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## Senate

(Legislative day of Monday, July 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign God, we all have two things in common as we begin this day. We all have great concerns, but we also have You, a great Lord, who will help us with those concerns. Often, we worry about loved ones and friends. In our work, unfinished projects and unresolved perplexities weigh us down. Problems in our Nation and world distress us. Uncertainty about the future, and our inability to solve everything, remind us of our human limitations. We need release from the tension of trying to manage our burdens on our own strength.

Help us to hear and accept the psalmist's prescription for peace. "Cast your burden on the Lord and He shall sustain you".—Psalm 55:22.

In this quiet moment of liberating prayer, we deliberately commit each one of our burdens, large or small, into Your gracious care. Help us not to snatch them back. Give us an extra measure of Your wisdom, insight, and discernment as we tackle the challenges of this day. Make this a productive day in which we live with confidence that You will guide our thinking, unravel our difficulties, and empower our decisions. We are ready for the day. We intend to live it with freedom and joy, in Your powerful name. Amen.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Colorado, the acting majority leader, is recognized.

### SCHEDULE

Mr. CAMPBELL. Mr. President, this morning, the leader time has been reserved, and there will be a period for morning business until the hour of 9:45 a.m., with Senators permitted to speak up to 10 minutes each. At 9:45 a.m., the Senate will resume consideration of S. 343, the regulatory reform bill. Rollcall votes can be expected throughout today's session of the Senate. Also, the Senate will be in recess between the hours of 12:30 p.m. and 2:15 p.m. for the weekly policy luncheons to meet.

### MORNING BUSINESS

The PRESIDING OFFICER (Mr. FRIST). Under the previous order, there now will be a period for the transaction of morning business, not to extend beyond the hour of 9:45 a.m., with Senators permitted to speak therein for not to exceed 10 minutes each.

### ANIMAS LA PLATA

Mr. CAMPBELL. Mr. President, I rise today to comment on an article which appeared in the June 29, 1995, issue of the Washington Post, regarding the Animas La Plata water storage project in my home State of Colorado. There were a great many omissions in that article which, unfortunately, created a false impression that the Animas La Plata project was unneeded, which I consider to be very unfair and certainly untrue.

It is especially appropriate that I respond to that article and the false impression it created, since the House of Representatives is taking up the Interior appropriations bill this week. I trust that my colleagues in the House will be advised of my comments today.

In fairness to the Washington Post, I will presume that its editors were simply unaware of several key considerations which mandate the Federal Gov-

ernment's full support of this crucial project. Otherwise, it would appear that the Post is knowingly joining in a deliberate misinformation campaign on the part of high-dollar environmental groups seeking to describe the Animas La Plata as one of the last great dam projects to be built in the American West.

There is no dam on the Animas River. There is no dam on the La Plata River and there is none planned.

There is, however, a small, off-river dam proposed on a small arroyo which is necessary to create a water storage reservoir. The entire project entails a pumping plant, nothing more, on the bank of the Animas River at Durango, CO.

Under the project plan, water could be pumped out of the river and into the Ridges Basin Reservoir. Pumping would cease if the water level reaches a certain minimum flow necessary to protect fish. Most water would be pumped during flood stages.

The fact is that the Ute Indian Tribes own the senior water rights to the Animas, La Plata, and Florida River systems—as well as four other rivers—by virtue of various treaties with the U.S. Government. These treaty rights have been upheld by the Supreme Court of the United States when disputes have arisen in other States. Those disputes took the form of expensive and protracted litigation in the Federal courts.

The tribes and the water districts chose negotiation over litigation. Rather than engage in expensive and divisive legal battles, the tribes and the citizens of Colorado and New Mexico chose to pursue a negotiated settlement. The Ute Nations agreed to share their water with all people.

The people came together in partnership and cooperation with the Federal Government to reach a mutually beneficial solution: the Animas La Plata project. Their settlement agreement

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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was executed on December 10, 1986. The Settlement Act was ratified by Congress and signed into law on November 3, 1988.

The Settlement Act is Federal law: the law of the land. It also provided a cost-sharing agreement.

The water districts and the States of Colorado and New Mexico have "put their money where their mouth is" and have already lived up to the terms of these agreements:

First, the State of Colorado has:

Committed \$30 million to the settlement of the tribes' water rights claims; Has expended \$6 million to construct a domestic pipeline from the Cortez municipal water treatment plant to the Ute Mountain Ute Indian Reservation at Towaoc; and

Has contributed \$5 million to the tribal development funds.

Second, the U.S. Congress has appropriated and turned over to the Ute Mountain Ute and Southern Ute Indian Tribes \$49.5 million as part of their tribal development funds, and

Third, water user organizations have signed repayment contracts with the Bureau of Reclamation.

The construction of the Animas La Plata project is the only missing piece to the successful implementation of the settlement agreement and the Settlement Act. It is time that the U.S. Government kept its commitment to the people.

