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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. STEARNS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 17, 2002.

I hereby appoint the Honorable CLIFF STEARNS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend T. Brannon Bowman, Pastor, Monroeville Presbyterian Church, Monroeville, Alabama, offered the following prayer:

Our almighty and gracious God, great is Your faithfulness. Your mercies never cease and Your compassions never fail.

We ask, O Lord, that Your blessings be upon the Members of this 107th Congress, that Your strength would make them equal to their tasks, that Your wisdom would guide them in their service to this great Nation, and that Your Providence would ensure that they are found faithful to those who rise to serve You tomorrow.

Bless, O Lord, the citizens of the United States. May their symphony of prayer and praise ring loudly throughout this land with never-ending crescendo.

Bless, O Lord, our President. Grant him strength and wisdom in proportion to that which is required of him this day.

Bless, O Lord, our military as they bravely serve the cause of peace and justice. And we ask most earnestly, O God, that You bring them home safely and soon.

Bless us all, we pray, that we would do justly, love mercy, and walk humbly with our God.

This we pray, as one Nation, under God, through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. LAMPSON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LAMPSON. 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 SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. SHIMKUS) come forward and lead the House in the Pledge of Allegiance.

Mr. SHIMKUS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minutes from each side, following that of the gentleman from Alabama (Mr. CALLAHAN).

WELCOMING REVEREND BRANNON BOWMAN FROM MONROEVILLE, ALABAMA

(Mr. CALLAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALLAHAN. Mr. Speaker, I am honored and pleased to have had with us this morning, and still in the audience or in the body this morning, a guest chaplain from my district, the Reverend Brannon Bowman. We are privileged to have him here visiting from Monroeville, Alabama, where he serves as pastor of the Monroeville Presbyterian Church.

After nearly 14 years as a Presbyterian pastor, Reverend Bowman has played a vital role in establishing churches in communities across Alabama. His service extends beyond his own church. The reverend offers his time as the chaplain of the Monroeville County Hospital, the area coordinator for the National Day of Prayer, as well as a professor at the Birmingham Theological Seminary.

Born in Montgomery, Alabama, he earned a Bachelor of Science from the Birmingham Southern College, a master's in music from Auburn University, and a Master of Divinity from Birmingham's Theological Seminary. Reverend Bowman has been married to Carol New Bowman since 1990, and they are proud parents of a son, Thomas.

Mr. Speaker, I know the House joins me in welcoming Reverend Bowman. At this time, when our Nation is in most need of strong faith, we are fortunate to have someone of his character among us. I thank him for his uplifting prayer this morning.

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CONGRESS SHOULD CONTINUE ITS COMMITMENT TO FINDING A CURE TO CANCER BY SUPPORTING NIH AND CDC

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today I rise to celebrate American Cancer Society's Celebration on the Hill Bus, which will be in Reno, Nevada. Celebration on the Hill is a grassroots event celebrating cancer survivorship.

Mr. Speaker, our Nation's cancer statistics are startling. Over 1 million American people get cancer each year. Approximately one out of two American men and one out of every three American women will have some type of cancer at some point during their lifetime; yet, luckily, more and more people are surviving cancer every day, thanks to medical breakthroughs and lifesaving drugs and procedures.

Today, I rise to congratulate the cancer survivors in my State of Nevada and across the entire country.

It is my hope that we will continue our commitment in Congress to finding a cure by supporting the NIH and CDC in their research efforts against this deadly disease. Our commitment could lead to finding a cure sooner rather than later.

CONGRESS AND COMMUNITIES CAN JOIN TOGETHER TO EMPOWER CHILDREN AND FAMILIES TO REDUCE CHILD VICTIMIZATION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise today in light of the reported abduction and murder of young Dannarriah Finley of southeast Texas, coming on the heels of the nationally publicized abductions of Danielle Van Damme and Elizabeth Smart.

It is time for our communities to come together to educate our children and save other families from the heartbreaking tragedy of child abduction, exploitation and murder.

There are ways that we can work together to make sure that children are safe in our communities.

First, I encourage my colleagues to go to schools in their districts to do a ''know the rules'' workshop with students and parents. Education is the key to giving children the tools and power to stay safe.

Second, I encourage Members to start a student Safety Ambassadors program. The program seeks to empower children through safety, and has students leading and teaching their peers on the issue.

Third, Members should work with our schools to make sure they know about the ''Guidelines for Programs to Reduce Child Victimization: A Resource for Communities When Choosing a Program to Teach Personal Safety to Children.'' These research-based guidelines were developed by the National Center for Missing and Exploited Children's Education Standards Task Force to assist schools as they select curricula aimed at reducing crimes against children.

It takes each one of us, including schools, to keep our kids safe, happy, and healthy.

U.S. FORCES BOMB IRAQ, AGAIN

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, since the Gulf War, pilots have been patrolling Iraqi skies keeping Saddam Hussein from killing his own people. This past weekend, Iraqi forces fired antiaircraft missiles at several of our aircraft. We responded in kind by shooting back and defending ourselves against this aggression.

I would like to remind my colleagues that Saddam Hussein is more than an enemy that regularly tries to kill or capture American pilots. Saddam Hussein plays a critical role in our country by providing us with oil. In the first quarter of this year, we bought $1.4 billion of Iraqi oil.

Where do we think that money goes? What does it pay for in Iraq? Propping up Saddam's regime. We know he rewards the family of each Palestinian suicide bomber with a check of $25,000. We import nearly 1 million barrels a day from this madman. More than 10 percent of our oil comes from Saddam Hussein, yet he still would like nothing more than a downed American pilot to parade before the world.

It is time our energy policy got in line with our foreign policy. I urge the Senate and House conferees to pass a bill that can be sent to the President for signing. If it is worth fighting for over there, it is worth exploring for over here at home.

THE REPUBLICAN PARTY STAYS TRUE TO ITS CORPORATE SPONSORS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, what a difference a week makes. Last week, the gentleman from Florida (Mr. FOLEY) and others berated the Senate here on the floor of the House, and they touted the sham fake-accounting reforms passed by the House in March.

But today, the most dangerous place in Washington, D.C. is in front of a crowd of rank-and-file Republicans in their rush to embrace the Senate's Sarbanes bill and to take up real reform of the accounting industry and take care of the disasters on Wall Street. But thank God for the GOP leaders.

''Hill GOP Leaders Fight Audit Plan. One day after the Senate unanimously passed broad overhauls of corporate securities laws, top House Republicans said they will try to delay and likely dilute some of the proposed changes.''

At least someone in the Republican Party is true to their corporate sponsors, benefactors, and contributors.

INVITING MEMBERS TO VIEWING OF AWARD-WINNING FILM, ''BEYOND DIVISION: REUNIFYING THE REPUBLIC OF CYPRUS''

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, this Saturday marks the 28th anniversary of the invasion of Cyprus that still keeps the island divided. To mark this tragic event, today at 5 p.m. at 2255 Rayburn, I am hosting a viewing of the award-winning film ''Beyond Division: Reunifying the Republic of Cyprus.'' It captures the Cypriot people's suffering resulting from the brutal invasion of their country and the hope for a brighter future when their island is no longer divided.

It is shameful that a fellow NATO member continues to occupy one-third of Cyprus. A settlement to the Cyprus issue must be reached by the end of the year, when the island is expected to join the rest of the European territory.

Mr. Speaker, I invite all of my colleagues to watch this award-winning film and learn about the ongoing tragedy of the occupation of Cyprus, and also about the prospects of reunification and the EU accession. I hope to see Members today at 5 p.m. at 2255 Rayburn.

CORPORATE ACCOUNTABILITY

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, today I rise to speak about corporate accountability, and the simple idea that for every action, there is a consequence.

Recent scandals are part of a bigger problem. Some CEOs and other corporate leaders are acting irresponsibly, hurting investors, jeopardizing my communities and all of America's pensions and retirement security.

These business people need to be held accountable. This administration sent the wrong message, signing into law an irresponsible tax package that gave millions of dollars to the largest corporations.

Democrats support legislation that would require honest accounting, independent investment advice, sensible regulation, and criminal penalties for those guilty of corporate wrongdoing.

We need to put our priorities in order: education, Social Security, the environment, prescription drugs. These things should come before corporate giveaways.

CORPORATE CRIMINALS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, when one is an executive of a large corporation, one has a job that carries tremendous responsibility. Ford Motors, Chevron, Texaco, and IBM have more employees than many countries have citizens. Wal-Mart, EXXON, and General Motors have annual budgets larger than the gross domestic products of many nations.

When the executives of Enron, which was America's fifth largest company, cooked the books, the victims of their crime are not just a few people from Houston. Americans everywhere suffer, some severely. When the executives of WorldCom, which was America's 42nd largest employer, used tricky accounting to fool investors, everybody suffers, too.

When a mugger in a back alley sticks us up at gunpoint and takes our wallets, that is bad. But is it not worse when a man in a thousand dollar suit steals millions of dollars from people who are counting on his honesty to help them keep their jobs or to retire?

Yesterday, the House voted for a new law to severely punish corporate crooks for their crimes. We should conference with the other body immediately so we can send a bill to the President as soon as possible.

PRESCRIPTION DRUG COVERAGE FOR AMERICA'S SENIORS

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, let me start and indicate how important it is for us to not forget our seniors when it comes to prescription drug coverage.

Our seniors right now represent 34 percent of the prescriptions that are dished out every single year.

□ 1015

Out of every dollar, 42 cents represents the amount of money that they dish out. Forty-two percent. Despite that, it is expected that sales and benefits of pharmaceutical companies will be over 18 percent. So at the expense of our seniors, the pharmaceutical companies continue to make these huge profits.

It is up to us to make sure we do what we can to make sure that we allow that opportunity for our seniors to have accessibility and be able to have affordable coverage when it comes to prescription drug coverage.

We know that those same pharmaceutical companies sell those prescriptions elsewhere, throughout the world and throughout Europe, at lower prices. These are the same products that are sold to our seniors here at higher prices. So it is up to us to push forward a prescription drug coverage and allow Medicare to cover the prescriptions.

HONORING A GREAT AMERICAN

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is an honor for me today to be able to honor an American war hero, First Lieutenant James Flowers, Jr. He enlisted as a private in the Texas National Guard in 1930, and from there worked his way up the military ladder and on July 10, 1944, Flowers was a platoon leader when he volunteered his four tanks to help an infantry battalion encircled by Germans.

His unit encountered enemy fire, and from there Flowers endured what can only be described as hell on earth. While 1 minute cannot do his sacrifices justice, please know this man embodies duty, honor, and country.

First, his right foot was blown away by enemy fire. While waiting for relief, he lost his left leg below the knee. After two nights of desperately needing medical attention and lying severely injured, Americans finally came to the rescue.

Nominated for the Medal of Honor, he was awarded four medals for his bravery and valor.

While some would be hardened and angry after this unspeakable kind of tragedy, Flowers persevered. After being discharged, he attended SMU and began working in the prosthetics department of the VA. He moved to the Dallas VA where he established the first prosthetics treatment center in the Nation.

Flowers has given so much to this country in his area of expertise. He exemplifies our greatest generation. God bless him and God bless our servicemen and women around the world.

AMERICANS SHOULD CONTRIBUTE TO THE BETTERMENT OF THE COUNTRY

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, last night this House was kept in session to a ridiculously late hour because there was a divide on the Republican side of the aisle over our Interior bill, where we are supposed to be finding the money to keep our parks open with enough bathrooms and visitor centers and parking spaces to accommodate a growing American public.

They were mad because they said there was not enough money. Well, let me contend where they should look for the money. They should not look for the money in the Committee on Appropriations. They should go back to the tax committee and figure out who they gave the money to.

Richey Rich is going to make $20 million this year in our country. And if we look at the buy-out packages that they permitted to the chief executive officers in this country and the tax breaks alone in the Bush tax bill, the tax bill to Richey Rich will amount to $712,800 this year because his marginal rate was reduced to 3.6 percent. We might say, gosh, he is only going to make $19.8 million this year, at the same time as we struggle for pennies and are forced to increase fees at our national parks across this country.

The answer is not inside the Subcommittee on Interior, the answer is to go back to the tax committee and make every single American contribute to the betterment of this Republic.

CONDEMNING TERRORIST ATTACK ON KASHMIRI CIVILIANS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I condemn Saturday's terrorist attack in Kashmir that killed 28 people. This attack was just another reminder to the Kashmiri Pandit community that Hindus are still being targeted by Islamic militants in order to drive them from the Indian state of Kashmir. This was cold-blooded murder of civilian men, women, and children, who were innocently listening to a radio sports event at a tea stall.

More than 400,000 Hindus in Kashmir have been forced from their homes due to targeted attacks of Islamic militants. For many years, Pakistan's military worked together with its intelligence agency, the ISI, to coordinate attacks against civilians in Kashmir. These very same forces helped in creating the Taliban and al Qaeda.

Pakistan must stop the movement of al Qaeda members from the northwestern part of Pakistan into the Pakistan-occupied Kashmir. Pakistan must also shut down its terrorist camps, remove the influence of extremist religious clerics from government affairs, and make generous peace offerings to India. Only then can a dialogue between India and Pakistan take place.

CONGRESS MUST PLAY A ROLE IN ANY POSSIBLE ATTACK ON IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, it is worth considering the headlines regarding Iraq in the last week. From United Press International: ''U.S. Plans Massive Invasion of Iraq.'' From Associated Press: ''U.S. Says Iraq Would Target Troops.'' From United Press: ''According to officials who spoke to UPI, three dates are being discussed as possible times to launch the attack. The first would be before the

November elections.'' And from Associated Press: ''U.S. worries Iraq's chemical, biological weapons would target invading American troops in Israel.''

There has been discussion of a quarter of a million of our men and women being sent to Iraq. The discussion is in the media, it is not on the floor of this House. The New York Times editorial says as follows: ''Congressional leaders, including top Democrats, have rushed to voice approval for the popular notion of getting rid of Mr. Hussein. They have not, however, lived up to their responsibility for demanding a full public disclosure about how to pursue this attractive goal with maximum chances of success and minimum risk to American forces' interest and alliances. Discussion of these issues is possible without giving away legitimate military secrets.''

War with Iraq, if it comes, is still many months away. What is urgently needed now is informed and serious debate, and attention to article I, section 8 of the Constitution, which requires Congress has a role.

HOUSE MAJORITY ATTEMPTING TO MOVE LEGISLATION TO HELP AMERICA

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, most of us Republicans and Democrats come to the House to pass legislation and to help the American people. I heard a minute ago from one of the Members that the accounting bill that we passed on this floor was a sham. Well, I want to inform my colleagues that 118 Democrats voted for that. Only 40 Democrats, from the leadership, primarily, voted against it.

Instead of helping the American people in a time of crisis, when the markets are bad and people are losing confidence, the Democrat leadership, once again, is playing partisan election year politics.

They also say that tax relief is only for the rich. Well, listen to the facts, as stated by Alan Greenspan yesterday. Tax relief stopped the recession. It also put this economy back on a positive note. Yet my friends on the other side, the Democratic leadership, would rather say that the tax break was for the rich. This is partisan election year rhetoric.

Mr. Speaker, we are here to pass legislation, not to jam it up, like the other body, which is holding 54 of our bills.

CORPORATE RESPONSIBILITY

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, the time is right for this body to act on corporate accountability. The other body got it right when it passed the Sarbanes bill by a unanimous vote.

Corporate greed is affecting every one of our constituents, whether it is in their 401(k) plans or the performance of our economy, with job opportunity, and the list goes on and on.

Mr. Speaker, let us act now. Let us act as the other body did, in a bipartisan way. Let us take up today and pass the Sarbanes bill, and let us send it to the President. He has indicated he will sign it. That will help restore confidence among our constituents and our economy.

PRESCRIPTION DRUGS

(Mr. SULLIVAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SULLIVAN. Mr. Speaker, a few weeks ago, the House of Representatives passed a prescription drug benefit under Medicare. Since this has happened, I have received hundreds of calls from seniors thanking me for voting for this very important measure.

A significant number of seniors in the First District of Oklahoma are forced to live on a fixed budget. In order to live within their means, some skip a meal, some turn off their air conditioners, and some only take half the prescriptions that have been prescribed to them, to save.

It is a simple fact that seniors need permanent prescription drug benefit from this Congress. But simple is not always synonymous with easy, especially when politics are involved. The House has passed a good bill, and I encourage my colleagues in the Senate to follow the House's lead.

Our bill was based on simple, common sense principles. They are: To lower the cost of prescription drugs now and in the future; guarantee all seniors prescription drug coverage under Medicare; improve Medicare with more choices and more savings; and strengthen Medicare for the future.

Our seniors need a prescription drug benefit this year. I hope my colleagues in the Senate will follow suit.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. STEARNS). The Chair would remind all Members giving 1-minute speeches that they cannot urge the other body to take action.

ENERGY INDEPENDENCE

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, increasing our energy independence is absolutely vital to ensuring America's national security.

Americans are 5 percent of the world's population. We use 25 percent of the world's oil production, and yet we produce 30 percent of the world's output of goods and services. We are the most energy-efficient and productive Nation on earth, but America has only 2 percent of the world's known oil reserves. In pumping that 2 percent, we meet only 44 percent of America's needs.

America must import nearly 60 percent of our oil, up from 32 percent in 1992 and 34 percent during the last Arab oil embargo. Americans must pay billions of dollars to unstable or hostile regimes, such as Saddam Hussein's Iraq, for the oil we need to run our economy and our military. Every year since 1970, with only a tiny blip from Alaska's Prudhoe Bay, oil production in the United States has gone down, and experts agree it will continue to go down.

That is why conservation, efficiency, and alternative and renewable forms of energy are critically important parts of a balanced, comprehensive national energy strategy.

JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Chair's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LAMPSON. 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 SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 361, nays 50, answered ''present'' 1, not voting 22, as follows:

[Roll No. 309]

YEAS—361

Abercrombie	Boehner	Coble
Ackerman	Bonilla	Collins
Akin	Bono	Combest
Allen	Boozman	Condit
Andrews	Boswell	Conyers
Armey	Boucher	Cooksey
Baca	Boyd	Cox
Bachus	Brady (TX)	Coyne
Baker	Brown (FL)	Cramer
Baldacci	Brown (OH)	Crenshaw
Baldwin	Brown (SC)	Crowley
Ballenger	Bryant	Cubin
Barcia	Burr	Cummings
Barr	Burton	Davis (CA)
Barrett	Buyer	Davis (FL)
Bartlett	Callahan	Davis (IL)
Barton	Calvert	Davis, Jo Ann
Bass	Camp	Davis, Tom
Becerra	Cannon	Deal
Bentsen	Cantor	DeGette
Bereuter	Capito	Delahunt
Berkley	Capps	DeLauro
Berman	Cardin	DeLay
Berry	Carson (IN)	DeMint
Biggert	Carson (OK)	Deutsch
Bilirakis	Castle	Diaz-Balart
Bishop	Chabot	Dicks
Blumenauer	Chambliss	Dingell
Blunt	Clement	Doggett
Boehlert	Clyburn	Dooley

Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Turner
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—50

Aderholt
Baird
Borski
Brady (PA)
Costello
Crane
DeFazio
English
Fletcher
Ganske
Gillmor
Green (TX)
Gutknecht
Hart
Hefley
Hilliard
Hulshof
Kennedy (MN)
Kucinich
LaFalce
Larsen (WA)
LoBiondo
McDermott
McGovern
McNulty
Miller, George
Moore
Neal
Oberstar
Obey
Olver
Pallone
Peterson (MN)
Ramstad
Roemer
Sabo
Schaffer
Schakowsky
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Visclosky
Waters
Weller
Wicker
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—22

Blagojevich
Bonior
Capuano
Clay
Clayton
Culberson
Cunningham
Filner
Hastings (FL)
Hilleary
Hyde
Jefferson
Manzullo
Mascara
Meek (FL)
Nadler
Platts
Rangel
Solis
Stark
Stump
Traficant

□ 1050

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

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 309, I missed this vote due to a medical appointment. Had I been present, I would have voted, "Nay."

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5093, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. STEARNS). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The SPEAKER pro tempore. Pursuant to House Resolution 483 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5093.

□ 1052

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, July 16, 2002, the amendment by the gentleman from Utah (Mr. HANSEN) had been disposed of and the bill was open from page 4, line 1 through page 74, line 23.

Mr. SKEEN. Mr. Chairman, I include for the RECORD a table detailing the various accounts in this bill be inserted in the RECORD at this point.

The tabular material is as follows:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	746,632	772,962	782,904	+36,272	+9,942
Conservation	29,000	40,028	44,028	+15,028	+4,000
Subtotal	775,632	812,990	826,932	+51,300	+13,942
Wildland fire management:					
Preparedness	280,807	277,213	278,639	-2,168	+1,426
Fire suppression operations	127,424	160,351	160,351	+32,927	---
Other operations	216,190	216,190	216,342	+152	+152
Suppression (contingent emergency appropriations)	34,000	---	---	-34,000	---
Fiscal year 2002 supplemental	---	---	200,000	+200,000	+200,000
Other operations (contingent emergency appropriations)	20,000	---	---	-20,000	---
Subtotal	678,421	653,754	855,332	+176,911	+201,578
Central hazardous materials fund	9,978	9,978	9,978	---	---
Construction	13,076	10,976	10,976	-2,100	---
Payments in lieu of taxes	160,000	150,000	160,000	---	+10,000
Conservation	50,000	15,000	70,000	+20,000	+55,000
Subtotal	210,000	165,000	230,000	+20,000	+65,000
Land acquisition (conservation)	49,920	44,686	49,286	-634	+4,600
Oregon and California grant lands	105,165	105,633	105,633	+468	---
Range improvements (indefinite)	10,000	10,000	10,000	---	---
Service charges, deposits, & forfeitures (indefinite)	8,000	7,900	7,900	-100	---
Offsetting fee collections	---	-7,900	-7,900	-7,900	---
Miscellaneous trust funds (indefinite)	12,405	12,405	12,405	---	---
Total, Bureau of Land Management	1,872,597	1,825,422	2,110,542	+237,945	+285,120
Appropriations	(1,689,677)	(1,725,708)	(1,747,228)	(+57,551)	(+21,520)
Conservation	(128,920)	(99,714)	(163,314)	(+34,394)	(+63,600)
Contingent emergency appropriations	(54,000)	---	(200,000)	(+146,000)	(+200,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
United States Fish and Wildlife Service					
Resource management	819,597	825,598	847,353	+27,756	+21,755
Conservation	31,000	78,006	71,006	+40,006	-7,000
Subtotal	850,597	903,604	918,359	+67,762	+14,755
Construction	55,543	35,402	51,308	-4,235	+15,906
Land acquisition (conservation)	99,135	70,384	82,250	-16,885	+11,866
Landowner incentive program (conservation)	40,000	50,000	40,000	---	-10,000
Private stewardship grants program (conservation)	10,000	10,000	10,000	---	---
Cooperative endangered species conservation fund (conservation)	96,235	91,000	121,400	+25,165	+30,400
National wildlife refuge fund	14,414	14,414	14,414	---	---
Conservation	---	---	5,000	+5,000	+5,000
Subtotal	14,414	14,414	19,414	+5,000	+5,000
North American wetlands conservation fund (conservation)	43,500	43,560	43,560	+60	---
Neotropical migratory birds conservation fund (conservation)	3,000	---	5,000	+2,000	+5,000
Multinational species conservation fund	4,000	5,000	---	-4,000	-5,000
Conservation	---	---	4,800	+4,800	+4,800
State wildlife grants (conservation)	85,000	60,000	100,000	+15,000	+40,000
Rescission	-25,000	---	---	+25,000	---
Subtotal	60,000	60,000	100,000	+40,000	+40,000
Total, United States Fish and Wildlife Service	1,276,424	1,283,364	1,396,091	+119,667	+112,727
Appropriations	(893,554)	(880,414)	(913,075)	(+19,521)	(+32,661)
Conservation	(407,870)	(402,950)	(483,016)	(+75,146)	(+80,066)
Rescission	(-25,000)	---	---	(+25,000)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Park Service					
Operation of the national park system	1,474,977	1,560,565	1,596,593	+121,616	+36,028
Conservation	2,000	24,000	9,000	+7,000	-15,000
Emergency appropriations (P.L. 107-117)	10,098	---	---	-10,098	---
Subtotal	1,487,075	1,584,565	1,605,593	+118,518	+21,028
United States Park Police	65,260	78,431	78,431	+13,171	---
Emergency appropriations (P.L. 107-117)	25,295	---	---	-25,295	---
Subtotal	90,555	78,431	78,431	-12,124	---
National recreation and preservation	66,159	46,824	56,330	-9,829	+9,506
Urban park and recreation fund (conservation)	30,000	300	30,000	---	+29,700
Historic preservation fund (conservation)	74,500	67,000	76,500	+2,000	+9,500
Construction	299,193	240,182	271,450	-27,743	+31,268
Conservation	66,851	82,202	53,736	-13,115	-28,466
Emergency appropriations (P.L. 107-117)	21,624	---	---	-21,624	---
Total, Construction	387,668	322,384	325,186	-62,482	+2,802
Land and water conservation fund (rescission of contract authority)	-30,000	-30,000	-30,000	---	---
Land acquisition and state assistance (conservation)	274,117	286,057	253,099	-21,018	-32,958
Total, National Park Service (net)	2,380,074	2,355,561	2,395,139	+15,065	+39,578
Appropriations	(1,905,589)	(1,926,002)	(2,002,804)	(+97,215)	(+76,802)
Conservation	(447,468)	(459,559)	(422,335)	(-25,133)	(-37,224)
Emergency appropriations	(57,017)	---	---	(-57,017)	---
Rescission	(-30,000)	(-30,000)	(-30,000)	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002 AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
United States Geological Survey					
Surveys, investigations, and research	889,002	853,760	903,405	+14,403	+49,645
Conservation	25,000	13,578	25,000	---	+11,422
Total, United States Geological Survey	914,002	867,338	928,405	+14,403	+61,067
Minerals Management Service					
Royalty and offshore minerals management	253,397	264,452	264,951	+11,554	+499
Use of receipts	-102,730	-100,230	-100,230	+2,500	---
Oil spill research	6,105	6,105	6,105	---	---
Total, Minerals Management Service	156,772	170,327	170,826	+14,054	+499
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	102,800	105,092	105,092	+2,292	---
Receipts from performance bond forfeitures (indefinite)	275	275	275	---	---
Subtotal	103,075	105,367	105,367	+2,292	---
Abandoned mine reclamation fund (definite, trust fund)	203,455	174,035	184,745	-18,710	+10,710
Total, Office of Surface Mining Reclamation and Enforcement	306,530	279,402	290,112	-16,418	+10,710
Bureau of Indian Affairs					
Operation of Indian programs	1,799,809	1,837,110	1,859,064	+59,255	+21,954
Construction	357,132	345,252	345,252	-11,880	---
Indian land and water claim settlements and miscellaneous payments to Indians	60,949	57,949	60,949	---	+3,000
Indian guaranteed loan program account	4,986	5,493	5,493	+507	---
(Limitation on guaranteed loans)	(75,000)	(72,424)	(72,424)	(-2,576)	---
Total, Bureau of Indian Affairs	2,222,876	2,245,804	2,270,758	+47,882	+24,954

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
Departmental Offices					
Insular Affairs:					
Assistance to Territories	51,230	42,497	45,497	-5,733	+3,000
Northern Marianas	27,720	27,720	27,720	---	---
Subtotal	78,950	70,217	73,217	-5,733	+3,000
Compact of Free Association	8,745	8,745	9,045	+300	+300
Mandatory payments	14,500	12,000	12,000	-2,500	---
Subtotal	23,245	20,745	21,045	-2,200	+300
Total, Insular Affairs	102,195	90,962	94,262	-7,933	+3,300
Departmental management	67,741	78,596	72,533	+4,792	-6,063
Emergency appropriations (P.L. 107-117)	2,205	---	---	-2,205	---
Subtotal	69,946	78,596	72,533	+2,587	-6,063
Office of the Solicitor	45,000	47,773	47,473	+2,473	-300
Office of Inspector General	34,302	36,659	36,239	+1,937	-420
National Indian Gaming Commission	---	2,000	2,000	+2,000	---
Office of Special Trustee for American Indians					
Federal trust programs	99,224	151,027	141,277	+42,053	-9,750
Indian land consolidation	10,980	7,980	7,980	-3,000	---
Total, Office of Special Trustee for American Indians	110,204	159,007	149,257	+39,053	-9,750

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
Natural resource damage assessment fund.....	5,497	5,538	5,538	+41	---
Federal priority land acquisitions and exchanges.....	---	3,000	---	---	-3,000
Total, Departmental Offices.....	367,144	423,535	407,302	+40,158	-16,233
Total, title I, Department of the Interior:					
New budget (obligational) authority (net)...	9,496,419	9,450,753	9,969,175	+472,756	+518,422
Appropriations.....	(8,428,939)	(8,501,952)	(8,705,510)	(+276,571)	(+203,558)
Conservation.....	(1,009,258)	(978,801)	(1,093,665)	(+84,407)	(+114,864)
Emergency appropriations.....	(59,222)	---	---	(-59,222)	---
Contingent emergency appropriations.....	(54,000)	---	(200,000)	(+146,000)	(+200,000)
Rescissions.....	(-55,000)	(-30,000)	(-30,000)	(+25,000)	---
(Limitation on guaranteed loans).....	(75,000)	(72,424)	(72,424)	(-2,576)	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest and rangeland research	241,304	242,798	252,000	+10,696	+9,202
State and private forestry	190,221	121,805	146,695	-43,526	+24,890
Conservation	101,000	155,558	133,133	+32,133	-22,425
Subtotal	291,221	277,363	279,828	-11,393	+2,465
National forest system	1,331,439	1,366,475	1,370,567	+39,128	+4,092
Wildland fire management:					
Preparedness	622,618	600,703	640,000	+17,382	+39,297
Fire suppression operations	255,321	420,699	420,699	+165,378	---
Other operations	336,410	347,736	452,750	+116,340	+105,014
Suppression (contingent emergency appropriations)	266,000	---	---	-266,000	---
Fiscal year 2002 supplemental	---	---	500,000	+500,000	+500,000
Other operations (contingent emergency appropriations)	80,000	---	---	-80,000	---
Subtotal	1,560,349	1,369,138	2,013,449	+453,100	+644,311
Capital improvement and maintenance	485,188	501,222	507,865	+22,677	+6,643
Conservation	61,000	50,866	64,866	+3,866	+14,000
Subtotal	546,188	552,088	572,731	+26,543	+20,643
Land acquisition (conservation)	149,742	130,510	146,336	-3,406	+15,826
Acquisition of lands for national forests, special acts	1,069	1,069	1,069	---	---
Acquisition of lands to complete land exchanges (indefinite)	234	234	234	---	---
Range betterment fund (indefinite)	3,290	3,402	3,402	+112	---
Gifts, donations and bequests for forest and rangeland research	92	92	92	---	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002 AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
Management of national forest lands for subsistence uses	5,488	5,542	5,542	+54	---
Reduction for non-conservation funding	-2,000	-2,000	-2,000	---	---
Conservation (Youth Conservation Corps)	2,000	2,000	2,000	---	---
Total, Forest Service	4,130,416	3,948,711	4,645,250	+514,834	+696,539
Appropriations	(3,470,674)	(3,609,777)	(3,798,915)	(+328,241)	(+189,138)
Conservation	(313,742)	(338,934)	(346,335)	(+32,593)	(+7,401)
Contingent emergency appropriations	(346,000)	---	(500,000)	(+154,000)	(+500,000)
DEPARTMENT OF ENERGY					
Clean coal technology:					
Deferral	-40,000	---	-50,000	-10,000	-50,000
(Transfer out)	(-33,700)	(-40,000)	---	(+33,700)	(+40,000)
Fossil energy research and development	582,790	489,305	664,205	+81,415	+174,900
Clean coal technology (by transfer)	(33,700)	(40,000)	---	(-33,700)	(-40,000)
Alternative fuels production (rescission)	-2,000	---	---	+2,000	---
Naval petroleum and oil shale reserves	17,371	20,831	20,831	+3,460	---
Elk Hills School lands fund	---	36,000	---	---	-36,000
Advance appropriations, FY 2003	36,000	---	---	-36,000	---
Energy conservation	912,805	901,651	984,653	+71,848	+83,002
Economic regulation	1,996	1,487	1,487	-509	---
Strategic petroleum reserve	179,009	168,856	175,856	-3,153	+7,000
SPR petroleum account	---	11,000	7,000	+7,000	-4,000
Northeast home heating oil reserve	---	8,000	8,000	+8,000	---
Energy Information Administration	78,499	80,111	80,611	+2,112	+500
Total, Department of Energy:					
New budget (obligational) authority (net)	1,766,470	1,717,241	1,892,643	+126,173	+175,402
Appropriations	(1,772,470)	(1,717,241)	(1,942,643)	(+170,173)	(+225,402)
Advance appropriations	(36,000)	---	---	(-36,000)	---
Rescissions	(-2,000)	---	---	(+2,000)	---
Deferral	(-40,000)	---	(-50,000)	(-10,000)	(-50,000)
(Transfer out)	(-33,700)	(-40,000)	---	(+33,700)	(+40,000)
(By transfer)	(33,700)	(40,000)	---	(-33,700)	(-40,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services	2,389,614	2,453,835	2,508,756	+119,142	+54,921
Indian health facilities	369,487	362,571	391,865	+22,378	+29,294
Total, Indian Health Service	2,759,101	2,816,406	2,900,621	+141,520	+84,215
OTHER RELATED AGENCIES					
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses	15,148	14,491	14,491	-657	---
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute	4,490	5,130	5,130	+640	---
Smithsonian Institution					
Salaries and expenses	399,253	448,760	450,760	+51,507	+2,000
Rescission	---	-14,100	-14,100	-14,100	---
Emergency appropriations (P.L. 107-117)	21,707	---	---	-21,707	---
Subtotal	420,960	434,660	436,660	+15,700	+2,000
Repair, restoration and alteration of facilities	67,900	81,300	81,300	+13,400	---
Construction	30,000	12,000	10,000	-20,000	-2,000
Total, Smithsonian Institution	518,860	527,960	527,960	+9,100	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Gallery of Art					
Salaries and expenses	68,967	78,219	78,219	+9,252	---
Emergency appropriations (P.L. 107-117)	2,148	---	---	-2,148	---
Subtotal	71,115	78,219	78,219	+7,104	---
Repair, restoration and renovation of buildings	14,220	16,230	16,230	+2,010	---
Total, National Gallery of Art	85,335	94,449	94,449	+9,114	---
John F. Kennedy Center for the Performing Arts					
Operations and maintenance	15,000	16,310	16,310	+1,310	---
Emergency appropriations (P.L. 107-117)	4,310	---	---	-4,310	---
Subtotal	19,310	16,310	16,310	-3,000	---
Construction	19,000	17,600	17,600	-1,400	---
Total, John F. Kennedy Center for the Performing Arts	38,310	33,910	33,910	-4,400	---
Woodrow Wilson International Center for Scholars					
Salaries and expenses	7,796	8,488	8,488	+692	---
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration	98,234	99,489	99,489	+1,255	---
National Endowment for the Humanities					
Grants and administration	108,382	109,632	109,932	+1,550	+300
Matching grants	16,122	16,122	16,122	---	---
Total, National Endowment for the Humanities	124,504	125,754	126,054	+1,550	+300

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
Institute of Museum and Library Services/ Office of Museum Services					
Grants and administration 1/	26,899	---	---	-26,899	---
Challenge America Arts Fund					
Challenge America grants	17,000	17,000	17,000	---	---
Total, National Foundation on the Arts and the Humanities	266,637	242,243	242,543	-24,094	+300
Commission of Fine Arts					
Salaries and expenses	1,224	1,224	1,255	+31	+31
National Capital Arts and Cultural Affairs					
Grants	7,000	7,000	7,000	---	---
Advisory Council on Historic Preservation					
Salaries and expenses	3,400	3,667	3,667	+267	---
National Capital Planning Commission					
Salaries and expenses	7,253	7,253	7,553	+300	+300
Emergency appropriations (P.L. 107-117)	758	---	---	-758	---
Total, National Capital Planning Commission	8,011	7,253	7,553	-458	+300
United States Holocaust Memorial Museum					
Holocaust Memorial Museum	36,028	38,663	38,663	+2,635	---

1/ Funded in the Labor HHS bill for FY 2003.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2002 AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2003
(Amounts in Thousands)

	FY 2002 Enacted	FY 2003 Request	Bill	Bill vs. Enacted	Bill vs. Request
Presidio Trust					
Presidio trust fund	23,125	21,327	21,327	-1,798	---
Total, title II, related agencies:					
New budget (obligational) authority (net)	9,671,351	9,488,163	10,444,950	+773,599	+956,787
Appropriations	(8,988,686)	(9,163,329)	(9,662,715)	(+674,029)	(+499,386)
Conservation	(313,742)	(338,934)	(346,335)	(+32,593)	(+7,401)
Advance appropriations	(36,000)	---	---	(-36,000)	---
Emergency appropriations	(28,923)	---	---	(-28,923)	---
Contingent emergency appropriations	(346,000)	---	(500,000)	(+154,000)	(+500,000)
Rescissions	(-2,000)	(-14,100)	(-14,100)	(-12,100)	---
Deferral	(-40,000)	---	(-50,000)	(-10,000)	(-50,000)
(Transfer out)	(-33,700)	(-40,000)	---	(+33,700)	(+40,000)
(By transfer)	(33,700)	(40,000)	---	(-33,700)	(-40,000)
Grand total:					
New budget (obligational) authority (net)	19,167,770	18,938,916	20,414,125	+1,246,355	+1,475,209
Fiscal year 2002 (contingent emergency)	---	---	(700,000)	(+700,000)	(+700,000)
Fiscal year 2003 (net)	(19,167,770)	(18,938,916)	(19,714,125)	(+546,355)	(+775,209)
Appropriations	(17,417,625)	(17,665,281)	(18,368,225)	(+950,600)	(+702,944)
Conservation	(1,323,000)	(1,317,735)	(1,440,000)	(+117,000)	(+122,265)
Advance appropriations	(36,000)	---	---	(-36,000)	---
Emergency appropriations	(88,145)	---	---	(-88,145)	---
Contingent emergency appropriations	(400,000)	---	---	(-400,000)	---
Rescissions	(-57,000)	(-44,100)	(-44,100)	(+12,900)	---
Deferral	(-40,000)	---	(-50,000)	(-10,000)	(-50,000)
(Transfer out)	(-33,700)	(-40,000)	---	(+33,700)	(+40,000)
(By transfer)	(33,700)	(40,000)	---	(-33,700)	(-40,000)
(Limitation on guaranteed loans)	(75,000)	(72,424)	(72,424)	(-2,576)	---

AMENDMENT OFFERED BY MR. RAHALL

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

The Clerk read as follows:

Amendment offered by Mr. RAHALL:

Page 50, beginning on line 19, strike ''expended'' and all that follows through ''Congress: *Provided further,*'' on line 6, page 51, and insert ''expended: *Provided,*''.

