this matter, and a free-standing bill is expected to be ready sometime this summer.

With the House and Senate already taking meaningful steps to address the security problems at DOE, this funding restriction is unnecessary and will only serve to further hamper the Department's efforts to address these security concerns while carrying out day-to-day functions. I would, therefore, urge the Committee to drop this harmful provision.

Again, I compliment Chairman PACKARD and Ranking Democrat PETER VISCLOSKY for putting together a well-balanced bill that makes progress on many projects of importance to my constituents, my state and the nation.

Mr. CALVERT. Mr. Chairman, I rise today in strong support of H.R. 2605, the Energy and Water Appropriations bill. First, I would like to thank Chairman PACKARD for his hard work and dedication in crafting a balanced bill. I would also like to commend Chairman YOUNG for his responsible leadership in ensuring that these necessary spending bills are delivered on time and at the levels required under the budget resolution.

As a member of the southern California delegation, I understand the importance of preserving our water resources and protecting citizens from flood damage. This bill appropriates vital funds for watershed management, flood control, environmental enhancement, water conservation and water supply, and building dams which will save many lives downstream.

This bill will help protect vulnerable communities. I urge all of my colleagues to support this bill.

I also urge my colleagues to vote against the Visclosky amendment. Under current law, if the Corps of Engineers determines that no wetlands exist on a piece of property, a third party can file suit in court. But, if the Corps determines that wetlands do exist, then the landowner is forced to go through the entire permitting process before he or she can go to court.

Mr. Speaker, current law puts the hard-working citizens at a disadvantage to extreme environmental groups. This bill will allow landowners the same right to appeal a decision in court, the same right that any interested third party currently enjoys. It's only fair and I urge my colleagues to oppose the Visclosky amendment.

Mr. SHIMKUS. Mr. Chairman, I understand that the bill provides $97.5 million under biomass/biofuels energy systems, which includes $41 million for the transportation program.

It is my understanding that, although the House version does not identify which projects receive funds, the conference report has reflected a compromise between the two chambers that provides funding to certain projects.

The concern I would like to raise to the Chairman deals with a project that the Chairman and I have discussed, the National Ethanol Research Pilot Plant.

As the Chairman knows, this project has a $6 million cost-share contribution from the State of Illinois, and will provide for cutting-edge research that will lead to increased efficiencies coupled with cheaper production of ethanol.

Preliminary estimates are that the plant could reduce the cost of ethanol by over 10 cents/gallon in the near term.

If, as in the past, the Conference Report on this bill identifies projects for funding under the biofuels program, I would like to strongly urge that this plant be funded.

Mr. BEREUTER. Mr. Chairman, this Member would like to commend the distinguished gentleman from California (Mr. PACKARD), the Chairman of the Energy and Water Development Appropriations subcommittee, and the distinguished gentleman from Indiana (Mr. VISCLOSKY), the ranking member of the subcommittee for their exceptional work in bringing this bill to the floor.

This Member recognizes that extremely tight budgetary constraints made the job of the subcommittee much more difficult this year. Therefore, the subcommittee is to be commended for its diligence in creating such a fiscally responsible bill. In light of these budgetary pressures, this Member would like to express his appreciation to the Subcommittee and formally recognize that the Energy and Water Development appropriations bill for fiscal year 2000 includes funding for several water projects that are of great importance to Nebraska.

This Member greatly appreciates the $10 million funding level provided for the four-state Missouri River Mitigation Project. This represents a much-needed increase over the Administration's insufficient request for this important project. The funding is needed to restore fish and wildlife habitat lost due to the Federally sponsored channelization and stabilization projects of the Pick-Sloan era. The islands, wetlands, and flat floodplains needed to support the wildlife and waterfowl that once lived along the river are gone. An estimated 475,000 acres of habitat in Iowa, Nebraska, Missouri and Kansas have been lost. Today's fishery resources are estimated to be only one-fifth of those which existed in pre-development days.

In 1986, the Congress authorized over $50 million to fund the Missouri River Mitigation Project to restore fish and wildlife habitat lost due to the construction of structures to implement the Pick-Sloan plan.

In addition, this bill provides additional funding for flood-related projects of tremendous importance to residents of Nebraska's 1st Congressional District. Mr. Chairman, flooding in 1993 temporarily closed Interstate 80 and seriously threatened the Lincoln municipal water system which is located along the Platte River near Ashland, Nebraska. Therefore, this Member is extremely pleased the Committee agreed to continue funding for the Lower Platte River and Tributaries Flood Control Study. This study should help formulate and develop feasible solutions which will alleviate future flood problems along the Lower Platte River and tributaries. In addition, a related study was authorized by Section 503(d)(11) of the Water Resources Development Act of 1996.

This Member is also pleased that this bill includes $250,000 to complete the interim feasibility study and begin plans and specifications for the Lake Wanahoo project in Saunders County, Nebraska. This is a breakout study of the Lower Platte River and Tributaries Flood Control Study. The interim feasibility study will assess the environmental and flood control benefits of Lake Wanahoo. It will also evaluate other possible measures to provide flood control for the affected downstream areas. The Corps of Engineers has conducted a preliminary feasibility study and has determined that further study of the Sand Creek watershed, the site of the proposed project, is required. This will fulfill the intent of the study authority and to assess the extent of the Federal interest.

Mr. Chairman, additionally, the bill provides continued funding for an ongoing floodplain study of the Antelope Creek which runs through the heart of Nebraska's capital city, Lincoln. The purpose of the study is to find a solution to multi-faceted problems involving the flood control and drainage problems in Antelope Creek as well as existing transportation and safety problems all within the context of broad land use issues. This Member continues to have a strong interest in this project since he was responsible for stimulating the City of Lincoln, the Lower Platte South Natural Resources District, and the University of Nebraska-Lincoln to work jointly and cooperatively with the Army Corps of Engineers to identify an effective flood control system for Antelope Creek in the downtown area of Lincoln.

Antelope Creek, which was originally a small meandering stream, became a straightened urban drainage channel as Lincoln grew and urbanized. Resulting erosion has deepened and widened the channel and created an unstable situation. A ten-foot by twenty-foot (height and width) closed underground conduit that was constructed between 1911 and 1916 now requires significant maintenance and major rehabilitation. A dangerous flood threat to adjacent public and private facilities exists.

The goals of the study are to anticipate and provide for the control of flooding of Antelope Creek, map the floodway, evaluate the condition of the underground conduit, make recommendations for any necessary repair, suggest the appropriate limitations of neighborhood and the University of Nebraska-Lincoln city campus development within current defined boundaries, eliminate fragmentation of the city campus, minimize vehicle/pedestrian/bicycle conflicts while providing adequate capacity, and improve bikeway and pedestrian systems.

This Member is also pleased that the bill provides funding for the Missouri National Recreational River Project. This project addresses a serious problem by protecting the river banks from the extraordinary and excessive erosion rates caused by the sporadic and varying releases from the Gavins Point Dam. These erosion rates are a result of previous work on the river by the Federal Government.

Although this bill does not include funding for the proposed Missouri River Research and Education Center at Ponca State Park in Nebraska, this Member is pleased that $1 million is included in the version approved earlier by the other body. This Member hopes that the conference committee will include funds for this important project in the conference report.

Finally, Mr. Chairman, this Member recognizes that H.R. 2605 also provides funding for Army Corps projects in Nebraska at the following sites: Harlan County Lake; Papillion Creek and Tributaries; Gavins Point Dam, Lewis and Clark Lake; Salt Creek and Tributaries; and Wood River.

Again Mr. Chairman, this Member commends the distinguished gentleman from California (Mr. PACKARD), the Chairman of the Energy and Water Development Appropriations Subcommittee, and the distinguished gentleman from Indiana (Mr. VISCLOSKY), the ranking member of the Subcommittee for their support of projects which are important to Nebraska and the First Congressional District, as well as to the people living in the Missouri River Basin.

Mr. PORTMAN. Mr. Chairman, I am pleased to rise in support of the Energy and Water Appropriations legislation. I am particularly pleased to support two provisions of this legislation that will directly benefit many of the people I represent in Southwest Ohio.

The former Fernald Feed Materials Production Center, now known as the Fernald Environmental Management Project, was a Department of Energy facility that was part of the United States' nuclear weapons production complex from 1951 to 1988. The Fernald site became heavily contaminated and has been the focus of extensive nuclear and hazardous waste cleanup efforts.

The Energy and Water Appropriations bill for Fiscal Year 2000 contains $280,589,000 for the Fernald cleanup. The FY 2000 funding level represents an increase of more than $6 million from the FY 1999 appropriation. The funding is intended to keep the Fernald's accelerated cleanup project on track for completion in 2006, rather than the originally planned 2020.

This appropriation is directly in the public interest. Keeping the accelerated cleanup program at Fernald on track will lower health risks for residents of the surrounding area and lower the overall project costs for the taxpayers.

This legislation also contains $915,000 for the Army Corps of Engineers to study ways to improve flood control in the Mill Creek valley while restoring the waterway's ecosystem. This funding will help with our ongoing effort to revitalize and restore the Mill Creek watershed.

I commend the members of the subcomittee—specially Chairman PACKARD and Ranking Member VISCLOSKY—for their good work on the bill and for including this essential funding.

Mr. BENTSEN. Mr. Chairman, I rise in support of H.R. 2065, the FY 2000 Energy and Water Appropriations bill. I would first like to thank Chairman PACKARD and Ranking Member VISCLOSKY for their hard work on this important legislation. I would also like to thank my good friend from Texas, Mr. EDWARDS, for all the help he and his office have provided me.

I strongly support the decision of the Subcommittee on Energy and Water to ensure the U.S. Army Corps of Engineers receives adequate funding to continue their vital work in the areas of flood control and navigational improvement. I would also like to compliment the Administration for their decision to fully fund the Corps budget. This funding level recognizes the critical economic and public safety initiatives contained within the legislation. Because many flood and navigation projects located in my district are on accelerated construction schedules, full funding by both the Administration and the subcommittee will ensure the expedited completion at great savings to the taxpayers.

I am very pleased by the support this legislation provides for addressing the chronic flooding problems of Harris County, Texas. H.R. 2065 includes vital funding for several flood control projects in the Houston area. These projects include Brays, Sims, and Hunting and White Oak bayous, and will provide much-needed protection for our communities.

I am most grateful for the subcommittee's decision to fully fund the Brays Bayou project at $9.8 million for FY '00 while remaining within their budgetary spending caps as specified by the 1997 Balanced Budget Agreement. This project is necessary to improve flood protection for an extensively developed urban area along Brays Bayou in southwest Harris County. The project consists of three miles of channel improvements, three flood detention basins, and seven miles of stream diversion and will provide a 25-year level of flood protection. The project was originally authorized in the Water Resources Development Act of 1990, as part of a $400 million federal/local flood control project. Through Fiscal Year 1999, over $10 million has already been appropriated. The Harris County Flood Control District has expended over $21 million for preconstruction preparation in terms of land acquisition, easements, and relocations, plus an additional $2.5 million in engineering and construction. As part of the Water Resources Development Act of 1996, the project was authorized as a demonstration project for a new federal reimbursement program. This program is an effort to strengthen and enhance the Corps/local sponsor role by giving the local sponsor a lead role and providing for reimbursement by the Federal Government to the local sponsor for the traditional federal portion of work accomplished.

I am also most grateful for the committee's decision to fully fund the Sims Bayou project at $18.3 million for FY '00. This project is necessary to improve flood protection for an extensively developed urban area along Sims Bayou in southern Harris County. This project, authorized as part of the 1988 WRDA bill, consists of 19.3 miles of channel enlargement, rectification, and erosion control beginning at the mouth of the bayou at the Houston Ship Channel and will provide a 25-year level of flood protection. This continuing project has received over $120 million to date in state and federal funding and is scheduled to be completed two years ahead of schedule in 2004.

Mr. Chairman, I am also pleased that this legislation provides $60 million to fully fund continuing construction on the Houston Ship Channel expansion project. This project offers tremendous economic and environmental benefits and once completed, will enhance one of our region's most important trade and economic centers. The Houston Ship Channel desperately needs expansion to meet the challenges of expanding global trade and to maintain its competitive edge as a major international port. Currently, the Port of Houston is the second largest port in the United States in total tonnage, and is a catalyst for the southeast Texas economy, contributing more than $5 billion annually and providing 200,000 jobs.

However, the Port's capacity to increase tonnage and create jobs is limited by the size of the channel. Hence the need for the Houston Ship Channel expansion project, which calls for deepening the channel from 40 to 45 feet and widening it from 400 to 530 feet. The ship channel modernization, considered the largest dredging project since the construction of the Panama Canal, will preserve the Port of Houston's status as one of the premier deep-channel Gulf ports and one of the top transit points for cargo in the world.

Mr. Chairman, while I am pleased the critical functions of the U.S. Army Corps of Engineers have been maintained, I am very concerned about the inappropriate legislative rider attached to this bill. This legislation contains a provision indefinitely postponing the phase out of the Corps Nationwide Permit 26 (NWP 26), which is accelerating the destruction of our country's sensitive wetlands. Acknowledging the weaknesses of this permit, the Corps has had several public comment periods with all the stakeholders to develop a workable alternative to revise the NWP 26 process. This ill-conceived legislative rider will negate all the effort that went into forging a workable wetlands permitting system and will continue the ruinous development of wetlands. Consequently, I urge my colleagues to support the Visclosky Amendment allowing the Corps to preserve our shrinking wetlands.

Again, I thank the Chairman and Ranking member for their support and I urge my colleagues to support this legislation.

Mr. MATSUI. Mr. Chairman, I would like to take this opportunity to thank Chairman PACKARD and the Ranking Member, Mr. VISCLOSKY, for their support of Sacramento flood control projects included in the FY 2000 Energy and Water Appropriations bill. Flooding remains the single greatest threat to the public safety of the Sacramento community, posing a constant risk to the lives of my constituents and to the regional economy. Thanks to your efforts and the efforts of this Committee, Sacramento can continue to work toward improvement flood protection.

With a mere 85-year level of protection, Sacramento remains the metropolitan area in this nation most at risk to flooding. More than 400,000 people and $37 billion in property reside within the Sacramento flood plain, posing catastrophic consequences in the event of a flood. While the Congress continues to debate the best long-term solutions to this threat, funding in this bill will provide much needed protection to the existing flood control facilities throughout the region.

Specifically, this legislation will allow for the continuation of levee improvements and bank stabilization projects along the lower American and Sacramento Rivers, increasing levee reliability and stemming bank erosion. Additionally, I greatly appreciate the Committee's willingness to provide funding for projects—including the South Sacramento Streams Group, Strong Ranch and Chicken Ranch Sloughs, and Magpie Creek—aimed at preventing flooding from a series of smaller rivers and streams that present substantial threats separate from those posed by the major rivers in the region. Importantly, the Committee's willingness to include funding for the American River Comprehensive Plan will allow for ongoing Corps of Engineers general investigation work on all area flood control needs, including a permanent solution.

Your support of these vital projects represents a recognition by this Congress of the grave danger confronting Sacramento and a willingness by the federal government to maintain a strong commitment to the community. Again, on behalf of my constituents, I am grateful for your support in helping to address this perilous situation.

Mr. LIPINSKI. Mr. Chairman, I rise today in support of H.R. 2605, the FY 2000 Energy and Water Development Appropriations bill.

Thanks to the leadership of Chairman PACKARD and the Ranking Member, Mr. VISCLOSKY, of the Energy and Water Development Appropriations Subcommittee, we have before us today a finely crafted piece of legislation that will fund the Army Corps of Engineer's civil works division and invest in our nation's water infrastructure. In my opinion, they have been successful in putting together a bill—under very demanding circumstances—that balances the infrastructure needs of this nation, the traditional mission of the Army Corps, and severe budgetary constraints. The end product is a vigorous funding bill that targets wise investments in water infrastructure projects.

Included in the bill are three important projects for my constituents in the Third Congressional District of Illinois. The bill includes $640,000 for the Stoney Creek flood control project in Oak Lawn, $200,000 for the Natalie Creek flood control project in Midlothian and Oak Forest, and $150,000 for the Hickory Creek project in Tinley Park. These funds will be used to continue these ongoing Army Corps projects. These cost-effective projects will help protect property from future flooding damages, safeguard the environment, and improve our communities' standard of living.

I would like to take this opportunity to express some concerns over the progress of those Corps projects, specifically the Section 205 Stoney Creek project in the Village of Oak Lawn. Over the years, there have been some delays. I understand that these are complex and technical projects and things do not always go according to plan, but every year this project is delayed means that another year the Village of Oak Lawn is exposed to extreme flooding risks. I strongly urge the Army Corps Chief of Engineers to expedite completion of this project. Moreover, I would hope that the Natalie Creek and Hickory Creek projects are completed in a reasonable amount of time.

Also included in the bill is $13.129 million for the Chicago Shoreline project, which represents a $5.5 million increase over the Administration's request. My colleagues and I on the House Transportation and Infrastructure Committee worked to authorize this project in the Water Resources Development Act of 1996. With nearly eight miles of Chicago's lakefront and over $5 billion worth of irreplaceable infrastructure and public property at risk, the importance to fully fund and expedite this particular project cannot be understated. The funding for FY 2000 will be utilized to reconstruct the seriously deteriorated revetments from Irving to Belmont, I–55 to 30th Street,

33rd to 37th Street, and 37th to 43rd Street. I commend the Army Corps of Engineers for the hard work put into drafting and finalizing the partnership agreement with the City of Chicago to expedite this project. The new 2005 completion date shortens the schedule by five years.

Again, I thank Chairman PACKARD and the Ranking Member, Mr. VISCLOSKY, for their assistance and leadership in providing the necessary funding for the above projects.

I urge all of my colleagues to pass H.R. 2605.

Mr. ROEMER. Mr. Chairman, on behalf of the Gentleman from California, Mr. HERGER, and myself, we wish to thank you for the generous allocation for biomass energy transportation systems in the FY 2000 Energy and Water Appropriations bill. We understand that, due to budget constraints, the allocation was over $10,000,000 below the budget request. However, it appears that biofuels was a priority to the committee in the renewable energy category. We applaud the committee's foresight, as this is a critical time for commercializing this technology, both to aid in increasing the efficiency of the existing corn ethanol plants, and to help build several biofuels pilot projects throughout the U.S. There are, for example, two plants in California, one almost complete and one slated for construction. One such plant will use rise straw as its feedstock, another will use wood waste. Again, we thank the Chairman and his committee for its support of the biofuels budget and ongoing pilot plan projects.

Mr. SENSENBRENNER. Mr. Chairman, I rise today in support of H.R. 2605, the Energy and Water Development Appropriations Act of 1999. This bill contains funding for the majority of the Department of Energy's (DOE's) civilian science and energy R&D programs as well as legislative guidance on some key project management issues at the Department of Energy.

Today, the Department of Energy epitomizes all that is wrong with how a government department should be run. DOE lacks basic planning and project management skills and cannot provide simple planning information to Congress on costs and deadlines. This appropriation bill represents the hard work of Mr. PACKARD and the Members of the Subcommittee to correct a department that has gone awry and appears incapable of righting itself.

The Science Committee has responsibility for setting authorization levels for funding civilian scientific research and development programs at the Department of Energy as well as providing programmatic direction. The Committee has passed two authorization bills which address Department of Energy funding needs.

They are: H.R. 1655, the Department of Energy Research, Development, and Demonstration Authorization Act of 1999; and H.R. 1656, the Department of Energy Commercial Application of Energy Technology Authorization Act of 1999. While H.R. 2605 does not fully fund some science and energy R&D accounts to their authorized levels, it is a good attempt to follow the authorization bills directions on R&D funding within a tight fiscal framework.

In addition, H.R. 2605 will have a profound impact on climate research at the Department of Energy. While the Administration jumped on the Kyoto bandwagon, I have always believed that a more science-based assessment of our climate and energy resources is necessary before we use taxpayer funds to support a flawed policy approach.