Historically, this country has chosen to ignore its obligations to our Indian people. Members of the Ute Tribe had been living in a state of poverty that can only be described as obscene. Their only source of drinking water was from ditches dug in the ground. I find it most distressing that the same groups and special interests who are now scrambling to block this project also, in other contexts, hold themselves out as the only real defenders of minority rights in this country. Hogwash.

This project would provide adequate water reserves to not only the Ute Nation, but to people in southwestern Colorado, northern New Mexico, and other downstream users who rely on this water system for a variety of crucial needs which range from endangered species protection to safe drinking water in towns and cities—perhaps even filling swimming pools for some of our critics.

Opponents of the Animas La Plata project have alleged that the Bureau of Reclamation [BUREC], has not adequately analyzed alternative projects. That is not true.

BUREC has performed a thorough analysis of all reasonable alternatives. No new circumstances exist which require reevaluation of the prior alternatives studies.

Exhaustive studies, involving extensive public participation have demonstrated that there is no realistic alternative to the Animas La Plata project.

This public alternatives process involved an advisory team consisting of

representatives of all of the entities potentially interested in receiving water from the project and environmental groups such as the Sierra Club and the San Juan Ecological Society.

The advisory team met 11 times in a 2½-year period. In addition, 10 other public meetings were held with specific groups during that same period.

The advisory team evaluated alternatives by comparing critical items for each alternative; alternatives were eliminated until the best overall plan was identified.

Critical items included: impact on wildlife habitat, fisheries, any potential visual degradation, conservation impacts, construction costs, operation costs, water conservation, river flows for rafting and fishery protection, power usage, recreation, impact on national historic monuments, and others.

Over 60 reservoir sites were identified by the team, approximately 20 in the La Plata River drainage and the remainder in the Animas River drainage. The best potential site in the La Plata River drainage is the Southern Ute Reservoir site included in the 1979 Definite Plan Report [DPR]. The Ridges Basin Reservoir site was determined to be the best site in the Animas River drainage from an engineering and environmental perspective.

In both La Plata County, CO, and San Juan County, NM, public elections were held on Reclamation's decision to move forward with the A/LP project.

All of the so-called current objections were raised and discussed in public forums during the course of the election campaigns in those communities, including the following issues: no analysis of alternatives, adverse impact on rafting, no water for the Indians, reduced flows in the Animas River, ability of farmers to pay for water, effect on wetlands, and the impact on trout and elk habitat.

At the end of the process, the general public voted overwhelmingly, on December 8, 1987, in La Plata County, CO, and on April 17, 1990, in San Juan County, NM, to endorse Reclamation's construction of the A/LP project.

In a last ditch effort, two environmental organizations, the Sierra Club and the Environmental Defense Fund, again raised "environmental concerns." Additional meetings were held to address those unstated concerns and the groups simply decided not to show up. When asked why, they just responded that they would "get back to us."

They never did.

Since then, they have chosen to simply funnel money into opposition campaigns. These groups have no real suggestions to make. They simply believe themselves to be somehow more pure, environmentally, than anyone else.

The only alternative these groups suggest is to "buy off" the Indians. Of course, the proposed "buy off" would be funded by hundreds of millions of taxpayer dollars but the groups do not care about that.

The Animas La Plata project is a good deal for the taxpayers.

The Southern Ute Indians and the Ute Mountain Ute Indian Tribes have rejected the buyout proposals. Just like everyone else in our country, they simply want decent and reliable water supplies—using their own water—for their people.

In exchange, all the people of the area will benefit. Opponents are apparently willing to spend even more tax dollars to "buy off" the Indians than it would cost to complete the project.

So, as the Washington Post suggested, there are, indeed, "politics" behind the Animas La Plata controversy.

I would suggest, however, the political "games" are not being played by project supporters, but rather by a few elite and select high dollar special interest groups—"beltway environmentalists"—and their ensconced cronies in the Department of the Interior and the EPA.

It is time to end the trail of broken treaties and fulfill our commitments. Great nations, like great people, keep their words of honor.

I implore my colleagues in the House to help us keep our word to the people of Colorado and New Mexico.

I thank the Chair, and I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

#### NORMALIZATION OF RELATIONS WITH VIETNAM

Mr. MURKOWSKI. Mr. President, it is my intention to speak on two subjects this morning. One is a very timely subject relative to an announcement that we anticipate will be made today by the President with regard to relations between the United States and Vietnam.

I want to commend our President. By moving to establish full diplomatic relations with the Government of Vietnam, the two-decade-long campaign to obtain the fullest possible accounting of our MIA's in Southeast Asia really now enters a new and more positive phase.

I support the President's decision because I continue to believe, and the evidence supports, that increased access to Vietnam leads to increased progress on the accounting issue. Resolving the fate of our MIA's has been and will remain the highest priority of our Government. This Nation owes that to the men and the families of the men who made the ultimate sacrifice for their country and for freedom.

In pursuit of that goal, I have personally traveled to Vietnam on three occasions. I held over 40 hours of hearings on that subject as chairman of the Veterans' Committee back in 1986. I think the comparison between the situation in 1986 and today is truly a dramatic one. In 1986, I was appalled to learn that we had no first-hand information