Mr. RAHALL. Mr. Chairman, I begin by commending the gentleman from New Mexico (Mr. SKEEN), the chairman of the Subcommittee on the Interior. He has brought a very sound bill to the floor. I commend the gentleman for his leadership and salute him upon his retirement from this body. I salute, as well, the ranking minority member, the gentleman from Washington (Mr. DICKS), who I understand may oppose this amendment, but has been very courteous to me in allowing this amendment to proceed.

I offer this amendment with the gentleman from Michigan (Mr. KILDEE). It is my understanding the gentleman from Arizona (Mr. HAYWORTH) on the majority side has a keen interest in this matter and may want to speak as well.

Mr. Chairman, I did vote against the rule governing debate on this measure because it waived all points of order against the bill on matters which constitute an authorization on an appropriation measure with the exception of an issue relating to the Everglades.

In this regard, I am particularly concerned with one authorizing provision in particular that is so unfair, so callous in my view that since it was protected from a point of order under the rule, it has prompted me to offer this amendment.

This provision is nothing more and nothing less than a gag order on thousands of American Indians who are seeking a proper accounting from the Federal Government of royalties that are owed to them. It is a most repressive provision.

Simply stated, this provision in the bill prohibits the government from accounting for amounts owed to more than 300,000 Indians prior to 1985. It is unfortunate, but true, that through both Democrat and Republican administrations, the Department of the Interior has acted like the Enron of Federal agencies when it comes to managing Indian trust assets.

Over the years, countless investigative reports by the Congress, the GAO, the Inspector General, and others have been issued on the failure of the Department of the Interior to properly account for and manage Indian trust funds. This matter is in litigation and the contention is that the Department of the Interior has squandered more than $10 billion in royalties owed to these individuals. Compared to this scandal, the Teapot Dome scandal was chump change.

But rather than allowing the litigation to go forward, rather than allowing for a full and proper accounting of these trust fund accounts, H.R. 5093 places an arbitrary cutoff date of 1985. That would be like telling Americans who have placed money in a savings account all of their adult lives and have proper records that we will have the bank tell the investor what is in their account regardless of what the investor's records show. If the investor's records show an investment of $100,000 in the bank, but the bank says they have only $50,000, then the bank figure would stand, and there is no recourse.

That is what this provision in H.R. 5093 says to these American citizens. They are our first Americans. They have died in our wars. They have invested and contributed to our society. And today they are being treated with the most callous disregard, no better than the heads of Enron and WorldCom treated their investors.

Mr. Chairman, I ask for adoption of this amendment. I ask that my colleagues in support be recognized as well.

REQUEST TO LIMIT DEBATE

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 40 minutes to be equally divided and controlled.

Mr. RAHALL. Mr. Chairman, reserving the right to object, we have a number of requests on this side of the aisle for time.

Mr. SKEEN. Would the gentleman agree to an hour?

Mr. RAHALL. Mr. Chairman, continuing under my reservation, at this time I would like to reserve the option to see how many more speakers may come to the floor.

Mr. TOOMEY. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

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

Mr. Chairman, I oppose the gentleman's amendment. Since fiscal year 1996, the Subcommittee on the Interior has taken the steps necessary to have the Department of the Interior and the Indian community clean up decades of trust fund mismanagement. After appropriating hundreds of millions of dollars for this purpose, it has become clear that a number of ''good government'' legislative changes were necessary to ensure that trust fund reform can go forward. If trust reform is to succeed, these provisions must be enacted into law.

□ 1100

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

Mr. Chairman, I rise in opposition to this amendment. Let us begin by acknowledging that this is not a partisan issue. We have had Interior secretaries under Democrat administrations and under Republican administrations that have struggled with this that have been subject to court orders and contempt of court and employees in both administrations. This has been an extraordinarily difficult issue.

Let us put a little perspective on this. Let us understand what is involved with this. It was 1996 when five plaintiffs filed a class action suit against the Department of Treasury and Interior on behalf of themselves and 300,000 individual Indian money accountholders. It is called the Cobell v. Norton lawsuit for breach of trust in handling Indian funds.

Now, it is not as though the subcommittee and the House of Representatives and the Congress have not recognized the problem. Over the years, we have appropriated $45 million for the trust fund accounting system, $43 million for the trust asset accounting management system, $22 million for data cleanup, and $20 million for a transaction-by-transaction historical accounting of the named plaintiffs and their predecessors to serve as a benchmark to determine future funding requirements for this type of activity. This amount, about $130 million, is in addition to all of the other things that we are doing on a day-to-day basis in the operations of the trust account.

Meanwhile, we have had the courts making and the plaintiffs making life very difficult for employees. They have had contempt of court motions filed against them. They are being advised to purchase their own personal liability insurance. As a result, many of them have recused themselves and they were not able to get employees to work on this accounting system. It is becoming an almost impossible situation for everybody within the department. We need to get this thing resolved.

Now, the reason we have this limitation, this historical accounting limitation, is because it would do all accounts that were opened as of December 31, 2000, going back as far as January 1985. That is virtually the vast majority of them. We are talking about going back to infinity in time to the very beginning of time, and we are talking about something that is almost impossible to do, and it is estimated that it would cost about $2.4 billion, $2.4 billion to do the accounting. It is extraordinarily expensive, but it is not going to yield the desired results because of the missing data that we have. So what we are talking about is trying to narrow this down to something that is reasonable that we can actually accomplish.

If we were required to undertake an extensive historical accounting, we would have to divert funds from other high priority Indian programs and it is going to have a disastrous effect on Native Americans.

We are likely to spend, even with this limited amount, we are likely to spend $200 million over the next several years.

Mr. Chairman, in my view, what we are trying to do is the responsible thing, to act in a responsible way to make sure that we can get this historical accounting done for the vast majority of the Native Americans who deserve to have this done. One of the things we need to make sure that we do is to release the Ernst & Young report

that has been held up by the Court; the Court has denied its being released. It has been denied by the Court. We need to do that so we could see what we would have in the way of historical accounting for the numbers of people that would be affected. We need to give some compensation to employees for their litigation expenses. We need to have new members of the Special Trustee Advisory Board and, I think, ultimately, we need to limit this historical accounting to the 300,000 individual accounts.

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

Mr. KOBLE. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I appreciate the gentleman for yielding and, certainly, as I said in my opening comments, this is something that has gone on through a Republican and Democrat administration. I would agree with the gentleman that it is very hard to get an historical accounting, a true accounting of these monies that are owed, and the Interior Department said that in our Committee on Resources during our hearings on this issue. They said that on numerous occasions.

But I think what we must recognize is that this issue is in litigation at the current time, as the gentleman has noted, and as we are all very much aware. That litigation should be allowed to proceed. I would fear, by the language in the pending bill, that we are prejudging the outcome of that litigation, and that is my concern.

Mr. KOLBE. Mr. Chairman, reclaiming my time, since I think my time is limited at this point, I would just say that it is in litigation, but it is not exactly the first time that the Congress of the United States has stepped in when there has been litigation to try to resolve something. This is litigation that has absolutely no end in sight; none. There is no prospect of this litigation ever coming to a resolution; there is no prospect of ever resolving this issue. We are trying to put some parameters around it so that we can get an historical accounting for the people who really need it. I urge this amendment be defeated.

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

Mr. Chairman, as cochair of the Congressional Native American Caucus, I strongly urge the House to support the amendment to strike the provision in the Interior appropriations that would limit government accountability to Indians by restricting an historical accounting of Indian trust funds.

This provision would limit the legal claims against the Federal Government for mismanaging Indian trust funds by limiting the accounting from 1985 forward.

Further, the provisions would presume the balances as of 1985 are correct, even though the government admits the money has been mismanaged for decades.

It would also overturn a central provision of the American Indian Trust Management Reform Act, legislation enacted in 1994 after many hearings and deliberations on this issue. That act requires that the Secretary of the Interior provide a full accounting for ''all funds held in trust by the United States for the benefit of the Indian tribes or individual Indians.''

The Federal courts have also mandated that the government provide Indians with an historical accounting based on trust principles that apply to all Americans. The D.C. Federal District Court and a unanimous D.C. Circuit have already ruled that the government owes Indians an historical accounting of all funds from the date the funds were deposited into Federal accounts for Indians.

To overturn the earlier mandate of the Congress and the Federal courts for this important act of government accountability fails the poorest Americans: Indians, who rely on money from their lands to whom the Federal Government owes a trust responsibility.

This provision also raises new claims that this proposed congressional action constitutes an unconstitutional taking of Indians' property: their money.

Mr. Chairman, this is the Indians' money, not the government's. It is not from a Federal program or entitlement, but from the leases of Indian lands. Money comes directly into the Interior Department in trust from Indians from payments for use of Indian lands for grazing, timber, and mineral royalties. The United States has admitted that it mismanaged and lost the money.

This amendment would absolve the government for accounting for that mismanagement while opening up the government to new legal claims based upon unconstitutional taking of property.

In effect, this provision we seek to strike legalizes years of malfeasance, misfeasance, and nonfeasance. In some instances, it legalizes actual theft of Indian property.

Right now, a Tribal Task Force on Trust Reform is currently working with the Department of Interior on a trust fund proposal that, upon completion, will be submitted to the committees of jurisdiction for review. Let us let them finish their work, and we are working with them. I have been in contact with them, this Indian task force and the Department of the Interior. They are seeking a solution to this themselves.

I urge my colleagues to support this amendment to strike these provisions from the Interior funding bill.

Mr. Chairman, we spend $16 billion a year on foreign aid. Should we not at least be willing to render justice to our Native Americans at a much less cost when it is their own money?

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

Mr. Chairman, I have been listening with great interest to the debate, and I want to congratulate the chairman, the gentleman from Arizona (Mr. KOLBE), for bringing this to the floor to discuss. I also happen to agree with the gentleman from Michigan (Mr. KILDEE) and the gentleman from West Virginia (Mr. RAHALL). This issue has been with us since 1906, and if anybody has a responsibility, it is this body, the Congress. Because it is our estimate, and when I say ours, the different accounting firms and not Andersen, but different accounting firms, there is about $12 billion unaccounted for that belonged to the American Indians. In my State alone since 1971, we cannot account for the BIA $800,000, and that is a short period of time.

But I will say that what the committee is trying to do here, and I hope that as we go through this process, what I am worried about, and the gentleman from Michigan (Mr. KILDEE) mentioned, this is the Indians' money, and he is absolutely right, but what is happening is it is going to be the lawyers' money. It is going to be the lawyers' money. What the committee has tried to do, and whether they are right or wrong, and why they picked 1985 I do not know, is try to, in fact, pick the date that has the modern communications system for accounting, the computer system that is in place so that they can account for that period of time.

I do not believe, and if I could ask, although I do not see the gentleman from Arizona (Mr. KOLBE) here, but somebody, perhaps the gentleman from New Mexico (Mr. SKEEN) or the gentleman from Tennessee (Mr. WAMP), is there somebody who can tell me, this does not preclude or close off other investigations prior to 1985. Can anybody address that? Does anybody know? Is anybody listening?

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

Mr. YOUNG of Alaska. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, I have been listening to the gentleman from Alaska, and I believe that the gentleman is actually giving a very good description of the situation we are in, and I am going to double-check that, if the gentleman will give me 1 minute.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, I will get back to the gentleman.

What I am suggesting here is I do not want to see this happen, this to go on and on and on, and never be settled. If we can get the money from 1985 and not preclude the money beyond that and the earlier years, then I think we have achieved a goal. But right now, we know who is making the money out of this, and that is the lawyers who are presenting the cases and it is the lawyers for the government who are defending against government inaction, a malfeasance. So I am just saying, let us try to bring a conclusion to this, and let us really work on making sure from now on that the system works.

Now, I will say when Ms. NORTON became Secretary, the first thing I did was call her up and said get rid of the BIA and that accounting firm for the trust fund because it is not working. Mr. Babbitt was cited for contempt. But that is not the only person, the person before him, all the way to 1906, the government has not acted as I think they should, and I agree with the gentleman from West Virginia (Mr. RAHALL), that is absolutely wrong. But right now we have to try to get this thing started so from now on we do not have the misuse of these funds and, in fact, the loss of these funds.

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

Mr. YOUNG of Alaska. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I appreciate the gentleman yielding. Even if we were to adopt this arbitrary cutoff date of 1985, from 1985 on, we cannot even get a proper accounting. Mr. Tommy Thompson, one of the special trustees before our committee, testified as such when he said that we cannot get a grasp of the short-term leases that have been recorded post-1985. So we still have an accounting nightmare out there in which we cannot track everything.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, that means that we have to address that issue. We have to address that issue, maybe not in this legislation; I will be honest with the gentleman on that, I am not sure this will do it. But I am saying somewhere along the line we have to solve this problem. Create a grand master, make an accounting firm that will handle that and get out of the BIA, because as long as the BIA is where it is, we will never have a good system of accounting.

The CHAIRMAN. The time of the gentleman from Alaska (Mr. YOUNG) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. YOUNG of Alaska was allowed to proceed for 2 additional minutes.)

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

Mr. YOUNG of Alaska. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, first of all, it is going to cost about $900 million just to do the accounting back to 1985. The department does not have all of these records, or they would have done it. We have to have a settlement. At some point this Congress is going to have to impose a settlement on this issue. I have done one before, the Puyallup Indian land claim settlement, a very comprehensive settlement which Congress supported. We are going to have to craft a settlement.

Now, if these gentlemen who have come here to the floor today to help us, if their committees would get busy and develop a compromise and do a settlement on this issue, it could be coming from the Congress. Somehow we have to resolve this, because we do not have enough money.

I think there is a lot of wishful thinking that suggests that this is all going to come out of the Justice Department. It may not come out of the Justice Department. If there is malfeasance, Mitch Daniels is going to say, Interior, you repay this $2.5 billion, 5 billion, whatever the number is. So that is a possibility.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, I agree with the gentleman. What I am suggesting to the people and those of us who support the American Indians, as I do, I think it is the responsibility of Congress. Because if we look at the trust, if we look at the trust, if we look at what is said about the American Indians, the trust belongs to the Congress.

□ 1115

We have been neglectful in not pursuing and making sure that this issue had been solved in previous years.

So I am asking us to sit down, as the gentleman mentioned before, and say, let us solve this problem, because they owe their money to themselves. We have spent that money somewhere. It is our responsibility.

Like the gentleman says, they will say, we will not appropriate, we do not have the money. But somewhere along we have to step up to the plate and say listen, we have spent that money, we owe it to them, and we ought to take it and get it to them as soon as possible and shut the doors.

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, this is why they cannot get this done, they do not have all the records. There is no possible way to do this. Someone is going to make an estimate of what is there, and it can either be done by the court, which is not helping us, by the way, or by the Congress.

If we do not do it there, between the parties, then it has to be done by the Congress. Congress has to step in, the authorizing committee has to step in, and come up with a legislative settlement of this issue.

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

Mr. Chairman, I have a great deal of respect for my colleagues who have been speaking so far this morning.

Mr. KINGSTON. Mr. Chairman, if the gentleman will yield for one minute, this is something unrelated that I think the gentleman will support dispensing with.

Mr. DICKS. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey (Mr. PALLONE) have 1 additional minute to answer the question.

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

There was no objection.

The CHAIRMAN. The gentleman from New Jersey (Mr. PALLONE) is recognized for 1 additional minute.

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

Mr. PALLONE. I yield to the gentleman from Tennessee.

Mr. WAMP. Mr. Chairman, I would like to have a colloquy with the gentleman from Pennsylvania (Mr. TOOMEY), who objected to that time limit on this amendment.

It is my understanding that the gentleman from Pennsylvania (Mr. TOOMEY) will not object to other amendments in title I as long as title I is not closed up, which would reserve the gentleman's right to offer amendments to title I at a later time.

So when we consider other amendments under title I, such as the amendment of the gentleman from Arizona (Mr. HAYWORTH), we can agree to a time limit without the gentleman's objection.

Is that the gentleman's position?

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

Mr. PALLONE. I yield to the gentleman from Pennsylvania.

Mr. TOOMEY. Mr. Chairman, I thank the gentleman from New Jersey for yielding to me.

I would say to the gentleman from Tennessee, we do have a number of additional amendments which we would certainly reserve the right to introduce. However, we recognize many Members have important amendments, and in the interest of cooperation here and in giving everybody their opportunity, we would agree to not object to any agreements on time limits on the amendments that the gentleman would like to offer in title I, provided that when the gentleman finishes with his amendment, the committee rises without closing out title I.

Mr. WAMP. I thank the gentleman from New Jersey (Mr. PALLONE) for yielding to me, Mr. Chairman.

Mr. PALLONE. Mr. Chairman, again I want to say that I have a great deal of respect for those who have spoken so far. I know that they are well intentioned, but I am very disturbed by some of the comments and the procedure that we are following this morning.

Let me say that I understand perfectly what the gentleman from Alaska said, but this is a debate that really does not belong here. I know we are dealing with money and trust reform, and one could argue that somehow it is appropriations related, but I think the very fact that there is such a debate, and so many questions about what we should be doing with the trust funds means that it should not be done on an appropriations bill.

There should be a hearing, or perhaps a series of hearings that are being held in the Committee on Resources, in the authorizing committee, not here on the floor, when we are dealing with this larger bill.

I think it is a huge mistake. The very nature of the debate shows it is a mistake, and why we should support the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

Beyond that, I was very disturbed by some of the comments the gentleman

from Arizona made. He talked about how we have spent a million here or a million there in order to try to deal with this trust issue. But we are talking about a scandal, I use the term ''scandal'' because that is what it is, that affects about $10 billion in funds that may or may not be owed, depending on the amount, to American Indians.

We have had problems over the last few weeks and the last few months with the corporate scandals and the accountants that we have had in Enron and WorldCom and everything else, and everybody on a bipartisan basis has been on this floor saying that we have to take responsibility and the CEOs have to take responsibility and do the right thing to make sure that the accounting is proper.

Why is that any different for the Federal Government? Why is it any different for this Congress? This Congress has the same responsibility. I am not interested in whether the employees at the Interior Department are going to be harmed in some way, or whether or not they are going to have to go out and get a lawyer in some way because of something they may have done wrong.

We are talking about people who historically have been harmed by this Congress. We have a special burden here. There are 100 or 200 years of harm to American Indians, and they do not trust us. I understand why they do not trust us, because of the things that have happened historically with this Congress and with the Federal Government.

There is a special burden here, a special burden that goes beyond the Enrons and the WorldComs, so they do not think that everything that they do and everything that Congress does is going to harm them and be discriminatory against them.

I know it is very easy for us to say here that we have to worry about this money and we have to worry about that money, but I think for us to suggest here today that we are going to have some sort of cutoff pre-1985, or we are going to have some sort of cutoff after the year 2000, and say that we are going to limit the accounting or what the liability should be without having consultation with American Indian tribes is a huge mistake.

The gentleman from Michigan (Mr. KILDEE) mentioned that there is now a task force within the tribes in the American Indian community that is sitting down with the Interior Department, with Members of Congress, with our Committee on Resources, and talking about a process that we should go about, in consultation with them, to decide how to deal with this essentially accounting issue.

We need the time for that task force to sit down, to come back to the authorizing committee, the Committee on Resources, and discuss what should be done so that American Indians do not continue to be harmed.

It is not fair for us in this little debate today, even though my friends are well-intentioned, and I am not suggesting they are not, it is not fair for us in this half hour or hour of debate to make cutoffs and arbitrarily decide what we want to do, even if it is for monetary reasons, because there is too much money involved, there is too much of a history of discrimination involved. And given what we have seen with the corporate sector over the last few weeks and the last few months, I think we have a particular responsibility as elected officials and as representatives of the Federal Government to not do the same things in trying to protect the CEOs or, in this case, the government officials who have the responsibility to deal with this issue.

It is wrong to have that discussion here. This amendment should be passed, if for no other reason than this is not the forum and this is not the time to be taking this action.

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

Mr. Chairman, as the House is in the Committee of the Whole House to consider this, I rise in support of this bipartisan amendment, acknowledging what I believe to be good-faith efforts of the appropriators for what is a very difficult problem. Indeed, simply to call this a very difficult problem may be the understatement of this new century, and maybe the understatement, quite candidly, Mr. Chairman, of almost 3 centuries.

I was honored, upon first arriving in this House, to join my colleague, the gentleman from Michigan, in a bipartisan fashion co-chairing a task force dealing with this very problem. In 1994, this Congress required the Secretary of the Interior to provide an accounting of all funds held in trust by the United States for the benefit of an Indian tribe or individual Indians.

There is a body of law, ratified treaties, the long-standing tribal trust relationship, the sacred trust, that this government must exercise. And there are larger questions, not only from an institutional perspective, where, despite the good faith of our friends, the appropriators, they are actually stepping in to what the authorizing committee, my colleagues and I who serve on the Committee on Resources, should be working out.

We have taken steps, and I appreciate my friend, the gentleman from West Virginia, and my friend, the gentleman from Michigan. We have held some hearings. My friend, the gentleman from New Jersey, quite correctly pointed out that the tribes themselves, working with the Department of the Interior, and let me say, Mr. Chairman, that the current Secretary of the Interior takes this seriously. She has worked on this every day. The contempt citation offered by Judge Lambert is something that she takes seriously.

Good people can disagree; but it seems to me if we are involved in forensic accounting, the point has been made in a variety of news analyses that when we look at the hocus-pocus of either maladroit or unethical accounting, whatever the corporate world has done cannot eclipse, for whatever reason, what has gone on for a long time in the halls of government.

So, Mr. Chairman, let it begin here. Our first genuine efforts at accounting reform, let it begin with the first Americans, the first Americans, who have taken steps in good faith with the Secretary of the Interior, who has taken steps in good faith with an authorizing committee that wants to work together in good faith to address this problem.

It is a challenge, to say the least. But the remedy offered, however well-intentioned, by the Committee on Appropriations today is something we should thank them for, but ultimately reject. That is why I support this bipartisan amendment. We will work this in good order and move to accept this amendment. I thank my friends who have spoken on behalf of it.

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

Mr. HAYWORTH. I yield to the gentleman from West Virginia.

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

Mr. Chairman, is the gentleman from Arizona or the subcommittee aware of any formal requests from the administration for this provision?

Mr. HAYWORTH. Mr. Chairman, reclaiming my time, I am not aware of any formal requests for this particular provision. I think it offers another compelling reason why we thank the appropriators, given the magnitude of the task, but reassert the role of the authorizing committee, and recognize the good but challenging work that has been done thus far to try and deal with this problem.

So again, I ask my colleagues on both sides of the aisle to support this amendment.

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

Mr. Chairman, I rise today in support of this amendment. This amendment strikes a provision that would limit a historical accounting of Indian trusts. The accounting would only cover the period from 1985 to 2000. How can we limit the accounting to such a short period when the accounting practices in question date back over 300 years?

At a time when we are trying to increase accounting responsibility in the corporate world, can we really say that these standards apply only to them, and I say, only apply to them, Native American Indians? Can we really be that unfair to Native American brothers and sisters, once again, to our Native American Indians being unfair?

The President and Congress has made it clear that the proper accounting goes hand in hand with high moral standards. Should we not expect the same standards to be applied to the Federal Government accounting Indian

trust funds? Morality and ethics should be applied to all of us.

Mr. Chairman, this provision undermines a Federal law that this House passed requiring a full accounting of all trust funds. It also undermines a Federal court decision requiring an accounting of all funds, regardless of dates deposited.

Most importantly, it undermines our moral and ethical values. We cannot argue for fairness in corporate accounting and act in such a way which is unfair today, as we are to Native Americans who have made a contribution, who are the first Native Americans of this country, who have contributed so much to our society. We have a trust responsibility and a moral responsibility to provide full and fair accounting of all Indian trust funds. I urge Members to support this amendment.

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

Mr. Chairman, what I wanted to do is kind of go through some of the questions that have been brought up here. One of the questions was, Does the administration know about this? Does the administration support it?

The administration does know about this language and the administration does support this bill. Certainly, the Department of the Interior has fly-specked it as carefully as they can. As we all know, Democrats and Republicans and the administration are quick to point out what they like or dislike on anything we are doing here on the Hill.

The second issue I wanted to touch base on was one that the gentleman from Alaska (Mr. YOUNG) raised about precluding any dispute prior to 1985. It is the intention of this committee to not permanently preclude any accounting for other accounts for other periods. Why is the 1985 date the one we are starting with? We are starting with that because that was the beginning of the electronic era, when it became a little easier to track this.

Why are we in this situation to begin with? We go back, and this actually does span hundreds of years, the dates might not be exactly accurate, but say 1820-ish. At that time, there were Indian reservations. In 1833, there was an act of Congress that busted them up, and it was called the Land Allotment Act, 1833 and 1834.

□ 1130

And at that time much of this previous reservation land was returned into the hands of Native Americans. And then through a number of unscrupulous moves they lost a lot of this land. The Federal Government came back and said this is not fair. We have got to get the land back to the people who own it, and so they started a system of leasing land.

Now, let us say you were a Native American in 1840 and you owned 240 acres of land, easy, clear to understand. But fast forward down the road 100 years, and you have got a thousand people, a thousand heirs who are claiming that 240 acres, and in many cases smaller tracts of lands and more heirs are claiming it. So it is very difficult to administer this thing.

To give you an idea what we are talking about, some of these leaseholders are getting paid 3 and 4 cents, Mr. Chairman, and it costs $30 or $40 a lease to administer the payment to them.

So what the committee is trying to do in this confusion is bracket the problem off and say, tell you what, the year is 2002, let us go back to 1985 where we had hard core electronic records of the land. Let us start with that. Let us try to figure this out in this bracket. Now we are not saying we will not go back, but we are saying from this point on let us clean up the mess that we have because this portion is more manageable.

It is not, again, the intent of the committee to preclude any accounting problems prior to 1985. But one thing I want to say, if we do not put a bracket on it, we are looking at $2.4 billion in accounting. And a lot of money, this money, as the gentleman from Alaska (Mr. YOUNG) has pointed out, is going to wind up in the hands of lawyers, not in the hands of the Native American landowners. So the committee is trying to find some reasonable balance and it is bipartisan.

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

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

Mr. DICKS. I think the thing we want to emphasize here is that we are trying to get this thing resolved without spending what has been estimated. If we go the route we are going, it could cost from $500 to $700 million out of the Interior Department budget to do this historical accounting. What we have proposed is let us take the period from the year 2000 going back to 1985, let us do that first, that is going to cost approximately $900 million. That is still going to come out of the Interior Department budget. Then, if the Congress, if the authorizers who we see here today, want to, we could then have a subsequent congressional act that would, go back 100 years and try to reach some kind of an accounting, estimate, or settlement on what would be fair considering the facts that we do not have the accounts.

What we are faced with is we have got a broken main here. And money is gushing out because of this lawsuit. It could be up to a billion dollars, $500 to $700 million up to a billion. On 5 individuals they spent $20 million. And that is the finding that the judge will not release to the Congress.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. KINGSTON) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. KINGSTON was allowed to proceed for 2 additional minutes.)

Mr. DICKS. Mr. Chairman, we are faced with a very tough problem and there are some who may not realize that this is already hurting all of the other tribes because this money comes out of the Interior budget and is not available for other programs.

Now, Babbitt tried as hard as he could. I believe that Norton is trying as hard as she can. But you have litigants who are going after the people in the agency who are trying to do the work, forcing them to be recused and threatening them with civil liabilities. This is an outrageous act of legal activity aimed at trying to destroy the Department of Interior and its ability to function. In fact, people are being held personally liable under lawsuits because of their work in this particular matter.

I just think that this is broken. We have got to fix it here. It is a possible way to move forward with a reasonable amount of money. We could spend a billion dollars and still not get the information because it is not there, the information pre-1985 is not there in any definable way. You cannot do this job. And if you just keep throwing money at it and say, do it, and they cannot do it, then we cannot get anything done.

I am a very practical guy. At some point if it is broke, let us fix it. Let us come up with a settlement. Let us get the authorizers to do something and create a settlement here and pass it through the Congress that is fair and equitable. Listen to all the witnesses. Listen to the best information you can get, the best estimates you can. Do a settlement, not this litigation which is broken.

We have a judge that is out of control who is saying the Department cannot use the Internet. To me it is one of the most outrageous things that I have witnessed in my career. We have to stop it. If the Democrats are worried about saving some money, this is a place to do it.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. KINGSTON) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. KINGSTON was allowed to proceed for 1 additional minute.)

Mr. KINGSTON. Reclaiming my time, I want to make the point, this is not an arbitrary move by the Committee on Appropriations. There were budget hearings on this, oversight hearings and annual appropriations committees. All we are trying to do, as the gentleman from Washington (Mr. DICKS) has said, is just start with some certainty from 1985, from here on, that point on, we are going to clean it up. And that cost is going to be about $900 million. If we do not have that 1985 bracketed, we are looking at two things: A cost of about 2.4 billion according to the Department of Interior's Office of Historical Trust Accounting. And what is worse than that, we will not be able to resolve it.

Mr. DICKS. There is $143 million this year in this budget for this activity.

This is broken. We need somehow to get our hands around this and try to come up with a settlement. Congress is going to have to do it or we are going to spend billions on something that we cannot do.

Mr. KINGSTON. Reclaiming my time, this helps a lot of people in that 1985 to 2000 and on bracket. There are lots who are not going to be benefitted either way but these people will be helped tremendously.

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

Mr. Chairman, I am impressed with the sincerity, I think, that is being offered by our various points of view in different perspectives on the floor here. However, the longer I serve in Congress, this is an area where I do not just feel worse, I feel guilty as an American about the treatment of our Native American citizens. And it seems to me the efforts here to establish an arbitrary date, which is arbitrary, which is not going to stop litigation, which is not going to solve confusion, is not going to help make the process work. By all means, treat it as the crisis that it is.

I identify with the comments from my friend from New Jersey who talked about how people are pulling all sorts of rabbits out of the hat around here dealing with corporate responsibility, including putting bills on this floor that have never been to committee, that we never had a chance to analyze, that have had significant ramifications because there is a scent of scandal in the air.

Well, ladies and gentlemen, this is a scandal of monumental proportions. And I would hopefully, respectfully suggest that instead of trying to jimmie it, to cut the ground out from underneath it, to try and take a small portion of it, that we move forward, give it the treatment that it accords. Work with the authorizing committee. Work with others here who have the sincere effort to move it forward. Put serious money behind it. It is going to cost a huge amount of money, but it seems to me that it is not going to move us forward by trying to arbitrarily bracket it here in the appropriations bill.

I strongly support the amendment from the gentleman from West Virginia (Mr. RAHALL). I hope that we can use this as a way to start forward, taking the good will that has been expressed on a bipartisan basis, the acknowledgment of the financial contribution that is going to have to be made, approve the amendment, but move forward with a comprehensive approach.

I know that there are Members of this Congress who would like to do some serious legislating. This is an area where I think people would step up to the plate for Congress to finally accept its responsibility. I would not like this to be perceived by our friends in the Native American community as another chapter in this long, sad history.

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

Mr. Chairman, I will not take the full 5 minutes, but I rise in strong support of this amendment.

I think when we come to this floor and we find ourselves in a time like this, I am excited. I see a ray of light that can finally maybe work for this problem. I agree with the gentleman from Washington (Mr. DICKS). This issue is so complicated it should not be on this bill. We need to support the Rahall amendment, and we need to fix it this issue. And the positive side of this, we see Members from both sides of the aisle recognize that, A, that this problem is difficult, that it has been festering for too long and that it is wrong of what our government has done to Native Americans.

How many of us, when we walked out of Dances With Wolves, felt sad? Probably sad that in what we have done to the Native Americans. What about Wounded Knee? What about Code Talkers? I do not have a reservation in my district. There is one in San Diego.

I want to tell you what these Native Americans are trying to do. They are trying to stand on their own two feet, and every time they stand and they may just get one leg up, this government takes and whacks them and knocks them down.

This is a chance for us to come together as Members of Congress, both in the House and in the other body, and really do some good. I want to thank my colleague, and I think that it is time that we act. Members will find that I think most of us on this side of the aisle are very, very supportive.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment, and all amendments thereto, be limited to 30 minutes, to be equally divided.

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

Mr. RAHALL. Mr. Chairman, reserving the right to object, is the request that the limit be 30 minutes equally divided between the opponents of the amendment and the proponent, myself? Fifteen minutes each side, is that the request?

The CHAIRMAN. That is the gentleman's request.

Mr. KINGSTON. If the gentleman will yield, it is the intent to do 30 minutes total, but if the gentleman would want to substitute to another number, I think that would be appropriate.

Mr. RAHALL. I have no problem with 30 minutes. I just wanted to make sure I understood the division of time therein.

Mr. KINGSTON. Fifteen minutes on each side.

The CHAIRMAN. The gentleman's request is to limit debate to 30 minutes, 15 minutes divided and controlled by the gentleman on this amendment and on all amendments thereto, equally divided between the gentleman from West Virginia (Mr. RAHALL) and a Member opposed.

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman will yield, I would like to address in colloquy with the chairman. Would the gentleman be opposed to making that 40 minutes, primarily the next amendment? We have many, many speakers.

The CHAIRMAN. It is just this amendment and any amendments to this amendment.

Mr. RAHALL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the unanimous consent request is granted.