H.R. 2605 addresses this issue through its inclusion of language, known as the Knollenberg amendment, that prohibits any funds from being used to implement the Kyoto Protocol. This language is consistent with language from Representative ZOE LOFGREN's amendment that was adopted by the Committee on Science as part of H.R. 1742, the Environmental Protection Agency Office of Research and Development Act of 1999, on May 25, 1999. Together, both Ms. LOFGREN's and Mr. KNOLLENBERG's language assures taxpayers that Senate ratification must precede actions to implement the Kyoto Protocol and that the Department of Energy cannot attempt to implement any Kyoto regulations through a disingenuous approach. Given the glaring problems with this unfunded, unsigned, and unratified Protocol, such a limitation is proper and necessary and I commend the Appropriations Committee for including this language in H.R. 2605.

Finally, I want to commend and applaud the Committee's decision to follow the authorization language in H.R. 1655 regarding the Spallation Neutron Source (SNS) project. Specifically, H.R. 2605, through legislative and report language, will require DOE to meet the following criteria before any construction funds are released. The criteria taken from H.R. 1655 are as follows:

1. Certification that senior project management positions for the project have been filled by qualified individuals;

2. Cost baseline and project milestones for each major construction and technical system activity, consistent with the overall cost and schedule submitted with the Department's fiscal year 2000 budget, and that have been reviewed and certified by an independent entity, outside the Department and having no financial interest in the project, as the most cost-effective way to complete the project;

3. Binding legal agreements that specify the duties and obligations of each laboratory of the Department of Energy in carrying out the project;

4. A revised project management structure that integrates the staff of the collaborating laboratories working on the project under a single project director, who shall have direct supervisory responsibility over the duties and obligations described in subparagraph (3.) above;

5. Official delegation by the Secretary of primary authority with respect to the project to the project director;

6. Certification from the Comptroller General that the total taxes and fees in any manner or form paid by the Federal Government on the SNS and the property, activities, and income of the Department relating to the SNS to the State of Tennessee or its counties, municipalities, or any other subdivision thereof, does not exceed the aggregate taxes and fees for which the Federal Government would be liable if the project were located in any other State that contains a national laboratory of the Department; and

7. Annual reports on the SNS project, included as part of the Department's annual budget submission, including a description of the achievement of milestones, a comparison of actual costs to estimated costs, and any changes in estimated project costs or schedule.

In the past, costs associated with some major scientific projects have spiraled out of control because adequate preventative measures were not taken in the early planning stages to limit cost growth. The Superconducting Supercollider and International Space Station are two examples, and I believe that the language on Spallation Neutron Source, when coupled with rigorous oversight, will provide the Department of Energy with the facility they need at a cost that does not cause heartburn for the American taxpayer.

Mr. WELLER. Mr. Chairman, thank you for bringing this important bill to the floor. I wish to thank also Chairman PACKARD for his leadership and work in crafting this bill, a bill that will directly help the residents of the 11th Congressional district of Illinois. Mr. Speaker, the Energy and Water Development Appropriations Bill is a good bill, and I ask that all of my colleagues support it.

Two specific projects are funded in this bill that are important to the citizens of Illinois. Both the Thornton Reservoir Project and the Kankakee River Feasibility Study have been given significant and important funding under this bill. The Thornton Reservoir project continues funding for the Tunnel and Reservoir Project known as TARP. TARP is an intricate system of underground tunnels and storage reservoirs that provide flood relief and control combined sewer overflow pollution into Lake Michigan, the source of drinking water for a large portion of the Chicago metropolitan area. To the project's merit, the completed segments of TARP have helped to eliminate 86% of combined sewage pollution in a 325 square mile area.

The Energy and Water Development Appropriations Bill will provide $4.5 million dollars in construction funding for the McCook and Thornton Reservoirs. This funding will go toward continuing construction of the reservoir portion of TARP. Once completed, these reservoirs will provide a storage capacity of 15.3 billion gallons and will produce annual benefits of $104 million.

The Kankakee River is a very important river for residents of the 11th Congressional District, as well as the residents of Congressmen EWING and BUYER's districts. The river provides scenic, recreational, and commercial opportunities for many. Unfortunately, the river does experience flooding and sedimentation problems both in Illinois and Indiana. The Appropriations committee has been very generous with funding in previous years, providing funds for the Army Corps of engineers to complete a Corps Reconnaissance Study and begin a Feasibility Study.

For fiscal year 2000, the Appropriations Committee has provided $295,000 in funding for the Army Corps of Engineers to continue the Feasibility Study. This is an important project and that will improve the quality of life for those who use or live near the river. I am very pleased to see this continued funding, and thank you again for bringing this important bill to the floor today.

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

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

The CHAIRMAN. All time for general debate has expired.

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

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

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

The Clerk will read.

Mr. YOUNG of Alaska. Mr. Chairman, I ask unanimous consent that I may be permitted to offer a point of order on Section 506 at this point in the reading.

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

There was no objection.

The CHAIRMAN. The Clerk will read Section 506.

The Clerk read as follows:

Title III, division C, of Public Law 105–277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for fiscal Year 1999 and section 105 of Public Law 106–31, the 1999 Emergency Supplemental Appropriations Act, are repealed.

Mr. YOUNG of Alaska (during the reading). Mr. Chairman, I ask unanimous consent that the section be considered as read and printed in the RECORD.

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

There was no objection.

POINT OF ORDER

Mr. YOUNG of Alaska. Mr. Chairman, I make a point of order against Section 506 of the bill, found at page 36, lines 21 to 25. This language repeals the Denali Commission Act of 1998 and constitutes legislation on an appropriations bill in violation of clause 2(b) of rule XXI of the rules of the House of Representatives.

The CHAIRMAN. Does any Member desire to be heard on the point of order?

Mr. VISCLOSKY. Mr. Chairman, I reserve my right to be heard on the point of order.

Mr. PACKARD. Mr. Chairman, we have reviewed this, and we recognize that it does violate it. We would concede the point of order.

Mr. VISCLOSKY. Mr. Chairman, I would concede the point of order.

The CHAIRMAN. Section 506 is conceded to be legislation and the point of order is sustained, and Section 506 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

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, 2000, for energy and water development, and for other purposes, namely:

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

Mr. Chairman, I would like to compliment both the gentleman from Indiana (Mr. VISCLOSKY) and our friend, the gentleman from California (Mr. PACKARD) as well for following in the footsteps of two great Americans, Tom Bevill from Alabama, as well as Joe McDade, who chaired this committee before them. I think they have done an outstanding job.

In serving on the subcommittee, I recognize the difficulties the Members have, especially under the circumstances of the limited amount of allocations we have.

Mr. Chairman, let me say that this is a good bill and it deserves the support of every Member of this body. But I would request that the gentleman from California (Chairman PACKARD) and the gentleman from Indiana (Mr. VISCLOSKY) pay attention to a few items of concern to me in the bill.

While I certainly understand the need to effectively cut corners and to save money wherever possible, I do have some very serious concerns about the impact of the bill on the Power Marketing Administrations' efforts to continue to provide low-cost power to rural areas, including those in south Alabama, as well as throughout the Nation.

Additionally, I have concerns regarding the implementation and the monitoring of water compacts under negotiation between the States of Alabama, Florida, and Georgia. Specifically, I have concern about the lack of sufficient water flow and water quality monitoring systems. Even though I have not discussed this with the gentlemen, the gentleman from California (Chairman PACKARD) or the gentleman from Indiana (Mr. VISCLOSKY), this is something of great concern.

Conceivably we are not talking about a lot of money, but it is something that would require some direction to the Corps, or possibly Interior. I just wanted to make the Members aware that sometime during the process we need to look at this problem to see if possibly the two gentlemen would go along with some language in the conference report to ensure that this problem in this water compact between the States of Alabama, Florida, and Georgia are addressed.

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

Mr. CALLAHAN. I yield to the gentleman from California.

Mr. PACKARD. We have already made assurances that we will deal with the power marketing issue the gentleman has brought up. It is more than just the gentleman's own issue.

On the second issue, I deeply appreciate him bringing that to my attention. We will certainly work with the gentleman in any way we can as we proceed forward with the appropriation process.

Mr. CALLAHAN. I thank the chairman.

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

Mr. CALLAHAN. I yield to the gentleman from Alabama, in whose district this problem lies.

Mr. RILEY. Mr. Chairman, I would just like to thank the gentleman for bringing this to the attention of the Committee. I think there is a debate right now of what committee this jurisdiction will actually fall under.

But as the gentleman from Alabama mentioned a moment ago, this is a compact that has been negotiated now for about 2 years. One of the problems they face in these water negotiations is having a historical record that they can rely on. So I think it is going to be almost imperative for us to do something to put in these gauges, these monitoring sessions, so we do have a historical record.

So as we go into conference, I hope that the chairman will look upon this with favor, work with us as we work through this process, and see if we can, and as the gentleman from Alabama said, this is not a lot of money, but it is something that is absolutely vital to Alabama and Georgia and Florida's negotiating structure.

I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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, $158,993,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use the remaining unobligated funds appropriated in Public Law 102–377 for the Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, project for the feasibility phase of the Red River Navigation, Southwest Arkansas, study.

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), $1,412,591,000, to remain available until expended, of which

such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri; Lock and Dam 14, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota; London Locks and Dam; Kanawha River, West Virginia; and Lock and Dam 12, Mississippi River, Iowa, projects; and of which funds are provided for the following projects in the amounts specified:

Indianapolis Central Waterfront, Indiana, $10,991,000;

Harlan/Clover Fork, Pike County, Middlesboro, Martin County, Pike County Tug Forks Tributaries, Bell County, Harlan County, and Town of Martin elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in Kentucky, $14,050,000; and

Passaic River Streambank Restoration, New Jersey, $8,000,000.

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

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g–1), $313,324,000, 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, $1,888,481,000, 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 account for construction, operation, and maintenance of outdoor recreation facilities.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $117,000,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $5,000,000 of funds appropriated herein to fully implement an administrative appeals process for the Corps of Engineers Regulatory Program, which administrative appeals process shall provide for a single-level appeal of jurisdictional determinations, the results of which shall be considered final agency action under the Administrative Procedures Act: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, shall, using funds provided herein, prepare studies and analyses of the impacts on Regulatory Branch workload and on cost of compliance by the regulated community of proposed replacement permits for the nationwide permit 26 under section 404 of the Clean Water Act: *Provided further*, That none of the funds made available under this Act may be used by the Secretary of the Army to promulgate or implement such replacement permits unless and until the Secretary of the Army, acting through the Chief of Engineers, has submitted the aforementioned report to the Committees on Appropriations of the House and Senate, the Transportation and Infrastructure Committee of the House, and the Committee on Environment and Public Works of the Senate: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, shall not terminate the current nationwide permit 26 unless and until the aforementioned report has been submitted to the Committees on Appropriations of the House and Senate, the Transportation and Infrastructure Committee of the House, and the Committee on Environment and Public Works of the Senate.

AMENDMENT NO. 3 OFFERED BY MR. VISCLOSKY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. VISCLOSKY:

Page 5, line 25, strike the comma and all that follows through page 6, line 23, and insert a period.

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

Mr. VISCLOSKY. Mr. Chairman, I would indicate that the amendment before the body is offered by myself, the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Pennsylvania (Mr. BORSKI), and it goes to correct the one deficiency in the bill relative to the Clean Water Act, relative to preserving wetlands in the United States of America, and relative to the veto issue by the administration relative to the language.

It relates to two provisions in the bill, jurisdiction as far as wetlands and the Army's Corps of Engineers, and a program called Permit 26.

I have talked about the importance of wetlands in my earlier remarks. I have talked about the generic situation we find ourselves in. I would like to use the time allotted to me to talk about the potential arguments raised against the amendment, and why I think the amendment ought to be adopted.

As far as the jurisdictional arguments, I do believe that they would, as the bill is currently constituted, lead to more litigation. Several speakers before us on the floor today talked about the delay involved as far as the implementation of the new procedures as far as the appeal, the new permitting process.

There would be much further delay if the language continues to stand. There would be additional burden on the Corps, and again, we would see an increase in litigation.

As far as Permit 26, some might argue that Permit 26 works. It facilitates the process. To some minor extent, they would be correct. The problem is as far as the overarching policy we are concerned about here, that is, the preservation of our wetlands. I would note again that we are losing 70,000 to 90,000 acres a year. Permit 26 is part of the problem. I would not presuppose that it is all of the problem, but it is part of the problem, and it ought to be fixed for that reason, and for the reason that it is not in compliance with the Clean Water Act.

Some would say that this is going to increase the workload for the Army's Corps of Engineers. Earlier when the acreage was reduced in Permit 26, this same argument was raised: We are going to increase delays, we are going to increase the process, and burden two property owners.

The fact is, that turned out not to be true. There were 55,000, approximately, general permits issued in 1996 before the acreage was reduced. In 1998, general permits issued to facilitate the process did increase to 64,000. But on the other hand, the individual permits, which do take more time, were reduced from 5,028 in 1996 to 4,931.

Will there be some increase as far as the burden to the Corps? Quite possibly, but it is manageable, and the Corps is ready to assume that responsibility. Is there going to be increased cost to those who own property, who develop property? Only if they deal with wetlands.

As far as the time delay, I would point out that, again, before Permit 26 was changed in 1996, the average evaluation time for individual permits was 88 days. In 1998, it was reduced to 87 days, and it is my understanding for the individual development of a property that the delay, if you would, or the time involved before construction is started is anywhere from 6 months to a year. These are not consecutive sequences, they are concurrent.

Does the Corps listen to anybody? Has the Corps simply run roughshod over the process? That is another issue that has been raised. I think, again, it is incorrect. There have been over 10,000 comments issued in three different public comment periods. In some cases the Corps has made fundamental changes and agreed with the developmental community.

The developmental community wanted time limits for the Corps to respond regarding a completed application, and as far as the proposed Permit 26, the Corps said, you are absolutely right, it should be included.

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Inversely, as far as the environmental community is concerned, they asked at one time that there be a complete prohibition in critical waters in 100-year floodplains. They asked for a complete revocation of permit 26 with no replacement, clearly an additional burden to the developmental community and the Corps said absolutely not.

That is going too far in the other direction.

In the earlier debate, there was talk about the delay involved. This is a very precise, very complicated issue. The Corps is trying to do it correctly and have been about that task in both instances since 1996.

PERFECTING AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer a preferential perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. BOEHLERT:

Page 6, line 11, after ''until'' insert the following: ''30 days prior to the final publication of the proposed replacement permits for the nationwide permit 26 under section 404 of the Clean Water Act''.

Page 6, line 13, strike ''report'' and insert the following: ''studies and analyses not later than December 30, 1999''.

PARLIAMENTARY INQUIRY

Mr. VISCLOSKY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from Indiana will state his parliamentary inquiry.

Mr. VISCLOSKY. My question, Mr. Chairman, is if the perfecting amendment of the gentleman from New York (Mr. BOEHLERT) is adopted, will the Visclosky-Oberstar-Borski amendment to strike still be the pending business before the House, and will our amendment, that is, the Visclosky-Oberstar-Borski amendment, if adopted, strike the perfected language?

The CHAIRMAN. The Chair finds that the amendment offered by the gentleman from Indiana is properly treated as a motion to strike. The amendment offered by the gentleman from New York is a perfecting amendment to a portion of the text proposed to be stricken. As such, the perfecting amendment may be considered as preferential, and the motion to strike is placed in abeyance.

After disposition of the perfecting amendment, the committee will decide the motion to strike the specified text, as it may be perfected or not.

Mr. BOEHLERT. Mr. Chairman, I have an amendment to perfect the text that the gentleman from Indiana (Mr. VISCLOSKY) hopes to strike. The amendment I am offering comes after extensive dialogues with my friends and associates and partners, both in the environmental community with whom I am closely associated, and development communities, as well as with the gentleman from California (Chairman PACKARD).

Let me tell my colleagues, this has involved extensive negotiations. Because I will say this, essentially, the gentleman from Indiana (Mr. VISCLOSKY) and my friends in the environmental community are right in expressing their concern that a report on the costs associated with the implementation of a new nationwide 26 permitting program should not be a vehicle to delay the implementation of this program. Let me emphasize and repeat that, should not be a vehicle to delay the implementation of this program.

That is why I am offering an amendment that would make it absolutely clear that a report on costs of implementation would not impede the wetlands nationwide permitting program.

My amendment makes it absolutely clear that the report be required, must be submitted to Congress no later than December 30, 1999. Let me read to my colleagues where we are coming from in the actual language of the bill. It will read, if I am successful with this amendment, ''That none of the funds made available under this Act may be used by the Secretary of the Army to promulgate or implement such replacement permits unless and until 30 days prior to the final publication of the proposed replacement permits for the nationwide permit 26 under section 404 of the Clean Water Act the Secretary of the Army, acting through the Chief of Engineers, has submitted the aforementioned studies and analyses not later than December 30, 1999.''

That is very specific. There is no wiggle room.

In the July 21 Federal Register, the Corps stated for the record that they had ''extended the expiration date for nationwide permit 26 to December 30, 1999.''

My amendment assures that the report being legitimately requested by Congress on the costs of a new permitting scheme will not stop the Corps, will not stop the Corps from going final on their nationwide permit 26 changes on the date that they have projected to go final.

I believe this amendment addresses the real environmental concerns that have been expressed.

I have also included language requesting the Corps to submit their report to Congress at least 30 days before implementing a new nationwide permit scheme. I think that is a legitimate request. Because I have the pleasure and privilege of serving as chairman of the House Subcommittee on Water Resources and Environment, the committee of jurisdiction, I would like to know what the costs in both dollars and manpower, what the costs will be for these new regulations that we are going to impose on the Corps.

Again, let me make it clear, this amendment coming from me is a pro-environment amendment, an amendment that makes sense, an amendment that has been worked out. They did not just snap and accept it and say that I am right, and they agree. We had to really work on this thing. But it has been accepted by the gentleman from California (Chairman PACKARD), and I urge all my colleagues to support its adoption.

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

Mr. BOEHLERT. I am glad to yield to the distinguished gentleman from California.

Mr. PACKARD. Mr. Chairman, the gentleman is correct. We have worked long and hard to work out an agreement that is acceptable. We have no intention in the language of the bill to delay this process. We simply felt that the report was required. I think the gentleman from New York has concurred in that in his statement.

I fully support the amendment of the gentleman from New York (Mr. BOEHLERT). I think it is an improving amendment, and I think it is improving from both a process point of view as well as an environmental point of view.

Mr. BOEHLERT. Mr. Chairman, I appreciate that. I appreciate coming into the discussions and rather tough negotiations in the spirit the gentleman from California did. He was willing to listen, and he was willing to consider another point of view. Because, initially, as the gentleman well knows, we did not see eye to eye. He did not think this thing needed to be changed. I did. The gentleman from Indiana (Mr. VISCLOSKY) feels that, too.

Let me read from the Federal Register back on July 21 when they are talking about the proposal to issue and modify nationwide permits. They point out this, ''the Corps will spend more time on projects with the potential for more environmental damage and less time on projects with minimal adverse effects on the aquatic environment.'' I support that and obviously urge support for my amendment.

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

Mr. Chairman, I would, first of all, indicate my regard for the abilities, intellect, as well as the commitment to the environment of the gentleman of New York (Mr. BOEHLERT). I appreciate his working with the chair and the committee to make the bill a better bill. But I make a couple of observations to my colleagues.

The first is that the language proposed by the gentleman from New York essentially provides for a political solution to a fundamental flaw in the legislation as far as the Clean Water Act and protecting wetlands.

Secondly, I do think that, again, the underlying language that we are talking about is extraordinary as far as the additional costs to the Corps to now issue these reports and studies, the diversion of their energies, and a potential delay from the proposed end of these programs; and that is for the jurisdictional issue to be resolved in September and permit 26 to be resolved in November. That, despite the December 30 date in both of these instances, the time frame we are facing today is shorter, so there is still a delay involved.

Additionally, I think it is extralegal because, under permitting, there is no requirement for the agency to provide a costs study. So what is being requested here is outside of what is legally required under the law.

The gentleman's language does not touch upon the issue of jurisdiction that is part of the amendment that is pending before the House.

