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

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

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

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

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

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

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

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

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

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

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

The motion was agreed to.

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

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

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

To the Congress of the United States:

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

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

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

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

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

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

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

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 24, 1997.*

PERSONAL EXPLANATION

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

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

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

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

SPECIAL ORDERS GRANTED

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

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