There was no objection.

The CHAIRMAN. The gentleman from West Virginia (Mr. RAHALL) controls 15 minutes.

Mr. RAHALL. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me time.

I think it has become clear that the language in the appropriations bill has become unacceptable. I think somebody said earlier on the Republican side of the aisle, we should thank them for the language but we should reject it because I think it does not deal with this in a proper fashion.

We have all understood and many of us have been struggling for many years on a bipartisan basis on many committees to get around the mismanagement of these funds, to get an accounting and get the money to the people who deserve it. It is a massive mismanagement of the funds by the Federal government and people have been hurt and damaged by this and we must resolve it.

I think the gentleman from Washington (Mr. DICKS) has made some good points. I think the gentleman from Alaska (Mr. YOUNG) and others have made some points that we are at a point here where to some extent the Department of Interior does not want to admit that they cannot reconcile the accounts, and we keep giving them money to do a job that maybe they cannot do.

Other people are not interested in a settlement at this point, but my concern here with bracketing this to 1985 is we really have not discussed what we do with the others. I appreciate people said our intent is not to close it off, but maybe we ought to reject this language; and hopefully between now and the conference committee be discussing with the parties that this is a staged operation. What happens to the people before 1985 or the accounts in 1985. Is there a parallel negotiations that can be entered into, because everybody has pointed out those records will not be full and complete.

□ 1145

I am afraid that this alone leaves us with kind of a large unanswered question, what happens pre-1985, and I know the Members of the committee have expressed, well, this really, we can come along and authorize that later, but that puts a lot of people at a disadvantage.

So I think we ought to reject this language, but we ought to do it in the spirit of what people have said both on the Committee on Appropriations and on the authorizing committee about, I do not know that we can direct in legislative language a settlement, but we have got to direct the parties that we cannot keep funding this sort of Alice in Wonderland attempt at accounting when it will not resolve the issue in the end, and it is taking money away from vital programs.

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

Mr. GEORGE MILLER of California. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I completely concur with the gentleman. I think the gentleman laid this out correctly. That is what needs to happen in terms of having some mechanism created to deal with pre-1985 so that we get some expert estimate, and negotiate that.

Our hope was to take to the present, forward where we believe the records are sufficient, and get that done as quickly as possible. I do not know how we are going to have to that structured, but that is what we need to do. I would love to work with the gentleman on this to try to see if we cannot move something like that forward.

Mr. GEORGE MILLER of California. Mr. Chairman, I think the concern here is that some people are affected 1985 to 2000 and other people are affected 1785 to 1985. I think that we have got to make sure that we can assure both parties that their rights will be protected, but we also have to get them to understand that no matter what we do, no matter what the accounting is, even 1985 to 2000, it is going to be disputed. So we are going to end up at some point in settlement, and those settlements must go forward.

I am afraid that the Department keeps asking for money to do the accounting. Part of that is trying to insulate themselves from liability, that they are working on the issue, but they are digging a hole.

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

Mr. GEORGE MILLER of California. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, they are directed by the judge to do this.

Mr. GEORGE MILLER of California. Exactly.

Mr. DICKS. Mr. Chairman, then the litigants go after the people doing the work, saying they are not acting in good faith, and then they have to be recused, subject to litigation, personal liability, I might add, which we have tried to take care of in this bill.

This thing is broken; and somehow all the people that are here today expressing their wonderful concern, there is going to be a tomorrow, and we will see if anybody really wants to stand up with the majority side obviously having to be involved and work on this. This has to be done. We have got to get something done here.

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

Mr. GEORGE MILLER of California. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I perfectly agree with the statements that have been said. We want to settle this. We want a settlement. Let us allow the current litigation to go forward or get a settlement.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, what efforts have been made by the Committee on Resources to foster a settlement?

Mr. GEORGE MILLER of California. Mr. Chairman, I think, with all due respect, it is very clear, I am sorry to the gentleman from Alaska (Mr. YOUNG) and others, the gentleman from Arizona (Mr. HAYWORTH), when he came here with his special commission.

Part of this was about getting the administration, the past administration and others to recognize that they had real liability for these funds. Let us not forget that we were being pushed back by the Department of the Interior for many, many years to somehow this problem did not really exist. The gentleman from Alaska (Mr. YOUNG), to his credit, is the one who really broke it open.

Now they recognize that they cannot escape that liability. They had had preliminary discussions about settlement. We have got to encourage that to go forward, but we cannot make this decision about 1985 here and now without the consultation of the other parties.

The CHAIRMAN. Does the gentleman from Georgia (Mr. KINGSTON) wish to control time in opposition to the amendment?

Mr. KINGSTON. Mr. Chairman, yes, I would like to control the time; and I reserve the balance of the time.

Mr. RAHALL. Mr. Chairman, I yield 5 minutes to the gentleman from New Mexico (Mr. UDALL), a valuable member of our Committee on Resources.

Mr. UDALL of New Mexico. Mr. Chairman, I thank the gentleman for yielding me the time, and let me just first thank the gentleman from New Mexico (Mr. SKEEN) for his leadership on this bill. The chairman is from my home State of New Mexico. He has always served New Mexico very well, many years of distinguished service, and so I just want to say to him, I know this is going to be the last bill he manages on the floor, that we are all going to miss him very much, and he has been somebody I think that has always been there for New Mexico. So I thank the gentleman from New Mexico (Mr. SKEEN).

I want to rise in support of this amendment, the Kildee-Hayworth amendment. This is a bipartisan amendment; and I think the important thing, as the gentleman from Arizona (Mr. HAYWORTH) said, is that Native American issues should not be partisan issues. This Congress should address these issues in a bipartisan way, and that is what we are trying to do on the Committee on Resources.

We have two senior Members that have offered this amendment. It is a good, solid amendment, and basically what it does is take out these provisions that hurt Native Americans. What specifically it does is when we talk about a court case, we are talking about the current court case of Cobell v. Norton. That court case is a case which arose from major officials violating their trust responsibilities to Native Americans.

The court has said in the strongest of terms and condemned the actions of Federal officials and how they have dealt with these accounts. So there is absolutely no doubt that there has been a violation by the Federal Government, and the provisions in this bill cut off Native American rights. There are very specific deadlines in there, and all of those need to be taken out; and the important thing here is this bill language comes at a time when the Nation is focused on accounting responsibility.

The President and the Congress have made it clear that accounting must be marked by transparency and high moral standards. We expect the same standards to be applied to the Federal Government accounting for Indian trust funds and not to allow the Federal Government to absolve itself of accounting responsibility.

So these provisions would throw the Native Americans out of court, and I do not think that is the way we want to go.

The gentleman from Washington (Mr. DICKS) raises, I think, a very good point when he says we need to move this case toward settlement. I do not think there is any doubt that we need to move this case toward settlement. We should be working on the settlement issue, and we should let all of the attorneys know we want to move towards settlement.

The key issue here, the committee that should be working on this is the Committee on Resources. We have had hearings on this issue. We have had Secretary Norton in the Committee on Resources as recently as February 6, 2002; and unfortunately, she will not admit that she does not have the records. Very pointedly, the gentleman from West Virginia (Mr. RAHALL), the ranking member, specifically asked her, Do you have the records? Can you do this accounting? She would not admit that she could not do the accounting.

So part of the responsibility for prolonging this comes from the Department, which is not willing to admit

that they do not have the records. They should step forward, say they cannot do this, and that would lead to some kind of settlement.

The last issue I want to raise is this issue of attorneys' fees, and the issue has come up that attorneys are getting rich on this. The lead plaintiffs in this case are the Native American Rights Fund. It is a nonprofit. It is a law firm that is dedicated to protecting Native American rights. They are only allowed to get their attorneys' fees. No attorneys are getting rich in the Native American Rights Fund, and so I would just say that that attorneys' fee issue, we ought to move that to the side, and as the gentleman from Washington (Mr. DICKS) says, in terms of the committee, let us get on with settlement and move in that direction.

Mr. KINGSTON. Mr. Chairman, I yield 4 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I think we made some progress here today. I want to make sure there is clear understanding that the committee, this committee has been one of the strongest advocates for Native Americans. We have increased every year that I have been on this committee; we have had added money for Native Americans.

This is not an effort by the committee to do something to harm the tribes that are affected here. What we are trying to do is to get them money in a reasonable period of time without decimating the interior appropriations bill every single year. I want that $143 million to be used for other programs that will help Native Americans. I do not want to waste $1 billion in going out and trying to do accounting that is not going to give us the information pre-1985.

I have talked to the chairman and the staff. We are prepared to work with the authorizers on language that would deal with the pre-1985 period between now and the conference committee and maybe we can put together a package as the gentleman from California (Mr. GEORGE MILLER) has laid out previously, which I think makes some sense, so that we can move expeditiously on the period between 2000 and 1985; and then we craft an approach for a settlement of some sort pre-1985 so that we move the game forward, get this thing moving in the right direction so that the tribes will get some money.

To do just historical accounting every single year and let this litigation fester is not accomplishing anything to help the tribes. They are not going to get the money. It is going to be years and years and years before this will be resolved. It will go through litigation. It will go to the circuit court of appeals. It will go to the United States Supreme Court. We need to work out a settlement; and this amendment was offered in the spirit of trying to break this logjam, trying to move this thing forward.

I would like to see the authorizers agree with us today that we should work together collectively to try to come up with some pre-1985 language. The chairman and his people are willing to work with us on this, and I think we could make some very significant progress and move this thing forward.

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

Mr. DICKS. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, we strike the pre-1985 accounts and then give them some vague promise that we may restore that, and I have been working in Indian matters now as a legislator for 38 years, and many promises have been made.

Mr. DICKS. Reclaiming my time, the gentleman wants to make his speech, make it on the gentleman from West Virginia's (Mr. RAHALL) time.

Mr. KILDEE. Mr. Chairman, may I make my next point then?

Mr. DICKS. Yes.

Mr. KILDEE. Mr. Chairman, I think what we do with this language that we have in the bill is just invite new litigation with more cost to the government, because as soon as this becomes law, new litigation will break out because we are taking property unconstitutionally.

Mr. DICKS. Mr. Chairman, we are not doing very well the way we are going, and again, the prospects are we are going to spend between 500 and $700 million on the historical accounting. It could go to $1 billion if we go the way we are going; and if we try this approach, we may be able to limit the amount of money spent to $100 million on the 1985 to the current accounting, then work out an approach pre-1985. It has got to be a settlement because they do not have the records. It has got to be a settlement, and we ought to work on the language.

I resent the intonation that it is some vague promise. The gentleman from Washington has never ever made a commitment that I have not kept in my years in this Congress. When I say we are willing to sit down and work on something, that is not a vague promise.

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

I say to my good friend from Washington, and fellow classmate, that I do not believe I was referring to any vague promises.

Mr. DICKS. Mr. Chairman, if the gentleman would yield, it was not you. It was the previous speaker.

Mr. RAHALL. Mr. Chairman, I certainly agree with the comments he made as far as his word and ability to work with everybody.

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Mr. Chairman, we have heard a lot about settling today, and I certainly agree with that. I think we all want to settle this very complicated and very unjust provision that does affect our Native Americans. I happen to believe, and the reason I offered this amendment, was that the provision in the pending legislation happens to hamper us in that effort and perhaps even prejudges the outcome of current litigation.

My good friend from Washington has suggested that we perhaps work on this between the floor and the conference. And with all due respect, and I know he realizes, there are perhaps some scoping problems if that were to be done. I would suggest as an alternative using the framework of the gentleman from California, using the framework of the gentleman from Washington, whoever else's framework wants to resolve this in a fair manner, that we start with a clean slate. And in order to do that, we have to delete the current provision of the pending legislation.

I would note as well that the Department of Interior, as I have already noted in this debate, will never be able to conduct a full historical accounting of these trust fund accounts, and the Department has admitted that to us during hearings before our Committee on Resources. In my opinion, the Department should be sitting down with the plaintiffs in the current Cobell litigation and settle this matter and move on.

Something that has been referred to earlier is the lawyers' fees; that this is making the lawyers rich. I would note that the lawyers are working for fees only, no percentages, and I do not believe they could be described as getting rich on this issue. But, instead, I think some in the Department, and again this is not a partisan comment, but it has been occurring over time, have engaged in sleights of hand. They have thought to shuffle the deck chairs and intended to dilute their responsibility, and that is just truly unfair.

I would suggest that we delete this provision and allow litigation to come to a proper and fair resolution. And I would note as well that any settlement of this litigation would not be paid for by this appropriation bill; rather, any settlement of this litigation would come out of the Claims and Judgment Fund at the Justice Department, which is set up when the United States loses any legal case, not just in this matter but any others. That is where the settlement would come from.

It is not the intention of this gentleman to see this matter drag on any longer than it has. However, I cannot stand idly by while the rights of thousands of citizens are trampled upon by the limitation that is contained in the pending legislation. I think it is a dangerous precedent. It is one we should not be establishing, and especially in these times of widespread accounting scandals in the corporate world.

So, in conclusion, we all agree we must settle this, but I fear that the provision in the current legislation would harm our bipartisan efforts to settle this important matter for our Native Americans in a fair manner, and I would urge adoption of the pending amendment.

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

Mr. KINGSTON. Mr. Chairman, I yield myself such time as I may consume, and I thank the gentleman for his comments. I want to make a few closing points that I think are very important.

Number one, on the question of 1985, it has been called an arbitrary date. It is not an arbitrary date. That is the date of the electronic records. If my colleagues do not like the 1985 date, what date do they want? 1980, 1975, 1979? And then with that gap, what records will you have? If you have the records for the period prior to 1985 to any other date certain, please come up with it.

Number two, this does not preclude claims that happened before 1985. It simply gets us started.

Number three, we are looking at now making real progress, getting the job done, or at least taking the first very significant step at a cost of about $900 million versus a cost of $2.4 billion. Earlier, on this bill, last night, we had lots of debate and heartaches about the money this bill was spending. It seems odd to me that now people would say, well, let us just spend $1.5 billion.

And that money, as the gentleman from Washington (Mr. DICKS) has pointed out, may never get to the people who we all want to get the money to eventually. It has been said that the lawyers are not making money. Well, lawyers do tend to do things for a profit. The court monitors in 2001, for example, were paid about $342,000. The court monitor was paid $342,000 and the special master was paid $354,000. That is compensation well over $400,000 a year. So I think what was asserted earlier, that the lawyers are making money on this thing, I think is important to say.

This committee has long stood up for Native Americans. This is the committee that funds the Native American programs. This is the committee that advocates for Native Americans, and it is in that regard that we are saying let us get this job started with the 1985 date, do a good job on those that we know are certain, and then go back.

I want to point out that this bill has $2.9 billion for Indian health services, new hospitals, critical health care services, research on diabetes and treatment. It has $1.8 billion for the Bureau of Indian Affairs' operation of Indian programs. That, Mr. Chairman, means education programs, money for new computers, money for new teachers, money for new transportation so school kids can get to schools. And, also, this bill, at the advocacy of the gentleman from Arizona (Mr. HAYWORTH) and many, many others, puts $22 million in Indian program increases, which will help build six new schools and continues critical hospital and clinic construction.

This bill does a lot of things because this committee, on a bipartisan basis, does everything it can for our Native Americans.

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

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

Mr. DICKS. Mr. Chairman, the one thing I want to correct, and I know the gentleman from West Virginia did not intend it, but there is an assumption being made by the proponents of this amendment that any claim in this issue will be paid for out of the Justice Department funds. We have had just recently a Ramah settlement, $80 million, that came out of the claims fund, and OMB directed the Department of the Interior to take money from their accounts and put it back into the Justice Department.

So this is not a clear-cut case. And there could be an effort to make the Department of the Interior pay this.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the distinguished gentleman from California.

Mr. GEORGE MILLER of California. Just on that point, Mr. Chairman, it would be a travesty of justice if the Indian programs ended up getting punished because of the mismanagement by the Federal Government of Indian trust funds.

I appreciate OMB may direct them to do that, but I cannot believe the Congress is going to go along with that directive.

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, it would not be just the Indian programs. All the programs of the Department of the Interior would have to be taxed for the $80 million to pay back to the claims.

The point I am making is the gentleman from West Virginia stood up here and said that it is an automatic deal for the Justice Department to have to take care of this settlement. That is not an automatic deal. I want the House and the Members to understand that.

Mr. KINGSTON. Reclaiming my time, Mr. Chairman, I thank the gentleman for his comments.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in support of the amendment to H.R. 5093 offered by Mr. NICK RAHALL of West Virginia that would strike provisions in the Interior Appropriations bill that rob the legal rights of Native Americans. The provision in question limits the Federal Government's accountability to Native Americans by restricting an historical accounting of Indian Trust Funds.

Mr. Chairman, these trust funds have been entrusted to the care of the Federal Government for over a century and for nearly as long the trust has experienced rampant mismanagement of funds, destruction of records, and blatant dissembling by those charged with management. And the provision of the Interior Appropriations bill would seek to limit billions of dollars in claims against the Federal Government, claims that are legal and just, by mandating accurate accounting of the trust funds only from 1985 forward. The trust has been in existence since 1887—that is the date from which accurate accounting should be given.

Mr. Chairman, this provision is not only unjust, it's downright illegal, overturning a central provision of the American Indian Trust Management Reform Act that requires the Secretary of the Interior to provide a full accounting of ''all funds held in trust by the United States for the benefit of an Indian tribe or individual Indians.'' If a Congressional act were not enough, the federal courts have also demanded a full accurate accounting from the date the funds were deposited into Federal accounts.

Mr. Chairman, these trust funds are not entitlements, they are monies that come directly from the sale or lease of Native American owned property and is held in trust by the Department of the Interior. This is Native American money. And the Federal Government has admitted the funds' mismanagement and an inexplicable ''loss'' of its money.

Mr. Chairman, the sort of mismanagement of accounts and destruction of records the Department of the Interior has performed makes the scandals of Enron seem like stealing from a piggy bank. If the House of Representatives truly wants to make a statement about fair accounting and accountability, it will start here by supporting the Rahall Amendment.

Mr. GALLEGLY. Mr. Chairman, I rise in support of the Rahall Amendment and urge its adoption by the House. Included in the Interior bill are several provisions relating to trust reform efforts and the Cobell v. Norton litigation. These legislative provisions will limit an historical accounting of trust funds from the period of 1985 to 2000, which will assume all records before 1985 are correct. There is also language included in the bill that would not provide an accounting for funds held in an account closed as of December 31, 2000.

I believe these provisions undermine existing Federal law requiring a full accounting of all trust funds and a Federal court decision requiring an accounting of all funds regardless of the date deposited.

As a former Chairman of the Native American and Insular Affairs Committee of the House Resources Committee, I have heard countless times the concerns of Native Americans who say they just want an historical accounting done by the government entrusted with managing their assets. They have waited long enough.

I would strongly encourage the House to vote for the Rahall Amendment.

Mr. THUNE. Mr. Chairman, it is no secret that the federal government has failed its responsibility in handling American Indian trust funds. But parties, Republicans and Democrats, agree that the governments has mismanaged these trust funds and there is definite need for reform.

Previously, trust reform legislation has passed Congress twice. In addition, a Task Force is currently working with Members of Congress, the Administration and the tribal communities on how to best reform how Indian Trust Funds are managed.

Unfortunately, current provisions in this bill would limit true fund reform. By accepting the provisions in the Interior bill, Congress must assume that the records and accounting are correct prior to 1985. This is hard to believe, due to the fact that the trust funds have been mismanage for decades. The Federal Government is responsible for these funds, and to simply suggest that everything is perfect prior to 1985 is a slap in the face to our Native

Americans. Through legislation, Congress has asked for historical accounting of these trust funds and a Federal Court has ordered it as well. The provisions in the bill would overturn legislation already passed and could possibly open up the government to even more lawsuits. It is imperative for historical accounting to take place, which includes the years and decades prior to 1985.

The issue of Trust Fund reform is extremely important to me and the Tribes I represent in the state of South Dakota. Their voice needs to be heard whenever decisions are being made regarding Indian Trust Funds. I have heard from them, and they are adamantly opposed to these provisions of the bill.

We must remember that the funds we are talking about are not federal programs or entitlements, but money that Native Americans have earned from the lease of their lands for mining, grazing and timber. This is their money, and the Federal Government has failed to honor its responsibilities.

Mr. Chairman, I urge support of this amendment to strike the provisions of this bill, and the continuation of true Indian Trust Fund reform.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from West Virginia (Mr. RAHALL) will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. HAYWORTH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. HAYWORTH:

Strike section 141.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 60 minutes to be equally divided.

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

Mr. DICKS. Mr. Chairman, reserving the right to object, I would like to inquire of the chairman if this is on the Hayworth amendment?

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

Mr. DICKS. I yield to the gentleman from New Mexico.

Mr. SKEEN. Yes, this is on the Hayworth amendment.

Mr. DICKS. Reclaiming my time, is it his amendment and all amendments thereto?

Mr. SKEEN. Yes.

Mr. DICKS. And we would split it 30–30, or would it be 15?

Mr. SKEEN. Thirty-thirty.

Mr. DICKS. And then it would be split, the time in opposition?

Mr. SKEEN. Yes.

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

Mr. DICKS. I yield to the gentleman from Arizona.

Mr. HAYWORTH. A further point of clarification. Again, this would be time divided between opponents and proponents, instead of along party lines?

Mr. DICKS. As I understand it, the gentleman from Arizona would have 30 minutes and the chairman and I would split the other 30 minutes, 15 minutes each in opposition.

Mr. HAYWORTH. Mr. Chairman, I thank my friends for the clarification on a bipartisan basis. Appreciate where we are headed.

Mr. DICKS. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The gentleman from Arizona is recognized for 30 minutes on his amendment.

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

Mr. Chairman, I offer this amendment for a simple reason: The current language in title I provides for yet another study of Native American gaming. Mr. Chairman, I am holding here in my hand a recitation of recent studies, most of them in the 1990s, a couple from the 1980s, but 73 studies in total dealing with Indian Country health, infrastructure, economic development, education and housing; and, more specifically, Mr. Chairman, to the question of the influence of organized crime on Indian gaming, no fewer than three studies already conducted by our Federal Government.

So 73 studies total, six of them directly linked to my good friend from Virginia. Let me say in defense of the work he does, I understand his intent and his sincerity, but I come to this floor to say that we must strike section 141 because it offers yet another study of something we have studied before and we have studied time and again.

The money involved here, I realize by Washington standards, does not even qualify as something to come out of Uncle Sam's change scoop. But, Mr. Chairman, a couple hundred thousand dollars would go a long way in Bylas, Arizona. A couple hundred thousand dollars would help my Native American constituents, who are dealing with fire and the aftermath of what went on in the White Mountains. This is real money. And to take this from programs of the BIA and apply it to yet another study, no matter how well intentioned, is exactly the wrong policy at the wrong time for what might be sincere reasons.

Not only is it ill-advised policy, Mr. Chairman, but once again we are getting into a situation where this House could find itself in violation of rule XXI. No matter what mores or customs of the House have been observed here, the fact is, in the final analysis, by allowing this language to stay in the bill, this is a legislative rider on appropriations legislation. This takes from the purview of the authorizing committee the public policy that the authorizing committee should continue to control.

The exact language of this proposal is already found in H.R. 2244, a bill that is pending before the Committee on Resources. So not only, in my opinion, do we have an ill-advised study, number 74 on the list, and not only is it spending money that could be better utilized, but again it is a usurpation of the prerogatives of the authorizing committee.

For those reasons, I ask my colleagues to support the amendment and join in striking section 141 of this title I.

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

The CHAIRMAN. The gentleman from Washington (Mr. DICKS) controls 15 minutes.

Mr. WOLF. Mr. Chairman, I ask unanimous consent to control the time in opposition.

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

There was no objection.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) controls 15 minutes in opposition to the amendment.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment.

Let me just say that what the gentleman said, the scope of this is totally new. Totally. There has never been a study of these issues with regard to the tribal relationship regarding the surrounding communities.

I worked at the Department of Interior for 5 years under Secretary Morton. I am sure for those who have ever gone on any reservation they have seen the utter despair that is on those reservations. This amendment, Mr. Chairman, will hurt Native Americans.

Eighty percent of the Native Americans in this country, 80 percent, have never received one penny from gambling.

□ 1215

The Hopi, the Navajos, most of the tribes do not want gambling; but in many respects this has given an opportunity and allowed the country and allowed the government and the Congress to neglect Native Americans. Indians and Native Americans have suffered more and have not been treated well by this Congress and not been treated well by this administration or previous administrations.

The poverty level that afflicts Native Americans, they are in the 36 percent category. The gentleman says there have been other studies, but they have

not worked; and we all know and anyone who has been on an Indian reservation knows that what has been tried has not worked. Why do Members oppose something that is going to study something to see if we can do something to help Native Americans?

With regard to stroke, they have one of the highest rates in the country, so that is not working; and the study over there is not working. Lung cancer, the highest; breast cancer, the highest; suicide, the highest. So the policies of the Congress and the policies of both Republican and Democrat administrations have not worked. Why do Members oppose something that will bring members all together to come up with a study to help them?

The death rate among Native Americans is higher in seven major categories. Alcoholism, the death rate is 627 percent higher than other categories. TB, 533 percent higher than other categories. Diabetes, 249 percent higher than other categories. Accidents, 204 percent higher than other categories. Homicide, it is dangerous, 63 percent higher than other categories. Housing, and those Members who have been on Indian reservations know that housing is miserable; it is absolutely miserable. We all like to live in a good house and our constituents like to live in a good house. Why can they not have the same opportunity?

Crime is twice the national average on the reservation. Education is miserable. This is a commission, and what the amendment of the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from Michigan (Mr. KILDEE) does is strike this. It says we are going to put our head in the sand and say we do not know how bad alcoholism and education is. We are not going to look at it.

We have seen the movies, and the gentleman from San Diego has talked about the movie ''Wounded Knee'' and other things, we have seen the movies; but we are not going to look at it and see if we can come up with something different. Maybe an economic development administration, maybe an EDA like what has been used in Appalachia, maybe something constructive, something new that we can do to help. We must not be afraid to at least look at it.

The 13-member commission will include representatives of State Governors. That should not frighten us. Attorney generals, members of the Departments of Treasury, Interior and Commerce, and the National Indian Gaming Commission, they are going to be participating. A local or municipal government official, a small businessperson from areas near the reservation, two representatives from nongambling Indian tribes, and they should be heard from. We should not just hear from those who have gambling and also two representatives from tribes that are operating gambling casinos. And thanks to the gentleman from Wisconsin (Mr. OBEY), we will work with others who represent Indian interests.

So what will this commission do? It will take a thorough look at the living standards on Indian country, including health care, infrastructure, economic development, and education and housing. Now that is not a bad thing. That is not a bad thing to look at.

If Members lived on some of these reservations, Members would not object to us looking to see if we could come up with some constructive ideas to see if we could improve the situation. The commission will look at the effectiveness of current Federal programs designed to improve standards in these designated areas. That is not a bad thing. That is not a bad thing to look at. That will not hurt. That will not hurt.

Go on an Indian reservation and ask them whether they object to us seeing if we can improve housing and education and health care. Whether they have gambling or not, they will not object to this.

Crime control on Indian reservations, we all like to live in a safe community. Would it hurt for Congress to look at crime on Indian reservations? What would be wrong with that? What would be wrong with looking at crime on Indian reservations? We would also look at the influence of non-Native American private investors on the Indian Federal recognition process. We know there have been Inspector General reports that the process is becoming corrupt. We know it. The Wall Street Journal knows it; the Boston Globe knows it. The London Day in Connecticut knows it. Papers know there are problems here.

They know in the previous administration, one person came in the day after the administration left and signed the recognition thing. And non-Indians are exploiting those in certain cases and taking advantage of them. So what would be wrong with looking at that, the economic, the environmental, the social impact? So after an 18-month review, the commission will submit to Congress a report containing legislative recommendations as to the welfare of Native Americans, including health care and infrastructure and housing and education.

I, frankly, think we in the government have failed Native Americans. I think we have used the Indian Gaming Regulatory Act of 1988 to provide gambling as a staple of Native American policies. Since that act, our investment in Federal programs intended to improve the health and welfare of tribes has declined significantly.

Mr. Chairman, gambling has been an excuse to reduce the commitment of the Federal Government to the Nation's first citizens. A bad excuse. The overall portrait of America's most impoverished group continues to be dominated by disease, by unemployment, by infant mortality, and by school dropout rates that are among the highest in the Nation. We can do something today to make a difference in the lives of the Nation's first citizens. We can quit hiding behind gambling as a panacea for Native Americans and take action to improve their health, their lives, and their welfare. I do not believe that those Members supporting the amendment believe any differently. I think we should do this. I urge defeat of the amendment.

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

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

Mr. Chairman, from 1989 until now, there have been no fewer than one dozen studies dealing with the spectre of crime on Indian reservations.

Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. KILDEE), the co-chairman of the Native American Caucus.

Mr. KILDEE. Mr. Chairman, as co-chair of the Native American Caucus, I would like to express my strong opposition to provisions included in the fiscal year 2003 interior appropriations bill relating to establishing a commission on Native American policy. I support the bipartisan amendment of the gentleman from Arizona (Mr. HAYWORTH), whose knowledge and concern of Indian matters is of the highest order, and his credentials among Indians are held in the highest regard.

The commission proposed in this bill would address several areas including Indian gaming examined recently by the National Gambling Impact Study Commission. In 1996, Congress authorized $5 million to fund this study. In fact, since 1980, more than 70 federally funded reports have been published that address the same areas that the commission would study.

Provisions similar to the amendment are included in H.R. 2244, a bill pending in the Committee on Resources, the committee of jurisdiction. These provisions will take Federal funds from badly needed Indian programs.

The funding for the commission would come from the Bureau of Indian Affairs operation of Indian programs line item, which pays for welfare assistance payments, housing improvements, roads, education, tribal courts, law enforcement, and other programs that improve the quality of life and the economic potential of those on Indian reservations.

Congress does not need another study to tell us that these programs require more funding, not less, to assist tribes and their members. Millions of Federal dollars have already been spent studying the same areas that the proposed commission would study. Congress should not waste taxpayers' dollars by duplicating studies on the same subject matter.

Congress should not take Federal dollars from Federal programs designed to assist tribal governments that continue to suffer from high unemployment rates, inadequate educational systems, poor road conditions,

and insufficient health care systems. I urge my colleagues to support the Hayworth amendment to strike these provisions.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in opposition to the amendment and in support of the proposal for a commission in this bill by the gentleman from Virginia (Mr. WOLF).

I fail to understand why we do not need this kind of study. In 14 years since the 1988 bill, we have seen enormous problems of poverty, school dropout, disease, infant mortality and unemployment. Since 1994, because we passed a more enlightened policy for the rest of America, we have reduced poverty among children in American 3 consecutive years. We have never done that. And the deepest reductions in poverty were among black kids. Why is it that we just ignore the fact that poverty among Indian children is terrible? Why do we not notice or study the impact on families of the level of substance abuse on the reservations. We have known it is there. Why do we keep appropriating dollars when we know they are not changing lives?

I see no reason to fear this commission, and I see every reason to look at what is Federal policy in regard to our reservations, and how does it compare to Federal policy in regard to the rest of Americans. Why is it Federal policy has reduced poverty in America but not for reservations? Why is it we are making progress on some of the child-abuse issues in the States and our Federal level, and we are not strengthening families on the reservations? Why is it that the school dropout rate is so extraordinary? What are the policy comparisons? What are the policies that we as Federal lawmakers are supporting in these different areas?

As one who is increasingly affected and frankly more aware of and knowledgeable about Federal policy toward tribes, I would have to say it is distressing to watch outsiders come in, finance big-stakes casinos, and watch the people in the surrounding towns pay for the hospitals that everybody has to use. I do not see the little guys getting the same benefit as the big guys.

It is time to look at this. I do not see that it is a danger, and I do not see that it is duplicative. Recognizing that on Indian issues I am not one of the more knowledgeable Members, but seeing Indians from my perspective in a community where they have benefited from all these resources, and we do not have the poverty, but seeing the big money going to some and not others, we need this study. It is disgraceful not to do it.

□ 1230

Mr. HAYWORTH. Mr. Chairman, I yield 5 minutes to the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation and Infrastructure and the chairman emeritus, in fact, vice chairman of the Committee on Resources.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of this amendment.

I think most of you heard me yesterday on the floor. This provision should not be in this bill. This legislation was introduced in the Committee on Resources and it never had a hearing because we did not want one. We do not believe it is necessary. It has been repeated before. There have been many studies. The studies show, in fact, that the native groups are doing quite well in the gaming industry.

Let us not kid ourselves, this is what this is all about. But also let us answer the question. I listened to my good friend, and I do respect him a great deal, the gentleman from Virginia (Mr. WOLF) and his opposition to this amendment. He is really trying to target the gaming. Let us be knowledgeable about that and recognize that, and he has that right to do so. But he talks about the suicides and the poverty and the poor housing and the education level and the sewer problems, all those things that every Native American has faced over these years. Let us not kid ourselves. This is nothing new.

But you ask why that occurs. I will tell you why it occurs. One of the basic reasons why is they are tired of having people study them and tell them how to solve their problems, of having the people come in with their briefcases, the Governors and this person and that person and say, ''We're going to study you,'' and they have to respond to the study. It happens every day.

I live with them. I am close to them. My wife is native, my kids are Native American Indians, and I am proud of it. I think I have a little bit of knowledge about this. If you really want to help the Native Americans, let them help themselves, provide the money, but let them make the decisions, and not some commission. We know the problems. They know the problems. Let them solve those problems with their knowledge and their will and they will do it. We do not need another government study to explain this to everybody and spend that money out of needed funds. That is where these moneys are coming from. Let us give them credit. Intelligent, smart, persevering, if they have an opportunity and not the government to tell them how to do it and what they cannot do.

Let us say you can do it and we will help you. You know the old saying, a hand down will help everybody up. Let us not put our hand on their head again with another study. My God, if you go back to the history of this Congress, how many studies have we had and spent that money to take and identify the problem? In my case I will tell you. My 12 regional corporations know the problem. They are addressing the problem. They know what can be done and they want to do it themselves and the money that is being spent on this commission ought to go to solving those problems and letting them do it themselves. That is what we ought to be doing today. It should not be in this bill. I told the leadership it should not be in this bill. We should not attempt to try to do it again and again and again. It solves nothing.

There are those who will say this is about gambling. I guess maybe those that oppose this, taking it out, is about gambling. I happened to be the author of that original gambling bill with Mr. UDALL. Some of you object to gambling and I understand that. I do not gamble myself, other than being elected once in a while. That is a gamble. But I will tell you one thing. I have visited most of these gambling establishments and seen what the people say about what it has done for their tribes. And, yes, there is outside involvement. You would not expect them not to have that. They hire the best. They do the job. If there is something illegally happening, then let us address that and we do that under the gambling commission and under the Justice Department. Both of those say there is nothing happening there that is illegal.

If you want to be against gambling, and I am all for that, let us eliminate all gambling. Let us not have racetracks in Virginia. They do not have racetracks, but lotto, pull tabs. What else? Racetracks in every other State. Gambling in some States. Let us look at that. But let us not have a so-called quasi-study to take and identify the problems when we know what the problems are. I urge this Congress to think about that a moment.

Let us let them help them lift themselves up. Let us not have a commission dictating to them what is wrong with their great race of people. That is all I ask you. Vote for this amendment. The gentleman from Arizona (Mr. HAYWORTH) is right on. I believe the gentleman from Michigan (Mr. KILDEE) is right on.

For you appropriators again, it is not your fault. I say this. I do blame the Committee on Rules and the leadership for not making this issue for a point of order. It should never have been protected. We would not have had this debate if we had gone through the legislative process.

Vote for the Hayworth amendment.

Mr. HAYWORTH. Mr. Chairman, on behalf of this bipartisan amendment, I yield 3 minutes to the gentleman from West Virginia (Mr. RAHALL), the ranking member of the authorizing committee, the Committee on Resources.

Mr. RAHALL. Mr. Chairman, I thank the gentleman from Arizona for yielding time. I commend him on his effort here today and his leadership, as well as the gentleman from Michigan (Mr. KILDEE).