But saying that, I can read English. I respect the gentleman. The gentleman has, in a way, improved the language of the bill, and I appreciate him for doing it. I accept the gentleman's language, and I would ask every one of my colleagues in the House to do the same.

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

Mr. Chairman, I rise in support of the Visclosky-Oberstar-Borski amendment. Mr. Chairman, first of all, let me say to those who may have just tuned into this discussion that the issue at hand that we are talking about is wetlands. That word has not entered into this discussion very much, and it does not usually enter into the discussion much on this floor, at least in recent years.

But I think it is fundamental that we understand how important wetlands are to our planet. They are the fundamental breeding grounds of our planet. Nationwide, wetlands serve as home to 43 percent of our threatened and endangered species. Nearly 70 percent of our commercial fishing catch in this country depends upon these fragile areas.

They also serve as our nature's water treatment facility. They act as a sponge to intercept sediment, polluted runoff, and toxic substances before they contaminate our lakes and our rivers and our streams. They are a fragile part of our ecosystem that brings great joy, great beauty, a tremendous sense of serenity to literally tens of millions of people in this country and abroad. They are, indeed, a very special place.

Now, there has been much talk recently in the country about this thing called sprawl. This area that we discussed tonight, wetlands, has been a victim of that and at an alarming rate. When I talk about an alarming rate, we are letting anywhere between 70,000 to 90,000 acres of wetland be destroyed annually in our country.

One acre of wetlands can store more than 360,000 gallons of water runoff. As I said earlier, they are an important filter for our water system. It was not very long ago, not very far from my State of Michigan, where 104 people died of poisoning from cryptosporidum in their drinking water.

So when we engage in this discussion about this fragile important piece of our planet, it is important to understand that the American people are demanding we do something about this question of clean water. My colleagues cannot address the clean water issue unless they address the question of wetlands.

One of our cheapest and most natural ways to do that is to protect our wetlands. And at a time when our older communities are struggling with the cost of updating their sewers, we should be making it easier to protect these natural water flows and water filters.

The bill before us today has two riders which actually make it harder to protect our wetlands. One would prevent the Army Corps from implementing a common-sense activities-based permitting proposal. The Corps wants to implement a permitting process that would be on a case-by-case basis to protect practices which damage our natural wetlands. But this bill stops the Corps dead in their tracks.

The other rider would eliminate public input from the wetlands decision making process by allowing the Federal courts to issue permits straight to the developers.

Our communities have a right to provide input, not just for wetland permits, but for activities which affect our waters, our ecosystems, and our way of life and our quality of life.

I just want to encourage all of our colleagues to think about the implications here before we go rush off and pass this bill without addressing this question. This amendment is a good amendment. It strikes a good balance in the bill. It preserves for us and for our ancestors a very fragile part of our planet that serves us all so very well.

I want to thank the gentleman from Indiana (Mr. VISCLOSKY), the gentleman from Pennsylvania (Mr. BORSKI), and the gentleman from Minnesota (Mr. OBERSTAR) for having the foresight to bring this to the floor. This amendment is supported by all the environmental organizations. Trouts Unlimited, hunters, fishermen, folks across this country understand the nature of what we are talking about here. I would encourage all of my colleagues to vote ''yes'' on this amendment.

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

Mr. Chairman, first of all, I want to compliment the gentleman from California (Mr. PACKARD), chairman of the Subcommittee on Energy and Water Development for bringing forth a very difficult, complicated, yet sophisticated piece of legislation to deal with the Nation's resource needs, energy needs, water needs. This is not an easy task to follow, to implement.

I also want to compliment the gentleman from Michigan (Mr. BONIOR) for his eloquent statement about the need for this Nation to, not only protect the Nation's wetlands, to not only come up with a proposal for no net loss of the Nation's wetlands, but to add to the Nation's wetlands, because they are what he has spoken, the world's filtering system for the dwindling supply of water.

□ 1815

It does create habitat and spawning grounds for most of the fish in the world. So wetlands are important.

I want to make just a brief statement about this country, the United States. We are as sophisticated as we are right now, we are as successful as we are right now for four reasons: democracy, our political system; an endless frontier; an abundance of natural resources; and character. We are about character and democracy, but we are diminishing our resources because of the expanding population, and our frontier is gone. We are a developed Nation.

So what is our next frontier? What is the most important thing we can do now? Understand that for future unseen generations we need to be as sophisticated as possible to recognize the next frontier is an intellectual frontier on how to manage and increase and improve the way we use the Nation's resources.

Now, this energy appropriations bill goes a little way toward doing that. We will do this on an annual basis. The gentleman from California (Mr. PACKARD) has taken a diverse amount of material, disparate interests, and he has put together, or pieced together a package to do something about the Nation's resources. And I am going to support the Boehlert amendment because it does what we want to do.

Let me run through a couple of other items. The gentleman from Indiana (Mr. VISCLOSKY) said that the President had an edict that we were going to get rid of Nationwide 26. What is Nationwide 26? It is a regulation that came out in 1996 that said the Corps of Engineers could not issue permits for isolated wetlands or wetlands on the headwaters of our Nation's waterways for any particular activity.

Now, they have studied that for several years to see its impact. The President said last October that by this July he wanted to eliminate Nationwide 26. The Corps said they could not do it by then, so they pushed it off until September. Now they have pushed it off until December, according to the Federal Register. The Corps of Engineers is not going to eliminate Nationwide 26 permitting process until December.

Now, does the gentleman from New York (Mr. BOEHLERT) offer a delay to that? Does this stop the Corps dead in its tracks? The answer is no. There is no delay in the proposal of the gentleman from California (Mr. PACKARD) or the proposal of the gentleman from New York (Mr. BOEHLERT). Does it cause a burden on the Corps? I personally do not think so. The Corps can pool its resources with the help of this Congress and decide by December 31 that Nationwide 26 will be eliminated and we will propose some permits for activities in the Nation's wetlands.

What is the cost of the Corps to do this? We ought to know. Do they need any more people on the ground to evaluate the activity to issue the permit? We should know this. What is the cost to the community that would like to propose those activities? I think some of the cost to the regulations by the bureaucracy is arbitrary. We do not know as Members of Congress when we issue statutes what happens. We ought to know the cost to the Corps, because we have to propose funding for the Corps, and we should know the cost to the people that want the permits to do those activities so we can better expedite the entire process.

The language in this proposal by the gentleman from New York (Mr. BOEHLERT) is not a political solution; it is a practical solution. There is no potential delay. The language says by December 30. That is what the Corps said themselves.

We should know the cost estimate, and we should know the activities. I would urge my colleagues that a more sophisticated approach to protecting the Nation's wetlands is to know the full impact of what the Corps is about to do. I want to preserve those wetlands. We want to increase the number of wetlands.

Mr. Chairman, I urge support for the Boehlert amendment.

The CHAIRMAN. If there is no more debate on the Boehlert perfecting amendment, the Chair will put the question.

The question is on the perfecting amendment offered by the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 261, further proceedings on the perfecting amendment offered by the gentleman from New York (Mr. BOEHLERT) will be postponed.

The point of no quorum is considered withdrawn.

Debate will continue on the underlying Visclosky motion to strike.

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

Mr. Chairman, in 1993, the Clinton administration directed the Corps of Engineers to establish an administrative appeals process for wetlands determinations. That instruction came with a 1-year time line to perfect those guidelines. However, it was 1995, a full year later, before the Corps proposed an administrative appellate process but was not able at that time to fully implement that plan.

It was then 2 years later, in January of 1997, that the Corps testified that they would need some $5 million to implement their administrative review process. The Congress responded and made those funds available.

In 1998, in January, the Corps announced the appellate process that they were formulating as a result of the $5 million appropriation would only review denied permits, not jurisdictional determinations.

Why is this significant? Well, it means a small landowner or a small businessperson must go through the entire administrative appellate review process and spend significant amounts of money to defend their right to their property. Only when they were denied were they then able to go on to an administrative appeal if the Corps' proposal had been enacted.

In 1999, the Congress was told that the Corps would need an additional $5 million to implement an administrative appellate process to include jurisdictional determinations. Now, finally, some 7 years after the Clinton administration directed the Corps to prepare and implement an administrative appellate process, we find in this legislation, as proposed by the gentleman from California (Mr. PACKARD), the important remedy to small landowners across this country.

For those who do not live in a State like Louisiana, where increasingly human habitation is being found impermissible by the Corps of Engineers, it may be difficult to understand the significance of wetlands determinations. A couple who owns a small dry cleaners back home worked hard, many hours, saving as best they could to put money aside to acquire their dream of homeownership. They bought 5 acres of property in a rural part of Livingston Parish.

As they were making their decisions about where they might build their home on this piece of property they were acquiring, a friend told them they had better call the Corps of Engineers and have them come out and make a determination before they decided on their building location.

Well, the fella happened to own a tractor, and what is called back home a bush hog, a piece of equipment for cutting grass, normally. Well, he took the tractor and the bush hog and he went out and topped the 5-acre tract so he could get a better idea of where the trees were located and what might be an attractive place to put the home.

When the Corps of Engineers came out, they were not particularly impressed with this young man's activities. They determined right off the bat, using an inaccurate floodplain map, that the property in question was a wetland and that he had inappropriately cut down young trees. Not only were they not allowed a permit to build in a timely fashion on that property, they were told they had to replant 50 trees at their expense and be responsible for the life of those trees, for their continued growth and safety.

This couple soon realized what they had gotten themselves into: that they had spent 10 years of their life working to save money to buy their American dream only to be told by a government agency, ''I am sorry, if you want to object to our determinations, you are going to have to go all the way through the process; and only at the end, if you are denied a 404 permit, will you have the right to go to court and spend more money to try to overturn a decision of the United States Government.''

This is ridiculous. The couple has abandoned their hopes of building on the 5 acres and are now back in their dry cleaners, working again this evening, trying to save money to buy another piece of property on which they hope to build their home.

Now, we are not asking that the delicate environmental balance that exists in this country be upset. But let me tell my colleagues, those of us from Louisiana understand delicate environmental balance. Our economy is based on agriculture and fisheries. The wealth of the Gulf of Mexico feeds most of the people around here who go to Washington restaurants and eat these crabs that say made in Louisiana, though I would be interested in knowing where they really come from. Our biggest problem with the environment is not polluting waters, it is gillnetters from out of state, who take monofilament nets and, frankly, destroy our fisheries by hauling them out of state for other purposes.

What we are asking for is just a simple opportunity. If the Corps of Engineers says a landowner cannot build their house on their property that they paid for, we think that landowner should have a chance to have a jurisdictional determination first. Does the Corps have the right to do this to this landowner and can the landowner not get this determination made before they have to spend thousands of dollars defending their right to own property in what is supposed to be a free country.

I congratulate the gentleman from California (Mr. PACKARD) and the committee for finally having put in to a proposal a decent common sense opportunity for small business people and landowners around this country to have the chance to be heard before the government takes their land away.

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

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

Mr. BORSKI. Mr. Chairman, I am pleased to join with the ranking member of the subcommittee, the gentleman from Indiana (Mr. VISCLOSKY) and with the ranking member of the Committee on Transportation and Infrastructure, the gentleman from Minnesota (Mr. OBERSTAR), in offering this amendment. This amendment will strike the harmful riders which would undermine Federal protection of our Nation's wetlands and needlessly increase litigation.

Mr. Chairman, regrettably we are once again debating anti-environmental riders in an appropriations bill. This practice is simply not acceptable. First, this rider undercuts the national protection of wetlands; second, the bill will increase litigation over the wetlands issue; and, third, these issues should be considered and fully debated in the Committee on Transportation and Infrastructure where they belong under the rules of the House.

Furthermore, while anti-environmental riders should not be considered in any appropriations bill, it is particularly unfortunate to see this type of controversy in the energy and water appropriations bill. Historically, this bill is considered to be noncontroversial and receives broad support. The wetlands rider in this bill creates unnecessary controversy and ends that

bipartisan support and, in fact, will liked result in a presidential veto of this bill. The Visclosky amendment removes the controversy and ensures this bill an overwhelming vote.

Mr. Chairman, our Nation's wetlands are a critical natural resource deserving of a special level of protection. Not only are wetlands essential for protecting water quality and the health of aquatic ecosystems, but wetlands are the front line of defense against the devastating effects of flooding.

As many of my colleagues know firsthand, one of the greatest benefits provided by our Nation's wetlands, both economically and environmentally, is that of flood protection. Wetlands serve as natural holding areas for heavy rainfall and snow melts, temporarily storing the excess waters for slow release in surrounding areas and recharging groundwater, thereby reducing the damage to downstream farms and communities.

In the process, these vital areas limit the spread of pollutants by naturally assimilating contaminants and often provide critical habitat and nursery areas for migratory birds. Unfortunately, since the 1600s, more than half of the original wetlands in the lower 48 States have been destroyed. Wetlands across the Nation have been drained at an alarming rate, up to 100,000 acres annually, and subsequently converted to farmlands, built for housing developments and industrial facilities, or used as receptacles for waste.

Yet what is even more unfortunate, Mr. Chairman, is the fact the provisions contained in this bill would assist in the destruction of an even greater number of wetlands. First, the legislative proposals contained in this bill would delay the implementation of a revised nationwide program for wetland development. Currently, the discharge of fill materials into certain types of waters is allowed without regard to the type of activities being conducted and without prior notification or delineation as a protected wetland.

In fact, since 1993, the administration has called for a complete review of the wetlands program, and just a few weeks ago the Army Corps of Engineers published a proposal to correct the deficiencies. The riders contained in this bill will needlessly delay the implementation of the new nationwide permitting program, continuing the loss of wetlands. That is unacceptable.

Instead of continuing the destruction of wetlands, we should allow the Corps of Engineers to finish the work on the revised permit system, providing additional protections to our vital wetland resources, yet still allowing continued development of selected wetlands areas.

Mr. Chairman, this proposal also will needlessly increase the amount of litigation surrounding the wetlands permit program. Under the current program, an individual may seek a determination by the Corps to identify whether or not a wetland exists on their property in advance of any planned development. Because such determinations are not always tied to any real desire to develop lands, these agency determinations are not litigated. This rider allows these issues to be challenged in court. We certainly do not need any more lawsuits.

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While I support establishing an administrative appeals process for jurisdictional determination, this should not create new multiple opportunities for lawyers.

In addition, this threat of litigation is intended to cause the Corps to be significantly more conservative in its determination of what is a wetland in order to avoid future litigation. This can only result in the further development of greenfields at a time when we should be encouraging continued redevelopment of urban and rural brownfields.

Mr. Chairman, as I stated earlier, our Nation's wetlands are an important but rapidly diminishing natural resource. We cannot accept riders in appropriations bills which further diminish their protection. This amendment will stop this rider and protect these precious resources.

I urge my colleagues to support this amendment.

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

Mr. Chairman, I would like to address the two issues that are in this amendment. Let me take the nationwide permit 26 issue first. I will try to be brief on that, because I honestly believe that the Boehlert amendment essentially removes all of the concerns for this portion of the amendment by the gentleman from Indiana (Mr. VISCLOSKY).

Frankly, all this provision is in the bill is a reporting provision. It simply asks for a report. It is nothing more than that. It does not change the process. It does not change the regulations. It does not change the impacts. It does not change any part of the existing law as it relates to wetlands. It only requires a report.

That report will be done before the Corps, at their own admission, can implement the change from the nationwide process to the individual permitting process.

I cannot see any reason for Members to disagree with the provisions that are now in the bill, as amended, on this nationwide permitting process.

I should mention that the Corps itself has admitted that individual permits will take five times longer to process than the nationwide permit 26 general permits will take. The Corps further said, just the other day, last Wednesday, in the Federal Register, the Corps reported that the proposed changes will cause a substantial increase in the Corps' workload by requiring individual permits for activities that would otherwise be evaluated through the nationwide permit program.

The Corps estimated that just one of those proposed exclusions would result in two to three thousand more individual permits per year, at least a 40-percent increase over the current individual permit workload. Can any of my colleagues feel it is not necessary to find out what problems that will cause in the processing?

The Corps is going to have to do more work. They have admitted that. All we want to do in this report is to find out how much more required work it is going to be. Can the Corps handle it? Will it cost more for the Corps? Will we have to provide more funds for the Corps? Will it cost more to the applicant? And, will it cause delays?

All of these questions need to be answered. And the Corps can do it under the Boehlert amendment. Not only can they do it, they must do it before they implement it by the end of the year, which is the time that they said it would take to implement this process anyway.

So much for the nationwide permit process. I can speak a lot more on it, but I will not because far more important is the next issue. Because again, I believe the Boehlert amendment solves the problems in the nationwide permit issue and deserves really no further discussion.

But on to the other portion, that is the administrative appeals process. My colleagues, this is my biggest concern. I get complaints on this process from cities, from counties, from school boards wanting to build schools, water districts wanting to put the sewer and water lines in, State and county facilities that need to be put in to service the people, to build roads, and to build parks.

They are the ones that are struggling more with this now than the private sector is, and they are the ones that are complaining. I have a list of letters from the cities and counties in my district asking us to do something to make it easier for them to go through the process.

My bill very modestly addresses the problems that they have brought to my attention. And the modest change we recommend is to give the cities, the counties and private enterprises that need to develop their land the same opportunity as third parties that may disagree with the Corps' decision.

Let me explain briefly, all this does under current law. I may not have sufficient time to do this, but I will seek time from others to allow me to complete it.

I will use a school district as an example because that is the one that I have heard from most recently, a school district wanting to build a new school. If it is determined by the Corps that they have a wetland on their school site, whether there is or not, if it is declared a wetland by the Corps, then the school district is required to go through the long and drawn out and

expensive process of seeking a 404 permit; and they have to complete that 404 permit application and be denied before they can go to court to determine if, in fact, they do have a wetland.

Now, in the meantime, a community group that may be opposed to the school district building a school, can immediately go to court. If the court decides that there is no wetland on the site and this group is objecting to it, they can immediately go to court.

The CHAIRMAN. The time of the gentleman from California (Mr. PACKARD) has expired.

(By unanimous consent, Mr. PACKARD was allowed to proceed for 5 additional minutes.)

Mr. PACKARD. Mr. Chairman, so if the school district is seeking a 404 permit, they cannot take it to court. But someone else can take it to court if the court decides that it is not a wetland on the site.

That is an injustice to the applicant, in my judgment. It definitely favors the third parties and penalizes the applicant.

All my bill will do will be to allow the school district in this instance to challenge the decision that there is a wetland on the site. And they can appeal it to a higher level within the Corps, not at a different agency, within the Corps. The Corps, if they decide, yes, there is a wetland, then the school district can go to court and verify that that decision is correct before they have to go through the long, drawn out expensive process of a 404 permit.

Now, I do not understand what is wrong with that process. It simply gives the school district in this instance exactly the same options within the courts as a third party that may object. To me, that is fair, it is reasonable, it is very sensible, and certainly a very modest change in the process.

I urge my colleagues to recognize that it is not just the big developer that is affected by the rules and the regulations and the process. It is cities, it is schools, it is water districts, it is counties that want to do something for the people that they represent and that they serve.

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

Mr. PACKARD. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I want to point out that the standard of review for a court determination that the Corps has made an improper determination of what is a wetland is the arbitrary and capricious standard.

I am sorry, if the Corps has made a wetland determination that is arbitrary and capricious, and I am not suggesting it does it left and right, then it should be examined in the courts.

Mr. PACKARD. Mr. Chairman, reclaiming my time, I thank the gentleman for his comment.

All this does is to give a chance for any applicant, any property owner, whether it be public or whether it be private, a chance to be certain that this is really a wetland. I do not understand why that is such an egregious request.

Mr. Chairman, I hope and pray that my colleagues will recognize that this is a very modest change and that they will defeat the Visclosky amendment and allow the bill, as now amended and improved, to stand.

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

Mr. Chairman, 10 years ago President Bush announced a no-net-loss policy for Wetlands in this country; and, as a local official, I saluted him for that. It was a policy that was long overdue.

We have heard colleagues from both sides of the aisle talk about the need to protect wetlands in this country. Yet we continue to fall far short of the goal articulated by President Bush.

We can quibble about the statistics, but we are still losing between 1,000 and 2,000 acres per week, 50 to 100 thousand acres per year, year after year, losing this precious resource.

The gentleman does not understand why we should intervene quickly if someone is proposing to develop land as opposed to a slight delay or a longer delay in terms of development. There is a big difference. Because if we allow development to proceed forthwith, we lose that wetland. There is a big, big difference.

I can understand in my mind why it would be sound Government policy to act immediately if there is a potential for losing this activity.

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

Mr. BLUMENAUER. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, this provision, I think, is better known now as the puppy. The gentleman has not met this puppy. It is not a puppy that wants to destroy wetlands. Nor is it a puppy that wants to delay the process.

The provision in the bill does not change any of the procedures required by an applicant. It simply gives them the opportunity to appeal the decision. But it certainly is not going to deplete wetlands. That is simply not an issue in this.

Mr. BLUMENAUER. Mr. Chairman, reclaiming my time, I was explaining why it was sound Government policy to permit an immediate action if we are going to lose a resource that is going to be lost for centuries or millennia, as opposed to having a slight delay for development that people can go ahead and appeal and can move forward.

We have seen tremendous progress that has been made streamlining. And, in fact, we have streamlined in many cases too well. We have not halted the loss of the wetlands in this country.

Wetlands, as has been documented, are the cheapest way that we are going to provide flood control. They are the cheapest way that we are going to provide for endangered species. It is the most cost-effective way for combined sewer overflow problems that plague over 1,100 communities around the country.

It is, with all due respect, an effort that a number of us who are concerned environmentally see this as being putting sand in the gears. The last thing an underfunded, overworked Corps of Engineers needs to do is to come forward with yet another study.

They are working on this. I have been a critic at times of the Corps, but I am impressed with the 180-degree effort that has been undertaken on behalf of the Corps of Engineers. We do not need to sidetrack them. They have had over 10,000 comments, moving forward.

Let them develop an administrative procedure for appeal. Do not move it automatically to the courts, undermining some of the incentives that we have now for people to work cooperatively to solve these problems.

We do not need, in my judgment, for us to go once again in an appropriations bill undercutting the work that we appropriately do in the authorizing committee.

I would defer to my friend from New York, the chair of the Subcommittee on Water Resources and Environment, for work that he might do in terms of fine-tuning. In fact, I urge that we bring some of our friends together from a variety of water resources agencies because it goes beyond the Corps of Engineers. It includes FEMA. It includes Interior, the Bureau of Reclamation. There are a wide range of people that need to be involved.

I am not concerned if we require local governments, water districts, school districts, even some Federal agencies to play by the same rules that we require the private sector. That is not an argument for pulling the plug. I think that helps us fine-tune and move the process forward.

The CHAIRMAN. The time of the gentleman from Oregon (Mr. BLUMENAUER) has expired.

(By unanimous consent, Mr. BLUMENAUER was allowed to proceed for 2 additional minutes.)

Mr. BLUMENAUER. Mr. Chairman, I appreciate the courtesy of my colleagues.

I have long felt that one of the problems we have in the Federal Government is that we do play by different rules, whether it is the post office that does not obey local land use laws, zoning code, environmental regulations. I think the Congress should move forward to make sure that we all play by the rules.

But for heaven's sake, I think it is ill-advised, when the Corps of Engineers is, in fact, moving in the right direction, for us to throw sand in the gears as it relates to permit 26, require an overworked, underfunded Corps to come forward with yet another study and to enact a separate appeal process rather than have an administrative repeal.

□ 1845

I strongly urge support for the Visclosky-Borski-Oberstar amendment and that we move away from this notion of environmental legislation with the appropriations process.

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

Mr. BLUMENAUER. I yield to the gentleman from Louisiana.

Mr. BAKER. I just wish to point out that the appropriations process gave an additional $11 million for regulatory and administrative procedures in the proposed budget, and, secondly, just a quick Louisiana note, we lose more wetlands in one 2- or 3-day period from one Stage or Level 3 storm called a hurricane than we do in the entire year of normal geological processes. If the gentleman really wishes to help us save wetlands in Louisiana, we just need a few bucks to do some onshore revetments to protect whatever precious wetlands we have left. Otherwise our coastline is going to be up somewhere south of Arkansas.

Mr. BLUMENAUER. Reclaiming my time, with all due respect, I think there are a whole host of areas we could constructively discuss in terms of what has happened environmentally with the State of Louisiana. I think by some ill-planned efforts that have gone, including the Federal Government, over the years, that we have helped create sort of an environmental time bomb in terms of Louisiana.

Mr. BAKER. I will agree with the gentleman, if he will yield further just quickly. One of the problems, which I know that he would not support, would be to let the Mississippi River meander to its natural course.

Mr. BLUMENAUER. Mr. Chairman, I will talk with the gentleman about the Mississippi River flood control and these sorts of things at another time.

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

Mr. Chairman, I want to make a quick comment that the gentleman from Louisiana stated earlier about crabs and restaurants in Washington, where most of them come from Louisiana. I would just like to say that a good portion of those crabs come from the Chesapeake Bay in Maryland.

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

Mr. GILCHREST. I yield to the gentleman from Louisiana.

Mr. BAKER. The gentleman is absolutely correct. I appreciate him for correcting the official record on this matter. I would point out, however, it is the small ones that come from Maryland.

Mr. GILCHREST. Reclaiming my time, it is the big, meaty blue crabs from the Chesapeake Bay. I thank the gentleman from Louisiana. We are also working on the nutria problem. I know you guys eat them down there. We do not do that up here.

I would like to respond to the gentleman from Oregon for whom I have great respect and with whom I realize and all of us here collectively certainly want to do everything we can to add to the Nation's acreage of wetlands, but as far as two quick items:

The appeals process that is in this legislation. One, it offers someone that has been, if you want to, and I cringe when I say this word, develop or have some activity on wetlands, which I think we should avoid them at all cost and find some other alternative. But if you disagree with the Corps when they say that they have delineated that piece of acreage as a nontitled wetland, what can you do then? In the bill, the gentleman from California (Mr. PACKARD) has said, you can appeal that to a higher level of the Corps of Engineers and then they will determine whether the person on the ground delineated that piece of wetlands correctly. If the Corps sustains the original delineation, then the individual or the group can go to a Federal court. But the Federal court is not going to overturn the Corps' delineation unless it is judged to be arbitrary and capricious. That is rock solid.

The other issue we are talking about here is Nationwide 26 which is a small, narrow area of nontitled wetlands, of wetlands in general. It is not the whole program of section 404. It is a narrow part of section 404 dealing with three acres or less that are considered isolated, are considered at the headwaters of an area. Personally I do not think those isolated wetlands should have activity on there other than maybe a Canada goose or some other habitat for wildlife. But the language in this bill does exactly what the Corps of Engineers said they were going to do in the Federal Register. That is, the Corps of Engineers said by December 31, we will have in place the ability to implement a new regime for isolated wetlands, and, that is, to get rid of Nationwide 26, so they will be able to have an individual permit for activity on that particular wetland.

This bill makes sure, puts into statute, that they will no longer postpone that implementation. It will happen December 31st. They were going to do it in July and then that slipped. They were going to do it in September, then that slipped. Now they say they might do it this December.

What the amendment of the gentleman from New York (Mr. BOEHLERT) does is to make sure they will do it in December, and I think we ought to know the kind of money they need for the people on the ground to implement that policy so that we can ensure that they have enough money. And I think it will help the community that wants to have activity on wetlands, the development community, that they ought to know what it is going to cost them. This is just good legislation.

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

Mr. GILCHREST. I yield to the gentleman from California.

Mr. PACKARD. The gentleman should know, and I hope the Congress knows, that we have put money into this bill to literally implement what the Corps was planning to do.

Mr. GILCHREST. I thank the gentleman for that comment.

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

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

Mr. KIND. Mr. Chairman, I want to just rise today to associate myself with the remarks of my friend from Oregon whom I think is one of the foremost experts in this body in regards to this issue and a whole host of other environmental issues. That is why I rise as a strong supporter of the Visclosky amendment and would encourage my colleagues to support it in final passage.

But I also rise this evening, Mr. Chairman, as one of the cochairs of the bipartisan Upper Mississippi River Task Force that was formed over 3 years ago, a group of Members on both sides of the aisle which is dedicated to get together to bring a little more focus to the importance of the preservation and the protection of one of our national treasures, the Mississippi River. Normally I would be eager to support this bill and I hope I still can if the antienvironmental riders that have been attached are removed, and although there is an agreement to restore some of the funding to the renewable energy program, it is a little disheartening that we could not at least get to level funding as we had last year.

This bill, nevertheless, does contain important provisions for the upper Mississippi River Environmental Management Program, the LaFarge Dam Project, and the Chicago Sanitary and Ship Canal Dispersal Barrier. I just want to take a couple of moments to talk about a couple of these.

In light of the tight budget constraints, I commend the appropriators, especially the gentleman from Indiana (Mr. VISCLOSKY) and the gentleman from California (Mr. PACKARD), the committee members and committee staff for their recognition of the importance of the Environmental Management Program and for appropriating $18.95 million to the EMP program which is about level funding, where it was last year, but it is $3 million more than what the Senate appropriations level is right now.

Of special note is the bipartisan support and the leadership that we have had in this Mississippi River Task Force from my other cochairs, the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Iowa (Mr. LEACH).

The EMP is a great cooperative effort at the Federal, State and local level involving the Fish and Wildlife Service, the Geological Service, the U.S. Army Corps of Engineers and the five upper Mississippi River basin States that is dedicated to ensure the coordinated development and enhancement of the

upper Mississippi River system. The EMP is designed to evaluate, restore and enhance riverine and wetland habitat along a 1200-mile stretch of the upper Mississippi and Illinois River. The EMP program manager, Bob Delaney, has highlighted some of the detrimental effects that would occur to the program if we went with the $3 million less appropriated level on the Senate side than what we have here on the House side.

Mr. Chairman, I include Mr. Delaney's letter to me in the RECORD.

DEPARTMENT OF THE INTERIOR,
U.S. GEOLOGICAL SURVEY,
La Crosse, WI, July 27, 1999.

Hon. RON KIND,
House of Representatives, Washington, DC.

DEAR MR. KIND: I thought it appropriate that I communicate to you impacts to the Upper Mississippi River Environmental Management Program (EMP) which will occur under fiscal year 2000 funding levels currently being considered by the House and Senate.

As you know the EMP funds have never been cost indexed. Yearly inflation and uncontrollables, such as salary increases have reduced program operations and capabilities even under the fully funded level of $19,455 by nearly half since the EMP was initiated in fiscal year 1987. This has prevented the construction of dozens of habitat projects in the five river states (Illinois, Iowa, Minnesota, Missouri, and Wisconsin) involved in the EMP. In addition, it has severely curtailed critical science information needed to assist state and federal river managers in balancing the billion dollar industries associated with navigation, recreation, and wildlife conservation.

The proposed Senate funding level of $16.1 million, $3.555 million below full funding levels, would reduce the Long Term Resource Monitoring component of the EMP by $1.12 million and result in the following impact: (1) It would be necessary to close two of the six state-operated field stations that have been collecting critical data on the river for over ten years. Disrupting the continuity and spatial distribution of data on water quality, fish, and vegetation would seriously compromise the integrity of the resource monitoring program. (2) It may be necessary to terminate the fish monitoring altogether. Given how important this information is to the federal and state agencies that are responsible for managing the fish populations upon which much of the recreational economy of the region depends, this would also be a serious set-back. (3) It may be necessary to eliminate sediment and river mapping functions at the USGS Upper Midwest Environmental Sciences Center in Wisconsin.

The Senate EMP reductions would reduce habitat project construction by $2.43 million and result in the following: Suspend design of a number of habitat restoration projects, including Lake Odessa (Iowa), Batchtown Phases II and III (Illinois), and Calhoun Point (Illinois). In addition, it may be necessary to cancel the scheduled award of construction contracts for projects such as Spring Lake Islands (Wisconsin), Ambrough Slough (Wisconsin), Harpers Slough (Wisconsin/Iowa), Pool Slough (Minnesota/Iowa), Pool 11 Islands (Wisconsin and Iowa), the Batchtown Phase I (Illinois). Each of the Corps of Engineers districts, which implement habitat projects, will experience these types of impacts.

The above funding reduction actions will certainly have crippling effects. The timing could not be worse. The Corps of Engineers, U.S. Geological Survey, and the five river states have just concluded a very difficult process of restructuring the EMP Long Term Resource Monitoring Program to accommodate inflation-driven budget shortfalls that the program will experience even with full funding. Painful decisions have already been made that reduce personnel levels and curtail data collection efforts. The USGS and other partner agencies have made every effort to reduce costs, maximize efficiency, and still maintain the scientific credibility of the program. Further loss of scientific data will reduce the ability to describe and mitigate impacts of the sue of the system for navigation. Additional funding cutbacks will seriously jeopardize the integrity of the program.

The Water Resources Development Act which is currently before Congress reauthorizes the EMP and proposes increased funding levels. Reducing funding for this river management support program at the very time that we are all simultaneously planning for its future seems particularly ill-advised.

Sincerely,

ROBERT L. DELANEY,
LTRMP Program Manager.

Mr. Chairman, the EMP is a vital program to the environmental and the economic well-being of the Mississippi River and the entire upper Mississippi River basin. Navigation along the upper Mississippi supports over 400,000 full-time and part-time jobs, which produces about $4 billion in individual income. Recreation use totals 12 million visitors each year in the upper Mississippi region and results in an economic benefit of roughly $1.2 billion. Maintaining a proper balance between economic growth and environmental protection is essential to maintain the health of the river and the wetlands associated with it.

Mr. Chairman, I would also like to mention an issue that has dragged on far too long and needs to be resolved in my district. In 1962, Congress authorized the Corps of Engineers to construct the LaFarge Dam on the Kickapoo River in western Wisconsin. In the process, it condemned more than 140 family farms and began construction of the dam and reservoir. The project, however, was halted in 1975 and it was only half completed.

Also, under the project, certain State and county highways that were slated for relocation have since fallen into disrepair. Several times throughout the history of the project the Wisconsin DOT has been denied the opportunity to maintain these roads by the Corps. This bill provides the funds to correct this wrong. Now the land is slated to revert back to the people of Wisconsin.

Only recently with the passage of WRDA 1996 were additional funds appropriated to finish what the Corps started. This appropriations bill has made provisions to enable the Corps to finish its business so that eventually the land can be returned to the people of Wisconsin.

Finally, Mr. Chairman, another important issue to the Mississippi River contained in the bill is the Chicago Sanitary and Ship Canal Dispersal Barrier funded at $300,000. All this will do is establish an electrical barrier along the Illinois River in order to prevent the migration of nuisance species from Lake Michigan to the Mississippi, such as the round gobi and also carp trying to travel from the Mississippi to Lake Michigan. It is long overdue. I think this barrier is going to add to the protection of the river.

I would encourage my colleagues again to support the Visclosky amendment to make this a better bill which in all other respects I wholeheartedly endorse.

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

Mr. Chairman, I rise today in strong support of the amendment offered by the gentleman from Indiana (Mr. VISCLOSKY), the ranking member of the Subcommittee on Energy and Water Development.

This amendment will strip from the bill the harmful riders that would reduce protection for our valuable wetlands and would make it very difficult for a great number of Members of this Congress to vote for the bill without it. With those riders, it will not work.

In my district just north of the Golden Gate Bridge on the north edge of the San Francisco Bay, we spend a lot of time and a lot of energy reconstructing, restoring wetlands that have been destroyed in our area. A lot of that comes through matching funds from the Federal Government and from the State and from local investment and from private investment, because it is very, very important to my district. In fact, we are going to reconstruct a wetland that is now an old, unused Air Force landing pad, Hamilton Air Force Base. It is going to be the largest restored wetland in the State of California. We would not have to do this if wetlands were not disappearing at nearly 100,000 acres a year in this Nation.

In fact, in my State, California, we have lost nearly 90 percent of our original wetlands. This is extremely alarming. Wetlands provide a home to wildlife habitat, filter pollutants from our streams and lakes, help control floods and give us more recreational areas. These wetlands are a spawning ground for fish and provide homes for more than 138 species of birds and also for every amphibian and reptile in the United States.

The riders in this bill undercut key Clean Water Act protections for wetlands. They would invite increased litigation, they would waste Federal dollars, and block revised wetland permits designed to limit wetland destruction and the flooding of homes and businesses.

The Visclosky amendment would allow the Army Corps of Engineers to revise their permit process, providing more protection for our wetlands. Developers may say, and they do, they will say, and they will say it over and over, that this is a long, drawn-out process that would become much longer. However, the reality of the situation is that 82 percent of permits are

approved within 16 days of submission, and less than half of 1 percent are denied in the end.

The Corps of Engineers has been in the process of developing these replacement permits for more than 2 years. The process involved two public notice and comment periods in which more than 10,000 people and businesses have participated. These comments ran 9 to 1, Mr. Chairman, in favor of stronger wetland protections.

We need to protect our remaining wetlands. The people of this country know it. They know that the wetlands are among our most valuable environmental resources. These antienvironmental riders must be removed before our wetlands disappear entirely.

I ask my colleagues to support the environment by supporting the Visclosky amendment.

□ 1900

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

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

Mr. HINCHEY. I yield to the gentleman from Washington.

(Mr. DICKS asked and was given permission to revise and extend her remarks.)

Mr. DICKS. Mr. Chairman, I rise in support of the Visclosky amendment.

Mr. Chairman I rise in strong support of the Visclosky-Oberstar-Borski amendment to the Energy and Water Appropriations Act. The amendment would remove two provisions from the bill which severely threaten the health of our nation's wetlands and ability of the Corps of Engineers to effectively implement the Clean Water Act.

The first provision severely limits the review process for wetlands decisions by making the review of these initial determinations appealable to Federal courts before a final permit decision has been made. It is my understanding that the Administration is currently creating an administrative appeals process for these determinations, and that this section in the bill cuts off that process.

The second provision would indefinitely delay implementation of a revision to the Corps' ''Nationwide Permit 26'' under Section 404 of the Clean Water Act. The revision was first proposed by the agency last year and is still in the public process being undertaken by the agency. The new nationwide permits are a high priority of the administration. Through this public process, they plan special protections for flood plains and other environmentally sensitive lands. I believe the administration should be allowed to complete the open process and move forward with its revisions to the permitting system, not be cut short by a legislative provision in an appropriations bill.

Our nation's wetlands have already been drastically reduced. We must ensure the protection of these critical areas and not preempt any public processes to be halted because of this legislation. I urge support for the amendment.

Mr. HINCHEY. Mr. Chairman, I wanted to say a word in support of the Visclosky amendment as well because I think it does something that is very important. The administration, this administration, has recognized that the policy that has been pursued by the Army Corps of Engineers over many years which has allowed for the destruction of small wetlands, wetlands under three acres, is a wrongheaded policy in that in the course of that policy we are losing cumulatively hundreds of thousands of acres and have lost cumulatively hundreds of thousands of acres of wetlands over a period of time in the past. The administration wants to move to stop that.

This is a very important thing to do, and we should not discourage the administration in this effort, and unfortunately that is what the anti-environmental riders in this appropriations bill would do. It would make it more difficult to protect small wetlands, wetlands under three acres. It is very important to protect those wetlands for a variety of reasons, not the least of which is the fact that we in this country, as a result of increasing population and increasing activities of various kinds, have placed in jeopardy our surface water supplies, the reservoirs of our Nation, particularly the big cities. We have seen that impact in the Midwest and elsewhere. Consequently the EPA has adopted a program whereby, if cities fail to protect their surface water supplies, their reservoirs, they will have to implement a filtration program. That filtration program is a very expensive one.

Let me give my colleagues the example of the City of New York. In the case of the City of New York, if New York has to build a filtration program which is more likely if we destroy the wetlands upstate, it will cost the city approximately $5 billion to construct that filtration plant and approximately a half a billion dollars a year to operate it. Now that is just the economic side of the equation. Of course, once the filtration plant is built and operating, the quality of the watershed and the water supply system will further deteriorate because the main incentive for protecting it will have been evaporated, will have been lost as a result of the construction of this filtration plant.