Mr. Chairman, I rise to support the amendment to strike the provision

which authorizes the establishment of the Commission on Native American Policy to study Indian Country. This provision sets up a fiscally irresponsible study which is underfunded, far-reaching and duplicative of numerous other Federal studies.

As the ranking Democratic member of the Committee on Resources, I do oppose the way this commission is being forced down the throats of Indian Country. Clearly, authorizing a study of this magnitude and the value of such a study is the jurisdiction of the Committee on Resources. Yet we have not had the opportunity to study or hold hearings on this matter at all.

This language has not been publicly vetted and Indian tribes have not been permitted to participate in crafting this provision. So we should not be surprised that the commission and its study is set up to fail. It is simply wrong to set this up without allowing for open consultation with Indian tribes.

Funding for this commission is set so low that it would virtually guarantee a flawed study being conducted. In addition, these moneys would be taken from Federal Indian programs where they are badly needed for housing, transportation, welfare assistance, tribal courts and law enforcement.

As we have heard, Mr. Chairman, since 1980 more than 70 federally funded reports have been released addressing the same areas that this commission would study. Most of those reports were well thought out, narrow in scope and appropriately funded to assure accurate and comprehensive findings. Sadly, that is not the case with this commission.

It is clear, and nobody is being misled here, that the Committee on Appropriations can establish this commission and with the support of the Committee on Rules and the leadership of this House, we are at a severe disadvantage in trying to delete the provision, make no mistake about it. But just because the appropriators can do it to Indian Country does not mean that the appropriators should do it to Indian Country.

If you want to spend money and set up a flawed study, do not do it out of the paltry Indian program budget. I urge my colleagues to support the Hayworth amendment to strike the Commission on Native American Policy from this bill and once again to be fair to our Native American Indians.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. ADERHOLT).

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

Mr. ADERHOLT. Mr. Chairman, I rise today to oppose the amendment by the gentlemen from Arizona and Michigan, both fine and excellent Members of this body, but like many Americans, I am concerned that gambling is a panacea for the real problems of poverty on Indian reservations. As gambling has become more and more a part of Native American policy, investment in Federal programs intended to improve the health and welfare of tribes has declined.

While the intent of the 1988 Indian Gaming Regulatory Act was to allow Native Americans to lift themselves out of poverty through self-reliance, today nearly 80 percent of Native Americans do not receive anything from gambling revenues. The reality is that most tribes, which are located in areas not economically viable for a casino, live in poverty.

The National Indian Gaming Commission, which is now in the bill, would be struck by this amendment. This would be unfortunate because the Indian Gaming Commission would undertake a study of a number of problems which impact the Native American community, including the welfare of Native Americans, including health, infrastructure, housing, economic development and educational opportunities; the relationship between tribal entities and nontribal communities; and regulations that govern tribal gaming to produce potential for abuse or exploitation by organized crime and the gaming industry.

This commission, I believe, provides a much-needed review of Federal policy on Native Americans. Given the current state of affairs, I urge my colleagues to preserve the National Indian Gaming Commission and to oppose the Hayworth-Kildee amendment.

Mr. HAYWORTH. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Appropriations and a genuine American hero.

Mr. CUNNINGHAM. Mr. Chairman, my colleague from Virginia said that 80 percent of the Native Americans never receive funds. That is not factual. It is absolutely untrue. The study that he himself proposed cost $5 million. He said this would only cost $200,000. Well, this 13-board commission also receives full per diem, airline tickets for 18 months. This is going to cost another million bucks. And study after study after study generated by the gentleman from Virginia. He can be opposed to gaming, that is fine. But do not try and do it with study after study, because the studies that he proposed found out many of the same things he is asking in this study. The only problem is he did not get the answers that he wants, so you do another study until you get the answers that you want. It is wrong.

Mr. Chairman, the Interior appropriations bill before the House does include these provisions, and it is wrong. No hearings. In the dead of night—actually it was the daytime—all of a sudden the gentleman from Virginia inserts an amendment on an appropriations bill, not authorized, not studied but in the appropriations bill. I was told by staff that if I did not object in the committee, this would be killed. And here I find it is okayed by the rules. Why? The gentleman is a cardinal and leadership recognized that. But it does not make it right. It should be eliminated.

The chairman of this committee, the gentleman from New Mexico (Mr. SKEEN), is going to vote for this amendment because it is bad policy, terrible policy. There have been studies from the Department of Justice, memos from the Department of Justice to the anticrime, all recognizing the issues that the gentleman from Virginia is talking about. And you want to talk about Indian health care and education and those things. Absolutely. But visit some of these tribes. I do not have it in my district, but they are in San Diego and I visit them because they used to come down to my ranch to swim, the kids. I want to tell you, they did not have an education center. They do now. They did not have a health care center. They do now. As a matter of fact, that center studies alcoholism, which is a primary problem with Native Americans, and tied to that is diabetes. These people have pulled themselves up by their bootstrings. Just because you are against gambling, do not try to hamfist them and tie them down from doing the things that help them the most. It is just wrong.

We all want to do what is right and promised, but how many times have we looked at Native Americans and tied them down in every type of endeavor? Oil on their land. We took it. Their hunting rights. We stopped them. Water rights. They have to fight tooth, hook and nail even for water rights on their own land. We took it.

□ 1245

And here, for the first time, they found something that is viable. The study that the gentleman from Virginia (Mr. WOLF) commissioned found that there is no other viable, long-term, across-the-board resource that can help as much as this issue. They are doing everything that we ask. They spend millions of dollars to fund the gaming commission. They spend millions of dollars internally to fund it, and they are doing it right; and because someone is opposed to gaming, they want to stop it. That is wrong. Support the Hayworth amendment.

Mr. WOLF. Mr. Chairman, I yield myself 1 minute just to respond.

The study does show, as the Boston Globe piece demonstrates, which we are bringing over, that 80 percent of the Indians have never received anything. Fifty percent of all of the revenues have gone to 2 percent. It is actually an area of location, where you are is what you do, and Indians on the tribes and the reservations in most parts of the country have received absolutely nothing.

Secondly, it did not say what the gentleman said in that report.

Lastly, what the report that we are asking for talks about is looking at the welfare of native Americans, including health, which everyone will acknowledge, and I stipulate the goodness of

the gentleman on the other side; the health infrastructure, housing, and economic development, and educational, educational opportunities. They are all things that we all want for our families and for our constituents and others.

Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Chairman, I rise in opposition to this amendment. My State of Connecticut is home to two of the world's, the world's largest casinos. In fact, both of these casinos are about a 15-minute drive from my home; both are Indian casinos, and both were built within the last decade.

When gaming came to Connecticut in the early 1990s, it was a fortuitous event. The Cold War had ended, defense cutbacks had affected our defense industry, our economy was in decline. Unemployment was high, and there was actually a net loss of population from the region. Indian casinos created thousands of jobs. They increased the State's revenues, and spared the region from an economic recession.

The casinos purchase goods and services and pay upwards of $300 million a year to the State of Connecticut. Tribal members have been personally generous with their new wealth and support numerous community projects and charities.

But with all of these benefits come some very real problems. Indian casinos place a substantial burden on small, local municipalities who have no right to tax, to zone, or to plan for these facilities. Small State and local roads are overburdened, again, with no offsetting tax revenues. Volunteer fire and ambulance services are overwhelmed to the point that some have shut down their operations altogether. Land taken into trust is removed from the tax rolls. Gambling addiction creates problems at home, in the schools, and in the workplaces.

While Indian casino gambling in Connecticut has made two tribes very wealthy and has motivated other groups in Connecticut to seek Federal recognition, the fundamental question remains: To what extent has casino gambling improved the health and the wealth of Indian country as a whole, and what are the costs involved?

I have read that 365 of the 561 Indian tribes do not have casinos. I am told that up to 80 percent of American Indians do not receive any benefit from gambling revenues, and we know that many continue to live in terrible poverty. That is why I support the provision of the gentleman from Virginia (Mr. WOLF). A commission would examine how we can do a better job to help Indian tribes for whom gambling is not an option, either because of their geographic location or for other reasons; and it would also help examine how gambling affects the welfare of Indian tribes.

Earlier amendments have focused on substantial increases in funding within this bill overall; tens, actually hundreds of millions of dollars. But this recommendation to establish a commission costs merely $200,000. It is a small price to pay. It is an insignificant price to pay.

Recently, my hometown newspaper, The New London Day, editorialized in favor of the Wolf provision and they said, ''His amendment will ruffle some feathers, but Representative WOLF is asking questions worth answering.''

I concur with the editor, and I cannot understand why current information on an important issue is a problem. It would seem to me that current information on an important issue would be a plus, not a minus.

Mr. Chairman, I ask my colleagues to oppose the amendment.

Mr. HAYWORTH. Mr. Chairman, continuing with the bipartisan support of this amendment, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE), a fellow member of the Committee on Resources.

Mr. PALLONE. Mr. Chairman, I listened to what the gentleman from Connecticut said and the gentleman from Virginia said and, again, just as on the previous amendment that we discussed today, there are a lot of important issues here, but it does not belong on an appropriations bill. The Wolf amendment is before the Committee on Resources. We should have a hearing. We should have an opportunity for all sides to be heard, not bring it up today in this debate in the context of the appropriations bill.

I just want to remind those who are opposed to this amendment that the law is clear that Indian nations are sovereign. They make a decision, just like a State makes a decision, about whether they want to have gambling or what kind of gambling they want to have; and as long as States are allowed to have it, they should be allowed to make those decisions as well. A lot of sovereign Indian nations have decided they do not want gambling, but a lot of them have decided that they do want it because they know that it is a way for them to achieve economic self-sufficiency.

Now, I do not hear any proposal here to say to, for example, a State or even my own State, well, why do you not have a Federal body that is going to look into gambling and see whether it is a good thing or not? This is only being imposed on tribes. That is not fair. There is no indication, as the gentleman from Virginia said, that somehow Indian gambling is corrupt versus gambling in other aspects. In fact, we have had many, many studies that have shown, in fact, that that is not the case; that it is well regulated; that it is not in any way a victim of corruption. In fact, there may be corruption in other types of gambling, but where is the indication that it is strongly or in any way significantly influences Indian gambling? There is not any.

I know that the gentleman from Virginia (Mr. WOLF) is well intentioned. I have seen him stand up for press people, and I know that he is not influenced by any special interests. But let me tell my colleagues, not him, but a lot of the people that are making the allegations about corruption in Indian gambling is because they resent the competition from Indian gambling. These media interests that are being cited here that are criticizing Indian gaming, they are not operating with clean hands. They represent special interests. So do not impose this on Indian nations and not talk about it in terms of other States or other groups that do the gambling. If someone is opposed to gambling, then look at it in general, but do not pick on Indian tribes, once again.

Mr. HAYWORTH. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Chairman, I rise in strong support of the Hayworth and the Kildee amendment to strike the Wolf language from this appropriations bill.

Like my friend, the gentleman from Arizona (Mr. HAYWORTH), I stand in strong support of the first Americans; and I believe they need to be given every opportunity as we work to ensure that they are full Americans. Our Constitution, as I have learned over the years, gives full sovereignty to our Native American tribes; and I think we all respect their efforts to be self-determined and self-sufficient.

The question is, Why do we need one more commission? Now, a lot of times when we talk to the tribes and they wonder, because they have already had 70 of these kinds of commissions, and what good is one more group of guys in suits carrying brief cases saying, we are here from Washington and we are here to help and we are going to study you and we need you to fill out these forms. We are going to take you away from all of your other activities, so, hopefully, we can get some results that we want for whatever our agenda is.

I have great respect for the gentleman from Virginia. I have admired his perseverance. He is a leading opponent of commercial gaming in America, and I have admired his perseverance about that, and that is what this is all about. What this study is being proposed for is to eliminate Indian gaming. That is the agenda here. Whether we support Indian gaming or not, the tribes have the right, under our national laws, to be able to engage in commercial gaming activities. If it is going to be discussed whether or not to take it away, it should be fully and thoroughly discussed in the Committee on Resources, which has jurisdiction over this language. It is the authorizing committee of this language. I would note that the Committee on Resources has not held a hearing on this bill and has not moved this legislation, probably because they recognize there have already been 70 other studies.

Now, if one opposes gaming, I would note that the National Gaming Impact Study Commission and National Indian

Gaming Commission have already thoroughly discussed these issues. Please vote for the Hayworth-Kildee amendment. It is the right thing to do. Let us not harass the tribes any more.

Mr. WOLF. Mr. Chairman, I yield myself 1 minute. What the gentleman said is not accurate. My good friend from Illinois said it is to eliminate, and that is not true. There is nothing in the bill that says that, and it is not fair to go down to the well of the House and say something that is not in the bill. That is not fair. I would urge the gentleman from Illinois, my friend, to read what it says. It does not say that.

I have a Boston Globe piece right here, Mr. Chairman. It said the plight of the native Americans is the unemployment rate, which is 43 percent. We argue in this body over is it going to go to 4 to 5 to 6 percent for non-Native Americans. Forty-three percent, says the Boston Globe. Employed, but living below poverty, 33 percent. I stand corrected; I just said it was 26 percent. It is 33 percent. Suicide rate for ages 15 to 24, the flower of the youth, 37.15 percent. We have to look at that. We have to look at that.

So what the gentleman says, and he is a good friend, it is not to eliminate; it is to look at other ways in addition. We do not say that.

Lastly, with regard to diabetes, my figure was too low; it is 9 percent.

Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I rise in opposition to the Kildee-Hayworth amendment and in support of establishing a commission to examine the Federal Government's policy towards Native Americans.

Our Nation has a responsibility to Native Americans. This commission would go a long way in finding out if the Federal Government is meeting this responsibility.

It is important for us to establish conditions so that we can examine what we are doing right, what we are doing wrong and what more needs to be done for the Native American community. Studies suggest the overall portrait of the community is failing in the areas of poverty, health care, housing, crime, education, and economic development.

Finally, I fail to see any harm in establishing a commission which would make recommendations on how we can improve the performance of Federal assistance programs. I see only a positive.

A commission will examine what the true effect of the Federal Government's reliance on gaming to the societal ills on reservations and answer the longstanding question of what it means for the Native American community at large.

□ 1300

I would also suggest that whatever we are doing today for Native Americans is simply not succeeding. I have wondered for a long time why we failed to have any real, meaningful dialogue in the committee on why conditions are so bad for Native Americans.

I happen to believe that, sadly, gaming has helped in some communities simply because the Federal Government has failed to do its job. Gaming cannot be a substitute for what we need to be doing as the Federal Government to help our Native Americans.

Mr. HAYWORTH. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BACA), continuing with the bipartisan support for this amendment.

Mr. BACA. Mr. Chairman, I rise in support of the Kildee-Hayworth amendment. This amendment strikes a provision that would create a Commission on Native American Policy to conduct more studies related to Native American communities.

This provision violates House rules that prohibit legislation on an appropriation bill.

We talked earlier about needing a study. The problem with this bill is it does not appropriate additional dollars. It does not appropriate additional dollars.

The studies have already been done. We know that. What we need to do is provide more funding. What we are doing right now is we are taking Federal funding away from Indian bureaus when we should be providing the additional funding for education, for housing, for law enforcement.

Yes, that is what we should be doing right now, but we are not doing it. All we are asking for is an additional study with no appropriation monies. We all have the information in front of us. What we should be doing is providing the funding.

Yes, I have been to Indian reservations. I have visited the schools. When schools are going on, we see a child who does not have a computer, does not have the technology; and when we look at people who do not have the clothing, we need to make sure that we provide the funding.

This study does not do anything for us. Let us make sure that we provide the assistance and support for the Kildee-Hayworth amendment right now that strikes this provision.

Mr. WOLF. Mr. Chairman, I yield myself 15 seconds.

It does not take it away from housing. It does not. It takes it away from the administration. It takes it away from the administration. We cannot come down and say things that are not accurate on the bill. It takes it away from administration; it does not take it away from housing.

Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Chairman, I personally find this a very difficult issue. On one hand, I think it should be abundantly clear that gambling is corroding the fundamental moral fabric of our Nation, as hard work is being disconnected from financial success. We see more and more Americans thinking that somewhere it is in the lottery or by manipulation through the stock market or manipulating the bank statements of different companies; that there is an easy way out.

The more we see the advertising for the lotteries, the ads for the casinos, it is undermining the moral fabric. We are also seeing families deprived of the income that they need. As adult members of their family blow their savings, thinking they are going to see some pot of gold at the bottom of the rainbow, it is hitting their potential to actually care for the health care or the education needs of their children because of the gambling epidemic we have in our country.

That said, this is still a complicated issue, because I believe that some seem to argue that the only people who should not be allowed to have gaming are the tribal nations of America; that it is okay for all the politicians to run lotteries; it is okay for them to have the casinos, and not the Indian nations.

I think it is indisputable that there have been some financial gains to the Indian nations from this, and it has caused some transformation of the different nations. I have also seen in the State of Indiana where the Potowatomie Indians are being deprived their tribal status because competing gaming interests, as well as those of us who oppose gambling, do not want to see them own a casino.

The Miami Indians of Indiana have been deprived tribal status, even though they unanimously voted not to have a casino. Because of the fear that they might do a casino, they cannot get their tribal status recognized because of the opposition to gambling. Plus, those people have a vested interest in the gambling people.

That said, we still have a fundamental question that needs to be looked at. Yes, we have had studies. We have studies on child abuse all the time. We have studies on juvenile delinquency all the time. We have studies on drug abuse all the time because conditions change, variables change, and also the different studies change.

This government would not be spending hundreds of millions of dollars, billions of dollars in studies, if the criteria for a study was, oh, we researched that before. We research all the time looking for new angles and information.

There are a couple of questions that clearly need to be looked at. While, superficially, additional dollars are being brought in to the Indian nations, but net, what is being actually transformed in those communities, and is it reaching the communities?

Or, secondarily, are there damages being done that are going to be very

difficult to undermine? Are there dependency things, and are we substituting quick financial success for the real things that we need to do: how to develop an infrastructure and an independence for these communities?

Secondly, when I was just in New Mexico, we could see every pueblo had been turned into a big casino operation; and the historic structures and things that historically were the way people viewed the Pueblan people were not the way they do them currently. Most of those cars at those casinos were not, there are not enough Indians to fill those casinos.

It is also having an impact on the communities around them. We need to be looking at the broader impact, in addition to the Indian nations.

I hope we will go ahead with this study. I am not hostile in particular to whether Native Americans should have casinos and the government should be allowed to do this, but I do believe we need to look at the impact on the peoples themselves and whether we have reached the limit, whether it is a corrupting influence on the families there and outside, and what the balances are.

I believe the amendment of the gentleman from Virginia (Mr. WOLF) is important. Where we get the money should not be the fundamental question; it is that we need this information to do a wise job managing funds.

Mr. HAYWORTH. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP), a fellow member of the Committee on Ways and Means.

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

I rise in support of the Hayworth amendment in this bipartisan effort to remove the Wolf language creating a Commission on Native American Policy from the interior appropriations bill.

I have great personal respect for the gentleman from Virginia, and we agree on most things; but the Wolf provision is unnecessarily duplicative, and it violates rule XXI by legislating on an appropriations bill.

What is particularly troubling to me is that there was no process, no hearings, no authorization, no consultation. The Wolf language would direct available funds from the very tight budget of the Bureau of Indian Affairs to create a commission.

Others have said the proposed commission would duplicate existing reports to Congress. I will not go through all of that, but each of these questions has been answered a number of times, at great cost to the American taxpayer, millions of dollars.

If there has been any thread tying together centuries of failed United States Government policy toward the First Americans, it is the lack of consultation. In the name of trying to help Native Americans, there has been untold heartache and much loss of life. At a minimum, Native Americans should be part of any process and have the same respect and opportunity to be heard as any other group who is being considered to have legislation in the United States Congress.

Let us let the committee of jurisdiction deal with this issue. Let us have hearings. The United States Constitution recognizes the sovereignty of the First Americans. I would hope this House would do so, as well, and support the Hayworth amendment.

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

Mr. HAYWORTH. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from California (Mr. GEORGE MILLER), former chairman of the committee, continuing with the support for the bipartisan amendment we offer.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding time to me, Mr. Chairman, and for offering this amendment.

Let us just begin that by understanding for $200,000 we are not going to get a quality study covering this range of issues. It is just simply impossible, and to assemble the expertise for the time and effort to do that. That is why we spent $5 million just on gaming in that commission.

Let us all understand that to say that 80 percent of the Native Americans do not participate in gaming does not tell us anything. Many States do not allow gaming. Many do not allow gaming at all. Many reservations cannot participate because it is not economically viable. Many have chosen voluntarily not to do that.

That does not tell us anything about the benefits of Indian gaming. What we ought to do is spend more time on reservations and see the kind of economic development, the kind of economic diversity, the kind of opportunity that is being presented now that did not exist.

I sat on the Committee on Resources and watched this Committee on Appropriations appropriate millions and millions and hundreds of millions of dollars in economic development that went nowhere, that went nowhere, just disasters across Indian country. Now we have an opportunity to have some success. They may not like that it is based in gaming, but the fact is that it is successful and it is providing that economic opportunity.

I have listened to this ruse argument about organized crime from the day we wrote the first statute to the Supreme Court, and nobody has been able to prove it; nobody has been able to show it. These people operate their casinos under more restrictions than any other operators in the country. This is just disingenuous. Disingenuous is what this is about.

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

Mr. Chairman, what the gentleman from California (Mr. GEORGE MILLER) said is not accurate with regard to more regulations than any other. In Atlantic City there are 12 casinos, and there are roughly 800 people, totally, who regulate them, 100 every day. In Indian casinos, there are roughly 200 casinos and there are a few dozen, probably about 36. So what the gentleman said, again, is really not accurate.

Again, the fact deserves a cap on how much we are regulating. But that is not what we are talking about today. We are talking about health care and those other issues.

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

Mr. HAYWORTH. Mr. Chairman, I yield 1 minute to my friend, the gentleman from Florida (Mr. DEUTSCH).

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

Mr. Chairman, I rise in support of the Hayworth-Kildee amendment.

I understand the concerns people have about gambling in America. They are very real concerns, and there is much that we can do as a Congress and much we can do as a country to deal with some of the tragedy that occurs from gambling around the country.

But this has nothing to do with that. It has nothing to do with it. This is a study on Indian gaming when studies have already occurred. It is focusing only on Indian gaming. It is a mistake.

If the issue really is, and I acknowledge and I support and I have been involved in efforts to deal with some ancillary problems, and they are very real and serious problems about gaming in America, then let us address them. Let us have the Congress do oversight investigations. Let us do hearings on those issues.

Really, there is much we can do. There is absolutely much we can do in terms of research in terms of addictive gambling and things like that. But through this process, this is just a mistake; and the amendment should be supported and the study not go on.

Mr. HAYWORTH. Mr. Chairman, I yield 1 minute to my friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Chairman, I want to associate myself in support of the Kildee-Hayworth amendment. I do have the utmost respect for my friend, the gentleman from Virginia, and his efforts, never questioning his integrity nor his sincerity about the proposed amendment.

But Mr. Chairman, I submit, the Pacific Island cultures and the First Americans have been studied to death. We have had enough studies already: 11 Federal studies on health and economic needs of Native Americans; four Federal studies on economic development; nine Federal studies on educational needs of the First Americans; nine Federal studies of housing for First Americans; four Federal studies on infrastructure development; nine Federal studies on the effectiveness of the current programs that we are giving to the First Americans; 12 Federal studies on crime control in Indian reservations; six Federal studies on influence

on non-Native American private investors dealing with Indian gaming; three Federal studies on influence of organized crime, supposedly.

I want to submit, Mr. Chairman, the Indian gaming industry is controlled by the Federal Government under the auspices of the Congress. That is not the case with State gaming operations, and that makes a distinction here. There is no organized crime involvement in this effort. I submit, Mr. Chairman, we do not need this proposed amendment.

Mr. HAYWORTH. Mr. Chairman, I yield 1 minute to my friend, the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise today as vice-chairman of the Native American Caucus to express my support for the Kildee-Hayworth amendment, and encourage my colleagues to strike this measure from the bill.

Mr. Chairman, let me say that since I was first elected to Congress, I have strongly supported efforts that would seek to expose the long history and failure of this country to recognize the deep poverty within Native American country.

I applaud the gentleman from Virginia (Mr. WOLF) for continuing to expose that. But the answer is not to take away the one vehicle that so many tribes have used to even take themselves out of poverty. The answer is, we need to put more money into Indian health services, more money into education, more money into Indian law enforcement. These are the answers.

Until we have those answers, we do not pull the leg out of the stool that is the one thing that many Native American tribes are standing on. That happens to be gaming.

□ 1315

Mr. WOLF. Mr. Chairman, I thank the gentleman on the other side.

To read from the Boston Globe, here is what it said: ''Congress in the Reagan administration embraced Indian gambling as a vehicle to foster tribal self-sufficiency in 1988, after a decade of steadily cutting per capita spending on six major programs for Native Americans from 6,000 to 3,000 measured in 1997 dollars, a time when spending on social services aimed at the rest of America was on the rise.'' It goes on to say, ''The result is untold riches for a few smaller tribes. Annual revenues are 100 million or more for a couple of dozen of additional tribes near major urban centers and continued poverty for the vast majority of Indians spread across rural America.''

We are talking, Mr. Chairman, as I said, 43 percent unemployment. If we had 43 percent unemployment in our district, we would be upset. We would say let us study it. We would be saying let's storm the Bastille doors to do something. But today we are complaining about a study to see. Thirty-three percent live below poverty. Why would not we want to find out today? You have different computers in your offices than you had 5 years ago. Did you say we do not want to study new computers? We do not want to change? So a study was done 5 years ago. We do it again today. But would it not be worth it to spend $200,000 to do it?

The suicide rate is 37.5 percent. The national average is 13 percent of those ages 15 to 24.

I urge defeat of the Hayworth-Kildee amendment and urge that we can move on and study these issues so we can truly come together. And let me say there are Indian tribes who have gambling and who do not have gambling who were on this commission, good people. And I spoke to my friend, the gentleman from Arizona (Mr. HAYWORTH), saying we can come together, if I happen to be successful, come together and try to find out the very best minds that are around in the country to see if we can come up with some new ideas to really make life better for these people who have suffered so much.

I thank the gentleman on the other side for the debate.

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

Mr. HAYWORTH. Mr. Chairman, I yield 1 minute to my friend, the gentleman from Washington State (Mr. INSLEE).

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

Mr. INSLEE. Mr. Chairman, last Sunday I was driving up on the Tulalip reservation in northwest Washington. I was going to a memorial service for a good friend of mine, and I noticed a really nice white building on the Tulalip reservation in Tulalip, Washington. It was a beautiful place on the water. And when I got to the service I asked my friend what that new building was, and he said that was the Tulalip Boys and Girls Club, and that was the first Boys and Girls Club on an Indian reservation in America ever.

It has been supremely successful. And the reason it has been supremely successful, in part, is because this group of folks have developed an industry to make this possible.

Now, I know many people have very sincere concerns about gaming, but I just hope that when we vote on this, we will think of the faces of those young boys and girls of Tulalip people who are learning respect for elders, discipline, team work in that building that has been allowed because this industry has been allowed to blossom.

I hope we reject this amendment, sincere as it is, for that reason, so these people can continue those American values of the first American people.

The CHAIRMAN. The gentleman from Arizona (Mr. HAYWORTH) has 1½ minutes remaining.

Mr. HAYWORTH. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, sometimes studies of the obvious are important. But it is obvious that across the width and breadth of the country we have the first Americans, quite candidly, oftentimes dealing with Third World conditions. Economic opportunity should know no bounds. If there are those who dispute some endeavors, God bless them. They have that right. But to again study, to add now to the grand total study number 74 of what we know to be problematic, I think is wrong. Support this bipartisan amendment.

Mr. GALLEGLY. Mr. Chairman, I am proud to be one of the supporters of this amendment to strike language in the Fiscal Year 2003 Interior Appropriations bill that would create yet another commission to study the benefits of gaming to the Native American community.

The Commission on Native American Policy created by the Interior bill would report to Congress on whether Indian gaming benefits Indian communities, whether Tribal government gaming is regulated and whether Tribal government gaming is influenced by organized crime. I oppose this language because it would be legislating on an appropriations bill. This provision has not been subject to any hearings or debate in the Resources Committee, which has jurisdiction over Native American issues. I addition, because these issues have been thoroughly studied before, I believe this language wastes valuable taxpayer resources.

Mr. Chairman, I believe it is more important for Congress to continue to focus funding towards providing the educational, healthcare and economic needs of the Native American community. I urge the House to adopt this amendment.

Again, I thank you Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. SLAUGHTER:

Under the heading ''DEPARTMENTAL MANAGEMENT—SALARIES AND EXPENSES'' in title I, insert after the dollar amount on page 49, line 16, the following: ''(reduced by $15,000,000)''.

Under the heading ''NATIONAL ENDOWMENT FOR THE HUMANITIES—GRANTS AND ADMINISTRATION'' in title II, insert after the dollar amount on page 114, line 18, the following: ''(increased by $5,000,000)''.

Under the heading ''CHALLENGE AMERICA ARTS FUND—CHALLENGE AMERICA GRANTS'' in title II, insert after the dollar amount on page 115, line 14, the following: ''(increased by $10,000,000)''.

The CHAIRMAN. The gentlewoman from New York (Ms. SLAUGHTER) is recognized for 5 minutes.

Ms. SLAUGHTER. Mr. Chairman, I yield to the gentleman from Washington (Mr. NETHERCUTT) for a unanimous consent request.

Mr. NETHERCUTT. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 60 minutes to be equally divided.

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

There was no objection.

The CHAIRMAN. The gentlewoman from New York (Ms. SLAUGHTER) will control 30 minutes and a Member opposed will control 30 minutes.

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

Mr. Chairman, this is our annual rite of passage on the Interior bill. I remember that one of my colleagues recently said in the last debate that it just is not right to come down here and lie.

Well, we are accustomed to that. It seems that every year something comes up that people view with great alarm by the National Endowment for the Arts. This year is a very interesting one. This one comes from Eagle Forum and they say something like 167, I believe, which is an odd number, but 167 naked go-go dancers put on a performance sponsored by the NEA. Not so, Mr. Chairman.

The group called Broadway Cares, which was in Equity, fights AIDS, was given a $10,000 grant from the National Endowment for the Arts for a single performance to be held in September of this year. It has not been held. They are master classes conducted by some of the most prestigious companies in modern dance, including the Alvin Ailey Dance Theater, the Merce Cunningham Dance Company, and the Tricia Brown Company. The festival will include performances by notable dancers including current and former dancers of the New York City Ballet, Ballet Hispanico, Sean Curr and Company, Alpha Omega, and that is the only project of Broadway Cares sponsored by the NEA. So that one bites the dust.

Today comes a new Dear Colleague saying that NEA has lined up with Planned Parenthood for a dance group, $10,000 again, they do not have many grants, for young people to stop teen pregnancy. And I say hooray for that. But I am proud of my colleagues who every year have seen through this verbiage and understand that the NEA is a very important part.

Mr. Chairman, I rise today as I do every year to offer an amendment to try to offer a very modest increase in the National Endowment for the Arts and also for the National Endowment for the Humanities.

We can and we should appropriate an additional $10 million to the NEA and an additional $5 million to the NEH because these agencies both remain well below the funding level from a decade ago.

A recent economic impact study clearly shows that investing in the arts has a profound economic impact on our States and local communities. The Arts and Economic Prosperity Study which was conducted by the Americans for the Arts just recently, and mostly in rural America and smaller cities, reveals that the nonprofit arts industry, this is so important, I do not want anybody to miss this. The nonprofit arts industry generates $134 billion annually in economic activity.

Now, over $80 billion of this stems from related spending by the arts audiences. At the parking lots where they park their cars, the restaurants where they eat before or after performances, at the gift shops where they buy souvenirs, at the hotels where they spend the night, and on and on.

I have this chart here to give you some idea of what we get. The $134 billion that comes back into the Federal Treasury, it creates 4.58 million full time equivalent jobs. The resident household income of the people who work in arts is 89.4 billion. The local government revenue is 6.6 billion. State government revenue, 7.3 billion. Federal income tax revenue, 10.5 billion. I challenge anybody to tell me of any other program which we give a very modest amount to, $116 million in this case, that comes back with this kind of return, and this is just the economic return.

There are many others. The things that it does for young children; their developing minds; as we have mentioned a while ago, cutting down on teenage pregnancy.

Let me go on with some of these figures that I think are very important. The patrons spend an average of $22.87 per person over the price of admission which is being spent in our local communities, supporting the businesses and sustaining the local jobs. As you can see, this is a very important investment that we make here and we get a great deal back for the modest amount we put in.

Now the 232 million the Federal Government invested in NEA and NEH last year, as I said, has returned $134 billion and I think that is a good investment. The study also shows that the kids who are exposed to art, their SAT scores in high school go up 57 points. It improves their critical skills in math, reading, language development and writing. That, again, is cheap at the price to get that kind of return for money for arts in schools. For example, the study shows that learning dance and drama help to develop skills that improve creative writing.

Probably what they are worried about this morning with Planned Parenthood will teach young women that they have a better hope in life other than being a teenage mother.

Skills learned in music increases a student's understanding of concepts in math. That is so important to us.

More broadly, the study concludes student attendance and retention is better for those involved in the arts. Additionally, student learning experiences in drama, music, dance and other art activities assist in conflict resolution and lead to improved self-confidence and social tolerance.

I think as I go through these things you can say these are things we devoutly wish for the children of the United States.

These results demonstrate the importance of incorporating arts into our schools. So it is time for us to give them a portion of the financial support they deserve.

This amendment goes just to support the NEA's Challenge America program which is targeted specifically for communities that have been underrepresented among the NEA direct grants.

Challenge America has successfully supported arts education and community arts development in many communities nationwide. The program facilitates State and local arts partnerships and regional touring arts programs. We need to extend this great program and the amendment will provide part of the funds to be able to do that.

State and local and regional arts associations receive vital support from the NEA, bringing arts close to home. The NEA also supports the after-school programs and activities in underserved communities that allow our youth to understand the benefits of arts learning.

The NEH. NEH is a wonderful program, bringing into our communities the humanities; subjects such as history and literature or foreign languages and philosophy and geography. For example, they support a summer teacher training program that prepares and encourages teachers to bring humanities alive in the classroom. They teach us well who we were, what we hope to be, and what we can become.

The NEH actively supports historic preservations of books, newspapers, official documents and material culture collections that are so important for us to understand our history. These efforts are vital to preserving America's historical and cultural heritage.

I commend the President for recognizing the critical role the arts play in our schools and communities. Now it is time to show us the money. The administration's budget request includes a very slight increase, actually not any increase at all, just inflation. But if we want to leave no child behind, if we really want to encourage growth in this economy, we need to increase the funding for these two agencies because they are proven, proven like no other to do exactly that: Encourage growth in the economy and leaving no child behind.

So we request $10 million more for the NEA, $5 million for the NEH by making minor correspondent reductions in the administrative budget in the Department of the Interior.

The account, which is appropriated an increase in the underlying bill, would be increased by less than half of 1 percent. This offset ought to be acceptable to all of my colleagues.

Less than 1 percent of our entire budget is committed to arts. In other

words, it costs each year less than 40 cents a year to support art. Yet, our small Federal investment in the arts reaps rewards, as we have said here, many, many times over. I urge my colleagues to vote for this amendment cosponsored by my good friend and cochairman, the gentleman from California (Mr. HORN), and by the ranking member on this committee, the gentleman from Washington (Mr. DICKS) who fights valiantly every year for this program in committee, and for whom we are very grateful, to the gentlewoman from Connecticut (Mrs. JOHNSON), and the gentlewoman from Maryland (Mrs. MORELLA).

Please support this modest increase in the NEA and NEH. It is the least we can do to invest in cultural and economic well-being of our Nation. And once again, I ask my colleagues to reject the fearmongering that comes out every year. To tell the truth, I almost wait with some anticipation to see what they will dig up year after year.

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

□ 1330

The CHAIRMAN. Who claims time in opposition?