So the loss of these wetlands is very critical.

Recently the City of New York did something very foolish, I think, because they approached the Army Corps and dropped a provision whereby they would agree that the city would agree to a plan which would provide for the protection of these small wetlands, these wetlands of less than three acres in the Catskill watershed in upstate New York. The city was prepared to go along with that, but recently the mayor of the city intervened and decided that he would drop that. And so these small wetlands, which are now protecting the quality of the watershed, which is an absolutely precious, invaluable, and I use that word literally, invaluable resource, is in danger now and increasingly in danger because we will be losing these small wetlands.

So, by adopting the anti-environmental rider in this bill we will once again deprive ourselves of the opportunity to protect these small wetlands, protect our water supplies, avoid enormous costs associated with building filtration plants and operating those filtration plants and place our citizenry in increased jeopardy of disease and other ailments as a result of contaminated water supplies.

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

Mr. HINCHEY. Mr. Chairman, I yield to the gentleman from Louisiana.

Mr. BAKER. Mr. Chairman, I just wish to point out the only modification the amendment offered by the gentleman from California (Mr. PACKARD) would make is to allow, at the beginning of the 404 process for these small acreage tracks, a determination to be made whether it is or is not a wetlands; no construction, no damage, no wetlands lost. Only a small property owner can go into the United States Government and say, ''Is this really a wetlands before I spend all my money to get my property back?'' That is all the gentleman's amendment would do.

Mr. HINCHEY. Mr. Chairman, reclaiming my time, I thank the gentleman very much for that. I listened to the gentleman, I am very sympathetic to what the gentleman said about the situation that the story, the anecdote that the gentleman told to us about the situation in Louisiana in his district; I am very sensitive to that, and I appreciate it, and I think that things need to be done about that. We need to protect people from buying property that they intend to build on and then later on they find it is a wetland. We need to take action, at least States particularly ought to take action, against people who sell property alleging that it is buildable, and then later on the purchaser finds out that that is not the case because a wetland is located on it.

Mr. Chairman, I am very sensitive to the problem that my colleague outlines, and I think steps can be taken at the State and local level to deal with those kinds of problems.

I do not think, however, that we ought to be adopting on appropriation measures anti-environmental riders which will make it more difficult for us to protect small wetlands when those small wetlands are so crucial to the health, safety, and welfare of the citizens of this republic.

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

We are switching our attention to a debate on wetlands and the value of wetlands. Let me tell my colleagues I appreciate the value of wetlands.

When President Bush said back in the 1980s that we should have no net loss of wetlands, I stood up and cheered, stood up with many of my colleagues on that side of the aisle. He

was right then, and he is right now. Wetlands are precious. They are natural spawning grounds, they are natural filter systems, they are wonderful. We ought to protect the Nation's wetlands.

What we are trying to do simply is, one, say we are not going to let anybody delay, delay, delay determinations or the implementation of this new plan that the Army Corps of Engineers wants to go forward with, we are not going to say, no, we are going to give some people an excuse to delay it. I think they should go forward with it. So there is no argument there. That is why my amendment passed overwhelmingly; well, it is going to when we have the recorded vote. It makes sense. I am not going to let anybody delay something.

And then secondly, I fail to see why we should be offended by the idea, and I have great respect for my colleague, the gentleman from Oregon (Mr. BLUMENAUER). He serves with me on the Subcommittee on Water Resources and the Environment, which I am privileged to chair, and let me tell my colleagues Mr. BLUMENAUER is one of the most valuable members, one of the hardest-working members, but I do not see what the objection would be to have a modest amount of money for the Corps of Engineers and say, ''Hey, corps, you're overworked and underfunded.'' I will agree, everybody can agree with that. ''Now tell us what more you need to do the job we expect.''

Not everybody here agrees that we should protect these wetlands. I do, and so do a lot of other people on both sides of the aisle. The environment is not a partisan issue. It is not a Republican environment or a Democrat environment. It is a precious, fragile environment, and I want to protect it. But I see nothing wrong with saying to the Corps of Engineers, ''We're going to give you a lot more responsibility. Give us an idea of what more you need to fulfill that responsibility.''

And then I will tell my colleagues my commitment is on the authorizing committee. I am going to do my level best to give them some additional resource to do the job.

And finally, as the gentleman from Louisiana (Mr. BAKER) pointed out a little bit earlier, I see nothing wrong with saying to somebody, ''Let's have sort of an appeal process in place,'' so if the district office says this is something that I do not agree with and I do not like, then one goes to the next level, they have got a process, and if they say something that I do not like, then go to the court, and the court says, well, this is arbitrary and capricious, they cannot get away with it.

Mr. BAKER. Mr. Chairman, will the gentleman yield on that point?

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

Mr. BAKER. Mr. Chairman, I just wish to make the esteemed Member's opinion clear on the underlying text of Mr. Packard's in this bill. If it is adopted without the Visclosky amendment, no damage to wetlands occurs in the gentleman's opinion. It only allows the land owner to come in and say, ''Mr. Corps, is this a wetlands; yes or no,'' before they do anything.

So there is no damage occurring as some have alleged in the debate here tonight.

Mr. BOEHLERT. Mr. Chairman, I exactly agree with the text as perfected, and the perfecting is very important in my heart. Let me tell my colleagues the perfecting is very important because I could sense, as my colleagues know, sort of a little potential problem here. That is why I had the perfecting amendment.

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

Mr. BOEHLERT. I yield to the gentleman from Indiana with whom I work closely and for whom I have great respect.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman's comment and would ask why this issue was not addressed in the Water Resources Act.

Mr. BOEHLERT. Mr. Chairman, let me tell my colleagues we had enough issues that we had to address in the water bill. We are still working. The gentleman from Pennsylvania (Mr. BORSKI) over there, my colleague, is smiling because we are getting very close to resolving that issue in a bipartisan manner, and that is what we should do on this floor.

Look. Let us not look at issues as if we are Republicans or Democrats. Let us look at the issues as if we are Americans concerned about a future legacy for our children and grandchildren.

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

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

Mr. PACKARD. Mr. Chairman, I really want to associate myself with the gentleman's remarks because I too have worked most of my public life to preserve and protect wetlands. I live along the southern California coast surrounded by lagoons and wetlands, and they are very valuable to us, to our quality of life, to our way of life, and to the environment.

I am not anti-environment, I am not anti-wetlands. In fact, my provisions, in my judgment, do not affect the amount of wetlands. Frankly, I dispute that we are losing wetlands. I think the requirements, the mitigation requirements, and the process is requiring that any applicant that has a wetland has to replace it sometimes two, three, four times the amount of acreage than what they have on their property, and, in fact, the State of Pennsylvania has found that they have increased their wetlands since 1989 by the tune of some 4,700 acres.

Mr. BOEHLERT. Reclaiming my time, let me point out that we educated the governor of the State of Pennsylvania in this body, and then we sent him back to Harrisburg to do that.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this debate I think makes the exact point that the ranking member on the committee is trying to make with his amendment, and that is that this ought to be hashed out in the policy committee where all sides can be heard on this as opposed to proposing this amendment, if my colleagues will, in the eleventh hour of this consideration.

I think this committee has done a remarkable job with this legislation given the terrible lack of resources that they have had available to them under the budget constraints to deal with the problems that all the Members have tried to deal with. But clearly in this particular case this language is flawed because it simply comes in in the middle of the process, if my colleagues will, or very near the end of the process, and takes the demands of one constituency to what has been a long-running argument in this country about how we process permits dealing with the protection, the enhancement and conservation of wetlands, and puts the thumb of the committee on one side of the scales of justice here, if my colleagues will, and decides that, in fact, that those who do not think that the Corps is going to respond to them now come to the committee and get it done by edict with no hearing, with no chances for the other side to be heard on this matter.

And that is the reason that the gentleman from Indiana (Mr. VISCLOSKY) and the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. BORSKI) are quite right in offering this amendment. Many of my colleagues on both sides of the aisle have already attested to the damage that has been done under the current process and the need to change that process. And the Corps is going through a very deliberative process to make sure that all sides, in fact, have been heard.

And we have listened to the testimony of how many tens of thousands of people have testified in organizations on this amendment, I mean on the process by the Corps to change the nationwide permit program that we have under section 26, and we ought to fully understand that that is a process that then the Committee on Transportation and Infrastructure or the Committee on Appropriations can deal with through hearings.

But that is not this process. This process is to render a verdict on a claim that is made, that somehow this will change, this will change the equities, if my colleagues will, of when people can appeal this process, when they can make that determination.

One of the things we clearly found out was that at three acres at a time we were gobbling up tens of thousands of acres of wetlands in the current process or the old process, if my colleagues will. Small does not necessarily mean that wetlands are not

important, it does not mean that they are not significant. The fact of the matter is that they have to be reviewed and they have to be considered that.

The Corps also found out that a considerable period of time is being dealt with this question based upon acreage that really does not render a proper judgment, and that is why they are moving to this activity-based system of wetlands that will hopefully give people greater confidence and greater certainty in that process.

And that is why we should support this amendment, because to come in now clearly, as my colleagues can already see, whether it is from the Corps or whether it is from FEMA or other parts of the administration, this has the potential to threaten this entire bill because people have not been able to be heard or make their case on this matter.

I have had meetings on this exact point with many members in our community, but I have to tell my colleagues I do not think that many of the people that I have met with would think that this a terribly fair way to resolve that process in this legislation without an ability to offer amendments other than what the committee would agree to here in the case of Mr. BOEHLERT's, which is clearly an improvement of this. But the Visclosky amendment still ought to be voted on by the House, and it ought to be passed by the House so that we can get back to a thoughtful process that the Corps is currently engaged in.

Mr. Chairman, I want to thank the gentleman for offering his amendment.

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I want to thank the gentleman for offering his amendment.

Mr. VISCLOSKY. Mr. Chairman, given the exchange of unanimous consents, I ask unanimous consent for 2 additional minutes to close.

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

There was no objection.

Mr. VISCLOSKY. Mr. Chairman, I want to return the body and the Members to the issue at hand, and the issue is the loss of wetlands in the United States of America. This year, we will lose approximately 70,000 to 90,000 acres of wetland. The two provisions in the bill are not going to lead to the entire loss of all of those wetlands, but they are contributing factors; and for every acre we lose, we cannot get it back.

The gentleman indicated earlier that as far as the authorization bill, we had other issues to deal with, and I appreciate the Chairman's comments. We have other issues to deal with in this bill to the tune of about $20 billion, and that is what we ought to be focused on. We ought to remind ourselves that in the last three Congresses, there were 225 on other bills dealing with issues related to wetlands and permitting, similar to that being debated at this point in time, and we have not ourselves, Republicans or Democrats alike, been able to resolve those in the authorization process. This is not the time, this is not the place, this is a mistake and is subject to a veto, and I would ask my colleagues to support the Visclosky-Oberstar-Borski amendment.

Mr. KUCINICH. Mr. Chairman, I rise today in support of the Visclosky-Oberstar-Borski amendment. Mr. Speaker, wetlands protect our families from floods, filter our drinking water, provide recreational areas, and provide critical habitat for fish and wildlife. Yet we have destroyed more than half of our wetlands for development and agriculture and we continue to destroy one hundred thousand acres of wetlands annually, one hundred thousand. In my state of Ohio we have already lost more than 90 percent of our precious wetlands. The Army Corps of Engineers estimates that floods have killed almost 900 people and destroyed $900 billion in homes, businesses, crops, and government structures since 1990.

The anti-environmental rider in this bill will allow developers to drive their tractors through a loophole and dump fill directly into our wetlands. This rider seeks to extend, indefinitely, a scientifically discredited wetlands permit known as Nationwide Permit 26. This same permit has been the largest source of permitted wetlands loss in America, authorizing tens of thousands of wetland-filling development activities each year. We cannot afford this decimation of one of our nation's most treasured resources.

Mr. Chairman, I urge my fellow members to support this amendment to remove this damaging anti-environmental rider and close this loophole. Vote yes for this amendment and allow us to provide fair and effective protection for the nation's critical wetlands.

Ms. PELOSI. Mr. Chairman, I rise in support of the Visclosky amendment to the Energy and Water Appropriations bill (H.R. 2605).

This amendment addresses two provisions in the bill where Committee language would result in threatening the progress being made to protect wetland areas and the wildlife they shelter. The amendment would address two issues by:

—striking the reporting requirement for the Corps

—striking the appeal of wetlands designations prior to completion of the permitting process

Both the Environmental Protection Agency (EPA) and the Department of the Army oppose these provisions in the bill. EPA's letter states:

> Both provisions will significantly impair the Administration's ability to provide fair and effective protection for the nation's critical wetlands resources.

The Army summarizes its opposition by stating:

> The Administration strongly objects to a provision that would short-circuit the review process for wetlands jurisdictional determination by making the review of these initial decisions appealable to the Federal courts prior to a final permit decision. Although the Administration supports the creation of an administrative review process for these determinations, the bill would generate unnecessary and premature litigation, set back efforts to ensure a fair and amicable resolution of potential disputes, and undermine the ability of citizens and communities to participate on an equal footing in the permit process.

These are letters from the people in charge of this process; individuals who are considered experts and intensely involved in balancing the interests of appropriate development environmental protection. The language in the bill destroys the unique balance that is necessary to protect our nation's wetlands and, instead, tilts the scales toward development of these areas. When we have threatened or endangered species, there are laws with the specific purpose of safeguarding our natural identity. The same criteria should be applied to guard against exceptions for wetlands development. These areas are diminishing; we know that. Given that knowledge, our focus should be on taking extraordinary steps to protect extraordinary areas.

I urge my colleagues to support the Visclosky amendment and to keep in place the necessary protections intended to protect and preserve precious wetlands which are retreating at an alarming rate from our natural landscape. Vote yes on the Visclosky amendment.

The CHAIRMAN. If there is no further debate on the Visclosky motion to strike, it will remain in abeyance pending disposition of the Boehlert perfecting amendment, on which proceedings have been postponed.

The Clerk will read.

The Clerk read as follows:

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, $150,000,000.

POINT OF ORDER

Mr. BOEHLERT. Mr. Chairman, on behalf of the gentleman from Pennsylvania (Mr. SHUSTER), I raise a point of order against the portion of the Formerly Utilized Sites Remedial Action Program beginning with the last comma on page 7, line 7 through page 9 line 2, on the grounds that it is legislation on an appropriations bill in violation of clause 2 of Rule XXI of the Rules of the House. This program has not been authorized for fiscal year 2000. In fact, it is likely that there has never been an authorization for this program.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. PACKARD. Mr. Chairman, I concede the point of order.

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

Mr. VISCLOSKY. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The portion of the paragraph identified by the point of order provides for extended availability of funds without a supporting authorization in law, and includes five legislative provisos.

As such, that portion of the paragraph constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. The specified portion of the paragraph is stricken.

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

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

Mr. THUNE. Mr. Chairman, I rise to speak to section 505 of the bill.

Mr. Chairman, this provision would repeal Title VI, division C, of Public Law 105–277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999. That provision, known as the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act, would transfer lands along the Missouri River in South Dakota from the U.S. Army Corps of Engineers to the tribes mentioned above as well as the State of South Dakota. The Act also would establish a fund to pay for wildlife habitats.

The Act is a major priority for South Dakota Governor William Janklow. The Governor has requested I submit a letter on this topic for the RECORD. I would like that letter from the Governor inserted at the conclusion of my statement.

The Act also has been the subject of much discussion for South Dakotans, and I have taken great interest in all comments on this issue. While I am aware of the concerns of some of my constituents over issues surrounding this Act, I share in the sentiments of many who support the objectives the Governor attempts to forward in this law. Because of the interest in this issue, I would like to see Section 505 stricken from the bill and hope the Act receives a full review and consideration in a conference committee between the House and Senate on this bill.

Mr. Chairman, I include a letter from the Governor in reference to this matter.

STATE OF SOUTH DAKOTA,
WILLIAM J. JANKLOW, GOVERNOR,
Pierre, SD, July 27, 1999.

Hon. JOHN THUNE,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN THUNE: I am writing to reaffirm my adamant support for Title VI, division C, of Public Law 105–277 (Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration). As you know, the House version of the Energy and Water Development Appropriation repeals it. I hope you will do everything you can to remove the repeal language from the bill and appropriate $3 million for the project.

Please explain to your fellow members of Congress that if the new law is allowed to remain a law, it will reduce future federal tax dollar spending, provide more access for people to use the Missouri River for recreation and give both the state and the participating tribal governments the opportunity to receive benefits we didn't receive when four of the five Missouri River dams were built in South Dakota.

As you know, over 600,000 acres of South Dakota's best river bottom and river adjacent land were taken in the 1950s to create the huge reservoirs of water behind the four Missouri River dams in South Dakota. The water held in these reservoirs has already prevented billions of dollars worth of flood damage to Omaha, Kansas City, and many other cities on the Missouri River and Mississippi River.

Unfortunately, South Dakota is the only state in the Union which as never been allowed to do even a modest amount of development along our greatest river resource. That's been or history because the land immediately adjacent to the Missouri River is owned by the federal government and managed by the Corps of Engineers. We were promised developmental benefits, such as irrigation. But, it didn't happen.

Nebraska sacrificed no land for dams and reservoirs, but it has received federally funded irrigation for over six million areas. North Dakota has only one dam and reservoir, but it has over 300,000 acres of federally funded irrigated land. South Dakota is between those two states and has sacrificed excellent land for four dams and four reservoirs. But, our people have received less than 20,000 acres in federally funded irrigation and very few other benefits from our sacrifices to prevent downstream flooding.

Even though the Missouri River in South Dakota has more miles of shoreline than the Pacific Ocean coast of California, there are only seven marinas on the entire length of the Missouri River in South Dakota. To create a marina here, it takes more than five years to get all of the bureaucratic approvals to put in a dock and facility for our people and visitors to enjoy the Missouri River.

The federal government also controls 84 recreational areas adjacent to the Missouri River. Most of these areas have a restroom, a fish cleaning station and a small dock or ramp for boaters. Some of them have campgrounds. Unfortunately, the Corps of Engineers has neglected them. I receive many letters from South Dakotans and visitors who complain to me about the poor conditions of these federal recreation areas. They write to me because they mistakenly believe that the State of South Dakota is responsible for the poor conditions.

Title VI, division C, of Public Law 105–277 (Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration) will solve all of those problems by starting the process of transferring all of those Corps of Engineers recreation areas to either state or tribal control.

Because we are willing to do the work to improve and maintain these recreation areas, the state and the tribes will create tremendous recreational opportunities for all of the people of the upper Midwest and anyone else who visits South Dakota. It will be an environmentally sound project and will do nothing to disturb any of the cultural heritage of our Native Americans.

If the new law is allowed to remain in effect, no longer will we be forced to ask the Corps of Engineers ''Captain, may I?'' No longer will we have to wait for Washington to provide benefits that were promised, but never delivered.

We're not asking for a massive public works project like the old irrigation proposals of the 1950s and 1960s. All we want is the opportunity to take control of these river adjacent lands so that we can improve the recreation areas for all visitors to enjoy.

I have no higher priority than removing this repeal language and implementing this renaissance along the Missouri River. For the first time in our state's 110-year history, we can really have the opportunity to create significant and long-lasting Missouri River benefits for our people and all of the visitors who come to our state.

The amount of money we requested is not a significant portion of the federal budget, but it will provide tremendous opportunities in South Dakota. The $3 million is far less than what the federal government would spend to accomplish the same improvements.

We have an excellent track record concerning federal properties that have been given to the State of South Dakota. When I was Governor fourteen years ago, the federal government announced the closing of many federal fish hatcheries in America. I was the only Governor who didn't object. Instead, I said, ''Please give the federal fish hatchery in South Dakota to South Dakota and we'll do a better job for less money.'' President Ronald Reagan and Secretary of the Interior James Watt said ''Yes'' to my challenge.

Now, fourteen years later, we are producing twice as many fish as the federal employees produced and our budget is still less than 90 percent of the last federal budget fourteen years ago! I know the state and the tribal governments can do the same with the Corps of Engineers recreation areas.