Mr. SKEEN. Mr. Chairman, I do; and I yield 3 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Chairman, I thank the gentleman from New Mexico (Mr. SKEEN) for yielding me the time, and last night, many of us commended all the good things he has done and I want to say it again. He helped parks and he has cared about the students in rural America. I grew up on a farm, and I am talking about the National Endowment for the Arts, which includes not just urban America but also rural America. That is when I first saw a symphony and that was in the WPA. He will remember that and I will, in the 1930s, 1940s and 1950s, the WPA, and that was the wonderful job they did to have young children that never would have to do it any other way than in that.

The gentlewoman from New York (Ms. SLAUGHTER) was highlighting the enormous benefits of the arts to our economy and to our local communities. A recent economic impact study from Georgia Institute of Technology, which she used, and I want to put this again, nonprofit arts industries in America generate $134 billion for our Nation's economy. That is an outstanding return on taxpayers' investment, and that is about $10.5 billion for the Internal Revenue Service; and the children also benefit from the arts and the educational curriculum, as the gentlewoman from New York (Ms. SLAUGHTER) noted. And we obviously want arts education, and it has happened in math, reading, language development, and writing.

This is a new NEA in the sense that they have a lot of common sense now in that group, and I would hope that all of us could vote for that and see the arts that percolate through our secondary schools, our community colleges, our research centers, our State humanities council; and I urge my colleagues to join us in supporting this amendment to increase funding for the national endowment for the arts and the national endowment for the humanities.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI).

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

Mr. BALDACCI. Mr. Chairman, I want to congratulate the distinguished gentlewoman from New York (Ms. SLAUGHTER) for her leadership on these issues over the years. She has been tireless, and with those Members that are supporting this Member, I rise in support of this amendment.

Just to give my colleagues a little bit of a picture of what happens in a rural State like Maine and the importance of the arts and humanities, there are many areas of America, particularly rural America and rural Maine, that cannot afford some of the luxuries of major urban areas; and it is important to have organizations like the NEA and NEH provide resources to rural communities so that they can have an opportunity to participate and be exposed to the arts programs.

In my home State, the Maine Humanities Council has developed several programs that have greatly served our State. Current programs run by the council promote literacy for all ages, provide teacher enrichment. They have seminars in preserving cultural heritage. In addition, they have grant programs that provide the support to Maine libraries and museums, historical societies and schools.

One of their programs, literature and medicine, has become so successful that the national council has just received a significant grant application and awarded Maine a national endowment grant for the humanities to expand this program to eight other States.

Clearly, we must continue the support of these programs. Even on top of all of that, the economic opportunity that was highlighted earlier generated over $134 billion in economic opportunity. This gives rural States like Maine a real opportunity to focus on this creative cluster of development opportunities in our region; so that in a lot of rural areas we are manufacturing textiles and the agriculture have seen some declines, that there is an opportunity to create new economic growth in opportunities in terms of our art galleries, art exhibits and the promotion of the arts.

So we are very much in support of this effort, very much asking my colleagues to support this increase. It does a great job. It does a great job in Maine, and it does a great job in the Nation.

Mr. SKEEN. Mr. Chairman, I yield 4 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for yielding me the time; and Mr. Chairman, I rise in support of the arts, but I rise in opposition to this amendment.

The President's budget provides a budget request of $116,489,000. Last year, fiscal year 2002, the enacted budget appropriation was $115,234,000. So we are over a $1 million increase already in the President's budget, essentially flat-funding it, but increasing it slightly.

The request today is for $116,489,000 for the National Endowment for the Arts; and the committee, in a bipartisan way, supported that. They supported it because it believed it is an adequate amount to pay for the Federal share of contribution to the arts, and I believe that, too. I think $116,489,000 is a fair amount. It is a fair number.

I point out to my colleagues that this was an increase last year of over $10 million a year ago for the National Endowment for the Arts. It was $104 million, went up to $115 million. So we have already added over $10 million a year ago and now to come back and add another $10 million this year, in addition to the $1 million that the President has already requested and the committee, in a bipartisan way, has already approved, I think is wrong.

When is enough enough? I have serious questions about the $134 billion that is generated, allegedly generated, by nonprofit arts groups; and I know they do a great job. They do it in my State, and I support them very strongly. However, that is like saying if we buy little league uniforms for the teams in America, we are going to generate all the money that goes to little league or high school or sports. It is a big universe, in other words; and I will give credit to some amount of money that is generated by the $115 million that we put in last year and that we are going to put in $116 million this year. I think that is a fair expenditure. For some it is too much; for some it is too little. But I think it is just right.

I would just urge my colleagues, when is enough enough? I will say to the sponsors of the amendment, this is money that is going to be cut out of the Interior Department operations accounts. We have held these operations accounts in the bill down. We have not even fully funded their inflationary request; and so if we are going to further cut into the Interior Department operations accounts, I think it is going to have an impact on the national parks operations. It is going to have an impact on public lands administration, on refuges that a lot of people go to see and enjoy the wildlife refuges in this country, and other programs that are part of the interior appropriations process.

The interior bill has a lot of responsibilities. We have a documented backlog in repairs for public facilities of over $12 billion. Ten million can make a big difference in that $12 billion

backlog maintenance problem. We are trying to make prudent investment in our land management agencies, in Indian health programs, in energy research. They can use $10 million, too, if we really want to look at the cumulative effect of having dollars invested and benefits to the public.

I am not going to say the arts are not valuable, they are; but $116 million is enough, and I urge my colleagues to vote against this amendment, finding that $116 million is adequate.

Ms. SLAUGHTER. Mr. Chairman, I would like to remind my colleague from Washington State that just applauding the arts is not enough, and I yield 2 minutes to the other gentleman from Washington State (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I thought that the study was very professionally done, and I think the arts generate probably more than $134 billion in economic activity. The most important number was the Federal revenues, $10.5 billion for a $116 million investment. I do not think we are going to do any better than that on return in investment.

The other thing I would point out, when the House of Representatives was under the control of the Democratic Party in 1994, we provided $162 million for the National Endowment for the Arts on a very bipartisan basis. I see many Members here on the floor supported that level of funding; and then, of course, in 1995 that was reduced to less than $100 million, we had this dramatic Draconian cut in funding.

We have come back, and last year we had a vote on the floor of the House of Representatives for an increase of $15 million: $10 million for the endowment for the arts, because it was cut more severely than the endowment for the humanities, $3 million for humanities, $2 million for museums and library services. We do not have museum services anymore in this bill, so it is $10 million for the arts, $5 million for the humanities this year.

We can go to every part of this country now and we can see the consequences, the impact of these efforts, the Challenge America program. These moneys are going all over the country. We made sure that all the arts are not in the big cities. They are now everywhere; and that is why they are creating all this economic activity, creating these jobs and giving audiences all over the country a chance to enjoy the arts and the humanities.

This is a good, positive thing to do. Let us support it. Let us get back to where we used to be back in the good old days in 1994.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, let me just talk about the good old days. The good old days, for my dear friend from Washington State, were days when there was deep criticism of the National Endowment for the Arts for putting pornographic material in grants that they offered. I mean, that is what resulted in the cut. The representatives in the House of Representatives and the Senate and the country were disgusted with the way that the National Endowment for the Arts was distributing grants. They were wasting taxpayers' money. So just as a matter of historical reference, that is why they were cut back was because they were granting sort of disgusting material for grants with taxpayer money.

So what we did not see before 1994 was a limitation on the amount of money that went to big museums and big cities and people with all the money and the resources in the world. Thanks to the gentleman from Ohio (Mr. REGULA), the gentleman from New Mexico (Mr. SKEEN), the gentleman from Washington (Mr. DICKS), and others, we put in these reforms after 1995 and 1996, which said put a cap on the amount of funds that one State can receive, that State grant programs and State set-asides increased to 40 percent of the total grants. That is what we did in the post-1994 period.

Anti-obscenity requirement for grants supported by a Supreme Court decision in 1998. Put six Members of Congress on the National Council of the Arts to monitor what went through the system. We reduced the Presidentially appointed council members to 14 instead of 26. We prohibited grants to individuals except for literature fellowships and National Heritage fellowships or American Jazz Masters fellowships. Prohibited self-granting or full seasonal support grants. Allowed the NEA and the NEH to solicit vest private funds to support the agencies.

That is a beef that I have had for quite a while is that we give grants to people. With all due respect for the good work they do, they go out and make a tremendously good commercial success, but they do not give back; and my argument has been commercially successful people ought to be able to come back and give back to the big pot to help everybody, the fledgling artists and others who are out there trying to get some help instead of reaping the commercial benefit at taxpayers' expense.

□ 1345

We have provided granting priority for projects to underserved populations. That is very important, as I come from a relatively rural area. We have provided priority for education, understanding and appreciation of the arts, and emphasis for grants to community music programs. These were all post-1994 reforms.

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

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

Mr. DICKS. Well, then, we have a bipartisan consensus that we made these changes. Then let us give them back the money they so desperately need to fund the program all over the country. They need this money.

Mr. NETHERCUTT. Reclaiming my time, Mr. Chairman, I ask the gentleman if $116 million is not enough.

Mr. DICKS. No. No.

Mr. NETHERCUTT. I thought the gentleman would say that. Back in the 1970s, when this program first came out, it had zero. So now we have grown it to $116 million. One hundred sixteen million is enough. Let us give it a one-year hiatus. We have a war going on, we are trying to provide for people in New York, we have a defense bill, and homeland security. Let us give it a rest. Let us economize.

Mr. Chairman, I urge defeat of the amendment.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I thank the gentlewoman for yielding me this time.

What we have heard on this floor for years on this subject is that we should not fund amendments like this simply because at some time in the past the arts program was not perfect. Well, I grant that. But for how we ought to view them today, I once again consult my sociological bible, my friend archie the cockroach, and here is what archie said about the arts.

''They are instinctively trying to hand the public some kind of stuff that wins the audience away from the often sordid surface of existence. They may do it badly, they may do it obviously, they may do it crudely, but they do have the hunch that what the millions want is to be shown that there is something possible to the human race besides the dull repetition of the triviality which is so often the routine of common existence. . . . And every now and then they have blundered into doing something with the touch of the universal in it.''

That, to me, is what is so great about this little program. I do not much care about what this program does for the big cities in this country. I do not represent a city over 40,000. What I care about is what these programs help to deliver by way of cultural experiences, door-opening experiences for kids and for working families who, in the rural parts of this country and the small towns of this country, would otherwise never be exposed to it. And sometimes it may not be perfect, but a lot of times it is awfully good and it has a profoundly enriching experience on young people's lives. That is why this amendment ought to be passed.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of the amendment, and I thank the gentleman for yielding me this time.

Let me just tell my colleagues why we are introducing this amendment that I am a coauthor of. The National Endowment for the Humanities will get 5 million more dollars because they carry enormously important national

responsibilities, like dealing with brittle books and the problem of documents that are critical to our heritage and to future generations, needing a lot of care and a lot of restoration.

They are also in libraries in very small towns, bringing experts on poetry to do readings and workshops, and provide inspiration and guidance for those who want to learn to write poetry or short stories or get acquainted with the body of literature that has developed the culture of the Western world.

In the arts, we put $10 million more into the Challenge America program. That is the grassroots. Let me tell my colleagues what grassroots sounds like and looks like in my district.

I walked into a HOT school the other day. Now, HOT schools are funded by national NEA money flowing through our Connecticut Commission on the Arts. And I asked this young girl who was touring me around, a 5th grader, I said, what is a HOT school? She said, well, it is a Higher Order of Thinking School. And as we went through the school, there was a kid who was drawing everything we did, and there were several kids who were scribing down everything we did so they could do a report.

We saw the exhibition of art, portraits done by the kindergartners in the style of Miro. How wonderful for these kids to see the abstraction of portraiture done in that very modern style, so they could begin to think about who they really were, who the next person was, and how do we conceptualize the world around us.

There is just overwhelming evidence that strong arts develop higher test scores on math and reading. Why? Because it develops the mind, not just the tables, but the abstraction of mathematics.

Then we went on to the older grades where they had studied the Lascaux caves and how those drawings in the caves represented the history and the way people lived in that era, and they thought about it. They thought about not only the substance of life, but the artistic expression and how we communicate.

Then, every month, they have an assembly in which they have a competition for the best poetry, the best drawing. This has changed the lives of these inner-city children. It changed their lives and elevated their thinking. It has made them think that education is fun and powerful. So let us not neglect to fund the arts.

My Governor, a Republican in Connecticut, put more money into the arts than had ever been invested because the arts help revitalize our cities economically. So this is about education, it is about achievement, it is about excellence, it is about communication, it is about history, it is about culture, it is about inspiration, and it is about the dollars and cents of a strong economy. Support the amendment to increase funding for the arts.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

(Mrs. DAVIS of California asked and was given permission to revise and extend her remarks.)

Mrs. DAVIS of California. Mr. Chairman, I rise in support of restoring funding for the National Endowment for the Arts and the National Endowment for the Humanities.

While the proposed increases still will not return the support we knew in 1995, it is so important to the children of our country that we make this progress.

I want to cite what many of my colleagues have talked about today. Many people think of the NEA and the NEH grants as large grants to communities, but, actually, what we have are a number of grants that go to small organizations. I think even the fact that they are out there really inspires many, many organizations to put forth initiatives that they otherwise would never have put together, would never have explored.

In San Diego, we have many, many connections and many, many links. The National Endowment for the Arts supports major organizations in my area, like the San Diego Opera Association in its symphony outreach to students and the Old Globe Theater in their Teatro Meta program.

We also have a Challenge America grant, which enabled the San Diego Youth & Community Services to artist-led activities that link students in the Teen Connection program with actors from the La Jolla Playhouse and the Diversionary Theater.

Another grant enabled a partnership with the Metropolitan Area Advisory Committee on Anti-Poverty for the Teen Producers Project, and that provides after-school media arts education to young people living in public housing.

There are many, many of these grants, and all children deserve this opportunity to explore new arts interests and develop their talent, the kind of opportunities that the NEA and the NEH grants offer to enrich their lives.

My colleagues, if looking into the eyes of children who become inspired by the arts is not sufficient, I would point out, as my colleagues have, that the multiplier effect on the economy of every dollar spent on the arts also enriches all of our communities.

Mr. SKEEN. Mr. Chairman, I yield 6 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding me this time, and as I sit here and listen to this bill, now going close to 24 hours, I am reminded of a Dr. Seuss character that I think was called a Push Me-Pull You. I do not really remember what it was all about, but it seemed to me that the character was unwilling to be pushed, unwilling to be pulled.

I think that must be the description of the Interior bill; that it is a very delicately balanced bill, and we can push it one way, but it is not going to pass; or we can pull it another way, and it is not going to pass. That is why this is kind of a thin-ice situation here. There are a lot of good arguments for this, but put one more straw on the camel's back, and then we lose on our side 24 votes. Same way on the other side; they lose 25 votes. That is why I think it is important that we leave the language and the numbers where they are in this particular bill on this amendment.

I support the arts, and I think everybody in Congress supports the arts. That is why it is very important to not confuse the NEA with the arts. We in Congress provide a $10 billion tax credit that is authorized for people who donate to art galleries and to art-related theaters and so forth. That is $10 billion. The Democrats are fond of saying how much is this costing? Well, $10 billion.

What about all the art that the Federal Government purchases, the paintings in this Capitol? We just underwent a renovation of the rotunda. That is in support of the arts. What about art education? All the programs on the State level, on the local level, on the Federal level that we as taxpayers of America support the arts on? We are very pro art in America. But to confuse the NEA with the art statement of America is truly misleading.

I believe that art is magical. I heard a songwriter say a good song takes you someplace else. And that is true, because, doggone it, I cannot drive my car without the radio going, because, Mr. Chairman, I do not always want to go to work. I like to hear the song about, I miss the planes out in Africa or the land down under in Australia. I think that is why we listen to music, because it does take us to a different place.

When we look at this picture of Lafayette over here, and think about the inspiration of a great Frenchman who comes over here and fights for America during the Revolutionary War. We get inspired when we look at the portrait of George Washington with the sword carefully painted out to show that this is not an institution that uses violence but that we use the weapons of words to clash our ideas together.

It is inspirational, as we look at the dynamics of both of these people, and to look up to the ceiling in the rotunda, and to think about a good drama that we all get invited to every now and then at JFK. It is truly inspirational. We need to all be protective of art.

And I want to say that I think the NEA has gone a long way in kind of cleaning up their act. The NEA, I think, has come a long way. The gentleman from Washington (Mr. NETHERCUTT) has cited it well. And I can say that on our side of the aisle, as the gentleman from Washington (Mr. DICKS) knows, some of the strong offended feelings, and I saw it was included in this regarding some of the

shenanigans of the NEA in the past, I have to say that, actually, it was cleaned up probably more by the Supreme Court than by Congress.

I will yield to my friend in a minute, but as the gentleman remembers, it was the famous case of a woman who was dipped in chocolate, and the question was is that a proper use of the taxpayer dollars or should it be artistic freedom. I believe in artistic freedom, but let her leap in a whole vat of chocolate. I am all for it. A new definition of Hershey's Kisses. But when I am paying for it, or I am asking a guy who is driving a truck for $6 an hour back in Georgia, maybe we should not do that. Maybe we should just stick with the picture of the cow standing by the mill stream.

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

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

Mr. DICKS. Mr. Chairman, the point we tried to make before, and the gentleman from Washington (Mr. NETHERCUTT) did a good job, as has the gentleman from Georgia, in going back to those issues, but we reformed those things. We put provisions in the bill that emphasized quality, and those have all been adopted.

Mr. KINGSTON. Reclaiming my time, Mr. Chairman. That is exactly why I bring it up, is to acknowledge the changes that have been made. And the gentleman and I have both sat through hearings, through Democrat and Republican administrators over there, and I think they have cleaned it up, and I am glad. Some of it has been with a hammer, some of it has been more willing, but a lot has gone on.

I would also like them to continue to decentralize the NEA. I do think, and if I were the gentlewoman from New York (Ms. SLAUGHTER) I would be pushing it hard, because so much of the money is concentrated in New England, but there is a lot of art outside of New York City. When these theater groups come down and they do a little ballet for the rural folks down home, and they say, well, we kept the hicks from the sticks happy, now we can go home, I do not think it is anything that great and wonderful. I would love to see the NEA have a distribution formula where they say we have to push that stuff out and distribute it more in Idaho, Montana, and Mississippi.

□ 1400

Mr. Chairman, my point is NEA, I think, has moved forward in a good direction. Unlike years past when I have voted to cut the NEA, I will vote to support the NEA. But I know as the vice chairman of this committee, to put more money in it means that we are going to lose votes, so I must oppose this amendment.

On the NEH, I am a big NEH supporter. I would support the NEH increase, but I cannot do it on the floor of the House because that is going to run off votes. I think there are some things to talk about in the process which I look forward to engaging in as the months go by.

Right now, all of the issues that we have gotten together with the Westerners and the Easterners and the folks on Native American issues, we need to keep the precarious balance of this bill where it is because it is a Push Me-Pull You.

Ms. SLAUGHTER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Missouri (Ms. MCCARTHY).

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise in support of the Slaughter-Dicks amendment.

Mr. Chairman, I rise today in support of the Slaughter-Dicks-Horn-Johnson-Morella amendment to the Interior Appropriations bill to give the National Endowment for the Arts (NEA) additional appropriations of $10 million and the National Endowment for the Humanities (NEH) an additional $5 million. The value of the NEA lies in its ability to nurture the growth and artistic excellence of thousands of arts organizations and artists in every corner of the country, making the performing, visual, literary, media and folk arts available to millions of Americans.

Even in this time of fiscal restraint and budget deficits, the value of the NEA cannot be overstated. Additional appropriations are still required, as the NEA is a great investment in the economic growth of every community in the country. A recent study conducted by the Georgia Institute of Technology found that the nonprofit arts industry alone generates $134 billion annually in economic activity, supports 4.85 million full time jobs and returns $10.5 billion to the Federal Government in income taxes. While the economic benefit of the arts industry is integral to our Nation's economy, affording children access to the arts through education yields more significant dividends to our society. The U.S. Department of Justice found that arts education reduced delinquency in San Antonio by 13 percent, increased communication skills of Atlanta students by 57 percent, and improved cooperation skills of Portland youth by 57 percent. In addition, the College Board has shown that college bound students who are involved in the arts have higher overall SAT scores than other students.

The National Endowment for the Humanities is the largest single funder of humanities programs in the United States, enriching American intellectual and cultural life through support to museums, archives, libraries, colleges, universities, state humanities councils, public television and radio, and to individual scholars. A small investment through NEH reaps large rewards, providing seed money for high quality projects and programs that reach millions of Americans each year. This money, and NEH's reputation, leverage millions of dollars in private support for humanities projects. NEH is critical to addressing the Nation's future needs in education. More than two-thirds of our Nation's K–12 curriculum is dedicated to the humanities; 2 million new teachers will be needed in our classrooms over the next decade, and 4 out of 5 teachers feel inadequately prepared in their subject area. NEH summer seminars and institutes address these very issues, and are the catalyst for revitalized teachers for tens of thousands of students each year.

America's creative industries are our Nation's leading export with over $60 billion annually in overseas sales, including the output of artists and other creative workers in publishing, audiovisual, music and recording and entertainment businesses.

The National Endowment for the Humanities plays an important role in the American arts enterprise. NEH grants provide critical funding for work in art history, theory and criticism, including: university based and independent research projects; professional development seminars for K–12 and college teachers; film and radio programs; museum exhibitions and exhibition catalogs; and material culture preservation.

In my home state of Missouri, our Humanities Council currently is planning an array of public programs for distribution in Missouri during the bicentennial of the Lewis and Clark expedition, 2003 through 2006. The planning is supported by grants from the National Endowment for the Humanities and the Missouri Lewis and Clark Bicentennial Commission. The NEH planning grant supporting these trial programs is intended to produce program templates that can be deployed successfully with local participation by Native American spokespersons in Missouri, Kansas, Nebraska, and Iowa, serving communities within a day-trip's distance of the Missouri River. These programs will provide Missouri youth an important lesson in American history in an entertaining environment.

Mr. Chairman, I commend all arts advocates today on their continued dedication to arts in education. I strongly urge for increased resources for arts education in this year's appropriations process.

Ms. SLAUGHTER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of this increase, although it is so minimal I hesitate to call it an increase. We have still not recovered from the grave cuts of 1994, but I strongly support this amendment and wish I had time to talk about how important the arts are to New York and this country.

Mr. Chairman, I rise today to voice my enthusiastic support for the Slaughter-Dicks-Horn-Johnson amendment.

The $10 million for the National Endowment for the Arts and the $5 million for the National Endowment for the Humanities will continue the process of restoring Federal funding for the arts to appropriate levels.

It is difficult to call it an increase since the amount is so *minimal.* These organizations have not recovered from the severe cuts of 1994.

NEA funds do more than simply support individual programs, they support entire communities.

NEA funds help encourage private donors to give to a program, so every dollar we spend pays dividends.

When we invest in the arts, entire neighborhoods benefit. Studies show that children who are involved in the arts, concentrate better, learn how to listen and do better in school.

Every community has their own example of a program that has benefitted from NEA grants. I'll give a small example from my district. The New York Ballet Theater received a $15,000 grant from the NEA last year. They are a terrifically innovative program that teaches young people to dance and introduces children to the ballet.

More importantly, they recruit students from the shelter system, along with their more wealthy pupils. Their work has literally saved lives, taking at risk children and giving them a future.

One student, Steven Melendez, a 15-year-old boy from the shelter system, has literally had his life changed. He is a phenomenally talented dancer who has a future because of the New York Ballet Theater. His dancing received national recognition and he has been offered a place at the world renowned American Ballet Theatre. His story shows what a difference NEA funding can make in the lives of our young people.

I urge my colleagues to support the slaughter amendment, to enable the NEA to reach more programs.

In addition, the nonprofit arts industry generates $134 billion in economic activity yearly and over $20 billion in taxes.

Millions of Americans are employed in arts organizations, and they depend on the U.S. Government to continue to fund their industry.

We can help them, help our children, improve our economy, and create an enduring cultural legacy—all by passing this necessary amendment.

I urge my colleagues to support this amendment, to enable the NEA and NIH to reach more programs.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

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

Mr. HOLT. Mr. Chairman, I rise in support of the Slaughter-Dicks amendment to benefit the National Endowment for the Arts and the National Endowment for the Humanities. The arts and the humanities enrich all of our lives; and as the gentlewoman from New York (Ms. SLAUGHTER) has pointed out, the arts enrich not just our lives figuratively, they enrich us economically. They not only challenge us to think, they deepen our understanding of the world around us and help us to understand ourselves and each other.

Not surprisingly, they help us in a number of other ways, in building spatial reasoning skills and improving performance in math and science in our children, language development and reading skills. The arts and humanities affect every American. In fact, they are central to being American. Our rights of speech and assembly have fueled works of art.

I ask Members to look around this beautiful Capitol building. This symbol of our democracy is a work of art. The NEA provides tens of millions of dollars, along with State arts agencies for more than 7,000, almost 8,000, arts education programs in thousands of communities all over America, large and small towns. The NEA offers lifetime learning opportunities through a range of public programs.

This budget-neutral amendment represents a small, but meaningful, increase for the arts and humanities. The arts give back to all of us many times over. This is not enough funding, but at least let us do this much.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to question this amendment, the fact that if we were awash in money, if we were in a surplus, if we had lots of cash to spread around, I think this amendment might be appropriate. But when it really comes down to it, we have gotten by the original NEA debate in this country. A lot of positive changes have happened. A lot of the things that upset the American public have been changed. But is it really a priority in America to have almost a 10 percent increase in the arts when we have an economy that is in trouble, when we have poor people in this country who have lost their jobs, we have people underemployed, unemployed? Is this a prudent expenditure of our funds? When we are in economic trouble, is there no line item that can be level-funded? And this is not level-funded; it is increased. Does it really stand up to a test of almost a 10 percent increase? I think not.

The arts and entertainment community in America is the richest of the rich. I applaud them for what they do. But this is a time that they can step up and help expand the arts to all Americans. I find it interesting that those who are vehemently supporting this 10 percent increase oppose across-the-board tax cuts because some of them go to the more successful Americans.

We all know when we cut taxes across the board, we stimulate the economy because we give American employers more money to invest in their businesses. I think it is the wrong time to ask for a major increase. We have gotten by the debate of the past. Let us stay there. Let us not revive that issue at this time when America is struggling to balance its budget. We cannot willy-nilly hand out 9 and 10 percent increases to nice things.

Mr. Chairman, I think it is an inappropriate amendment. I think it is not well thought out. I think it revives the debate we could get by this year if we do not do it. I urge Members to say ''no'' to this amendment. It is the wrong time, the wrong place, and sends the wrong message to the poor of America.

Ms. SLAUGHTER. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, this amendment is completely offset by a very small cut in administrative expenses. Because of the offset, the money is not going to be taken from here and moved over to some worthy cause. This is a worthy cause because we have created this enormous industry in this country that have jobs, economic activity surrounding the arts.

We started this endowment back in 1964. My good friend, Livingston Biddle, was the staff person who worked with Senator Pell to get this thing created. Ever since then, we have seen the growth of the arts throughout the country because of the seed money that comes from the endowment. Even with this 10 percent increase, we are still 30 percent below where we were in 1994. If we had inflation, it would be 50 percent below. We are just trying to get back to a reasonable level of funding, and this House supported this amendment last year. I urge a vote for it this year.

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

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, I thank the gentleman from New Mexico (Mr. SKEEN) for all the gentleman has done over the years. But despite how much I like the gentleman from New Mexico, what an embarrassment. Once again, the House of Representatives is considering a Department of Interior appropriations bill that does not sufficiently fund the arts and the humanities.

Funding for the National Endowment for the Arts was cut dramatically in 1995 by more than 40 percent, and it has never returned to adequacy. Shame on us.

Opponents of this amendment call for fiscal discipline, as if the richest Nation in the world needs to be culturally impoverished. Shame on us.

We all know that it is not the lack of money that keeps funding for the NEA and the NEH so low, because the funding we invest provides a huge economic return on our Federal investment, both in dollars and in jobs. According to a recent study by Americans for the Arts, the nonprofit arts industry generates $134 billion in economic activity every year, creating more than 4 million jobs. The arts industry is a money maker, not a money taker. Another study, this one by the Arts Education Partnership, provides hard evidence that children who participate in the arts improve their critical learning skills in math, reading, language development, and writing. In addition, NEA funds programs like Positive Alternatives for Youth, which lowers the rate of juvenile crime by creating artist-led after-school programs for our youth.

When we deprive the NEA or the NEH of needed funds, we deprive this entire Nation of an active cultural community. It is a battle that has been going on since the stockades were used to control creativity in Puritan times, and it is absolutely wrong-headed.

The arts teaches us to think, encourages us to feel and see and to look in

different ways. This is a good amendment, and it must be passed.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

(Ms. SOLIS asked and was given permission to revise and extend her remarks.)

Ms. SOLIS. Mr. Chairman, I also rise today in support of the Slaughter-Dicks amendment, which would increase the funding for the National Endowment for the Arts by $10 million and the National Endowment for the Humanities by $5 million.

In our country, 76.2 million adults attend performing arts events or exhibition events every year. Arts and humanities play a big role in our lives.

This year I had the honor of serving as co-chair with the gentleman from Florida (Mr. FOLEY) for the Congressional Arts Competition. Not too long ago, we had 308 students from across this country come here and exhibit their artwork. We were all very proud to see them here, for them to realize their talents and skills, and to maybe someday think that they could also receive a grant to continue their profession.

I cannot tell Members how heartfelt it was for me to see a student from my district compete in this competition and know that they have a career ahead of them. Coming from a life of poverty, living in a trailer park could somehow be able to actualize their talents and skills. I think we need to support this amendment. We need to continue to increase funding, especially for our young, disadvantaged youth that were discussed earlier. Let us not leave any child behind. Let us give them an opportunity to participate in a civic way in the arts, to give good examples and allow them to extend their talents and share that with the entire world.

NEA funds 249 grants throughout the country called the Challenge American Positive Alternative Youth Program. I am in support of this program. Just remember, Members, when we walk through the tunnel between our buildings and the Capitol, look at the artwork. Think about what young people have been helped, and let us give them a chance to be a part of the artistic discoveries in our country.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, in listening to this debate, Members would think that in fact prior to the establishment of the National Endowment for the Arts, prior to the hundreds of millions of dollars that we have taken away from our taxpayers and given to that organization, if we do not pass this amendment, there will be no art.

All of the wonderful things that art has done through our history has been recounted by the supporters of this particular amendment. Of course, who can argue that art is not a good thing? It is a great thing. It is a wonderful thing. I am all for art. And I can assure Members, if we defeat this amendment, and if we struck all funding for the National Endowment for the Arts, there would still be art.

□ 1415

It actually existed before the National Endowment for the Arts. It actually was able to thrive, to be nurtured by individuals, to somehow find its way into the public life before the National Endowment for the Arts and certainly before this amendment was even thought of.

We have heard over and over again about the effect of art on students, that they learn more. The effect of art on the general population, that we are all somehow made better individually as a result of having art out there. That is probably true. I will not even deny that there is some effect on children's learning, on just the general nature of the population if you have a lot of art available to you. I have heard these things stated so far: It changed their lives, elevated their thinking, improved their test scores. It is about inspiration.

Mr. Chairman, every single one of those things can be attributed to another aspect of our culture, and that is religion. As a matter of fact, children who come from religious households do score better on test scores. It is something that improves all of our lives, at least I believe. So why do we not appropriate $100 million a year to religion? It does all of the same things that this particular amendment does or that the National Endowment for the Arts says they do, but, of course, we do not appropriate money to religion because we would then argue about whose religion should be centered and identified and given the money. You are right. We should not do that. We should not appropriate money for religion. We should not appropriate money for the arts because it is in the eye of the beholder as to what is art. And to take money away from somebody in my district to determine what somebody in your district thinks is art is, I think, unfair.

This amendment is, of course, unfair. The National Endowment for the Arts, as far as I am concerned, should not be funded at all. Certainly it should not be given the opportunity to have another grab at the apple.

Ms. SLAUGHTER. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, think about where we stand in the world today with our concentration of wealth and power. It is comparable almost to the great Greek and Roman civilizations.

But what do we remember about those civilizations? It is their art, their striving for their greatest aspirations of the human spirit. We want to leave that to our future generations. Sure, the private sector could do it. But let me tell you about Denyce Graves, one of the greatest opera singers we have today. She grew up in Washington, D.C., a few blocks away from the Kennedy Center. But if she could, if we allowed it, she would be on the floor today telling us the Kennedy Center might as well have been a world away because she could never have gotten to the Kennedy Center if she had not gotten an NEH grant to be able to perform. It was that grant that was invested in the District of Columbia that gave her the opportunity to show what she was capable of. There are thousands, maybe millions, of people all over the country that have benefited from this ability to leverage money in arts throughout America, in our smallest communities and our largest communities. This is something we will be proud of for generations to come.

Let us better fund the arts. Vote for the Slaughter-Dicks amendment.

Ms. SLAUGHTER. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentlewoman for yielding me this time. I have listened intently to this argument, to this debate, and to this discussion.

I represent a district that is rich in diversity, rich in pluralism, rich in people from different walks of life, different backgrounds. What this program activity does is provide for people to understand each other better, to know what is going on with other people, to know what is in their thoughts and minds and ideas. And so we are not talking about funding a program. We are talking about funding a way of life, to help keep America the diverse, understanding, pluralistic Nation that it is and that is what happens.

The Illinois Humanities Council does an outstanding job of bringing people together throughout our State. I guarantee you that my residents, the people I represent, would want us to fund this amendment. I am pleased to stand and speak in favor of it and urge its passage.

Mr. Chairman, I rise in support of the Slaughter amendment to increase funding for the National Endowment for the Arts and the National Endowment for the Humanities.

Mr. Chairman, as the country becomes more diverse and more pluralistic it is important, necessary, as a matter of fact, it is absolutely essential that we find ways to acquaint each other with cultural contributions, mores and folkways of different groups within our society and although we recognize the economic plight of our nation, we know that inordinate resources must be devoted to anti-terrorism and homeland security measures but we also know that education and the transference of understanding are necessary to maintain and grow our democracy.

Mr. Chairman, I represent an area rich in diversity and rich in understanding of the need to pay attention to not just programs; but also to a way of life, a way of life that keeps alive the American dream and a way of life that keeps music, art, culture and hope ever present in our lives.

Mr. Chairman, the Illinois Humanities Council and others like them throughout the nation do outstanding jobs of dividing and allocating these resources, they spread them around and we get the biggest bang for our bucks; therefore, Mr. Chairman, I urge my colleagues to vote in favor of this amendment, the Slaughter-Dicks amendment.

Ms. SLAUGHTER. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I rise in support of this amendment. All of the civilizations throughout history which we want our children to study and which we admire, every one of them subsidized the arts at the national level. We should do no less. If we have any respect for ourselves and respect for our place in history, we ought to have an understanding of the importance of art in the development of our culture and the expression of ourselves as a people around the world.

A gentleman recently on that side of the aisle said that there was art here in the United States prior to the National Endowment for the Arts. To an extent, that is true. But that art was limited. It was limited to the elites, to small groups of the wealthiest and best situated people. The National Endowment for the Arts and the National Endowment for the Humanities brings the humanities and the arts to people all across this country. The funding that is in this bill and that which would be increased by this amendment goes out to virtually every congressional district across America, thereby benefiting the people, in elementary schools, in secondary schools, and communities all across this Nation.

Finally, if this amendment is passed, the amount of money that it adds to this bill will still not bring us to the level of support that the arts and humanities enjoyed in 1993–1994. We need to pass this amendment. We need to express ourselves as a people in this positive way. We need to show Americans across this country that we appreciate arts, the arts and artists, and show people around the world that we are a human country and appreciate and expound this great expression of ourselves as a people.

Ms. SLAUGHTER. Mr. Chairman, I yield myself such time as I may consume to refute what was said by a previous speaker, that the NEA does not have a distribution formula. It is very important, I think, that we get this information out to the populace here. As we have said, the NEA serves every nook and cranny of the United States. Forty percent of the total budget is distributed to all of the 50 States through the State arts agencies and distributed at the State level. That is 40 percent of it. The remaining 60 is awarded from the NEA at the Federal level and the distribution formula says that no individual State can get more than 15 percent of the NEA's budget.

I wish that people could understand that because this again comes up year after year.

Mr. Chairman, I yield the balance of my time to the gentleman from Washington (Mr. DICKS).

The CHAIRMAN. The gentleman from Washington is recognized for 2¼ minutes.

Mr. DICKS. Mr. Chairman, I think this has been a very lively debate today. I want to commend all the speakers who have spoken on support for the arts and I want to even commend the positive attitude of the people who have reservations about this amendment but who also say that they strongly support the arts in our country. I have been on this subcommittee a long time, this is my 26th year. Before that, I worked on the staff of Senator Warren Magnuson, and have followed the National Endowment for the Arts almost from its inception.

The point that I want to make is that this investment has caused a tremendous explosion in private funds in support of the arts. Now we see with this newest study that this has become a $134 billion industry, providing 4.5 million jobs in this country, at a time when we are in a recession. I think this is a very prudent investment. We are increasing the funding here by $15 million, $10 million for the arts, $5 million for the humanities. It is completely offset by a very innocuous reduction in administrative expenses. If my friend from Washington finds that onerous, we will fix it in conference, okay? So just to make sure, nobody is being hurt here. This is a positive amendment that will do a lot for our country.

I was at the opening of the Museum of Glass in Tacoma, Washington, a facility constructed at the leadership of George Russell. I saw young children in the glass art center creating glass art. We have had kids in Tacoma who used to be juvenile delinquents now are leading a program in creating glass art. This is something that is important for every young person in this country. Education is enhanced by the arts and humanities.

This is a very modest amendment. It is a chance for us to say to the endowments that they have done a good job, have listened to the Congress, have adopted the reforms that the gentleman from Ohio (Mr. REGULA) and I and the gentleman from New Mexico (Mr. SKEEN) have proposed over the years to correct the problems. They are emphasizing quality. This is an administration that is also strongly committed to the arts. I think this is a small amendment but a good one. Let us approve it and let us move on.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from Washington (Mr. NETHERCUTT).

The CHAIRMAN. The gentleman from Washington is recognized for 5½ minutes.

Mr. NETHERCUTT. Mr. Chairman, I am pleased to close on this debate. It has been a good debate. I appreciate the tone from all parties who spoke very fervently about their belief in the arts and their support of the arts.

I would argue that there is not one person in the House of Representatives who does not support the arts. Period. The question is, does everyone support a $10 million increase in the National Endowment for the Arts? I think we have to make sure everybody understands that this is an issue of how much can we afford. How much can we spend on different accounts in this particular bill? I would argue, Mr. Chairman, that we have got $116 million in this bill, about a $1 million increase over last year, which last year was about an $11 million increase over the year before. I guess my thinking is, it can never be enough. If you really want to take the arguments of the proponents of this amendment to their logical extension, it will never be enough. I would argue that this is enough at this time, at this place, given the circumstances of this bill, given the circumstances of our economy and our national priorities.

Much has been made of Members saying, well, we have to treat the Federal Treasury like our family budget. I would argue to you that if you got your mortgage and you got your food and your transportation and all the other necessary accounts to run your family, that maybe you say at some point, ''Until things get a little better, I'm not going to go to the movies this weekend. In fact, I'm going to stay home and read a book.'' I think that is what we have to do with this amendment. We have to say, $116 million is enough. It is enough. And we do not need at this point to spend another $10 million just to demonstrate our commitment to the arts in this country.

Very few speakers today spoke of the direct relationship between the NEA and their love of the arts. We can love the arts, and we all do. We all appreciate the value of music and artistic expression. It is valuable. But I hasten to point out, we spend 20 percent of the $116 million on the administrative cost of the NEA. I know this amendment speaks to that, but still we are spending 20 cents, 25 cents out of every dollar spent on the NEA in administrative cost. My argument is in this amendment let us stick to the balance that has been provided by the chairman, by the ranking member, by the entire full Committee on Appropriations when we reported this bill out.

The gentleman from Washington said it is an innocuous reduction in the Department of Interior accounts. I would argue that reduction in land management for fires, for Indian Health Service, for BIA education or other accounts that this will come out of in the land management agencies for us in the West is not the right time to spend more money on arts and less money on the administration of fire suppression and other accounts that this is likely to be taken out of. So I would argue that this is not innocuous. It is not an innocuous addition. It is $10 million of addition to this account that already has $116 million.

I would just say this. We can be relatively assured, I will say almost positively assured, that the other body will want to add even more than this. I know that satisfies some Members who want more money. But if we are going to be fiscally responsible and if we are going to keep the balance in this bill and we have relatively, even most likely, the assurance that the money is going to go in in even greater amounts when we get with the other body in conference, I say hold the line.

□ 1430

On this day, at this moment, with these pressures on our economy, with these pressures on our homeland security, on our post-September 11 activity, with the recession that we are trying to come out of in this country, let us not spend money to go to the movies; let us say, let us stay home and read a book. I argue that these Department of Interior accounts that are being cut today are going to have a greater impact on reducing spending and administration of existing accounts for Members of the House of Representatives than will this particular $10 million increase affect Members in a similar manner.

So I would just say I think again, the argument has been in favor of the arts and we all favor the arts. The challenge that the proponents have to exercise is, is this NEA distribution, the money going to the Federal agency, going to have the same impact that $10 million might have in other accounts of the interior agencies that are affected by the amendment of the gentlewoman from New York and the gentleman from Washington.

I respect their commitment, let there be no mistake. I know they feel strongly about this. But I think the rest of us must feel strongly about protecting the Federal purse, protecting the integrity of the appropriations process, protecting the integrity of the challenge, the pressure that is going to be on the land management agencies as we have droughts and natural disasters and challenges to Indian health service and Indian education and all of the other accounts that are part of the interior bill.

Mr. Chairman, I would urge the defeat of the amendment.

The CHAIRMAN. All time has expired.

(By unanimous consent, Mr. NETHERCUTT was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. NETHERCUTT. Mr. Chairman, I would advise the Chair and the Members that after this series of votes, we will continue with amendments to title I under regular order. Then we will proceed to title II under regular order. Members are asked that if they have amendments to title I and the remainder of the bill, to come to the floor and submit their written amendments to the desk.

Mr. BLUMENAUER. Mr. Chairman, I come to the floor today to support this critical amendment to increase funding for the National Endowment for the Arts and the National Endowment for the Humanities.

A similar amendment passed on the House floor last year and I hope we are again able to demonstrate clear congressional support for arts and humanities funding today.

From the beginning of my political career, I have worked to increase funding for the arts and appreciation for the public value they add to our communities.

As a local county commissioner I crafted the first local government ''percent for art'' program and saw first-hand the multiplier effect it had on investment in the arts.

In Oregon, the arts and cultural industry has a tremendous economic value. The non-profit arts industry alone employs more than 28,000 people and generates $64 million annually.

Nationally, the nonprofit arts industry pumps $134 billion into our economy every year and provides a huge economic return on our small federal investment.

This industry provides 4.85 million jobs; $89.4 billion in household income; $10.5 billion in federal income tax revenues; $7.3 billion in state government tax revenues; and $6.6 billion in local government tax revenues.

The arts and humanities have more than an economic impact—they enrich our neighborhoods, our schools and our cities;

Each year, NEH grants are awarded in every U.S. state and territory, going to nonprofit cultural institutions such as museums, archives, libraries, colleges, universities, research centers, and state humanities councils; to film, television and radio producers; and to individual scholars.

Providing strong federal funding is also what the majority of the American public expects from Congress.

79 percent of Americans believe that ''there should be federal, state, and local councils for the arts to . . . provide financial assistance to worthy arts organizations.''

Unfortunately Since 1995, when funding for the NEA was reduced by 40 percent, the NEA has had to cut most grants to individual artists, funding for seasonal support, and has had to limit the scope of their focus dramatically.

Yet this is about far more than money and public opinion. The arts and humanities are what make a community vibrant, unique and lively.

Today's modest yet effective increase in the Interior Appropriations bill will help improve our federal commitment and is vital to promoting livable communities where our families are safe, healthy and more economically secure.

I urge my colleagues to support the Slaughter-Dicks-Horn-Johnson amendment to increase arts funding.

Mr. UDALL of New Mexico. Mr. Chairman, I rise this evening in support of the Slaughter-Dicks-Horn-Johnson-Morella amendment to the fiscal year 2003 Interior Appropriations bill. This amendment will give $10 million to the National Endowment for the Arts (NEA) and $5 million to the National Endowment for the Humanities (NEH).

Funding from the NEA and NEH leverage millions of dollars each year in private support for arts projects all across the country. We also know that arts education has been proven to increase skills in math, reading, language development and writing.

While New Mexico proudly proclaims itself as the State of many cultures—some call it a melting pot, others a mosaic—we all have at least one thing in common, and that is keeping together our strong connection to the history and traditions of our State through the arts. Funding through the NEA and NEH have showcased numerous Native American, Spanish, Mexican, and Anglo cultures by artists young and old.

Mr. Chairman, the NEA has approved thousands of dollars in federal funding for several arts organizations located in my Congressional District and throughout New Mexico. I would like to highlight a few of those organizations:

Santa Fe Opera—$50,000. Funding will support the American premiere of the opera L'amore de loin by Finnish composer Kaija Saariaho with libretto by French-Lebanese author Amin Maalouf. Approximately 6,000 persons are expected to attend three performances of the opera at the Santa Fe Opera Theater.

New Mexico CultureNet, Santa Fe—$30,000. Funding will support a project called InterLAC which links local arts councils throughout New Mexico via web-based services, workshops, and an annual conference.

Taos Talking Pictures—$7,500. Funding will be used to support the Taos Talking Picture Film Festival. The spring event showcases films by independent filmmakers working in all genres.

Pueblo of Zuni—$20,000. Zuni Fish and Wildlife Department. Funding will support an architectural design for an eagle aviary compound. In this second phase of the project an eagle breeding ground, visitor facilities, orchards, and landscape features will be added to the existing facility.

When it comes to private partnerships between private, state and federal funding of the arts by requiring that these grant recipients match federal monies dollar for dollar, the NEA set an outstanding example. According to the NEA, one federal dollar attracts $12 or more from state and regional arts agencies as well as corporations, businesses and individuals.

These are just a few of the many projects that funding through the NEA and NEH go to support. I'm sure that every member of this chamber could share similar project successes in their respective districts. I would like to remind my colleagues that a similar amendment passed the House on June 21, 2001 by a bipartisan margin of 221–193 in last year's Interior bill.

I urge my colleagues to support this important amendment.

Mr. SHAYS. Mr. Chairman, I rise in strong support of the Slaughter-Dicks-Horn-Johnson amendment to increase funding for the National Endowment for the Arts and the National Endowment for the Humanities.

I support this modest amendment and believe increased funding would have an enormous impact by bringing the arts to underserved communities, like our inner-cities and rural areas, and by encouraging more support for preserving and promoting our cultural heritage.

Federal funding helps symphonies, theaters, musical productions, ballet and educational programs.

I grew up in an arts family. My mom and dad, both performing actors, met in the theater. I know the arts make a significant contribution to our lives.

The arts improve the lives of many people, including children, the elderly and those on a

limited budget, who might not otherwise have the opportunity to see some very beautiful and enriching performances. And federal funding helps enable talented individuals to pursue careers in the arts.

Besides the cultural benefit, the economic impact of the arts is staggering.

I urge you to support the amendment and increase funding for the NEA and NEH.

Mr. SCHIFF. Mr. Chairman, I rise in support today for this modest bipartisan amendment offered by Representatives SLAUGHTER, DICKS, HORN, JOHNSON and MORELLA to increase funds for the National Endowment for the Arts and the National Endowment for the Humanities.

As a Member of the Congressional Arts Caucus, I value the tremendous role arts funding and arts education programs play in the lives of our citizens.

Several academic studies demonstrate the connection between music, dance, visual arts, and the development of the human brain. It is well known among researchers that arts education cultivates critical thinking skills so important in our information age economy.

Let me tell you about some of the programs in my community that received NEA and NEH funds this past year.

Artist-in-residence programs in elementary schools to encourage student and teacher involvement. A program in my district that incorporates traditional music and dance from diverse cultures to improve student relations, coordination and memory. An amateur chamber orchestra. A fellowship program at a library and museum for art instructors who will, in turn, teach our artists of tomorrow.

But this debate is not simply about the arts alone. Children who learn to read music or play an instrument show improved proficiency in math.

This increase of $15 million under the Interior Appropriations for the NEA and NEH will go to fund so many rich programs offered and so many opportunities for us all.

Last month, an economic study, Americans for the Arts, found that America's nonprofit arts industry generates $134 billion in annual economic activity. This number includes full time jobs, household income and local, state and federal tax revenue. This study includes more than $80 billion in event-related spending by audiences. This is additional clear evidence that opportunities funded through NEA and NEH continue to bring us to new levels in our economy, culture, language, music, art and life.

By supporting the arts and the humanities, the Federal Government has the ability to partner with state and local efforts to bolster the arts and educational opportunities in our communities.

Mr. FARR of California. Mr. Chairman, today we debate the level of our federal commitment to arts and humanities programs. We have an opportunity to ensure that the children who today dip their hands in pots of fingerprints and sit listening to storybooks will grow up to be active members of a creative nation, rich and beauty and ideas.

We all deserve arts and humanities.

All children and adults deserve the opportunity to learn to create, to express their ideas and their visions. They deserve the opportunity to learn history, languages, philosophy, painting, sculpture, music, and dance.

We all need arts and humanities.

Arts and humanities do more than just offer us entertainment and distraction from turmoil in our lives, they provide insight and perspective, they offer comfort and hope.

Arts and humanities give us ways to understand and find meaning in what is happening in our nation, and what has happened centuries ago. They give us ways to share that meaning with our children.

Last September, we witnessed some use their ability to destroy against our nation. We have endeavored to find ways to honor those who lost their lives in the destruction. I think one way to do so today is to support our nation's ability to create.

I proudly support the Slaughter-Dicks-Horn-Johnson-Morella amendment to increase funding for the National Endowment for the Arts and the National Endowment for the Humanities, and I ask my colleagues to do same.

Mr. NADLER. Mr. Chairman, I rise in strong support of the Slaughter, Dicks, Horn, Johnson amendment. Funding for the arts is one of the best investments our government makes. In purely economic terms, it generates a return that would make any Wall Street investor jealous. For just a fraction of one percent of the entire federal budget, the National Endowment for the Arts supports a thriving non-profit arts industry which generates more than $134 billion annually, nearly 5 million full-time jobs and returns $10.5 billion in federal taxes each year.

With grants that touch nearly every Congressional district in the country, the NEA supports educational programs that teach children valuable life-long skills; allows new and innovative art to find an audience; helps bring the arts to under-served communities; enables organizations to share their exhibitions and performances with the rest of the nation through national tours; and most important, provides crucial seed money for organizations to leverage private donations.

Yet the NEA continues to suffer from the shortsighted decision by Congress to slash its funding back in 1996, after attempting outright elimination. It has been forced to do more with less and despite consistent under-funding, it has been an efficient and productive agency. However, we should at least restore the NEA to its pre-1996 levels and we should be considering an increase over that level, not the paltry funding it has had since then. Only through increased public support can the arts continue to be so vibrant throughout the nation.

The NEH, too, is a crucial agency but without additional funding, the important work of interpreting and preserving our nation's heritage will go unrealized. The NEH is at the forefront of preserving endangered recordings of folk music, jazz and blues; bringing Shakespeare to inner-city youth; promoting research into immigrant life and culture; and helping disseminate this information into communities through technology with the Internet and CD–Rom.

The arts and humanities also provide the emotional and spiritual lift that we have all needed since September, helping us heal in profound ways. In the wake of the attacks on our nation, people flocked to theaters, music halls, and museums for a sense of community and emotional release. The arts and humanities are also a critical tool in promoting cultural understanding, something that is sorely needed in the world today.

In the wake of September 11th, I convened a discussion of the many arts organizations in lower Manhattan that had been devastated after the attacks. At that meeting, an artist named Brookie Maxwell gave a powerful testament to why additional arts funding is needed. She said, ''We need funding for the arts so we can process what happened. Art addresses the meaning between the words, and it addresses the mystery of life.''

Mr. Chairman, I can think of no better words to sum up why this amendment is so sorely needed and I urge my colleagues to adopt it.

Mrs. ROUKEMA. Mr. Chairman, I rise in support of this amendment which provides for a modest increase of funding for the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH). Mr. Speaker, this year we have spent much time and energy improving our education system with the No Child Left Behind Act. I am proud of the work we have done. Yet we cannot leave the arts behind—exposure and understanding of the arts is vital to our children's development and we must properly fund the NEA and NEH to accomplish this.

The NEA supports local communities in our states and creates many educational outreach programs which enrich the cultural world of our children. The NEH serves to advance the nation's scholarly and cultural life by providing humanities education to America's school children and college students, offers lifelong learning opportunities through a range of public programs and supports projects that encourage Americans to discover their American heritage.

The most important function of the NEA and NEH is their role in education our children. Studies continue to illustrate the positive impact that exposure to arts has on a child's development. A recent study released by the Arts Education Partnership entitled Critical Links, provides hard evidence that the arts improve critical skills in math, reading, language development, and writing. The arts nourish a child's imagination and creativity and help develop collaborative and teamwork skills.

But arts in education is not only important for student achievement. Arts have also been shown to deter delinquent behavior of at-risk youth. The U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention found that arts programs that were geared toward at-risk youth dramatically improved academic performance, reduced school truancy, and increased skills of communication, conflict resolution, completion of challenging tasks, and teamwork.

In a time when we are searching for innovative ways to combat violence in our schools, studies such as the one I just cited demonstrate the positive effects that arts education can have on behavior.

Congress affirmed the critical role of arts education when it passed the No Child Left Behind Act. This landmark education reform legislation recognizes the arts as one of the core subjects that all schools should teach. We must ensure that arts remain a part of our children's educational development. Investing in our children's future is necessary. I commend the NEA and other fine programs for their work to improve the quality of education in America.

A good deal is being said (and circulated) about what some consider the sponsorship of questionable art by the National Endowment

of the Arts. I do agree that the federal government has no business subsidizing works of ''art'' that are lewd or that depict our religious figures or symbols in an objectionable manner.

But let me remind you that Congress has taken the necessary steps to ensure that the NEA is precluded from funding such offensive projects. For example, in 1996 Congress eliminated most individual grants and prohibited the use of NEA funds for projects that depict sexual activities or denigrate religious objects. In 1990, I served as Republican leader of the subcommittee that re-wrote NEA regulations to establish a new, decency standard and outlawed NEA support for projects with controversial sexual and religious themes.

We have this debate every year. The NEA we debate about today is the reformed NEA—not the NEA of the past. The NEA of today supports good programs that use the strength of the Arts and our nation's cultural life to enhance communities in every state in the nation. However, the NEA is still being punished for its past and is still funded at levels that are significantly lower than the funding levels of a decade ago.

I urge my colleagues to support the amendment and ensure that arts remain a part of our children's educational development.

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Slaughter-Dicks amendment to provide increased funding for the National Endowment for the Arts and the National Endowment for the Humanities.

These agencies are charged with bringing the history, the beauty, the wisdom of our culture into the lives of all Americans—young and old, rich and poor, urban and rural. We in Congress have said that preserving our national heritage, and bringing the arts into the lives of more Americans, is a goal worthy of our support.

For the past two years, we have made an important investment in the NEA's Challenge America program. This program focuses on arts education and enrichment, after-school arts programs for youth, access education and enrichment, after-school arts programs for youth, access to the arts for underserved communities, and community arts development initiatives. This initiative has helped strengthen America's communities and foster new relationships between communities, state and federal agencies, and national organizations. We make sure that these vital agencies have the resources they need to continue and expand the impact of the arts.

Many years ago, I spent seven years as the chair of the Greater New Haven Arts Council back in Connecticut. I know first hand that the arts not only enrich lives, but contribute to the economic growth of the community.

Federal investment in the arts is not the only means of support for this endeavor. Rather, our dollars—which represent only a small fraction of our annual budget—are used to leverage private funding and fuel what is really an arts industry. This industry creates jobs, increases travel and tourism, and generates thousands of dollars for a state's economy.

In addition, the NEA is an important partner in bringing arts education to more American students. Arts education is critical in planting seeds of art appreciation and in cultivating the talent that may have yet to be discovered in these young minds. The Endowment, in partnership with state arts agencies, provides $37 million of annual support for Kindergarten through 12th grade arts education projects in more than 2,600 communities across the country. It also funds professional development programs for art specialists, classroom teachers, and artists.

Recent studies have shown that the arts have real value in restoring civility to our society and providing our children and communities real alternatives. Participation in arts programs helps children learn to express anger appropriately and enhance communication skills with adults and peers. Students who have benefitted from arts programs have also shown better self-esteem, an improved ability to finish tasks, less delinquent behavior, and a more positive attitude toward school. We must continue to support this effort to bring the arts and humanities into the lives of our young people.

We know that the arts build our economy, enrich our culture, and feed the minds of adults and children alike. The NEA and NEH need this increase to fulfill their missions, and it's time we gave them this support. Vote for this amendment. Preserve our heritage and make it accessible to all.

Mr. CASTLE. Mr. Chairman, I rise today in support of the Slaughter-Dicks-Horn-Johnson-Morella Amendment to increase funding for the National Endowment for the Arts and the National Endowment for Humanities. The arts and humanities are important both socially and economically to our Nation as a whole.

Studies have shown students benefit from exposure to both the arts and humanities. They gain not only a better cultural appreciation but are able to translate their positive experiences into skills that are essential for their academic future and their future in the American workforce.

Arts and humanities funding are increasingly allocated to state agencies for grant programs that reach out to underprivileged and smaller suburban and rural areas that do not have the benefits of big city art programs. In correlation, seventy-nine percent of businesses believe it is important to have an active cultural community in the locale in which they operate. Businesses in Delaware work hand-in-hand with the arts and humanities communities. This partnership makes my State a stronger community than it otherwise would be.

I have witnessed in Delaware firsthand how rewarding arts and humanities programs can be to our Nation's youth. For example, the Possum Point Players in Georgetown, Delaware, is funded through the NEA's Challenge American Program. This organization provides positive alternatives for youth in Sussex County high schools through the creation of theater programs for rural and low-income students. Many of these students would not have the opportunity to participate in such programs without the Challenged American Program. These students have better chance to increase their SAT scores, develop increased self-confidence, and are more likely to create multiple solutions to problems and work collaboratively with one another.

Furthermore, the Delaware Humanities Forum, through NEH funding, has played an essential role in bringing humanities to all corners of the state with programs available or schools, businesses, and other community groups. Each year the Humanities Forum presents an annual living history event bringing education and entertainment together. Past events have centered around the Old West and the Gilded Age in American History.

It is important for us to remember, the collective benefits gained by not only our districts but also by the Nation as a whole and that is why I rise today in strong support of increased funding for the NEA and the NEH.

Mr. GILMAN. I rise in support of the Slaughter-Dicks-Horn-Johnson-Morella amendment which calls for increases of $10 million for the National Endowment for the Arts and $5 million for the National Endowment for the Humanities.

Throughout the last 30 years our Nation has been enriched by the Arts. Sophocles wrote: ''Whoever neglects the arts when he is young has lost the past and is dead to the future.'' When Congress supports and appropriates Federal funding for the NEA and the NEH, our Nation's commitment to the future and the freedom of expression if reinforced and reinvigorated.

The NEA and NEH create programming that cultivates and fosters achievement in the arts throughout our Nation. If this funding is not allocated to these important endowments, the freedom of expression enjoyed by every citizen will be jeopardized and inhibited. Progress in the Arts will be imperiled.

We all take pride in America's contributions in the Arts; however, it is important and essential that we secure the promise of future achievements. In addition to applauding our American spirits, and observing that an energetic life contributes to a strong democracy, we must take action to make the arts a priority. This is what is necessary to maintain and improve upon past standards. As integral as the Arts have been to our American heritage, the younger generations must make a sustained effort to support and aid in maintaining this essential facet of our culture and society.

If we reduce funding for the Arts, our Nation would be the first among cultured nations to remove the Arts as a priority. In my role as Chairman Emeritus of the International Relations Committee, I recognize the importance of the Arts on an international level, as they help foster a common appreciation of history and culture that are so essential to our humanity. If we do not meet the needs of the NEA, we would be erasing part of our civilization and breaking possible bonds to others.

Moreover, I understand the importance of the Arts on our Nation's children. Whether it is music or drama or dance, children are drawn to the Arts. Many after school programs provide children with an opportunity to express themselves in a positive environment, removed from the temptations of drugs and violence. Empowering children with pride and passion, they are better able to make good choices and avoid following the crowd down dark paths. However, many children are not able to enjoy the feeling of pride that comes with performing or creating because their school are cutting arts programming or not offering it altogether. We need to ensure that this does not continue to happen. Increasing children's access to the Arts only benefits our Nation and its future.

It is our responsibility to ensure that our children have access to the Arts. Accordingly, I strongly support increased funding for the NEA and NEH. I urge my colleagues to oppose any amendments which seek to decrease NEA funding, and to support the Slaughter-Dicks-Horn-Johnson-Morella amendment.

Mr. DINGELL. Mr. Chairman, I rise today in support of increased funding for the National Endowment for the Arts (NEA) and National Endowment for the Humanities (NEH). Public investment in arts and humanities benefits society in countless ways, including enhancing individual creativity, increasing skills in math, reading, language development and writing, and expanding global relationships and understanding.

President Bush has recommended FY 2003 funding for NEA and NEH at $116 million and $126 million, respectively. It is important to note that NEA's amount is $46 million below its 1995 level. However, the payoff from even this meager public investment is still enormous. In addition to the aforementioned benefits of public funding for arts and humanities, a recent study found that arts groups generate at least $134 billion in economic activity each year, 4.85 million full-time equivalent jobs, $89.4 billion in household income, and $24.4 billion in government taxes. Although NEA and NEH are the sole source off arts funding in some communities, in others, grants from NEA and NEH leverage millions of dollars each year in private support for arts projects.

Last year in Michigan's 16th District alone, NEA awarded two grants totaling $40,000. One of the grants was awarded to the Sphinx Competition in Dearborn, Michigan, an outstanding program that gives young, primarily African American and Latino students, the opportunity to improve their craft, and perform with their peers and professional musicians. I can think of few programs that are more deserving of NEA funding, or that have been as effective in expanding access to classical music opportunities for minority students. Last year, NEH funding was awarded to 13 organizations in my district, mostly to elementary schools which brought live cultural presentations to the students. These programs consisted of a wide diversity of cultural programs from school assembly musical performances to library storytellers. Without these funds, many of these students would not have had the opportunity to be exposed to these culturally enriching activities.

Currently, Americans pay about the cost of a postage stamp to fund these two important programs. Given the important and measurable benefits of exposure to arts and cultural activities, Congress must step up and increase public funding for NEA and NEH.

Ms. HARMAN. Mr. Chairman, I rise today in strong support of the Amendment to the Interior Appropriations bill to increase funding for the Endowment of the Arts and the National Endowment of the Humanities.

Increased funding for NEA and NEH is essential to the Government's role in ensuring the beauty and diversity of the arts are accessible to all our citizens. The arts help children to develop fundamental skills and provide the opportunity for students to excel in academic and social areas. More specifically, the effects of early arts exposure can help to increase a child's motivation to learn about all subjects.

In Venice, CA, which I represent, the Los Angeles Theatre Works stands as an example of what NEA funding can accomplish. The LA Theatre Works not only produces plays but also takes an active role in the Venice community to bring the arts to children in need. Their ''Arts and Children'' program provides hands-on workshops to at-risk youth, encouraging them to develop their talents and channel their energies into the arts.

It is through the funding from NEA and NEH that organizations such as the Los Angeles Theatre Works are able to reach out into communities and touch the lives of children and, in turn, the lives of the rest of us.

Mr. Speaker, I encourage my colleagues to vote for this amendment to ensure that the NEA and NEH continue to provide enrichment to citizens across the country.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today to voice my strong support for this amendment to the FY03 Interior Appropriations bill (H.R. 5093), which would reaffirm our commitment to enriching the education of our children. The Slaughter-Dicks-Horn-Johnson amendment would increase funding for the National Endowment for the Humanities by $5 million and the National Endowment for the Arts by $10 million. These small increases in funding will have a tremendous impact on the quality of education for all children.

As a member of the Congressional Arts Caucus and a former teacher, I understand the importance of the arts and humanities in our education system. More than two-thirds of our Nation's K–12 curriculum is dedicated to the humanities. As the largest supporter of the humanities in the country, the Federal Government, through the NEH, provides access to high-quality educational programs and resources through grants to non-profit cultural institutions such as museums, universities, and State humanities councils. These grants strengthen teaching, facilitate research, and provide opportunities for lifelong learning. It is incumbent upon the Federal Government to maintain its commitment to the humanities if we are to maintain a high level of excellence in our public schools.

The arts create an environment of creativity, expression, and success for children. The NEA nurtures the growth and artistic excellence of thousands of arts organizations all over the country by making the performing, visual, literary, media and folk arts available to millions of Americans. Programs, such as the Arts Learning grants, support projects for children and youth, in school and outside the regular school day and year, in pre-K through grade 12 and in youth arts areas. This project, which partners public education and nonprofit arts organizations, helps to contribute to the incredible economic success of the arts industry. The nonprofit arts industry generates $36.8 billion annually in economic activity and supports 1.3 million jobs.

In my district, the Connecticut's Commission on the Arts uses NEA funding to support its Higher Order Thinking (HOT) Schools Program. The HOT Schools Program is designed to transform entire school communities. The arts, especially writing, play a central role in this change process. School culture focuses on student needs and celebrates each child's accomplishments by sharing them with the larger school community. The program began in 1994 with only six schools and has grown to include over twenty-four schools from across Connecticut involving over 5,000 students and 500 educators.

In recent years, funding for the NEA and the NEH has been slashed—leaving many arts and cultural programs scrambling for funding. For example, in my state of Connecticut, Federal grants dropped from $10 million in 1994 to an average of only $3 million. Such reductions serve as an impediment to accessing and unearthing the country's rich cultural and educational infrastructure. The modest increases proposed in this amendment would help to close the gap created by revenue shortfalls in many states.

The Slaughter-Dicks-Horn-Johnson amendment will serve to only improve the NEA and the NEH. With additional funding, we will be able to preserve programs already in place like the HOT Schools Program, and build upon their successes to create new programs, which will enhance the education of more children.

The NEA and the NEH are integral to our children's educational development. The NEA and the NEH have already suffered from cuts and reductions over the years. It is time to reinvest in these extremely successful agencies and provide America's children with a complete cultural and artistic education. Therefore, I urge my colleagues to join me in voting in favor of this amendment.

Mr. UDALL of Colorado. Mr. Chairman, I rise today in support of the Slaughter-Dicks-Horn-Johnson Amendment to the Department of Interior Appropriations bill to increase funding for the National Endowment for the Arts and National Endowment for the Humanities by fifteen million dollars.

The value of supporting the arts is widely accepted. Art provides a venue for expression and understanding of human thought and emotion. Educators have argued that there are many educational benefits to students enrolled in the arts. Some institutions looking to bridge the gap of understanding between different cultures use art as a universal means of communicating concerns and developing understanding.

The National Endowment for the Arts and National Endowment for the Humanities consistently work to give artists across the country the opportunity to participate in the arts. In fact, forty percent of the money allocated to the national endowment is transferred directly to states so that they are able to fund local programs. In Colorado, money from the National Endowment of the Arts is used to fund the Arts and Education Learning Network which teaches arts organizations how to work with schools, and the Online Poetry Project to help schools address poetry related questions on standardized CSAP exams. The bulk of funding requested in the amendment will go to the Challenge America Program that works to start arts and humanities programs in communities that have yet to receive funding from the Endowment.

Along with the immeasurable value of the contribution of the arts and the humanities as an expression of our culture and of the individual, the arts have proven to have a quantifiable value as well. A study recently conducted by an economist at the University of Georgia of ninety-one communities nationwide showed that communities that spend money on the arts, make money from the arts.

One of the communities in the study was Boulder, CO. It was calculated that just over nineteen million dollars in spending by the nonprofit arts industry in Boulder generated over thirteen million dollars in revenue and income for Boulder businesses, residents and local government, and supported five hundred and ninety-four full time jobs. The arts and humanities bring money and jobs to communities in today's difficult economic environment.

This amendment would allocate necessary funding to a grossly underfunded national arts

program. Support of the amendment is necessary so that arts can continue to bring all of the benefits that come from encouraging and supporting development of the arts.

Ms. PELOSI. Mr. Chairman, today's vote by the House to increase funding for the NEA and NEH is a victory of imagination over ideology.

In recent years, we have worried a great deal about the digital divide—a lack of access to technology that could limit opportunity for lower-income Americans. We should be equally concerned about a creativity crisis.

Studies have proven that arts education is not just a frill tacked on to the vital work of learning reading, writing and arithmetic. Art education increases skills in all of these subjects, as well as in language development and writing and spatial reasoning.

Grants from the National Endowments for the Arts and the Humanities leverage millions of dollars each year in private support for arts projects. In many communities, they are the sole source of arts funding.

This amendment would provide an additional $10 million for the NEA's ''Challenge America'' initiative, which is specifically designed to provide access to the arts for underserved communities. According to the Georgia Institute of Technology, the arts industry generations millions of jobs and $134 billion in economic activity every year.

The amendment also provides $5 million for the NEH—the nation's largest source of support for research and scholarship in the humanities.

I want to make it very clear that this amendment is not an increase in funding, but an attempt to recoup some of the cuts that NEA faced in 1995 when its budget was slashed by 40 percent. There is strong, bipartisan consensus now that those cuts were felt too deeply by some of our most vulnerable young people.

Exposure to the arts through the NEA helps children build confidence in their class work, honors their creativity, and unleashes the power of their imagination. The poet, Shelley, once wrote that the greatest force for moral good is imagination. With the challenges that we face today, we need all the imagination we can muster.

Mrs. MINK of Hawaii. Mr. Chairman, I rise to support the amendment offered by Congresswoman SLAUGHTER to increase funding for the National Endowment for the Humanities by $5 million and for the National Endowment for the Arts' Challenge America Initiative by $10 million.

The National Endowment for the Humanities (NEH) provides grants to every state and territory in the United States to support programs in our museums, libraries, colleges, research centers, and state humanities councils, and to support the work of individual scholars. I have been extremely impressed by the products of the grants awarded in my State, particularly support for Hawaii History Day and National History Day.

NEH grants help to bring the humanities to Americans throughout our nation. NEH grants are also used to improve teaching, support research and scholarship, preserve our nation's historical and cultural heritage through conservation of precious documents and artifacts, and provide access to the humanities through public programs.

The Challenge America Initiative of the National Endowment for the Arts is specifically designed to provide underserved communities with access to the arts. The Initiative supports arts education, youth-at-risk programs, cultural heritage preservation, and community arts partnerships.

Student involvement in the arts has been proven to increase skills in mathematics, reading, language development, and writing. And students who play certain musical instruments demonstrate enhanced development of spatial reasoning skills. The arts have also shown success in improving outcomes for at-risk youth.

Grants from NEH and NEA leverage millions of dollars in private support for the arts and humanities. America's nonprofit arts industry generates some $134 billion in economic activity each year, including 4.85 million full-time equivalent jobs, $89.4 billion in household income, $6.6 billion in local government tax revenues, $7.3 billion in state government tax revenues, and $10.5 billion in federal income tax revenues.

These valuable programs help to promote the arts, humanities, and education in our communities. The relatively small investments made by the federal government in these programs greatly enrich the lives of all Americans.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Slaughter-Dicks Amendment, to make important increases to the NEA and NEH.

Before I continue, I must relay my hesitation to use the term ''increase'' when referring to the modest funding this amendment would provide. After all, the NEA and NEH have yet to fully recover from the more than 40 percent cut they suffered in 1995.