Please ask your colleagues to give us this opportunity to save the taxpayers of America a lot of money and create more recreational fun for America's families.

Please remove the repeal language for Title VI, division C, of Public Law 105–277 (Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration) from the House version of the Energy and Water Development Appropriations bill and appropriate $3 million for the project.

Sincerely,

WILLIAM J. JANKLOW.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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 Water Resources Support Center, and headquarters support functions at the USACE Finance Center; $148,000,000, to remain available until expended: *Provided,* That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: *Provided further,* That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers; *Provided further,* That none of these funds shall be used to support more than one regional office in each Corps of Engineers division, which office shall serve as divisional headquarters.

AMENDMENT OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Amendment offered by Mr. Dingell:

Page 9, line 18, strike ''; *Provided further,*'' and all that follows before the period on line 21.

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

Mr. DINGELL. Mr. Chairman, I rise today because of concerns shared by my colleagues on both sides of the aisle in the Great Lake States who value highly the quality of service that we received from the Corps of Engineers of the United States Army.

The legislation before us caught quite a number of Members of the Great Lakes task force by surprise, because it will have the effect of closing the Corps of Engineers' regional office, which is located in Chicago, which oversees planning and technical assistance for the world's largest and most highly populated fresh water watershed.

I am offering an amendment to strike this language today because of concern

not only of Members of Congress, but also of State and local governments along the Great Lakes, and upon the concern of millions of Americans who have rightly depended upon the timely and professional service of the Corps with regard to the use, the development, and also the protection and preservation of that important body of water which means so much to us in the Middle West.

For most of this decade it seems as if we have been struggling with how to restructure the Corps of Engineers. The Great Lakes task force repeatedly opposed general and early plans which, in our view, would have gutted the Corps' ability to serve the Lake States. Finally an agreement was reached in 1996 which established a dual division headquarters in the Great Lakes in the Ohio River division in response to the administration's proposal at the time to close the Great Lakes division. As a result, today the Corps of Engineers has two headquarters in the Midwest, in Chicago and in Cincinnati; and I would note the importance of this in terms of service to the Midwest and protection of the Great Lakes. The movement of many full-time employees from the Great Lakes to the Ohio River office caused a lot of distress amongst the constituencies of our region. However, Great Lakes Members of Congress accepted this split in the spirit of compromise.

My amendment today would remove a provision which moves beyond that compromise, which has generally worked to the satisfaction of the Great Lakes States and their Members of Congress. The result is a high level of uncertainty with regard to both the domestic program coordination and joint implementation of international responsibilities with Canada for the protection and the preservation of the Great Lakes. Issues of concern include the implementation of the boundary waters treaty, Great Lakes waters diversion, lake levels, flood mitigation, technical assistance for our fresh water lakes.

The Chicago office of the Corps, the old north central division, was recognized as a national leader among Corps divisions with regard to the professional development of environmental projects. Already, concern has been expressed by Members of that area and our constituencies about the continued success of those efforts.

Mr. Chairman, I plan to withdraw this amendment after remarks of a few of my colleagues, again in the spirit of trying to make some time between now and conference to have the issues appropriately resolved in partnership with the Corps, the appropriation committees, and the Members of the Great Lakes States.

Mr. Chairman, I yield to my good friend and colleague, the gentleman from California, for whom I have enormous respect, for whatever comments he wishes to make at this time.

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

I want to assure the gentleman from Michigan that this is a conference item. I fully intend to bring it up at the conference and will work with the gentleman and make every effort to solve the problem.

Mr. DINGELL. Mr. Chairman, I thank the gentleman.

Mr. Chairman, we do have colleagues from the Great Lakes Basin who wish to make some observations on this matter, so I will rise again at a later time for the purpose of withdrawing the amendment.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment which would strike provisions of the energy and water appropriations bill to require closing the Chicago headquarters of the Great Lakes in the Ohio River division of the Army Corps of Engineers. The division has a headquarters in Cincinnati as well as in Chicago. Both offices are important to serving the needs of the region.

This energy and water bill contains no funds for fiscal year 2000 for the Chicago headquarters. The office would have almost no notice before closing at the end of the current fiscal year. There would not be sufficient time for a smooth transition to the Cincinnati office. The result would be confusion and delays and loss of institutional memory for the programs that are currently run out of the Chicago headquarters. Closing the Chicago headquarters would significantly impair our relationships with Canada for the purposes of managing and preserving Great Lakes and other boundary waters. A mission of the Army Corps that is especially significant to the Great Lakes is the support that it provides for the International Joint Commission.

The U.S. and Canada created the IJC to cooperatively manage the lake and river systems along the border to protect them for the benefit of today's citizens and future generations. The Army Corps has responsibilities under the Great Lakes water quality agreement which coordinates with the EPA's Great Lakes national program office and with the Great Lakes regional office of the IJC, both of which are in Chicago. Maintaining the Army Corps' involvement in these binational responsibilities will be especially critical in the coming year as the Great Lakes region prepares to address the issue of water diversion and international water sales. Even short disruption of the agency's regional leadership structure could have serious negative effects on its contribution to this important process.

Last year, Mr. Chairman, a Canadian firm tried to implement a plan for balk sales of Great Lakes water to customers in Asia. The company has stepped back for the time being while our two governments study the issue of water diversions. But we know more attempts will be made to extract and sell our water. In Ohio, we rely on Lake Erie for much of our region's well being. It is important to safeguard the Great Lakes for the future, and the Army Corps office in Chicago we believe has a key role to play.

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

Mr. Chairman, I rise today in support of the Dingell amendment to H.R. 2605. H.R. 2605, as currently drafted, seeks to close the Army Corps of Engineers' regional office located in the City of Chicago.

It was only after a few years ago that we negotiated the continued existence of the Chicago regional office with a plan which was both cost effective and streamlined. I recall those days, Mr. Chairman. Long meetings, meetings where there was a very intense discussion, but we agreed that the Chicago office should be open.

Now, Mr. Chairman, this bill seeks to undo the work that we did accomplish in 1996. The Chicago Corps office is a recognized national leader among the Army Corps of Engineers' division and the professional development in environmental projects. Moreover, surrounding cities and States have long depended upon the services provided by the Corps. Currently because of the Corps, Chicago is in the process of repairing its deteriorating shoreline.

Mr. Chairman, I understand that this amendment will be withdrawn. That said, I nonetheless stand in support of the amendment with the trust that between now and the conference that a partnership will be formed between the Committee on Appropriations, the members of the Great Lakes States, and the Army Corps of Engineers to resolve this important issue.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Michigan (Mr. DINGELL). This amendment would strike language in the bill that would effectively close the Army Corps of Engineers' regional office in Chicago, and I look forward to the intent of this amendment being included in the final piece of legislation.

At this very moment under a landmark agreement between the Army Corps of Engineers and the City of Chicago, the Chicago lake front is being saved from literally crumbling into the water. The city was able to negotiate an agreement with the Army Corps that advanced by 5 years completion of this project. Certainly, the presence of the Army Corps in Chicago helped us do that.

The Great Lakes are unique in the degree to which the Corps is required to work with other Federal agencies. For example, the EPA, which also has its headquarters, its regional headquarters in Chicago, facilitating that kind of cooperation. The north central division has been a national leader in Corps divisions in developing environmental projects.

Certainly, the Great Lakes are the world's greatest source of free-flowing fresh water. We should make providing for the quality of the Great Lakes a priority with every opportunity we are given. Keeping the Army Corps' regional office for the Great Lakes and Ohio River divisions in operation at both the Cincinnati and Chicago locations makes great sense.

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Binational and treaty obligations with Canada would be most seriously impacted by the closure of the Chicago headquarters. The Army Corps of Engineers has responsibilities under the Great Lakes Water Quality Agreement and the Boundary Waters Treaty, which are run chiefly through the Chicago regional headquarters. These functions have been identified by the division as the most critical to maintain in Chicago.

Lacking an international airport hub, Cincinnati is not as easily accessible as Chicago. Travel costs for the Corps' staff and other Federal agency staff and Canadian counterparts would rise dramatically if the same level of cooperation and collaboration were to be maintained.

Maintenance of the integrity of the binational responsibilities of the Corps will be especially critical in the coming year as the Great Lakes region prepares to address the issues of water diversion and consumptive uses. Even short-term disruptions to the Corps' regional leadership structure at this time will have serious consequences on the Corps' ability to effect these important decisions.

I know all of my colleagues understand the importance of representing the needs of their districts. We make decisions that are in the best interests of our constituents by being there and seeing them. I would submit to my colleagues, then, that similarly, in order to make decisions that are best for the Great Lakes, the Army Corps must have an operating regional office in the Great Lakes region, in Chicago.

Let us continue a strong commitment to environmental quality and culture by voting for the Dingell amendment, and allowing the Army Corps to do their job unimpeded in the Great Lakes region.

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

Mr. Chairman, I rise to support the Dingell amendment. In 1996, the administration granted the Great Lakes Basin and the Ohio River Division two regional branches of the Army Corps of Engineers as a result of a compromise in the 1996 Congress. Now there is an effort to close that which we just negotiated to keep open, and without even discussing it or telling representatives of the areas affected about it.

Although this is a unique situation, there is good reason why this dual division system exists. Both branches serve important purposes. However, I do not believe that the office in Cincinnati can adequately serve Chicago's interests.

Currently, the Army Corps of Engineers is working on a variety of projects in the Chicago area, like Chicago's shoreline restoration, the Deep tunnel, Des Plaines River, small flood control projects, and aquatic ecosystems projects. It is vitally important that these projects be managed from a local site.

We recognize the need for financial reform and cost savings, but the current budget achieves this. After only 3 years of fiscally consolidating the services and administrative activities of the Chicago branch of the Corps, we have seen successful consolidation of the Chicago headquarters. The past 3 years has seen the elimination of several positions in the Chicago office and the streamlining of services, all of which have helped to reduce spending at this branch.

The decision to cut the funding and eliminate the Chicago headquarters would be a great blow to the work that has already been done to accommodate for the 1996 reductions. It would also eliminate the existence of a Great Lakes Army Corps of Engineers headquarters in a city situated on a Great Lake.

I trust that we can get together and form the kind of partnership that is necessary to resolve this difficulty. I commend the gentleman from Michigan for introducing this amendment.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

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

There was no objection.

Mr. DINGELL. Mr. Chairman, I have heard the comments of my good friend, the gentleman from California. We in the Great Lakes are very much troubled about this situation. It means, I think, serious problems to us in terms of protecting one of the great treasures of the United States, because this constitutes the largest reservoir of fresh water anywhere in the world, and of course, one of the most precious and necessary needs of the United States is going to be for water.

I want to thank my colleagues who have joined me in support of this amendment.

Mr. Chairman, I will at this time, with respect to the chairman of the subcommittee and the ranking member, withdraw the amendment, in the expectation that the matter will be discussed carefully and that they will work with us to achieve the protection of the Great Lakes by the continuation of this important service from the Corps of Engineers.

Mr. Chairman, I rise today because of a concern shared by many of my colleagues—on both sides of the aisle—in the Great Lakes states who value highly the quality of service we have received from the U.S. Army Corps of Engineers.

The legislation before us caught quite a few of the members of the House Great Lakes Task Force by surprise, because it would have the effect of closing the Corps of Engineers' regional office—located in Chicago—which oversees the planning and technical assistance for the world's largest and most highly populated freshwater watershed.

I am offering an amendment to strike this language because of the concern not only to Members of Congress, but also state and local governments along the Great Lakes who have rightly depended upon timely and professional service by the Corps.

For most of this decade, it seems as if we have been struggling with how to restructure the Corps of Engineers. The Great Lakes Task Force repeatedly opposed several of the early plans which, in our view, would have gutted the Corps' ability to serve our states.

Finally, an agreement was reached in 1996 which established a ''dual-division'' headquarters in the Great Lakes and Ohio River Division in response to the Administration's proposal at the time to close the Great Lakes Division. The result is that, today, the Corps of Engineers has two headquarters in the Midwest: in Chicago and in Cincinnati.

The movement of many full-time employees from the Great Lakes to the Ohio River office caused a lot of distress among constituencies in our region; however, Great Lakes Members of Congress accepted this split in the spirit of compromise.

My amendment would remove a provision which moves beyond that compromise. The result is a high level of uncertainty with regard to both domestic program coordination and joint implementation of international responsibilities with Canada. Issues of concern include implementation of the Boundary Waters Treaty, Great Lakes water diversion, lake levels, flood mitigation, and technical assistance for our fresh-water lakes.

The Chicago office of the Corps (the old North Central Division) was recognized as a national leader among Corps' divisions in the professional development of environmental projects. Already, concern has been expressed about the continued success of these efforts.

Mr. Chairman, I plan to withdraw this amendment after remarks by a few of my colleagues again, in the spirit of trying to take some time between now and conference to have these issues resolved in partnership with the Corps, the Appropriations Committee, and Members of Great Lakes States.

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

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Mr. PACKARD. Mr. Chairman, I ask unanimous consent that the remainder of the bill through title II be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the remainder of the bill through title II, page 15, line 10, is as follows:

ADMINISTRATIVE PROVISION

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

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, and for activities related to the Uintah and Upalco Units authorized by 43 U.S.C. 620, $35,907,000, to remain available until expended, of which $15,476,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into that account, $5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Central Utah Project Completion Act and $10,476,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,283,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian Tribes, and others, $604,910,000, to remain available until expended, of which $2,247,000 shall be available for transfer to the Upper Colorado River Basin Fund and $24,089,000 shall be available for transfer to the Lower Colorado River Basin Development Fund, and of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $12,000,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $43,000,000.

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

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $47,346,000, to be derived from 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 assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of the Interior and other participating Federal agencies in carrying out ecosystem restoration activities pursuant to the California Bay-Delta Environmental Enhancement Act and other activities that are in accord with the CALFED Bay-Delta Program, including projects to improve water use efficiency, water quality, groundwater storage, surface storage, levees, conveyance, and watershed management, consistent with plans to be approved by the Secretary of the Interior, in consultation with such Federal agencies, $75,000,000, to remain available until expended, of which $45,000,000 shall be used for ecosystem restoration activities and $30,000,000 shall be used for such other activities, and of which such amounts as may be necessary to conform with such plans shall be transferred to appropriate accounts of such Federal agencies: *Provided*, That no more than $7,000,000 of the funds appropriated herein may be used for planning and management activities associated with developing the overall CALFED Bay-Delta Program and coordinating its staged implementation: *Provided further*, That funds for ecosystem restoration activities may be obligated only as non-Federal sources provide their share in accordance with the cost-sharing agreement required under section 1101(d) of such Act, and that funds for such other activities may be obligated only as non-Federal sources provide their share in a manner consistent with such cost-sharing agreement: *Provided further*, That such funds may be obligated prior to the completion of a final programmatic environmental impact statement only if: (1) consistent with 40 CFR 1506.1(c); and (2) used for purposes that the Secretary finds are of sufficiently high priority to warrant such an expenditure.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $45,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

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

AMENDMENT OFFERED BY MR. SALMON

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

The Clerk read as follows:

Amendment offered by Mr. SALMON:

Page 15, line 25, after the dollar amount, insert the following: ''(increased by $30,000,000)''.

Page 19, line 19, after the dollar amount, insert the following: ''(reduced by $37,500,000)''.

Mr. SALMON. Mr. Chairman, before I begin, I would like to thank the gentleman from Colorado (Mr. MARK UDALL) for his help with this amendment. He and his staff have been generous with their ideas and time, and their outstanding work is much appreciated by the renewable energy community and myself.

I would also like to thank the gentleman from California (Mr. PACKARD), the chairman of the subcommittee, for his help with this amendment.

Even though the House energy and water budget allocation is $1.5 billion less than the Senate bill, we were still able to come to a good faith agreement to increase the renewable energy budget above Senate levels. The amendment I am proposing today is a responsible effort to restore renewable energy funding to near FY 1999 levels.

We ask that the $30 million be returned to the renewable energy budget. We need this funding to continue the quality research and development that is vital to our national security, international competitiveness, and environmental protection.

We spend more than $100 billion per year to import foreign oil from regions where political instability is tied to fluctuating oil prices. Diversification of our national energy portfolio with renewable energy technologies would lessen the need for costly and potentially prolonged military intervention abroad to defend our access to oil supplies.

Economically, the export market for U.S.-made renewable energy technologies is potentially huge. With 2 billion people around the world still without electric power, we should be doing everything that we can to help American companies compete in this lucrative global market. This amendment will help the United States maintain its lead in the renewable energy race.

Clearly, renewable energy is a clean alternative to conventional fuel. Avoiding pollution through clean, renewable energy technology is almost always cheaper and less intrusive than the alternative of prescriptive government mandates.

Furthermore, renewable energy technologies approach zero emissions for pollutants. The American Lung Association estimates that Americans

spend $50 billion a year each year on health care needs that result directly from air pollution alone. Avoiding pollution through clean, renewable energy is preventative medicine, and it is smart.

Renewable energy programs are strongly supported by the public. A survey of 1,018 registered voters conducted in April of 1998 asked what energy programs should receive the highest priority for Federal research and development funding. Renewable energy and energy efficiency programs were supported by 61 percent of all respondents. Natural gas received the next highest level of support from Americans, with 10 percent support, followed by fossil fuels, 7.5 percent, and nuclear energy, 5.9.

Similarly, House support for renewable energy here is strong. The House Renewable Energy Caucus boasts 153 bipartisan Members. Whether Members are concerned about national security, economic prosperity, or the environment, renewable energy technology is a valuable commodity.

As President George Bush said, we must encourage environmentally responsible development of all U.S. energy resources, including renewable energy. Renewable energy does reduce demand upon our other finite natural resources. It enhances our energy security, and clearly, it protects the environment.

So I would like to, again, express my appreciation to the gentleman from California (Chairman PACKARD) for supporting this measure, and also for his commitment to fight for this number in conference committee. We also proposed an offset of $30 million to be deducted from contractor travel.

As Members know, the GAO has investigated contractor travel spending and found outrageous abuses that must be terminated. Regardless, given the choice between travel dollars and research dollars of this valuable resource, it is clear that we must choose the latter.

I urge my colleagues to support the renewable energy research and development funds.

Mr. Chairman, I include for the RECORD an accounting of the Allocation of Additional Funds for Solar and Renewable Energy Programs.

The material referred to is as follows:

ALLOCATION OF ADDITIONAL FUNDS FOR SOLAR AND RENEWABLE ENERGY PROGRAMS—REP. MARK UDALL AND REP. MATT SALMON

[In millions of dollars]

Solar and renewable energy programs	Amendment total (amount of increase)
Solar Buildings	$2.81 (+1.31)
Photovoltaics	$70.13 (+3.13)
Concentrating Solar Power	$15.41 (+2.41)
Biomass Power	$30.47 (+1.47)
Wind	$30.96 (+5.96)
Renewable Energy Production Incentive	$2.61 (+2.61)
International Solar	$4.95 (+1.95)
National Renewable Energy Laboratory	$2.8 (+1.7)
Geothermal	$24.31 (+6.31)
Hydrogen	$21.76 (+.76)
Hydropower	$2.76 (+.76)
Superconductivity	$31.91 (+.91)
Program Direction	$17.72 (+.72)

ALLOCATION OF ADDITIONAL FUNDS FOR SOLAR AND RENEWABLE ENERGY PROGRAMS—REP. MARK UDALL AND REP. MATT SALMON—Continued

[In millions of dollars]

Solar and renewable energy programs	Amendment total (amount of increase)
Totals	$309.35 (+30)

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

Mr. SALMON. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I understand that the gentleman from Colorado would like to speak. But I accept the amendment.

Mr. Chairman, first, I would like to say that the Committee strongly supports solar and renewable energy programs. In the bill, we are recommending a total of $326,450,000 for research and development of these technologies. While not as much as some Members would like to spend, it is a generous and credible level of spending given our severe budget constraints.