We know that the arts are crucial to the development of our culture and our economy, and beneficial to all our citizens. In fact, a recent study showed that the nonprofit arts industry generates $134 billion in economic activity and $24 billion in tax revenue in the U.S. annually. The arts are especially important to New York.

As a former member of the National Council on the Arts, I have seen first-hand the grant selection process, and I applaud the NEA for successfully increasing all Americans' access to the arts, through programs such as ''Challenge America.'' It is vital that we continue to fully support these extraordinary programs.

We must recognize, however, that last year's funding increase was not the conclusion of a struggle, but rather, a first step toward funding the arts and humanities at levels appropriate to them. A $10 million increase to the NEA budget would not only support magnificent artistic work, but would also generate federal revenue and foster local economic activity. Let's use this opportunity to get back to providing a level of resources to the NEA and the NEH of which we can all be proud.

My colleagues, I urge you to support the Slaughter-Dicks amendment.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in support of the amendment to the Interior Appropriations bill offered by my colleagues, Representatives SLAUGHTER and DICKS, to increase funding for the National Endowment for the Arts by $10 million and the National Endowment for the Humanities by $5 million. There is no question that education about the arts and humanities not only creates well-rounded human beings, but more responsible citizens who contribute to the richness of our cultural heritage.

For many years, under the wise guidance and leadership of my predecessor, Congressman Sydney Yates, Congress understood the cultural and economic importance of federal funding for arts. Yates almost single-handedly protected the arts, and was awarded for his tireless efforts by President Clinton in 1993 with the Presidential Citizens Medal.

Unfortuantely, NEA funding was cut by more than 40 percent in 1995 and, for the most part, has yet to recover, despite overwhelming evidence that the arts contribute greatly to our society and culture. A recent study released by the Arts Education Partnership provides hard evidence that exposure to the arts improves students' critical skills in math, reading, language development, and writing. Furthermore, other studies suggest that for certain populations, including students from economically disadvantaged circumstances, students needing remedial instruction, and younger children, arts education is especially helpful in boosting learning and achievement.

The humanities play an equally valuable role in the education of children and adults. In particular, state humanities councils, which receive NEH funding, have been working for nearly 30 years to educate citizens about our history and culture and stimulate dialogue about contemporary issues of concern. Collaborating with libraries, museums, religious institutions, schools, senior centers, historical societies, and community centers, state humanities councils have served as the single most reliable source of local support for programs that educate citizens for civic life, thereby strengthening the fabric of our democracy.

My district in Illinois greatly benefits from NEA and NEH funding. In 2001, the 9th Congressional District received over $180,000 from NEA through a wide variety of grants. That same year, Illinois received $4.6 million in NEH funding, making Illinois the fourth largest recipient of NEH funds in the country. My constituents reap the benefits of this.

If we are to preserve these programs, and other similar programs all over the country, it is critical that we provide adequate funding for the NEA and NEH. I strongly support increasing the NEA and NEH funding levels by a total of $15 million, and urge my colleagues to support the amendment to do so.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, this 15-minute vote on the Slaughter amendment will be followed by 5-minute votes, if ordered, on the Rahall and Hayworth amendments, in turn.

The vote was taken by electronic device, and there were—ayes 234, noes 192, not voting 8, as follows:

[Roll No. 310]

AYES—234

Abercrombie	Andrews	Baldacci
Ackerman	Baca	Baldwin
Allen	Baird	Ballenger

Barrett
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blumenauer
Boehlert
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank
Frelinghuysen
Frost
Gephardt
Gilman
Gonzalez
Gordon
Graham
Green (TX)
Greenwood
Grucci
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (MI)
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walsh
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—192

Aderholt
Akin
Armey
Bachus
Baker
Barcia
Barr
Bartlett
Barton
Bass
Bilirakis
Blunt
Boehner
Bonilla
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Emerson
Everett
Flake
Fletcher
Foley
Forbes
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McInnis
McIntyre
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Myrick
Nethercutt
Ney
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Riley
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Blagojevich
Bonior
Ehrlich
Kaptur
Mascara
McHugh
Nadler
Traficant

□ 1456

Messrs. SULLIVAN, CALVERT, COX, and PICKERING changed their vote from ''aye'' to ''no.''

Mr. ROTHMAN and Mr. PAYNE changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

PARLIAMENTARY INQUIRY

Mr. DICKS. Mr. Chairman, point of order.

The CHAIRMAN. The gentleman from Washington will state his point of order.

Mr. DICKS. Mr. Chairman, is this the Rahall amendment coming up?

The CHAIRMAN. The Chair would tell the gentleman that it is, yes.

AMENDMENT OFFERED BY MR. RAHALL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia (Mr. RAHALL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 281, noes 144, not voting 9, as follows:

[Roll No. 311]

AYES—281

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett
Bartlett
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bishop
Blumenauer
Blunt
Boehlert
Bono
Boozman
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Calvert
Camp
Capito
Capps
Capuano
Carson (IN)
Carson (OK)
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Coyne
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank
Frost
Gallegly
Gephardt
Gibbons
Gonzalez
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Honda
Hooley
Houghton
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Napolitano
Neal
Ney
Norwood
Nussle
Oberstar
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pombo
Pomeroy
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Rehberg
Reyes
Rivers
Rodriguez
Rogers (MI)
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Scott
Serrano
Sessions
Shaw
Sherman
Shows
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stump
Stupak
Tanner

Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walden
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weller
Wexler
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)

NOES—144

Aderholt
Akin
Armey
Bachus
Ballenger
Barr
Barton
Bass
Biggert
Bilirakis
Boehner
Bonilla
Boyd
Brady (TX)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Cannon
Cantor
Cardin
Castle
Chabot
Coble
Combest
Cox
Cramer
Crenshaw
Culberson
Davis (FL)
DeLay
DeMint
Dicks
Doolittle
Dunn
Ehlers
Emerson
Everett
Flake
Fletcher
Forbes
Frelinghuysen
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Herger
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Isakson
Jackson (IL)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
Kingston
Kirk
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Northup
Obey
Ose
Pence
Peterson (PA)
Pitts
Platts
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Reynolds
Riley
Roemer
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ryun (KS)
Sabo
Schaffer
Schrock
Sensenbrenner
Shadegg
Shays
Sherwood
Shimkus
Shuster
Skeen
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sununu
Sweeney
Tancredo
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—9

Blagojevich
Bonior
Ehrlich
Holt
Kaptur
Mascara
McHugh
Nadler
Traficant

□ 1505

Mr. ROGERS of Michigan changed his vote from ''no'' to ''aye''.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. KNOLLENBERG. Mr. Chairman, on roll-call No. 311, I inadvertently voted "aye." I meant to vote "no".

AMENDMENT NO. 11 OFFERED BY MR. HAYWORTH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 273, noes 151, not voting 10, as follows:

[Roll No. 312]

AYES—273

Abercrombie
Ackerman
Allen
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bishop
Blumenauer
Boehlert
Boehner
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Buyer
Callahan
Calvert
Camp
Capito
Capps
Capuano
Carson (IN)
Carson (OK)
Chabot
Clay
Clayton
Clyburn
Coble
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Engel
English
Etheridge
Evans
Farr
Fattah
Filner
Flake
Foley
Ford
Fossella
Frank
Frost
Gallegly
Gekas
Gephardt
Gillmor
Gilman
Gonzalez
Graves
Green (TX)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hostettler
Houghton
Hoyer
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Knollenberg
Kolbe
Lampson
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Moore
Morella
Murtha
Napolitano
Neal
Nethercutt
Ney
Oberstar
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pombo
Pomeroy
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Rogers (KY)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sessions
Sherman
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Walden
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weller
Whitfield
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—151

Aderholt
Akin
Andrews
Armey
Barr
Barton
Bass
Biggert
Bilirakis
Blunt
Bonilla
Boozman
Boucher
Bryant
Burton
Cannon
Cantor
Cardin
Castle
Chambliss
Clement
Collins
Combest
Cox
Crenshaw
Davis (FL)
Davis, Jo Ann
Davis, Tom
DeLauro
DeLay
DeMint
Doolittle
Ehlers
Emerson
Eshoo
Everett
Ferguson
Fletcher
Forbes
Frelinghuysen
Ganske
Gibbons
Gilchrest
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (WI)
Hall (OH)
Hansen
Hart
Hayes
Hefley
Herger
Hobson
Hoekstra
Horn
Hulshof
Hunter
Hyde
Istook
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kleczka
Kucinich
LaFalce
LaHood
Langevin
Latham
Leach
Lewis (KY)
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
McCrery
McInnis
Miller, Dan
Miller, Jeff
Mollohan
Moran (KS)
Moran (VA)
Myrick
Northup
Norwood
Nussle
Obey
Osborne
Ose
Pence
Petri
Phelps
Pickering
Pitts
Platts
Portman
Pryce (OH)
Putnam
Regula
Riley
Roemer
Rogers (MI)
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Tancredo
Thomas
Thornberry
Tiberi
Toomey
Upton
Visclosky
Vitter
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wilson (SC)
Wolf

NOT VOTING—10

Bachus
Blagojevich
Bonior
Ehrlich
Jones (OH)
Kaptur
Mascara
McHugh
Nadler
Traficant

□ 1514

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1515

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

Mr. Chairman, at this point, we will proceed under regular order with title I. Following that, we will turn to title II under regular order. I ask that Members who have amendments to the remainder of the bill bring them to the floor and file them at the desk if they have not done so already.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the Chair of the subcommittee and with the ranking member about an inequity that I believe must be addressed.

In 1985, Congress passed PL 99–239, the Compact of Free Association with the Republic of the Marshall Islands and the Federated States of Micronesia.

Under the terms of the compact, the United States gained critical strategic access and exclusive military privileges in these Freely Associated States, referred to as Micronesia. In return, the Compact Nations received financial assistance and their citizens received the right to freely migrate to the United States for purposes of education, employment, and residence.

In recognition of the likely impact of this national policy, Congress authorized appropriations to cover the costs that may be incurred by the State of Hawaii, the territories of Guam, Samoa and the Commonwealth of the Northern Marianas.

In the 16 years between 1986 and 2001, Hawaii has incurred about $100 million in expenses in education and social services for the compact migrants. Despite the intent of Congress, Hawaii has not received any appropriations until last year, when we finally received $4 million. We spend approximately $17 million on compact migrants each year.

My colleague from Hawaii is here and is certainly in support of this request, and both of us sent a letter to the committee requesting an appropriation of $10 million to be included in this bill. We know that the situation is very tight and the needs are many, and therefore, the amount of money that we requested was not included.

Our economy is suffering. It had been even before September 11, but certainly after September 11 the situation has been very tight. So the fact that we were able to reserve the request until last year should not penalize the fact that the law entitles us to come under consideration for reimbursement for the funds.

I would like to ask the chairman to consider Hawaii's case to support the appropriations that we have requested and to reimburse Hawaii at least part of the $100 million that we have spent thus far in this national defense program.

Mr. WAMP. Mr. Chairman, will the gentlewoman yield?

Mrs. MINK of Hawaii. I yield to the gentleman from Tennessee.

Mr. WAMP. Mr. Chairman, I thank the gentlewoman for yielding. We thank the gentlewoman from Hawaii and recognize the many years she has worked to obtain this funding. We promise, the subcommittee, to give the gentlewoman's request full consideration during our conference with the Senate.

We also point out that the tiny territories of Guam and Northern Marianas have a very similar financial impact from the compacts, and they have far less ability to cover these expenses. In 2001, Guam had about $20 million in expenses, Hawaii about $17 million, and the Commonwealth of Northern Marianas about $9 million.

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

Mrs. MINK of Hawaii. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I know that this is a major concern in Hawaii, and I want to work with the gentlewoman on this issue and will work with our friends in the other body to seek a solution. I appreciate the gentlewoman bringing this to our attention.

Mrs. MINK of Hawaii. Mr. Chairman, I thank the ranking member.

I yield the remainder of my time to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, I want to thank the gentleman from Washington (Mr. DICKS) and the gentleman from Tennessee (Mr. WAMP) for their replies in this colloquy and thank the gentlewoman from Hawaii (Mrs. MINK) for pointing this out.

Mr. Chairman, I would hope that Members would note we are approaching the membership for consideration under something that should actually be taken up, in my judgment, in the Department of Defense and should be included in that budget. Nonetheless, we are here today under the present rules asking merely for the compensation that is due us under the treaty obligation of the United States.

It is not fair to ask a State of the Union to undertake expenditures that are engendered as a result of the actions of the United States of America, nor is it fair to ask any of the territories or the Commonwealth of Marianas to assume the same costs. This is particularly true when the three entities are suffering from the decline in tourism dollars and revenue that has come in. The fact that we have borne this burden for this time should not give rise to any consideration or thought that this has been something that is equitable.

So I would hope that the membership would understand, as we conclude our deliberations on the bill, that this is an amount of money that is but a minuscule portion of that which is due Guam, American Samoa, the Marianas and the State of Hawaii.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $252,000,000 to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management including treatments of pests, pathogens and invasive or noxious plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $279,828,000, to remain available until expended, as authorized by law, of which $60,000,000 is for the Forest Legacy Program, to be derived from the land and water conservation fund; $36,235,000 is for the Urban and Community Forestry Program, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific acquisition of lands or interests in lands to be undertaken with such funds: *Provided further*, That each forest legacy grant shall be for a specific project: *Provided further*, That a grant shall not be released to a State unless the Secretary determines that the State has demonstrated that 25 percent of the total value of the project is comprised of a non-Federal cost share.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,370,567,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): *Provided*, That unobligated balances available at the start of fiscal year 2003 shall be displayed by budget line item in the fiscal year 2004 budget justification: *Provided further*, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands.

AMENDMENT NO. 12 OFFERED BY MR. HOEFFEL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. HOEFFEL:

Under the heading ''NATIONAL FOREST SERVICE'', insert after the dollar amount on page 76, line 13, the following: ''(reduced by $5,000,000)(increased by $5,000,000)''.

Mr. HOEFFEL. Mr. Chairman, this amendment would add $5 million to the grazing management account of the forest service from the general account of the forest service.

Mr. Chairman, the bill before us would allow the forest service to automatically renew expiring livestock grazing permits without completing the required environmental assessments. I think that this blanket waiver proposed under the terms of the bill is, from a policy point of view, a bad idea; but I understand the practical reasons for doing this waiver, for proposing this waiver.

The problem is the forest service does not have the resources to do all of the environmental assessments that it should do when it renews livestock grazing permits. Everybody agrees that abuse of grazing can be bad for the land. It can jeopardize endangered species. It can pollute streams and lakes, and it can lead to soil erosion; and everybody understands the environmental assessments are a positive step to working cooperatively with the ranching community and with the environmental community through the

good offices of the forest service to protect the land, to allow it to be used appropriately for grazing, which is a necessary activity in the West, necessary for the economic stability of the West.

In our efforts to be good stewards of the land, the forest service needs the resources to conduct these environmental reviews, and they have at the forest service a huge backlog.

In 1995 in the rescissions act, Congress allowed them to waive these environmental assessments, but they were supposed to follow a self-determined schedule for trying to do those assessments as best they could. By their own acknowledgment, they are 55 percent behind even their own schedule of assessments.

The system is not working. I think a blanket waiver alone is not the right answer, nor is it the right answer to oppose the waiver because such a block of the waiver might also have unintended consequences, bad for the ranching community and not helpful to environmental protection.

So I want to thank the gentleman from New Mexico (Mr. SKEEN), the chairman, and the gentleman from Washington (Mr. DICKS), the ranking member, for already recognizing this problem. The underlying bill would add $6 million to the grazing management account in the forest service.

My amendment would add an additional $5 million to the grazing management account. It would help the forest service complete these assessments; and I have received a commitment only verbally, I am afraid, not in writing, from the forest service that it will use these additional funds, the funds that the committee has already earmarked and the additional funds represented by this amendment, to catch up on the backlog of environmental assessments that go back to 1999 all the way through 2002 and to work to do as many environmental assessments in 2003 as they possibly can.

The more money we give them, the better job they can do. I thank the Chair and his staff and the ranking member and his staff for coming together for this good idea in this cooperative way, and I hope we can agree to do the proper oversight of the forest service to make sure that they live up to their commitments to do the very best job with these environmental assessments as possible.

Mr. UDALL of New Mexico. Mr. Chairman, will the gentleman yield?

Mr. HOEFFEL. I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Chairman, just a brief comment on this. I have spoken with the gentleman from Pennsylvania (Mr. HOEFFEL); and first of all, I want to congratulate him on his leadership and his looking out for forest service lands. I know that he cares a lot about these lands and has worked on them and worked on these issues; and I think that the $5 million additional in these accounts is really going to make a difference in terms of moving us along.

It is a win-win situation for both of us, and so I look forward to supporting the amendment and urge all of my colleagues to do so; and I thank the gentleman from Washington (Mr. DICKS) and the gentleman from New Mexico (Mr. SKEEN) for working with the gentleman from Pennsylvania (Mr. HOEFFEL) on this and for their leadership.

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

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

Mr. DICKS. Mr. Chairman, I want to just commend the gentleman on his creative work here. This is an important issue. I think the way he has handled it will produce a real result, and we can help the gentleman if the forest service does not keep its word. The gentleman needs to make sure he lets us know. We will be following it, too.

Mr. HOEFFEL. Mr. Chairman, I thank the gentleman very much for his kind words and for his support and his staff's support on this important amendment.

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

Mr. HOEFFEL. I yield to the gentleman from Tennessee.

Mr. WAMP. Mr. Chairman, we are prepared to accept the gentleman's amendment. We commend his work. As he knows, the chairman of our subcommittee is very committed to the ranchers and wants the grazing plans to get updated more quickly himself. This is why our committee mark did have the $5 million increase for grazing plans. We are willing to increase this further in order to see that proper environmental clearances get done and that ranchers are not harmed.

We commend all of the partners in a bipartisan way for doing what is right.

Mr. HOEFFEL. Mr. Chairman, I thank the ranking member, and I thank the gentleman who spoke for their comments. I ask for support for the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. HOEFFEL).

The amendment was agreed to.

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

Earlier under section 1, I had planned to offer an amendment to the appropriations bill to increase by $5 million compact impact aid for Guam. I commend the progress of the committee on this particular issue, which is a very important issue to the people of Guam, in order to make sure that there is adequate compensation for migration from the Freely Associated States, mostly from the Federated States of Micronesia to Guam.

□ 1530

I am pleased to note that today's bill is a big step in the right direction, as it includes a $1 million increase above the President's budget, a proposal of $4.58 million in Compact Impact Aid, bringing Guam's total amount to $5.58 million. This amount still does not reach last year's final amount, and my amendment would have increased Compact Impact Aid by $5 million.

Even the GAO recognizes that the actual impact to Guam is over $12 million. The Government of Guam thinks it is a little bit closer to $19 million. But in any event, it is clear that the Compact Impact assistance that Guam is receiving under this Interior appropriations bill is clearly inadequate.

It is particularly critical at this time because Guam has just undergone the impact of two storms, Chata'an and Ha Long. As we speak today, power and water have been out on Guam for nearly 3 weeks. So we were hoping that if we could get some recognition of this fact, that we would use the proposed increase in Compact Impact assistance to ready the schools, which will be opening next month, and also to ensure that the hospitals be open.

I know that there has been an effort here on the part of both the majority and the minority to recognize that there is a need for some increased funds for Guam.

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

Mr. UNDERWOOD. I yield to the gentleman from Tennessee.

Mr. WAMP. Mr. Chairman, clearly this is another issue we plan to take up in conference and we will give the gentleman and his constituents the highest consideration in the conference. We appreciate his raising this issue yet again today on the floor, and I am sure we will do all we can within our power to address this satisfactorily.

Mr. UNDERWOOD. Reclaiming my time, Mr. Chairman, I thank the gentleman for his assurance on that, and I thank also the chairman, the gentleman from New Mexico (Mr. SKEEN), for his understanding of this issue during the course of his work.

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

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

Mr. DICKS. Mr. Chairman, we certainly appreciate the gentleman's leadership, and we are very sympathetic to the problems that the gentleman is facing in Guam. We know the gentleman has done a terrific job in representing his area, and we will do everything we can to help him as the process moves forward.

Mr. UNDERWOOD. Mr. Chairman, once again reclaiming my time, I thank the gentleman from Washington very much.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. FOSSELLA) assumed the Chair.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence

of the House is requested, a bill of the House of the following title:

H.R. 3763. An act to protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws, and for other purposes.

The message also announced that the Senate insist upon its amendment to the bill (H.R. 3763) ''An Act to protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SARBANES, Mr. DODD, Mr. JOHNSON, Mr. REED, Mr. LEAHY, Mr. GRAMM, Mr. SHELBY, Mr. BENNETT, and Mr. ENZI to be the conferees on the part of the Senate.

The SPEAKER pro tempore. The committee will resume its sitting.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuel reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,513,449,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2002 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided further*, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for the Joint Fire Science Program: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazard reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, $640,000,000 is for preparedness, $420,699,000 is for wildfire suppression operations, $228,109,000 is for hazardous fuel treatment, $63,000,000 is for rehabilitation and restoration, $20,376,000 is for capital improvement and maintenance of fire facilities, $27,265,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $58,000,000 is for state fire assistance, $8,500,000 is for volunteer fire assistance, $27,000,000 is for forest health activities on State, private, and Federal lands, and $12,500,000 is for economic action programs: *Provided further*, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', ''Forest and Rangeland Research'', and ''Capital Improvement and Maintenance'' accounts to fund state fire assistance, volunteer fire assistance, and forest health management, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management, trails and facilities maintenance and restoration: *Provided further*, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105–163: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged businesses: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further*, That in expending the funds provided with respect to this Act for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries applicable to hazardous fuel reduction activities under the wildland fire management accounts: *Provided further*, That notwithstanding Federal Government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized under this heading on and adjacent to Federal lands using grants and cooperative agreements: *Provided further*, That notwithstanding Federal Government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to local private, nonprofit, or cooperative entities; Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups; small or micro-businesses; or other entities that will hire or train a significant percentage of local people to complete such contracts: *Provided further*, That the authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated: *Provided further*, That the Secretary of Agriculture may transfer or reimburse funds, not to exceed $7,000,000, to the United States Fish and Wildlife Service of the Department of the Interior, or the National Marine Fisheries Service of the Department of Commerce, for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference as required by section 7 of such Act in connection with wildland fire management activities in fiscal years 2002 and 2003: *Provided further*, That the amount of the transfer of reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing in connection with wildland fire management activities affecting National Forest System lands.

AMENDMENT NO. 16 OFFERED BY MR. TANCREDO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. TANCREDO:

Page 77, line 8, after the dollar amount insert ''(increased by $43,000,000''.

Page 78, line 8, after the second dollar amount insert ''(increased by $8,000,000)''.

Page 78, line 9, after the dollar amount insert ''(increased by $35,000,000)''.

Page 114, line 7, after the dollar amount insert ''(decreased by $50,000,000)''.

Mr. TANCREDO. Mr. Chairman, I rise today to offer an amendment that I hope will help those of us among the body who feel a terrible mistake was made in an earlier amendment that actually increased funding for the National Endowment for the Arts. My amendment reduces funding for the National Endowment for the Arts by $50 million and redirects the money into the budget for the U.S. Forest Service.

We all know and certainly have had a lot of discussion about the devastating impact the fires have had on the American West, with hundreds of thousands of acres in Arizona, Nevada, Oregon, and my home State of Colorado reduced to charcoal by wildfire. In many of these States, the fire season is only now underway. According to the Forest Service, an additional 73 million acres remain at risk to catastrophic fire. To put it in perspective, 73 million acres is an area slightly larger than the State of Arizona.

While this amendment only reduces its budget, few programs seem more worthy of outright elimination than the National Endowment for the Arts. First created in 1965, the NEA has been one of the most controversial government programs on the books, almost since its inception. The most notorious aspects of the NEA have been talked about for many years, and I will not go into them today.

Instead of squandering nearly $100 million on questionable and offensive exhibits, we should utilize these funds in a way that better serve the public interest. In a lean budget year like this one, we ought to not squander limited resources on subsidizing the arts. Instead, I believe we should use these funds to increase the government's ability to help control and prevent wildfires in the American West.

My amendment would do just that by redirecting the portion of the NEA budget to the U.S. Forest Service Wildland Fire Management Plan, splitting the dollars between fire suppression efforts and hazardous fuels reduction programs.

Mr. Chairman, President Theodore Roosevelt's then agricultural secretary James Wilson wrote a letter where he said, ''And where conflicting interests must be reconciled, the question should always be decided from the standpoint of the greatest good for the greatest number over the long run.'' I ask my colleagues to let Mr. WILSON's words guide them in their actions today when making a decision on this amendment. Which program will do the greatest good for the greatest number.

Mr. WAMP. Mr. Chairman, I rise in opposition to the gentleman's amendment on behalf of the committee.

This agreement that we have on NEA is long-standing, it is bipartisan, it is very delicate, and conservatives and liberals and moderates have come together on this in the past. Obviously, the amendment that just passed increasing NEA funding makes this amendment somewhat problematic for some on this side.

I have to also say, as a member of the subcommittee for 6 years, we have seen tremendous improvement. Under Bill Ivey's leadership, the NEA is much more accountable, much more responsive, and much more efficient. I know he is no longer there, but it is a much-improved organization. The funding levels have been agreed to.

This bill is a careful balance. On virtually every item in the bill we have had to work through a compromise so that we could report the bill out with comity and cooperation for the good of the country. This agreement, at approximately $100 million for the NEA, is a carefully crafted bill. This amendment cuts that in half, which obviously would create the inability to ever pass this bill, to ever conference this bill with the Senate, to ever finally arrive at an agreement here.

So we respectfully oppose the amendment and ask the entire body to vote against the amendment.

Mr. DICKS. Mr. Chairman, I move to strike the last word, and I rise in very willing opposition to this amendment.

This amendment is not about adding money to anything, it is about cutting the minimal funding which is currently in this bill for the arts. In light of the vote just taken by the House of Representatives, in which 234 Members voted for the arts, I think it is also very untimely.

This amendment would cut the NEA below the $116 million requested by President Bush and recommended by the Republican leadership of the committee. The $116 million provided in this bill for the National Endowment for the Arts is only 1 percent above last year. It is $46 million below the level approved in 1994 for the agency.

The gentleman's arguments against NEA are outdated and do not reflect the many reforms implemented by the Congress and former NEA chairman Bill Ivey, and the new chairman, Eileen Mason, to address public concerns about controversial arts projects supported by public funds.

Anyone who knows about the arts realizes that there will always be controversy. These include broader distribution of funds throughout the United States, elimination of general operating support for organizations with no control on content, and prohibitions on regranting of NEA funds to other organizations. Today, funds at NEA flow to over 300 congressional districts with great enthusiasm and very little complaint, and with an emphasis on quality.

Essentially, the same item was offered last year on the Interior bill by the gentleman from Florida (Mr. STEARNS). It failed on a vote of 145 to 264. I hope an even larger number of Members will vote ''no'' on this amendment and finally declare an end to the culture wars which started 8 years ago in this House. It is over.

Let me also say that the gentleman from Washington was the author of an amendment to increase the firefighting funds available to this administration in a supplemental attached to this bill by $700 million with $200 million for the BLM and $500 million for the Forest Service. Obviously, we recognize the need to deal with forest fires.

I would say that those who were voting yesterday to kill the cut of the BLM funding are the same people who should be looked at in terms of their commitment to having adequate funding at the BLM in order to do the firefighting.

This amendment is bad, it is wrong, it is unnecessary, and I think we should voice vote it and move along.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

The Clerk will read.

The Clerk read as follows:

For an additional amount for ''Wildland Fire Management'', for fiscal year 2002 in addition to the amounts made available by Public Law 107–63 $500,000,000, remain available until December 31, 2002, for the cost of fire suppression activities carried out by the Forest Service and other Federal agencies related to the 2002 fire season, including reimbursement of funds borrowed from other Department of Agriculture programs to fight such fires: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $572,731,000, to remain available until expended for construction, reconstruction, maintenance, and acquisition of buildings and other facilities, and for construction, reconstruction, repair, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205, of which, $64,866,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided further*, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $146,336,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-

ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,542,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 113 passenger motor vehicles, of which 10 will be used primarily for law enforcement purposes and of which 113 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed seven for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned and all funds under the heading ''Wildland Fire Management'' are obligated.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,500,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $300,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the ''National Forest System'' and ''Capital Improvement and Maintenance'' accounts and planned to be allocated to activities under the ''Jobs in the Woods'' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

For fiscal years 2003 through 2007, the Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: *Provided*, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: *Provided further*, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed $750,000.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $50,000,000 shall not be available until October 1, 2003: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of

mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $664,205,000, to remain available until expended, of which $11,000,000 is for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; and for acquisition of lands, and interests therein, in proximity to the National Energy Technology Laboratory, and of which $150,000,000 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded demonstrations of commercial scale technologies to reduce the barriers to continued and expanded coal use: *Provided*, That no project may be selected for which sufficient funding is not available to provide for the total project: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in prior appropriations: *Provided further*, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department, including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further*, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further*, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $20,831,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2003 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $984,653,000, to remain available until expended: *Provided*, That $300,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $250,000,000 for weatherization assistance grants and $50,000,000 for State energy conservation grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,487,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $175,856,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

For the acquisition and transportation of petroleum and for other necessary expenses pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $7,000,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, $8,000,000 to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $80,611,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,508,756,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $15,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That $468,130,000 for contract medical care shall remain available for obligation until September 30, 2004: *Provided further*, That of the funds provided, up to $25,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for 1-year contracts and grants which are to be performed in 2 fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2004: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $270,734,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2003, of which not to exceed $2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further*, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $391,865,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to continue a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: *Provided further*, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: *Provided further*, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: *Provided further*, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: *Provided further*, That notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94–437, as amended), construction contracts authorized under title I of the Indian Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than grants to fund small ambulatory facility construction projects: *Provided further*, That if a contract is used, the IHS is authorized to improve municipal, private, or tribal lands, and that at no time, during construction or after completion of the project will the Federal Government have any rights or title to any real or personal property acquired as a part of the contract: *Provided further*, That notwithstanding any other provision of law or regulation, for purposes of acquiring sites for a new clinic and staff quarters in St. Paul Island, Alaska, the Secretary of Health and Human Services may accept land donated by the Tanadgusix Corporation.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

Funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $14,491,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $5,130,000, of which $1,000,000 shall remain available until expended for construction of the Library Technology Center.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $450,760,000, of which not to exceed $41,884,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, security improvements, and the repatriation of skeletal remains program shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research

Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further*, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further*, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

From unobligated balances of prior year appropriations $14,100,000 is rescinded.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of maintenance, repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including necessary personnel, including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $81,300,000, to remain available until expended, of which $16,750,000 is provided for maintenance, repair, rehabilitation and alteration of facilities at the National Zoological Park: *Provided*, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, including necessary personnel, $10,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation, of staff or redirection of functions and programs without approval by the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $78,219,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $16,230,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $16,310,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $17,600,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $8,488,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $99,489,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $109,932,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

CHALLENGE AMERICA ARTS FUND

CHALLENGE AMERICA GRANTS

For necessary expenses as authorized by Public Law 89–209, as amended, $17,000,000 for support for arts education and public outreach activities, to be administered by the National Endowment for the Arts, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in aggregate this amount does not exceed 5 percent of the sums appropriated for grant making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,255,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADMINISTRATIVE PROVISION

None of the funds appropriated in this or any other Act, except funds appropriated to the Office of Management and Budget, shall be available to study the alteration or transfer of the National Capital Arts and Cultural Affairs program.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $3,667,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40

U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $7,553,000: *Provided*, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $38,663,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $21,327,000 shall be available to the Presidio Trust, to remain available until expended.

Mr. WAMP (during the reading). 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 Tennessee?

There was no objection.

The CHAIRMAN. Are there further amendments to title II?

AMENDMENT NO. 8 OFFERED BY MR. SANDERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. SANDERS: Page 95, line 14, insert ''(reduced by $3,000,000) (increased by $3,000,000)'' after ''$984,653,000''.

Mr. SANDERS. Mr. Chairman, this tripartisan amendment is being cosponsored by the gentleman from Iowa (Mr. LEACH), the gentleman from Colorado (Mr. MARK UDALL), the gentleman from New York (Mr. GILMAN), the gentleman from Wisconsin (Mr. KIND), and the gentlewoman from Wisconsin (Ms. BALDWIN). To the best of my knowledge, it has been agreed to by the majority, and I thank them very much for that.

The legislative intent of this amendment is to increase funding for the highly successful Energy Star program by $3 million, bringing the total funding for this program up to the President's request of $6.2 million. This increase in funding will be offset by a $3 million reduction in salaries and expenses at the Department of Energy that I hope will be restored in conference.

Mr. Chairman, the Energy Star program has a cost-effective proven track record of saving energy and saving money. In fact, for every dollar spent on program costs, the Energy Star program produces average energy bill savings of $75 and sparks $15 in investment and new technology. This voluntary partnership program helps businesses, State and local governments, homeowners, and consumers save money by investing in energy efficiency.

The bottom line is that if this amendment is passed, we will increase energy efficiency, save consumers money, protect the environment and enhance our energy security.

According to the Alliance to Save Energy, in 2001 alone, Americans, with the help of Energy Star, saved $5 billion on their energy bills, reduced carbon dioxide emissions by the equivalent of taking 10 million cars off the road, and prevented 140,000 tons of nitrogen oxide emissions.

To date, more than 55,000 Energy Star homes have been built, locking in financial savings for homeowners of more than $15 million every single year.

□ 1545

Through the Energy Star Building Program, more than $25 billion kilowatt hours of energy have been saved. However, as successful as the Energy Star program has been, much more could be accomplished with increased funding. For example, it is estimated that if all consumers chose only Energy Star-labeled products over the next decade or so, the Nation's energy bill would be reduced by about $100 billion while avoiding 300 million metric tons of greenhouse gas emissions.

If all commercial building owners took advantage of the Energy Star program, they could achieve another $130 billion in energy savings and reduce 350 million metric tons of carbon dioxide emissions over the next 10 years.

Mr. Chairman, rising energy costs and consumer demands make today's investments in energy efficiency ever more vital to America's energy security.

Mr. Chairman, I thank the gentleman from New Mexico (Mr. SKEEN) and the gentleman from Tennessee (Mr. WAMP) for accepting this amendment. I think it is an excellent amendment, and we appreciate their support as well as the support of the gentleman from Washington (Mr. DICKS) and the minority.

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

Mr. SANDERS. I yield to the gentleman from Tennessee.

Mr. WAMP. Mr. Chairman, on behalf of the subcommittee, we have no objection to this amendment and we commend the gentleman from Vermont (Mr. SANDERS) for offering it.

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

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

Mr. DICKS. Mr. Chairman, I also commend the gentleman from Vermont. This is a very good amendment. The gentleman every year has had a constructive addition to this bill, and we compliment him for that.

Mr. UDALL of Colorado. Mr. Chairman, I rise in strong support of this amendment that would increase funding by $3 million for the Energy Star program, bringing it to the level of the President's request.

Energy Star is a voluntary partnership program that helps businesses, state and local governments, homeowners, and consumers save money by investing in energy efficiency in homes, businesses, buildings, and products.

For every federal dollar spent on program costs, the Energy Star program produces average energy bill savings of $75 and sparks $15 in investment in new technology.

Recognizing this impressive track record, the Bush Administration called for Energy Star's expansion in last year's National Energy Policy report, and this year requested a higher level of funding for the program. Sixty of my colleagues in the House indicated their endorsement of the President's request by signing a letter I circulated this year in support of increased Energy Star funding.

Through programs like Energy Star, we can reduce pollution, promote economic growth by stimulating investment in new technology, help reduce dependence on imported oil, and help ensure the reliability of our electric system by reducing peak demand. An investment in Energy Star today means greater energy security tomorrow.

The President's FY03 request for increased funding for Energy Star recognized that this program could accomplish more with increased funding. It is estimated that if all consumers chose only Energy Star-labeled products over the next decade or so, the nation's energy bill would be reduced by about $100 billion while avoiding 380 million metric tons of carbon-equivalent in greenhouse gas emissions.