The Committee had to reduce last year's funding level by close to $900 million. Nevertheless, the Committee has not reduced spending for photovoltaics, biomass, hydrogen, energy storage and the superconductivity programs. The Committee recommendation is equal to the amount provided by the Senate, which had an allocation $1.5 billion higher than the allocation available to this Committee.

The Subcommittee has provided direction and guidance to reform the way funds are spent. As a result, the Department has acknowledged that the amount of competitively-awarded funds from just two years ago has been increased 219 percent from $77 million in fiscal year 1998 to $247 million in fiscal year 1999. This is a dramatic improvement. We have been hearing from new recipients of this funding who are doing exciting new projects in biomass, photovoltaics and other important solar technologies.

Second, I would like to express my understanding and agreement with the effort to reduce contractor travel. The Energy and Water Subcommittee, working in a bipartisan matter, identified and requested a report which tallied jaw-dropping travel expenses charged to the Department by its own contractors. By now, you have heard that in one year alone, DOE was charged $250 million for contractor travel. This does not include taxpayer-funded travel expenses for DOE's Federal workforce. One contractor was charging DOE for trips from New Mexico to Washington, D.C. at a rate of 87 trips per week. The Committee recommendation includes a 50 percent reduction of travel expenses which is a total of $125 million. If it is the will of the House to further reduce contractor travel for one year, then I believe this sends a very strong message to the Department, which has shown too little interest in controlling contractor costs.

That brings me to my interpretation of this amendment. Since no other source of funding is identified, I will support this amendment which further reduces contractor travel and would provide an additional $30 million in funding for energy supply programs. In accepting the amendment, we agree to distribute this additional funding to the solar and renewable programs.

Mr. Chairman, the Committee accepts the amendment and I urge its immediate adoption so that we might move on to the next amendment.

The CHAIRMAN. For the RECORD, the Clerk will read the pending paragraph.

The Clerk read as follows:

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for energy supply, and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed one passenger motor vehicle for replacement only, $583,399,953, of which $820,953 shall be derived by transfer from the Geothermal Resources Development Fund, and of which $5,000,000 shall be derived by transfer from the United States Enrichment Corporation Fund.

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

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado Mr. Chairman, I rise tonight in support of this amendment.

Mr. Chairman, I want to begin by just saying how much I appreciate working with my colleague, the gentleman from Arizona (Mr. SALMON), chairman of the House Caucus on Renewable Energy, in developing this amendment.

I am also grateful for the support of a number of my colleagues on both sides of the aisle, including the gentlewoman from California (Ms. WOOLSEY), the gentleman from Colorado (Mr. TANCREDO), the gentleman from New York (Mr. BOEHLERT), the gentleman from Utah (Mr. COOK), the gentleman from Maryland (Mr. BARTLETT), the gentleman from Minnesota (Mr. MINGE,) the gentlewoman from Connecticut (Ms. DELAURO), and many others who have joined me in support of this amendment.

Mr. Chairman, I am glad the amendment will be accepted. Of course, I wish we could do more for solar and renewable energy programs. I was initially disturbed by the deep cuts that the committee made to these programs, reducing them from $336 million this fiscal year to $279 million in the fiscal year 2000. Even our Committee on Science voted to fund them at $316 million in fiscal year 2000.

The Salmon-Udall amendment would restore $30 million to solar and renewable energy programs, leaving them well short of fiscal 1999 funding levels, and would offset this sum with Department of Energy contractor travel funds. Finding offsets to fund these important renewable programs was not easy in such a lean bill, but we did the best we could.

Mr. Chairman, renewable energy is all about investing in America's future, the future of our energy security, our environment, and our international competitiveness. Renewable energy programs allow the U.S. to use its scientific and technological expertise in developing alternative energy sources, such as wind, solar, biomass power, and geothermal energy. These diverse energy resources can decrease our ever-growing dependence on imported oil, and reduce environmental impacts of traditional fossil fuels while expanding our economy through technological advances.

Some may question the need for the development of these technologies. After all, we are not waiting in gas lines, as we were two decades ago, and gas prices are near record levels. But our Nation's dependence on foreign oil is even greater than it was during the 1973 crisis.

Why should we jeopardize our national energy security when we can use home-grown clean energy to reduce our reliance on oil imports and diversify our energy sources?

The DOE's renewable energy programs are a major component of this country's environmental initiatives. By reducing air pollution and other environmental impacts from energy production and use, these programs constitute, as my colleague, the gentleman from Arizona (Mr. SALMON) mentioned, the single largest and most effective Federal pollution prevention program.

Past Federal support for sustainable energy programs has been key to the rapid growth of these emerging technologies. Solar, wind, geothermal, and biomass have together more than tripled their contribution to the Nation's energy mix over the past 20 years.

Including hydropower, renewables now account for about 10 percent of total domestic energy production and approximately 13 percent of domestic electricity generation.

It is estimated that the world market for energy supply equipment and construction over the next 30 years is in the range of several hundred billion dollars. America currently leads the world in developing advanced renewable instruments and products, and we should not surrender this lead to foreign competitors. Yet, funding levels in the bill are not up to the task.

For example, this bill would allocate just $67 million for photovoltaic research. This low funding would jeopardize U.S. technological development, industry growth and momentum, at a time when Japan is spending more than $230 million each year on its own PV program.

Renewable energy technologies have become increasingly cost competitive, but the pace of their penetration into the market will be determined largely by government support for future research and development.

□ 1945

We need to support public-private partnerships that help promote further commercialization of these technologies. If we look back into history, we did the same thing 100 years ago at Petrochemicals, and that is why we have that strong industry in the fossil fuel area.

To conclude, Mr. Chairman, the Department of Energy's renewable energy programs are vital to our Nation's interests. They help provide strategies and tools to address the national security, environmental, and technological challenges we will face in the next century. Our investments in the past 2 decades are just beginning to pay off in terms of energy security and a cleaner environment.

Even if we were to just keep these programs at fiscal 1999 levels, this might not be sufficient to ensure that we will have uninterrupted reliable sources of energy in the future. Our amendment does not do all that should be done; but it does greatly improve the bill, and I urge its adoption.

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

ALLOCATION OF ADDITIONAL FUNDS FOR SOLAR AND RENEWABLE ENERGY PROGRAMS

[In millions of dollars]

Solar & renewable energy programs	Amendment total (amount of increase)
Solar Buildings	$2.81 (+1.31)
Photovoltaics	70.13 (+3.13)
Concentrating Solar Power	15.41 (+2.41)
Biomass Power	30.47 (+1.47)
Wind	30.96 (+5.96)
Renewable Energy Production Incentive	2.61 (+2.61)
International Solar	4.95 (+1.95)
National Renewable Energy Laboratory	2.8 (+1.7)
Geothermal	24.31 (+6.31)
Hydrogen	21.76 (+.76)
Hydropower	2.76 (+.76)
Superconductivity	31.91 (+.91)
Program Direction	17.72 (+.72)
Totals	309.35 (+30)

ENERGY AND WATER AMENDMENT BREAKDOWN—SOLAR AND RENEWABLE ENERGY

Program	Sub mark FY00	FY99 actual	Add-ons to $30 M	Totals to $309.35 M
Solar Buildings	1.5	3.6	+1.31	2.81
Photovoltaics	67	72.2	+3.13	70.13
Concentrating Solar Power	13	17	+2.41	15.41
Biomass Power	29	31.45	+1.47	30.47
Biofuels	41.75	41.75	(1)	41.75
Wind	25	34.771	+5.96	30.96
REPI	0	4	+2.61	2.61
Solar Program Support	2	(2)	.....	2
Internatl Solar	3	6.35	+1.95	4.95
NREL	1.1	3.9	+1.7	2.8
Geothermal	18	28.5	+6.31	24.31
Hydrogen	21	22.25	+.76	21.76
Hydropower	2	3.25	+.76	2.76
Renewable Indians	0	4.779	(2)	(2)
Elect. Systems Transmission	2.5	2.5	(1)	$2.5
HTS	31	32.5	+.91	31.91
Storage	4.5	4.5	(1)	4.5
Fed Building	0	4	(2)	(2)
Program Dir.	17	18.1	+.72	17.72
Totals	279.35	336	+30	309.35

[1] Level.
[2] Not requested.

AGREEMENT

Brings major renewable energy research programs closer to Senate fiscal year 2000 level of $301.8 million.

Offers 8% reduction from fiscal year 1999 totals, bringing total to $309.35 million.

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

Mr. Chairman, I rise in strong support of this Salmon-Udall amendment. This amendment makes a good bill better in that it would increase funding for renewable energy research and development programs. This amendment would also give limited funding to begin implementing the new strategic plan to develop enhanced geothermal production technologies.

The Department of Energy produced this strategic planning in collaboration with national laboratories, the University of Utah, and the geothermal industry. Implementing the strategic plan will develop the technology to enhance the production from geothermal systems.

The technology would be applicable to literally hundreds of sites throughout the United States. The U.S. government currently gets $40 million per year in royalties on its geothermal technology. Renewables are a good investment.

A recent report prepared by the Geothermal Energy Association in conjunction with the University of Utah and the Department of Energy expects this research to yield a threefold increase in domestic geothermal electricity production. This extra power will supply 18 million homes with electricity.

This amendment has good offsets. It is paid for from savings resulting from reductions in contractor travel. This is the responsible way to pay for this program rather than taking the money out of the Social Security Trust Fund.

This amendment is not only fiscally responsible, it is environmentally responsible. It takes the savings from cleaning up the waste and inefficiencies in the contractor travel budget and uses them to fund research in clean, safe energy produced here in America.

The Committee on Science passed my amendment that funds geothermal research in this way, and I urge my colleagues here to do the same and vote for this amendment. This amendment will lead to cleaner air for our children and continue to protect Social Security for our parents.

Accelerating development of our renewable resources is a good investment. We in Congress have a duty to spend the money taxed from the American people responsibly. This amendment does that.

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

Mr. Chairman, I rise in strong support of this amendment for two reasons. First, we as a Nation, will need to come to terms with the rise in the level of atmospheric carbon dioxide at some point, and we might as well start right now. Carbon dioxide is an insidious pollutant because, one while it is odorless and tasteless, it has a nasty habit of trapping heat in the Earth's atmosphere.

Now, there has been a lot of talk about this pollutant, so I thought it might be helpful to look at a chart showing atmospheric concentrations of carbon dioxide over the last 150 years. The information on this chart is one thing virtually all scientists agree on.

Carbon dioxide rates are increasing. They are increasing rapidly. When I first saw it, I was shocked. Because I saw they increased dramatically over the last 100 years and are now beginning to skyrocket towards the end of this century and will continue on that pace upward unless we act. I should repeat, this fact is not in dispute in any country in any scientific journal. That is the bad news.

The good news is that our Nation is perfectly positioned as a net winner, a winner in the call to develop technologies to deal with this problem. The world is going to need new technologies to address this issue. When it comes to developing new technology, no country is more creative, no country is more dynamic and resourceful than the United States.

That is why this graph shows that, when carbon dioxide rates go up, so does our economic potential for capturing new markets, new emerging markets for new energy technologies. But our economic potential will rise only if we make the investments in these new technologies that are possible.

I do not want Europe to lead this new industry. I do not want Japan to lead this new industry. I want America to lead this new industry just like we have led everywhere else.

That is why it is going to be a bright day in Congress when we pass this amendment, when we seize economic potential in the face of a new challenge and pass this amendment, increase investment in new renewable energy resources, and we will turn an environmental challenge into an economic opportunity.

Mr. PACKARD. Mr. Chairman, I accepted this motion with the idea that it would stop all the talk, but now I hope that we can move on. I urge its immediate adoption.

Mr. VISCLOSKY. Mr. Chairman, on behalf of the minority, I would agree with the chairman.

Mr. OLVER. Mr. Chairman, I rise today in support of the Udall-Salmon amendment to restore $30 million to solar and renewable energy programs.

Across the nation this summer, and especially here in the nation's capital, all of us have felt the oppression of numerous ''Code Reds''—days when extremely high temperatures combine with high pollution levels—prompting warnings to the elderly and those with asthma and other respiratory illnesses to stay inside if possible, and to limit outdoor activity. How can we, in good conscience, slash funding for the very programs that will combat pollution and reduce the number of days where thousands of people are forced to either stay inside or jeopardize their health and well-being to go about their daily responsibilities?

Renewable energy has an enormous potential to reduce acid rain, global warming, ozone red alert days and health risks associated with pollution from conventional energy sources. Solar and renewable energy programs further represent an opportunity to strengthen America's position in the expanding world markets for clean energy and aid in reducing our dependence on foreign oil imports. We must drive the research that will lead to the technology to produce clean energy in the developing world.

Try to imagine what our environment would be like if the 5 billion people of underdeveloped and developing nations of Asia, Africa, and Latin America were using as much energy per person as we in the United States use per person. And that they energy were being produced from fossil fuel rather than from the renewable energy sources.

Mr. Chairman, we have a responsibility to the future. This responsibility can only be fulfilled by embracing effective energy efficient and pollution-free technologies. Today's children and their children's children—the generation who will be members of this body 100 years from now—deserve to breathe cleaner air, cleaner water, and enjoy a world free from global warming and environmental decay.

We cannot turn our backs on our children and on the future—vote yes for the environment and the future—vote yes on the amendment.

Mr. MARKEY. Mr. Chairman, I rise in support of the Salmon-Udall amendment.

Our future is literally blowing in the wind. Wind and other renewable energy sources are a great investment in our nation's energy future. Solar, wind, geothermal and biomass energy technologies can: (1) reduce dependence on imported fossil fuels; (2) reduce long-run energy costs to consumers and businesses; (3) create new industries to supply both he U.S. an foreign energy markets; and (4) reduce emissions which create smog acid rain, mercury poisoning, energy markets; and (4) reduce emissions which create smog, acid rain, mercury poisoning, and global climate change. The federal government continues to spend more on fossil fuels, a mature industry that does not need our support, than on renewable energy. We spend almost as much on nuclear energy as on renewables, both for dying fission technologies and for fusion research that is still decades from viability. We need to fund the future, not subsidize the past.

Renewable energy sources are especially important for our environment, as an environmentally benign and sustainable energy alternative to fossil fuels and nuclear power. Today we rely on fossil fuels for 88% of total energy use; oil alone accounts for nearly 40% of our energy, of which 60% is imported crude oil. Our fossil fuel power plants alone spew out 12 millions tons of sulfur dioxide, 7 million tons of nitrogen oxides, and 2 billion tons of carbon dioxide each year. Cars and airplanes emit similar amounts of pollutants. Energy consumption is rising due to economic growth. Even with an aggressive energy conservation effort, we will need new energy sources. We must invest in alternative technologies now if we are to increase the role renewables play in meeting our nation's energy needs and are to avoid further environmental destruction.

Fortunately, renewable technologies have been steadily dropping in price and are on the verge of making a major contribution to our energy supply. Right now, these emerging technologies are limited to niche markets, but ongoing research has cut their costs so that they are almost competitive with fossil fuels, even neglecting the huge environmental costs as fossil fuels:

Wind energy, for example, cost almost 50 cents per kilowatt hour in 1980. Today, the cost of wind energy is around 4 cents, very close to the cost of conventional generation, and is still dropping.

Solar thermal costs have dropped from 60 cents per kilowatt hour in 1980 to 13 cents today.

Solar photovoltaic costs have dropped from over 100 cents per kilowatt hour in 1980 to 20 cents in 1996.

Turning our backs on the R&D program needed to achieve the necessary breakthroughs that will make solar, wind and other renewables fully viable and competitive would be like shepherding a baseball team through eight innings and just walking away in the bottom of the ninth.

The Energy and Water Appropriations bill would slash DOE funding for renewables from the current funding level of $36 million down to $326 million. The Appropriations Committee cut $120 million, 27%, from the President's budget. Unless we boost the funding, we will devastate DOE programs aimed at creating vibrant, fully competitive U.S. renewable industries.

The bill's proposed cuts in renewables funding would severely delay adoption of solar, geotherman, and wind energy technologies. Most economists agree there is at east a 10-year window between the time a technology is first ready for the market and the time the market is ready for the technology. But sometimes, that window is even wider. For example, the telephone was discovered in 1875, but not commercialized until 1915. Television was discovered in 1917, but not commercialized until 1946. Telefax was discovered in 1913, but fax machines weren't commercialized until 1974. Right now, the fledgling renewables technologies industries find themselves in the same position. If we fail to fund renewable energy R&D, the invention-commercialization window could become a multi-decade ''window of vulnerability'' for U.S. energy consumers.

The Salmon-Udall amendment would restore some funding for renewables. The amendment is fully offset from contractor travel, so it does not take this bill over the budget allocation. It will however, allow DOE to continue providing vitally-needed funding for solar, wind, geothermal, and biomass energy sources, so that America is not held hostage to future oil embargoes or a lack of technological options.

I urge my colleague to support the Salmon-Udall amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. SALMON).

The amendment was agreed to.

The Clerk will read.

The Clerk read as follows:

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et

seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, $327,223,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, $240,198,000, to be derived from the Fund, to remain available until expended: *Provided*, That $30,000,000 of amounts derived from the Fund for such expenses shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed six passenger motor vehicles for replacement only, $2,718,647,000, to remain available until expended.

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, $169,000,000, to remain available until expended, to be derived from the Nuclear Waste Fund: *Provided*, That none of the funds provided therein 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), $193,769,000, 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 $106,887,000 in fiscal year 2000 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 2000 so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at not more than $86,882,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,000,000, 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 incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed three for replacement only, $4,000,000,000, to remain available until expended: *Provided*, That, of this amount, $1,000,000,000 shall not be available for obligation or expenditure until after June 30, 2000, and until legislation has been enacted restructuring the national security programs of the Department of Energy or establishing an independent agency for national security programs.

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 35 passenger motor vehicles for replacement only, $4,157,758,000, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, $1,054,492,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $228,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,651,809,000, to remain available until expended: *Provided*, That not to exceed $5,000 may be used for official reception and representation expenses for national security and nonproliferation activities.

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, $112,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Northeast Oregon Hatchery Master Plan, and for official reception and representation expenses in an amount not to exceed $1,500.

During fiscal year 2000, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

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, $27,940,000, to remain available until expended, of which $773,000 shall be derived by transfer from unobligated balances in ''Operation and Maintenance, Southeastern Power Administration''; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $4,200,000 in reimbursements, to remain available until expended.

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

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), 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, $171,471,000, to remain available until expended, of which $160,286,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, $5,036,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $1,309,000, 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), $174,950,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $174,950,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2000 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at not more than $0.

GENERAL PROVISIONS

SEC. 301. (a) None of the funds appropriated by this Act may be used to award a management and operating contract unless such

contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

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

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

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

SEC. 303. None of the funds appropriated by this Act may be used to—

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

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

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

SEC. 304. None of the funds appropriated by this Act may be used to augment the $20,000,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 305. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 306. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 307. Notwithstanding 41 U.S.C. 254c(a), the Secretary of Energy may use funds appropriated by this Act to enter into or continue multi-year contracts for the acquisition of property or services under the head, ''Energy Supply'' without obligating the estimated costs associated with any necessary cancellation or termination of the contract. The Secretary of Energy may pay costs of termination or cancellation from—

(1) appropriations originally available for the performance of the contract concerned;

(2) appropriations currently available for procurement of the type of property or services concerned, and not otherwise obligated; or

(3) funds appropriated for those payments.

Sec. 308. None of the funds in this Act may be used for Laboratory Directed Research and Development or Director's Discretionary Research and Development.

Sec. 309. Of the funds appropriated by this title to the Department of Energy, not more than $125,000,000 shall be available for reimbursement of contractor travel expenses.

Sec. 310. (a) None of the funds in this Act or any future Energy and Water Development Appropriations Act may be expended under a covered contract unless the funds are expended in accordance with a Laboratory Funding Plan that has been approved by the Secretary of Energy. The Plan shall be submitted on a quarterly basis, or at such intervals as may be prescribed by the Secretary. The Secretary's approval of the Plan may include adjusting or deleting particular items or categories of items proposed in the Plan.

(b) For purposes of this section, ''covered contract'' means a contract for the management and operation of the Los Alamos National Laboratory, Lawrence Livermore National Laboratory, or Sandia National Laboratories.

Sec. 311. As part of the Department of Energy's approval of laboratory funding for Los Alamos National Laboratory, Lawrence Livermore National Laboratory, and Sandia National Laboratories, the Secretary shall review and approve the incentive structure for contractor fees, the amounts of award fees to be made available for the next year, the salaries of first and second tier laboratory management, and the overhead costs.

Sec. 312. None of the funds provided in this Act may be used to establish or maintain independent centers at a Department of Energy laboratory or facility unless such funds have been specifically identified in the budget submission.

Sec. 313. None of the funds provided in this Act may be used to waive overhead or added factor charges for work performed for other Federal agencies or for other Department of Energy programs.

Sec. 314. Sec. 505 of Public Law 102–377, the Fiscal Year 1993 Energy and Water Development Appropriations Act, and section 208 of Public Law 99–349, the Urgent Supplemental Appropriations Act, 1986, are repealed.

SEC. 315. None of the funds made available in this or any other Act may be used to restart the High Flux Beam Reactor.

SEC. 316. None of the funds provided in this or any other Act may be used by the Federal power marketing administrations for construction, expansion or upgrades of fiber optic telecommunication lines, associated facilities or purchase of equipment directly related to such efforts, except for fiber optic cable that is necessary for the foreseeable future for internal management of programs of the Federal power marketing administrations. Federal power marketing administrations shall apply any reduction in spending resulting from the restrictions in the section to the reduction of debt of the Federal power marketing administration.

SEC. 317. None of the funds provided in this or any other Act may be used by the Federal power marketing administrations to:

(1) rent or sell construction equipment;

(2) provide construction, equipment, operation, maintenance or repair services;

(3) perform contract construction work;

(4) provide a construction engineering service; or

(5) provide financing or leasing services for construction, maintenance, operational or engineering services to any private utility, wholesale or retail customer (other than those existing retail customers served by the Federal power marketing administration prior to the date of enactment of this provision), publicly-owned utility, Federal agency, or state or local government entity. The Federal power marketing administrations may provide equipment or a service to a private contractor that is engaged in electrical work on an electrical utility project of the Federal power marketing administration. As used in this section, the term ''used construction equipment'' means construction equipment that has been in service for more than 2,500 hours. Any Federal power marketing administration may dispose of used construction equipment by means of a public auction conducted by a private entity that is independent of the Federal power marketing administration. Federal power marketing administrations shall apply all proceeds of a disposition of used construction equipment to the reduction of debt of the Federal power marketing administration.

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, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, 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, $60,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $16,500,000, to remain available until expended.

DENALI COMMISSION

(RESCISSION)

Of the funds made available under this heading in Public Law 105–245, $18,000,000 is rescinded.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

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 official representation expenses (not to exceed $15,000), $455,400,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $19,150,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $432,400,000 in fiscal year 2000 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That $3,850,000 of the funds herein appropriated for regulatory reviews and other assistance provided to the Department of Energy and other Federal agencies shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation estimated at not more than $23,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $6,000,000, to remain available until expended: *Provided*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2000 so as to result in a final fiscal year 2000 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, $2,600,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

Mr. PACKARD (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through title IV be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

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

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

SEC. 503. (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.

SEC. 504. Section 6101(a)(3) of the Omnibus Budget Reconciliation Act of 1990, as amended, (42 U.S.C. 2214(a)(3)) is amended by striking ''September 30, 1999'' and inserting ''September 30, 2000''.

SEC. 505. Title VI, division C, of Public Law 105–277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999, is repealed.

SEC. 506. Title III, division C, of Public Law 105–277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999 and section 105 of Public Law 106–31, the 1999 Emergency Supplemental Appropriations Act, are repealed.

SEC. 507. Section 211(e)(2)(A) of the Water Resources Development Act of 1996 (Public Law 104–303, 110 Stat. 3682) is amended by striking ''in advance in appropriations Acts''.

SEC. 508. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

AMENDMENT OFFERED BY MR. FILNER

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

The Clerk read as follows:

Amendment offered by Mr. FILNER:

Page 37, after line 16, insert the following new section:

SEC. 509. Of the amount provided in this Act for ''Atomic Energy Defense Activities—Weapons Activities'', $50,000,000 shall be used for the removal of residual radioactive material from the Atlas site approximately 3 miles northwest of Moab, Utah, and from the floodplain of the Colorado River for permanent disposition and stabilization of such residual radioactive material in a safe and environmentally sound manner.

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

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

Mr. FILNER. Mr. Chairman, this amendment that I offer today is really life and death protection for the 25 million people who get their water from the Colorado River. This is an emergency, Mr. Chairman. We have heard about emergencies in appropriations bills. People are drinking poisoned water.

The water is poisoned by radioactive wastes leaching from an abandoned mine waste pile that is located only 750 feet from the Colorado River. This deadly waste pile, abandoned by the Atlas Corporation, sits in the Moab Valley of southeastern Utah. The Colorado River, flowing south past the site, provides water for 7 percent, Mr. Chairman, 7 percent of the United States population, including Las Vegas, Phoenix, the entire Los Angeles area and the city I represent, San Diego.

My amendment would provide the Department of Energy $50 million, perhaps a third of the money needed, to begin moving the contaminated pile away from the Colorado River. Moving this pile is the most reliable way to save the growing population of California, Arizona, and Nevada from having the highly contaminated waste leak into the water supply for the next 270 years, almost 3 centuries, Mr. Chairman, during which time, many people would likely die from various diseases and maladies caused by drinking water laced with radioactivity and chemical contaminants from the uranium pile.

The money is appropriated by my amendment to begin the first phases of moving the pile, and it is offset by cutting a program that already has $4 billion in the budget; $4 billion offset by a simple $50 million. This is money that will save American lives.

The Department of Energy must step in to save innocent people because the NRC, the Nuclear Regulatory Commission, which has jurisdiction over moving the site, has proven it is simply not up to the task. The NRC's own report states that Atlas' plan to cap the radioactive pile is environmentally acceptable, and I quote their expression, ''environmentally acceptable,'' Mr. Chairman. Is it environmentally acceptable to cover 10.5 million tons of uranium mill waste with rock and sand where the river can reach it during floods in spring and cause a health crisis. With the pile only 10 to 20 feet above the underground aquifer, highly concentrated ammonia will continue to seep into the groundwater.

By contrast, when the Department of Energy has been involved with all of the other contaminated sites along the Colorado River, it moved, not just capped, sites with uranium concentration levels of less than 2 milligrams per liter. I say this is an emergency because the uranium concentration levels at Moab receive 26 milligrams per liter, 13 times what has already been considered a problem.

Mr. Chairman, I heard the earlier colloquy between the gentleman from California (Chairman PACKARD) and the gentleman from Utah (Mr. CANNON) calling for a study of this situation. We are passed the time for a study. We know what must be done. We must move jurisdiction of the pile to the Department of Energy and move this pile. It is a matter of life and death.

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

Mr. FILNER. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I certainly appreciate the gentleman's comments and understand the problem. I certainly look forward to working with him as we proceed forward with the appropriations process.

But I would, however, respectfully ask the gentleman from California (Mr.

FILNER) to withdraw the amendment. Otherwise, I will still have to pursue the point of order.

Mr. FILNER. Mr. Chairman, I yield to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I want to thank the gentleman very much for offering this amendment. I would hope that the point of order would not lie. This is becoming an increasingly important and dangerous situation. We have been working on this now for the last several years. Clearly, a number of the solutions that have been proposed are simply inadequate for the protection of the drinking water supply from those who take their water from the Colorado River.

I think the gentleman is quite correct. This is now getting to an emergency state of affairs here where we have so many people depending upon this water and we have what clearly is a continuation of the leaching of this radioactive material.

The simple capping of this in place and failure to remove it is not going to work. I think the gentleman's amendment is quite on point.

Mr. FILNER. Mr. Chairman, I yield to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Chairman, I also rise in strong support of this very important amendment offered by the gentleman from California (Mr. FILNER). This amendment provides critical funding to immediately begin moving the radioactive material called the uranium tailings pile from the banks of the Colorado River to an environmentally safe location.

The CHAIRMAN. The time of the gentleman from California (Mr. FILNER) has expired.

(By unanimous consent, Mr. FILNER was allowed to proceed for 1½ additional minutes.)

Mr. FILNER. Mr. Chairman, I yield to the gentlewoman from California (Mrs. NAPOLITANO).

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Mrs. NAPOLITANO. Mr. Chairman, the Moab site is the fifth largest uranium tailings pile in the country and by far the largest situated near a river. The pile is unlined, in a floodplain, and just 750 feet from the water's edge, currently leaking contaminants into the Colorado River.

The water affects 25 million people and at least four States. It is truly an environmental crisis and we must act now to protect the safety and well-being of our citizens.

Mr. Chairman, I urge support of this very important amendment.

Mr. FILNER. Mr. Chairman, reclaiming my time, I would simply say that notwithstanding the emergency nature of this situation, and notwithstanding the life and death matters of which we are involved, I understand the chairman will insist on his point of order. I am sorry that these technicalities will be insisted upon, but I acknowledge that the point of order will be sustained.

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

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am going to offer my support for this legislation and be very brief.

I want to thank the ranking member, the gentleman from Indiana (Mr. VISCLOSKY), for his leadership. This is, in particular, about Texas, and I wish to thank the chairman, the gentleman from California (Mr. PACKARD), for his ongoing funding of projects that the Army Corps of Engineers is working on; Sims Bayou, an area that flooded enormously over the years, which we are keeping on schedule. We want to thank the committee for its continued commitment on that issue.

And likewise, though we are competitive with many of our fellow colleagues, I wish to thank the chairman for his work on and the funding of the Houston Port, because that is an enormous economic arm for the community that I come from and we appreciate very much the fact that that is being kept on track.

Lastly, let me say to the chairman, and I know there are many other smaller projects that we will benefit from in the State of Texas, and in particular the 18th Congressional District, but I also want to note, as I have heard my colleagues speak about being environmentally safe and secure, we realize how much energy and water resources deal with the environment and we appreciate the committee's sensitivity.

I want to say to my constituents in the 18th Congressional District, in the Houston area, that I will continue to work with them, and that the projects that we are funding will be environmentally sound and that I will continue to work with the committee on these issues.

I rise in support of H.R. 2605, the energy and water development appropriations for fiscal year 2000. I support this bill mainly because it provides a total of $5.0 billion in fiscal year 2000 for planning, construction, operation and maintenance, and other activities relating to water projects administered by the Army Corps of Engineers and the Interior Department's Bureau of Reclamation. This bill increases funding for the Army Corps of Engineers by $283 million, 7 percent above the administration's request.

Mr. Chairman, the Sims Bayou Project is a project that stretches through my district. Over the course of recent years, the Sims Bayou has seen massive amounts of flooding. Citizens in my Congressional District have been flooded out of their homes and businesses, and as a result their lives have been continually disrupted.

In 1994, some 759 homes were flooded as a result of the overflow from the Sims Bayou. Mr. Chairman that is 759 families that were forced from their homes and livelihoods. This bill continues the important work of ensuring the continued vitality of the Houston community.

I mainly support this bill because the Appropriations Subcommittee on Energy and Water Development has included $18.3 million for construction and improvement of the Sims Bayou. These funds are needed to continue this vital project and as a result protect the community from further loss of property.

The project is located in south central Houston and Harris County. The Sims Bayou Flood Control Project provides flood damage reduction and consists of 19.3 miles of channel improvement and erosion control measures with environmental quality measures, riparian habitat improvements, and authorized recreational features.

I would like to express my gratitude to the Army Corps of Engineers for their cooperation in bringing some relief to the people of the 18th Congressional district. Their continued efforts continue to avoid and avert the dangers posed by uncontrolled flooding in the Houston community.

In addition to the Sims Bayou project, the Subcommittee on Energy and Water Development also provided funding for several other locations in Houston. These projects include the Buffalo Bayou project and the Hunting Bayou project. Funding was also provided for the Houston-Galveston Navigation Channels.

I am quite certain Mr. Chairman that these projects would not have been able to go forward if this additional money had not been appropriated by the Subcommittee on Energy and Water Development. For that I have to thank Chairman PACKARD, Ranking Member VISCLOSKY, and my friend and colleague CHET EDWARDS who sit on the Appropriations Committee.

I will continue to work with the Army Corps of Engineers and the local Houston officials to ensure that these projects are successfully completed. We need to ensure that these communities are fully protected from the ravages of flooding.

I urge my colleagues to vote yes on H.R. 2605, the Energy and Water Appropriations Act, for Fiscal Year 2000.

Mr. PACKARD. Mr. Chairman, reclaiming my time, I wish to advise the Membership that I am ready to wrap up, and I presume my colleague on the other side of the aisle is ready as well.

I want to say what a pleasure it has been to work with the entire subcommittee, particularly the gentleman from Indiana (Mr. VISCLOSKY), and his staff on his side of the aisle. I certainly want to compliment the staff on our side, who have been working tirelessly on this. They have done a remarkably good job and I really cannot say enough about them.

In wrapping this whole thing up, I simply want to make two things clear: The Boehlert amendment improves the text of the bill. It is not an amendment to the Visclosky amendment. The Visclosky amendment actually would

undo the Boehlert amendment. I want all colleagues to understand that clearly.

Therefore, Mr. Chairman, I urge a ''yes'' vote on the Boehlert amendment, a ''no'' vote on the Visclosky amendment, and a ''yes'' vote on final passage.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Energy and Water Development Appropriations Act, 2000''.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 261, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: The perfecting amendment offered by the gentleman from New York (Mr. BOEHLERT), and amendment No. 3 offered by the gentleman from Indiana (Mr. VISCLOSKY).

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

PERFECTING AMENDMENT OFFERED BY MR. BOEHLERT

The CHAIRMAN. The pending business is the demand for a recorded vote on the perfecting amendment offered by the gentleman from New York (Mr. BOEHLERT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the perfecting amendment.

The Clerk designated the perfecting 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 426, noes 1, not voting 6, as follows:

[Roll No. 340]

AYES—426

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—1

Dingell

NOT VOTING—6

Johnson (CT)
Martinez
McDermott
Northup
Oberstar
Peterson (PA)

□ 2022

Mr. Sandlin changed his vote from ''no'' to ''aye.''

So the perfecting amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mrs. NORTHUP. Mr. Chairman, on rollcall No. 340 I was inadvertently detained. Had I been present, I would have voted ''aye.''

AMENDMENT NO. 3 OFFERED BY MR. VISCLOSKY

The CHAIRMAN. The pending business is the motion to strike offered by the gentleman from Indiana (Mr. VISCLOSKY) which was placed in abeyance by the previous perfecting amendment.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. VISCLOSKY).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 245, not voting 5, as follows:

[Roll No. 341]

AYES—183

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey

Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu

NOES—245

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pastor
Paul
Pease
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—5

Martinez
McDermott
Oberstar
Peterson (PA)
Roybal-Allard

□ 2030

Mr. LAZIO changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. If there are no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. HANSEN, 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. 2605) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes, pursuant to House Resolution 261, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 8, not voting 6, as follows:

[Roll No. 342]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)

Snyder	Thomas	Wamp
Souder	Thompson (CA)	Waters
Spence	Thompson (MS)	Watkins
Spratt	Thornberry	Watt (NC)
Stabenow	Thune	Watts (OK)
Stark	Thurman	Waxman
Stearns	Tiahrt	Weiner
Stenholm	Tierney	Weldon (FL)
Strickland	Toomey	Weldon (PA)
Stump	Towns	Weller
Stupak	Traficant	Wexler
Sununu	Turner	Weygand
Sweeney	Udall (CO)	Whitfield
Talent	Udall (NM)	Wicker
Tancredo	Upton	Wise
Tanner	Velazquez	Wolf
Tauscher	Vento	Woolsey
Tauzin	Visclosky	Wu
Taylor (MS)	Vitter	Wynn
Taylor (NC)	Walden	Young (AK)
Terry	Walsh	Young (FL)

NAYS—8

Chenoweth	Paul	Smith (WA)
DeFazio	Royce	Wilson
Gibbons	Sanford	

NOT VOTING—6

Clement	McDermott	Peterson (PA)
Martinez	Oberstar	Phelps

□ 2048

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 2587) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, and that I may be permitted to include tabular and extraneous material.

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

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Pursuant to House Resolution 260 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2587.

□ 2050

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2587) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Virginia (Mr. MORAN) each will control 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK).

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

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

Mr. Chairman, we are here tonight, of course, for general consideration of the appropriations bill for the District of Columbia. This is a bill that is some $200 million below the amount appropriated out of Federal funds last year, the overall amount in the bill because it includes, Mr. Chairman, the District-raised funds as well, as some $6.8 billion. The Federal share of that is $453 million.

Mr. Chairman, this measure is the latest stage in the efforts to assist the District of Columbia in revitalizing from the situations in which it found itself, of course, a number of years ago. There are still many residual problems that linger within the District, but yet I think it is important that we keep our eye on the positive and put some accent upon some things that are heading in the right direction.

I appreciate the efforts of the ranking member on the subcommittee, the gentleman from Virginia (Mr. MORAN), I am grateful for the efforts of our appropriation chairman, the gentleman from Florida (Mr. YOUNG) who himself served for a number of years on this subcommittee, and of course we have worked closely with the gentlewoman from the District of Columbia (Ms. NORTON).

We have also developed, I hope, a good working relationship with the new mayor who was elected last November, Tony Williams, and with the council of the District. I have worked especially close with the chair of the council, Linda Cropp, and I am grateful for their efforts in cooperation, and I think it is a sign of the positive note on which we have been proceeding that the consensus budget that was developed and approved by the mayor, by the city council, and by the Control Board of D.C. is intact within this bill.

We worked with them. We understand that they are undertaking significant efforts to rightsize the government within the city, to improve the government services, to improve the police and the fire protection, to upgrade the quality of public schools, and public school facilities. There is a significant effort that the District launched in the last couple of years for charter schools which are a part of the public school system which this bill also helps to further.

When the relationship between the Federal Government and the District was redefined to help it get on its financial feet and to reorganize things a couple of years ago, the Federal Government, rather than making these same type of lump sum appropriations have in common until that time began making specific appropriations to assume responsibility for the conduct of the court system, the corrections system and the system to supervise offenders, those upon probation, parole and awaiting trial. Those are the main amounts of the Federal portion of the $453 million that is the direct Federal appropriation within this bill.

Within that there are some very significant things that we have attempted to do within this bill.

First, we have recognized that D.C. has balanced its budget. A couple more years of balanced budget, and it will be removed from the Control Board provision that was put in place by Congress a couple of years ago.

We have also recognized that even when we have great efforts at economic stimulus and development in D.C. to try to stem the out migration that began a number of years ago, it does not do any good to have a better developed city if we do not have a safe city.

We have put a lot of time and effort in this particular appropriation to creating a program that is going to be the most striking of its type within the country when it comes to making sure that persons who are on some sort of early release or pre-release program or parole or probation program are remaining drug-free, because such a major portion of the crime in D.C. remains linked to the use of illegal drugs.

There are 30,000 people, Mr. Speaker, who are on probation or parole within the District of Columbia who are required as a condition of that to remain drug-free. They are not doing it. That is a major reason why they are a source of so much of the crime within the city. Some estimates are that many people in this offender population are committing hundreds of crimes each year to sustain their drug habit and because of their drug habit.

We have in addition to the other drug treatment and drug testing programs, a new $25 million initiative that will universally test these persons, some of them every week, all of them within every 2 weeks, and some of them twice a week to make sure that they are abiding by the terms imposed by the courts to stay drug-free, else they will not stay free on the streets.

At the same time there is a significant upgrade in the drug treatment programs because we realize that some people cannot get off of drugs on their own. By doing this with the offender population, we will also free up several million dollars in city funds that were being used to treat persons that were in the offender population that will now be available for other citizens that are in dire need of drug treatment to help the Nation's capital overcome the drug problem and the terrible consequences that it is faced with it.

That is a major effort, the most significant effort undertaken anyplace in the country on universal drug testing for those that are on a probation or a parole status.