These are real benefits that make the Energy Star program worthy of funding at the level of the President's request. I urge support for this amendment.

Mr. BOEHLERT. Mr. Chairman, I rise in support of the amendment by the gentleman from Vermont to restore $3 million requested by the Administration for the Department of Energy's Energy Star program. I do so with at least a measure of reluctance because I understand the Appropriations Committee leadership's frustration with the current administration of program and the agency's inability to meet deadlines.

As the Chairman of the House Committee on Science and someone committed to the cause of energy conservation and energy efficiency, I am a strong supporter of the goals of the Energy Star program. The program helps identify products that are the most energy efficient products currently available in the marketplace—thereby assisting consumers in reducing their energy costs, encouraging manufacturers to develop more energy efficient products and helping the nation to reduce our dependence on foreign oil. However, I can attest that timeliness has been a serious problem for DOE's Energy Star program—at least in the development of new standards for energy efficient windows.

It is my understanding that several manufacturers, not just one as some have alleged, are ready to go forward with new window products that could help cut energy losses through improved design. These designs meet mandatory codes already in effect in several states. Despite widespread support for the standards, DOE's has been working on this issue for 18 months. The agency has proposed new standards on two occasions, issued a delay to the

effective date once and now has withdrawn the proposal entirely pending further analysis.

Therefore, I understand the committee's frustration with the program as evidenced by their reduction of the amount requested. I am concerned, however, that the reduction below the requested amount could only further delay these important rules. I appreciate the committee's sensitivity to the window issue and their willingness to provide additional funding for window related research, research that should be used to expedite the decision-making on the proposed new standards and not to delay action further. However, I believe the Energy Star program funds are needed to ensure the fastest possible action.

Accordingly, I urge a yes vote on the amendment to restore the program to the level recommended by the Administration.

Mr. ISRAEL. Mr. Speaker, as a freshman Member of the House Financial Services Committee, I'm still new enough to hope that both sides of the aisle truly want to accomplish meaningful corporate reform. But I'm not naive.

A few months ago, in the wake of Enron, many of us on the Committee offered amendments to the majority's corporate governance reform. We offered an amendment to stop the conflicts between analysts and investment bankers. The majority defeated it. We offered an amendment to ensure independence of auditors. The majority diluted it. We offered amendments to achieve true structural reform and end corporate thievery. The majority delayed it.

And now, in the bottom of the ninth with two outs and two strikes, suddenly the majority has seen the light and felt the heat of an expansive population of angry Americans who are watching their retirements dissipate.

The President has asked us to get a bill on his desk—while members of his Administration deal with a daily barrage of reports on their own conduct as the corporate leaders of Haliburton, Harkin, Enron and others.

Tonight we have a choice. We can continue to allow the majority to defeat, dilute and delay true protections of Main Street investors and retirees. Or we can draw the line with the Sarbanes bill that puts people ahead of politics.

The CHAIRMAN. Is there further debate on the amendment?

If not, the question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2002.

SEC. 307. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2003, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, and 107–63 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2002 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 309. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 310. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 311. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Amounts deposited during fiscal year 2002 in the roads and trails fund provided for in the 14th paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 315. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 316. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western redcedar: *Provided*, That sales which are deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western redcedar may be advertised upon receipt of a written request by a prospective, informed bidder, who has the opportunity to review the Forest Service's cruise and harvest cost estimate for that timber. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2002, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2002, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 317. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency;

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 318. Prior to October 1, 2003, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 319. Until September 30, 2004, the authority of the Secretary of Agriculture to enter into a cooperative agreement under the first section of Public Law 94–148 (16 U.S.C. 565a–1) for a purpose described in such section includes the authority to use that legal instrument when the principal purpose of the resulting relationship is to the mutually significant benefit of the Forest Service and the other party or parties to the agreement, including nonprofit entities.

SEC. 320. No funds provided in this Act may be expended to conduct preleasing, leasing, and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 321. Section 347(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277 as amended, is amended by striking ''2004'' and inserting ''2005''. The authority to enter into stewardship and end result contracts provided to the Forest Service in accordance with section 347 of title III of section 101(e) of division A of Public Law 105–277 is hereby expanded to authorize the Forest Service to enter into an additional 12 contracts subject to the same terms and conditions as provided in that section.

SEC. 322. TECHNICAL CORRECTION RELATED TO CABIN USER FEES.—Section 608(b)(2) of the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6207(b)(2); Public Law 106–291) is amended by striking ''value influences'' and inserting in lieu thereof ''criteria'' and striking ''section 606(b)(3)'' and inserting in lieu thereof ''section 606(b)(2)''.

SEC. 323. EXTENSION OF FOREST SERVICE CONVEYANCES PILOT PROGRAM.—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107–63) is amended—

(1) in subsection (b), by striking ''10'' and inserting ''20''; and

(2) in subsection (d), by striking ''2005'' and inserting ''2006''.

SEC. 324. A grazing permit or lease issued by the Secretary of the Interior or the Secretary of Agriculture where National Forest System lands are involved that expires (or is transferred or waived) during fiscal year 2003 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), or if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior or the Secretary of Agriculture completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended, or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture. Any Federal lands included within the boundary of Lake Roosevelt National Recreation Area, as designated by the Secretary of the Interior on April 5, 1990 (Lake Roosevelt Cooperative Management Agreement), that

were utilized as of March 31, 1997, for grazing purposes pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands as of March 31, 1997, shall be entitled to renew said permit under such terms and conditions as the Secretary may prescribe, for the lifetime of the permittee or 20 years, whichever is less.

SEC. 325. Notwithstanding any other provision of law or regulation, employees of foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall qualify for General Services Administration contract airfare rates and Federal Government hotel accommodation rates when such employees are traveling on official foundation business.

SEC. 326. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2003, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 327. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 328. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are fighting fires. The Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country. When an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country. Neither the sending country nor any organization associated with the firefighter shall be subject to any action whatsoever pertaining to or arising out of fighting fires.

SEC. 329. PROHIBITION OF OIL AND GAS DRILLING IN THE FINGER LAKES NATIONAL FOREST, NEW YORK.—None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2003.

Mr. WAMP (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 135, line 13, 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 Tennessee?

There was no objection.

AMENDMENT NO. 2 OFFERED BY MRS. CAPPS

Mrs. CAPPS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of amendment No. 2 is as follows:

Amendment No. 2 offered by Mrs. CAPPS:

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

SEC. ____. None of the funds provided in this Act may be expended by the Department of the Interior to approve any exploration plan, any development and production plan, any application for permit to drill or to permit any drilling on Outer Continental Shelf Southern California Planning Area leases numbered OCS–P0443, OCS–P0445, OCS–P0446, OCS–P0449, OCS–P0499, OCS–P0500, OCS–P0210, OCS–P0527, OCS–P0460, OCS–P0464, OCS–P0409, OCS–P0396, OCS–P0397, OCS–P0402, OCS–P0403, OCS–P0408, OCS–P0414, OCS–P0319, OCS–P0320, OCS–P0322, OCS–P0323–A, OCS–P0426, OCS–P0427, OCS–P0432, OCS–P0435, OCS–P0452, OCS–P0453, OCS–P0425, OCS–P0430, OCS–P0431, OCS–P0433, OCS–P0434, OCS–P0415, OCS–P0416, OCS–P0421, and OCS–P0422.

Mrs. CAPPS. Mr. Chairman, I am offering this amendment with the gentleman from West Virginia (Mr. RAHALL) and the gentleman from California (Mr. GEORGE MILLER). It is time to take action to permanently end the threat of new oil drilling off the central coast of California. Californians oppose new drilling. We have plenty of oil platforms already, and even the oil companies themselves want a resolution to our mess.

Passage of this amendment would be a major step toward terminating the leases that threaten the central coast's environment and economy. Specifically, our amendment would prohibit the Department of Interior from spending any funds during this funding cycle to permit new drilling activities on the 36 undeveloped oil and gas leases off California's coast. We hope this will spur negotiations between the administration, the oil company lease holders, and the State of California about terminating these leases.

Mr. Chairman, there is precedent for this approach. Settlements to remove leases from Alaska and North Carolina occurred after congressional action to prevent new leasing and the development of existing leases. Last year the House passed a historic amendment similar to what we are offering here today. The Davis amendment halted the sale of Lease 181 off Florida's coast. It passed by a wide bipartisan margin, with 70 of my Republican colleagues voting in favor of it. Following up on this action, the administration reached an agreement with Florida to purchase drilling leases in Lease 181 area and other coastal areas and the Everglades. These actions have been widely acclaimed throughout Florida. I fully supported this bold step to protect their environment and economy.

The President cited local opposition to new drilling as a prime reason for the decision. Which left Californians asking, What about us? According to Department of Interior Secretary Norton, ''A major difference between Florida and California is that Florida opposes coastal drilling and California does not.''

As the U.S. Representative for Santa Barbara and San Luis Obispo counties, and a nearly 40-year resident of the central coast, I was dumbfounded by this assertion. The Santa Barbara News Press editorialized about what it called Secretary Norton's jaw-dropping remarks asking, ''What alternative universe is Ms. Norton living in?''

Mr. Chairman, I lived in Santa Barbara in 1969 when a huge blowout on Union Oil's platform A put 4 million gallons of oil into our sea. It killed thousands of sea birds, and I will show one. Sea birds like this one, seals, dolphins, fish and other sea life; and it damaged a huge swath of our beautiful coast.

It galvanized central coast residents, indeed virtually the whole State, against more offshore oil drilling. While we were outraged by the environmental damage, we knew another blowout would wreak havoc on our tourism, fishing, and recreation industries, all critical components of our local economy.

As the newspaper noted, ''This catastrophe helped spark an environmental movement that has spread far beyond Santa Barbara.'' Since that time, at least two dozen city and county governments have passed anti-oil measures. In 1994, Republican Governor Pete Wilson signed into a law a permanent ban on new offshore leasing in State waters.

In 1999, the State Assembly adopted a resolution requesting the Federal Government enact a permanent ban on drilling off California's coast. Even the Federal Government has demonstrated its sensitivity to Californians' opposition to new drilling.

In 1990, President George H.W. Bush placed a 10-year moratorium on new leasing in Federal waters off California, later renewed and extended by President Clinton. We have asked for the administration, the leaseholders, and the State of California to work with us to terminate the leases off California's coast.

It is time to end the long-standing controversy surrounding the 36 undeveloped leases. Californians have spoken loud and clear. We do not want more drilling. The Federal Government should respect our wishes.

California's coastline is a priceless treasure. It is home to everything from blue whales to otters, and it is home to two of our national marine sanctuaries and the Channel Islands National Park. This map shows where the park fits and where these leases are right in between. More oil drilling is just not worth the risk to this environmentally and economically valuable area.

I urge support for the Capps-Rahall-Miller amendment to demonstrate the House's commitment to protecting the environment and the economy of both coastlines, the Atlantic and the Pacific.

Mr. WAMP. Mr. Chairman, I ask unanimous consent that all debate on

this amendment and all amendments thereto be limited to 30 minutes equally divided.

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

There was no objection.

The CHAIRMAN. The gentlewoman from California (Mrs. CAPPS) and the gentleman from Tennessee (Mr. WAMP) each will control 15 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. WAMP).

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

Mr. Chairman, I very reluctantly rise on behalf of the subcommittee to oppose the gentlewoman's amendment. She is a class act in every sense of the term, and such a wonderful person, and serves her State and district with such distinction, and certainly her motives are pure here in trying to take care of the environment in the great Pacific region of our country. Certainly there is a need there.

However, there is no reason for this funding limitation in this bill when there are no development plans approved by the Department of Interior for this year. Both the State of California and the leaseholders are currently litigating this issue. Some Members today will likely point to the actions that Congress took last year with respect to the leases off the coast of Florida, but the facts are very different and there has not been offshore oil and gas development off the coast of Florida.

We know there has been a significant amount of development off the coast of California. As a matter of fact, Federal leases have produced more than a billion barrels of oil, and State leases have produced more than 2.5 billion barrels of oil.

I am the co-chairman of the House Renewable Energy Efficiency Caucus and have worked with the gentlewoman there on a variety of new technologies and alternative energy sources. And clearly with respect to energy and the environment, we need to do that. I advocate that greatly. However, we cannot reduce the amount of energy production that our country has today without dramatically impacting our freedom in this country.

In order to maintain our society as we know it, we are going to have to maintain a certain amount of domestic production, and this obviously would cut into that domestic production. Energy issues have dominated recent debate, especially as both price and supply of energy fuels have been in the headlines. This amendment would actually send the wrong message right now to the markets. It would potentially drive up costs at a time when we are experiencing economic pains; and clearly, we are going to have to look at both reducing the demand and increasing the supply.

That is what the President's comprehensive energy proposal is all about. That bill is in conference today between the Senate and the House. We need a conference report on the energy bill, but we better not tie our hands behind our backs through this amendment and actions like this amendment because we have to be able to produce a certain amount of oil in this country in order to not be so reliant on foreign sources and ultimately have the proverbial gun to our head from OPEC, Iraq and other nations.

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Therefore, the subcommittee respectfully, very respectfully, opposes the gentlewoman's amendment.

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

Mrs. CAPPS. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from West Virginia (Mr. RAHALL), the ranking member of the Committee on Resources and the coauthor of this amendment.

Mr. RAHALL. Mr. Chairman, I thank the gentlewoman from California for yielding me this time, and I certainly want to commend her for her excellent leadership on this issue, an issue that is dear and near to her State and to her people. She has been a true fighter on this most important matter.

Mr. Chairman, many of us concerned with the impacts of Federal oil and gas leasing sought to overlook the politics of the issue when President Bush, as a favor to his brother Jeb, recently announced the buyback of certain oil and gas leases in Florida. These were highly controversial leases and their development threatened parts of Florida's coastline and efforts to restore the Everglades. Moreover, there have been similar settlements in the past, although they were prompted by congressional action in the case of OCS leases off the coast of North Carolina and in Bristol Bay, Alaska.

So initially we sought to overlook the fact that the President's brother was up for reelection as Governor of Florida and that the buyback of these leases would help his candidacy as well as the President's own fortunes in the State of Florida. And we sought to ignore it as well because the buyback was the right thing to do.

I would say to my colleagues that we were not allowed to overlook the politics for too long. I say this because the Governor of California also asked for the same consideration for 36 highly controversial OCS leases off the coast of that State. These are undeveloped leases, several of which are over 3 decades old. Yet the Secretary of the Interior, Gale Norton, denied that request. She stated, and it is quoted here in this editorial, ''A major difference between Florida and California is that Florida opposes coastal drilling and California does not.'' As this editorial states, ''What alternative universe is Ms. Norton living in?'' Even a person of my generation, born and raised in the southern coal fields of Beckley, West Virginia, knows that the very genesis of the campaign to limit offshore oil and gas drilling was in that State of California.

We are offering this amendment today to say thank you, President Bush, for what you did in Florida. Thank you very much, Mr. President. But the interests of all Americans should compel you to do the same thing in the State of California. There are resources at stake here that have national significance. The OCS oil and gas leases in question are adjacent to the Channel Islands National Park which encompasses 250,000 acres over five islands. The park is of international significance, having been designated a Biosphere Reserve by the United Nations in 1976. Further, this area is also part of a national marine sanctuary. Clearly oil and gas development is not compatible with these national preservation designations.

This amendment is premised on seeking equity for all parties involved, for the people of southern California who want to protect their shoreline and their economy; equity for the American people as a whole who have a vested interest in the integrity of units of the national park system such as the Channel Islands; and equity for the holders of 36 OCS leases themselves who are left holding the bag with these stranded investments in some cases for 3 decades now.

In my view, in conclusion, Mr. Chairman, it is time to come to grips with this controversy, to own up to the fact that these 36 leases will probably never be developed, and to work out a sensible solution. I urge the House to adopt the pending amendment.

Mr. WAMP. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Pennsylvania (Mr. PETERSON), a member of the subcommittee.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I find this amendment interesting. These 36 leases are suspended. They are not active. This language only deals with 1 year, if my information is correct, so it says no money in this budget could be spent. From my understanding of the oil and gas business—and I come from where it started in Pennsylvania, I live 5 miles from the first oil well—is that really this legislation is of no value, or is somewhat meaningless, because you could not facilitate in 12 months what it would take to get these leases active, and so it prohibits activity for the next 12 months.

But I would like to speak a moment on the bigger issue. Coming from an oil patch, I want to share with you what nature does. The hills in Pennsylvania where oil was first discovered, and we did not know much about production, they had gushers, it comes spurting out of the ground. There are pictures of a place that is now called Oil Creek State Park where there was nothing growing. Every tree was dead. Every blade of grass was dead. The streams were polluted. The hills were washing away every time you would get a rainstorm. Today, that is a mature oak forest. It is a State park. It is beautiful.

The springs are clean. The streams are natural habitat for brook trout, as good as it gets. It was totally destroyed 100 and some years ago when oil was discovered, but nature has healed it.

Back then, we did not know how to produce oil. But I find it troubling every time we get an oil or gas vote on this floor, we vote to lock it up. We had the President's set-asides with his areas. We had a vote last year on the Great Lakes where you now do slant drilling and you do not drill into the lake but you drill under the lake. We buy oil and gas from Canada that comes out from under the Great Lakes but we prohibit Great Lakes drilling in the States. Much of the coastline is locked up. Last year we locked up some more of the Gulf. Much of the Midwest is locked up. I guess the question I ask is, is it more important to lock up oil and gas drilling around this country when we have safe, modern methods that do not cause environmental degradation? You look at the record in recent years of oil and gas drilling in this country, and it is pretty good, because we have the skill to do it. For a country as dependent on energy as us and that energy comes from countries like Iraq and Iran, does it make sense to continue, every time we have a vote on oil and gas, to lock it up? I find it interesting that one of the debaters for this amendment supports mountaintop mining, certainly with greater environmental degradation than drilling an oil and gas well, punching a little hole in the ground.

I think we as a body need to be more thoughtful. Where do we go with energy? We know it needs to be more renewable. We know we need to be better conserving. But in the interim, until we have something to replace oil, we need oil for this country. Every time we have a spike in oil and gas prices, and we had one in 2000 and 2001, this economy pays. We lost millions of jobs in this country with a spike in energy prices just a year and a half ago. Yet we continue on a course, with supposedly good environmental stewardship, of locking it up, resources that we can extract today with good sound science, and I think it is a debate we better think seriously about. These leases could not be developed in the next 12 months if we wanted to, yet that is what this amendment does. It says we lock it up for 12 more months because no money can be spent. It is an amendment to raise another vote against oil and gas development, something this country is dependent on for its absolute economic future. I think it is something we need to be very thoughtful about.

Mrs. CAPPS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentlewoman for yielding me this time. I rise in strong support of this amendment. It is very important to this Nation, and let me point out why.

First of all, there is a big myth going on that we need this oil and gas off the California coastline. These leases have been out there since 1968 and the oil companies did nothing with them. They did not drill on these leases. They have sat on them. They have been exempt from all the moratoriums and now they want to continue these leases. Why, we think? What has changed since 1968? What has changed is that California has invested in alternative energy. No other State has developed more alternatives. No other State has more geothermal, wind, biomass, hydro, nuclear, natural gas. In energy conservation, we have done more than any other State to make our State not dependent on one source of energy but independent by developing all kinds of alternatives.

We want our State coastline back. Why? Because a majority of Californians live on that coastline. It is the most productive, prosperous, enjoyed, visited, photographed, painted, lived-in coastline in the United States. The people that come there to photograph it, enjoy it and swim in that ocean are your constituents. They do not want to come to visit offshore oil rigs. They want to enjoy the pristine California coast.

So, Mr. President, do for California what you did for your brother in Florida. Buy back the leases.

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

Mrs. CAPPS. Mr. Chairman, I am very pleased to yield 3 minutes to the gentleman from Washington (Mr. DICKS), the ranking member of the Subcommittee on Interior.

Mr. DICKS. Mr. Chairman, I want to commend the gentlewoman for her outstanding amendment. We have had similar problems in the State of Washington. We passed numerous amendments to deal with that problem and, of course, the issue now is that of equity between California and Florida.

In May of this year, President George Bush reached agreement with Governor Jeb Bush to buy back a series of oil leases which had been awarded many years ago, but which were under a moratorium from development as a result of public opposition to drilling near the Florida coastline. This agreement, which we support, will cost $235 million. I would note, however, that the National Environmental Trust has described the deal as a $235 million campaign contribution to the incumbent Governor of Florida.

California is faced with very similar circumstances but has so far received no similar accommodation from the Federal Government. There are currently 36 Outer Continental Shelf leases off the California coast which the Governor of California does not want to develop because of threats to the beach and coastline. They have taken the Federal Government to court as did the State of Florida. But a court case could take many, many years due to the uncertainty with regard to the Federal Government's position on drilling in California waters.

The amendment offered by the gentlewoman from California and others would send a clear signal that the Federal Government will not permit drilling. This action, while effective for 1 year only, would push both the State and the Department of the Interior to reach a settlement so that the people of California will know that these areas remain free of risk from drilling and potential environmental damage.

The amendment should be agreed to.

Mr. WAMP. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ROHRABACHER) who is the past chairman of the Subcommittee on Energy and Environment of the Committee on Science and the current chairman of the Subcommittee on Space and Aeronautics.

Mr. ROHRABACHER. Mr. Chairman, sometimes it is very perplexing to be a Member of Congress to note the way this body sometimes will simply go with the trends, what is trendy, especially when it comes to issues of science and energy. I am perplexed as much as I ever have been about this particular issue. I, as most of you know and as many people in the public may know, am an avid surfer. I am in the ocean water every weekend. Less than 4 days ago, I was out surfing. I am also a scuba diver. I am someone who loves the ocean. We have had offshore oil drilling in my district for almost 50 years and there has never been not only not a major problem but not even a significant problem with any type of spillage or any other type of threat to our environment. What did happen during that time period, however, was a major spill, and guess where it came from? A tanker. Yes, a tanker that was delivering oil. Let us also remember the Exxon Valdez was headed toward southern California. If it would have had its accident down there, we would still be cleaning up that mess. The tanker accident off of my district was when a tanker inadvertently ran over its own anchor, spilling a huge amount of oil onto our coastline.

What we hear being suggested today by people claiming to be concerned about the environment and the ocean is to make our coastline perhaps 10, perhaps a hundred times more likely to suffer from an oil spill because every drop of oil that we do not get from these offshore oil rigs will come to us by tanker. We can philosophize that, oh, we shouldn't be so dependent on oil in the first place.

□ 1615

Okay, I will listen to that. I will listen to we should try to develop other alternative resources, but in reality, everyone in here knows that if we do not develop the actual oil resources, we are going to get that oil from someone who will deliver it to us by tanker, which is perhaps 10 to 100 times more likely to spill that oil on our coastline.

This bill is an antienvironmental bill. This proposition is against cleanliness in the ocean, but it is trendy, it is

happy; we do not have to explain ourselves because everybody knows that one has to be against actual oil drilling to be for the environment.

Let me note that this also has a bad effect on the environment. I can tell my colleagues, I have gone as a scuba diver and taken dives off the offshore oil rigs and found that is where all the fish are because they know it is safe for them to be around those rigs. They are not in the other places, they are near those rigs. But what else does it do for us? It is better for the environment not to be dependent on these oil tankers, but it is also better for our country not to be dependent on hostile powers.

Why is it that we have people in this body who will vote against any type of energy development when it comes to oil or natural gas? Why is that, when they realize we have people overseas at this minute risking their lives because our country is dependent on potentially hostile powers for our oil. Again, we could philosophize and say, oh, well, we should not be so dependent on oil, we should develop wind and solar and the rest of it, and I am for that. But we know that if we do not develop our oil resources, we are going to have the Saudi Arabians, the Iraqis, all the others who we are going to be more dependent on.

So we cannot even drill in Alaska, one of the most God-forsaken areas of the world. So we cannot drill there and we cannot drill offshore, and what does that do to our economy? By the way, the local offshore rigs in my district have been providing revenue to our State and our local areas all of this time.

Mr. Chairman, let me say, why is it that we are doing this? Number one, it is trendy. It is very trendy to be against offshore oil drilling and, number two, we have some very wealthy people who are concerned about their view, and that is it; very wealthy people concerned about their view. We are making our country more likely to have oil spills. We are putting ourselves in jeopardy by being dependent on these overseas powers to give us the oil, and we are hurting ourselves by eliminating that resource in terms of tax resources. And, by the way, when we talk about the balance of payments, if we are concerned about our economy, and it is wavering now, this is a major cause of unbalanced payments. We are not going to do anything to try and help those things, but we are going to help the rich people so they do not have to see an ugly oil well. Well, I would support anything that says let us make those oil wells not ugly. But I will not say we should not have oil. We can build those oil wells offshore that are safe and are beautiful, but let us not say we are not going to utilize what God gave us as these natural resources when it is safer to do so.

Mrs. CAPPS. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. INSLEE), my esteemed colleague.

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

Mr. INSLEE. Mr. Chairman, the President of the United States of America has taken action against offshore oil drilling in Florida. The problem we have here is we just have not been able to find any of his relatives in California.

I have checked the Santa Barbara phone book and I found an Allison Bush, an Albert Bush and an Anna Bush, and I hope that they or any of the other people named Bush in the Santa Barbara area will call the White House and ask the President to afford them the same courtesy he afforded his relative in Florida.

The President takes care of his family, and this is a noble, virtuous thing. We believe in family values on this side of the aisle, but we want to believe that to take care of all of the Bush relatives in the State of California, I do not care if it is a second cousin, third time removed, call the White House and ask him to take care of California.

Mrs. CAPPS. Mr. Chairman, I am happy to yield 1½ minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, about 1 year ago, former Congressman Joe Scarborough and I led a debate on the floor of the House that is remarkably similar to the one today, except it had to do with the coast of Florida. One of the arguments we raised was that the minimal amount of supply available off the coast of Florida did not warrant the extraordinary risk to our State, its pristine beauty, and to so many people that depended upon the economy associated with those beautiful beaches. Those same arguments apply here today in California.

We are talking about supply related to asphalt. I do not hear anybody here complaining we are depending on other countries to build enough parking lots in this Nation. California needs a few less parking lots and so do the State of Florida and others. So we are not talking about a precious supply for motor vehicles, for generating electricity for industry and manufacturing; we are talking about asphalt. I think the Democrats and Republicans in the State of California are entitled to the same respect that we afford to Floridians when we sat up and told our colleagues of the economic impact to our State associated with a spill that could occur.

The final point here is that the President of the United States and others need to stand up and say, why are Californians different than Floridians? Are they of some inferior status? Of course the answer is no. We are a country. This is an issue to put politics aside. It does not matter who the Governor of the State of California is this year or in the future. It is the same issue. If this Congress will pay attention to the details, because the devil is in the details, as we did last year, we will adopt the Capps amendment, and I urge adoption of the amendment.

Mrs. CAPPS. Mr. Chairman, I am very pleased to yield 1½ minutes to the gentleman from California (Mr. GEORGE MILLER), the former chair of the Committee on Resources.

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

Mr. GEORGE MILLER of California. Mr. Chairman, this is a critical issue for so many reasons. It is not only a question of equity of whether or not California will be treated the same as Florida, but it is also a question about the California economy.

Our oceans, our beaches, our seaside landscapes are huge economic engines within our State. They are the engines that drive individuals who want to come and reside there and start businesses and provide opportunity. They are the engines for tourism. They are the engines for a whole range of economic activity.

Now, we know that this is a much better oil industry today than it was at the time of the Santa Barbara oil spill. We know that the technology is much better today than it was then. But we also know that we have a much more intense concentration of economic benefits on our coast today than we had then, and that an accident and the risk of that accident for the benefits of the amount of oil available just does not make sense.

Mr. Chairman, our colleague, the gentleman from California (Mr. ROHRABACHER) said, how can we do this? How can we turn down the supply of oil? Well, if we are going to take the supply of oil and put it into cars that get 12 and 13 miles a gallon, we have already made a decision that we are going to waste this oil. Seventy percent of our oil goes into transportation, and earlier this year, this Congress made the decision that we are not going to improve the CAFE standards, not a mile, not 2 miles, not 3 miles. So why would we risk this magnificent coastline, its magnificent benefits to us and its dynamic economic energy, why would we risk that at a time when the Congress has made a decision that they are simply going to waste the oil?

We have to support the Capps amendment. I want to thank the gentlewoman for her leadership and her tenacity on this issue. We are not going away until we get the same justice that the people in Florida got and we get it for our economy and for our environment.

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

Mrs. CAPPS. Mr. Chairman, I am pleased to yield 1½ minutes to the gentlewoman from California (Ms. ESHOO), my colleague on the Committee on Energy and Commerce.

Ms. ESHOO. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I am pleased to rise in support of this very important amendment today.

I would like to state some facts for the Record. Why are we in support of

this? First of all, we have the fifth largest economy in the world, California does. We are a nation State and, you bet, we are going to go to bat for our economy. A good deal of our economy rests on our coast side. We have fishermen, we have tourism, we have many small businesses, and we want to protect them. We do not want these parts of our coast side despoiled.

Now, I purposely said ''parts.'' We are not talking about the entire coastline of California. California today produces its fair share of our Nation's need for oil supply from its coast. We want a fair shake from the President, from this administration, that we be able to buy these leases that have been outstanding.

We think that the President should speak to his father, who agreed with us on this. This is a long-term, bipartisan issue in California.

Today the Republican nominee in California says no offshore oil drilling; continued moratorium on these specific leases. So as the Bush administration of today says ''yes'' to his brother in Florida, we say, Mr. President, Members of Congress, follow the previous President's support and the President before that, George Bush 41. Give us a fair shake. Let us buy back these leases to protect California's coastline and her economy.

Mrs. CAPPS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, this is a battle that my California colleagues and I have been fighting for many, many years. It is not a fad. I thank the gentlewoman from California (Mrs. CAPPS), as well as the gentleman from California (Mr. GEORGE MILLER) and the gentleman from West Virginia (Mr. RAHALL) for their leadership on this issue.

Without this amendment, the Bush administration's concern with promoting the interests of big oil over serving the people of California will cause great harm to our coast.

The answer to America's energy needs is not contained in 36 oil leases; our energy future depends on increased use of renewable energy sources and conservation measures. Drilling for oil off our coast will threaten to destroy our environment, wreak havoc on our economy, an economy that depends on tourism and a great deal on fishing.

Unfortunately, the future of these 36 undeveloped leases is only a symptom of a bigger problem.

The real solution is for the Federal Government to enact a permanent ban on drilling off California's coast. For too long now, the coast of California has been protected only by a multiyear presidential order.

Mrs. CAPPS. Mr. Chairman, I yield myself the remaining time.

I would like to thank the gentleman from Tennessee (Mr. WAMP), and I thank my colleagues for joining with me in presenting our case for the State of California. This is about our economy, it is about a national economy, a State that produces its fair share of energy resources, a State where we have a coastline that needs protection. This amendment seeks to limit the Interior Department's funding for the funding cycle so that we can encourage the Federal Government and the State of California to sit with the local oil lessees, oil lessees who have come to my office and told me that they would like to settle, they would like to find a way out, and this amendment can give them that time and give us the opportunity to make a resolution in some situation such as Florida has done.

□ 1630

Again, it will protect our environment. This oil-soaked bird is an example of what can happen with one accident.

Our economy needs this protection; our environment needs this protection. I am pleased to implore my colleagues to support this amendment and work with us to allow these negotiations to occur for the State of California, for our environment and our economy.

Mr. WAMP. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, I do commend the gentlewoman from California (Mrs. CAPPS) and all of our friends from California for fighting for a clean environment and fighting for what is right and good in our country. I have been there and seen the whales and enjoyed it as much as anyone.

But I think we must be vigilant and continue to recognize in the days following September 11 how fragile our economy is, how fragile our freedom is, and how much we must reduce our dependence on the Middle East for oil.

If we are going to do that, we cannot cancel leases. We cannot use funds to restrict oil and gas leases that we have domestically. The vast majority of people in this country believe we must have our own production capabilities, and we must not retreat from that, and in doing so, keep our country free and strong and productive. That is what we must do.

So on behalf of the subcommittee, we respectfully ask that the amendment be denied, with the greatest respect for those that offered it, because their motives are pure; but it is not in our country's best interest to limit this capability at this time through this appropriations bill.

Mrs. DAVIS of California. Mr. Chairman, I rise to support the Capps-Rahall-Miller amendment as a matter of equity for California in its long effort to protect its coastline from the potential effects of offshore oil production.

Many of us remember the devastation to the Santa Barbara coastline because of an oil spill. The state of California has been actively fighting these leases since then, including a 1994 law permanently banning new offshore oil leasing in state waters.

Like Florida, the coastal resources of California are critical to the strong economy of the state as well as to the aesthetic appreciation of its citizens and people around our Nation. I have been proud to join the authors in a series of efforts to insist that California be protected from potential environmental effects of new oil and gas offshore drilling.

It is important to protect our coastline by preventing the administration from expending funds to allow new drilling activity.

Mr. HOEFFEL. Mr. Chairman, I rise to express my strong support for the Capps-Rahall-Million amendment. This important amendment would work toward ending 36 undeveloped oil leases off the Californian cost. If these leases are allowed to be developed, we risk the tragic environmental contamination of a great swath of coastline. Executive Orders have placed moratoriums on developing these leases since 1990 and this outstanding amendment moves us closer to a permanent solution that will protect the health of the coast.

While I am greatly pleased with this amendment, I must also voice my criticism of two provisions within this bill that I find objectionable. I have long been an opponent of corporate welfare in its many forms. This bill contains several provisions that benefit corporate America at the expense of the American taxpayer. I believe that the are wrong and should be addressed.

The fee charged for grazing animals on public lands is one of the most blatant and objectionable subsidies in this bill. Currently, ranchers may apply for permits to graze their animals on Federal land at significantly below market rates. The Bureau of Land Management and the Forest Service each charge approximately $1.43 per animal per month, whereas the market value of the same averages $13.10 per head. This is a 915 percent difference. This body and this country should not allow this gift to continue unabated.

This bill also contains another offensive subsidy to corporate America that should be addressed. Hardrock mining, the mining of solid minerals that are not fuel from rock deposits, are governed by the General Mining Law of 1872. The law ranges free access to individuals and corporations to prospect for minerals in public domain lands, and allows them, upon making a discovery, to stake (or ''locate'') a claim on that deposit. A claim gives the holder the right to develop the minerals and may be ''patented'' to convey full title to the claimant. The total amount of money that the claimant pays to the government to develop the mining claim is a $100 a year holding fee and between $2.50 and $5.00 an acre (not adjusted since 1872) for an application fee.

The 1872 law allows companies to extract minerals without paying a royalty. This is unlike all other resources taken from public lands. For example, oil gas and coal industries operating on public lands pay a 12.5 percent royalty on the gross income of the operation. We are giving away resources that belong to us all. The public interest is not being served, and will not be served until we eliminate this example of corporate welfare.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

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

Mrs. CAPPS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Mrs. CAPPS) will be postponed.

Are there further amendments?

AMENDMENT NO. 1 OFFERED BY MR. BLUMENAUER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BLUMENAUER:

Add at the end, before the short title, the following new section:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used to enter into any new commercial agricultural lease on the Lower Klamath and Tule Lake National Wildlife Refuges in the States of Oregon and California that permits the growing of row crops or alfalfa.

Mr. WAMP. Mr. Chairman, I ask unanimous consent that all debates on this amendment and all amendments thereto be limited to 40 minutes, equally divided.

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

There was no objection.

The CHAIRMAN. The gentleman from Oregon (Mr. BLUMENAUER) will control 20 minutes and the gentleman from Tennessee (Mr. WAMP) will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER).

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

Mr. Chairman, Members may remember the huge controversy from last year when the Bureau of Reclamation shut off irrigation water to farmers in order to provide enough water for endangered suckerfish and threatened coho salmon. It was back in the news again recently, where the Bureau of Reclamation announced last week that this will be another dry year in the Klamath Basin.

Mr. Chairman, this issue is always going to be a story, or on the verge of being one, for two reasons: number one, land management on our refuges in the Klamath Basin, and part of what I want to talk about here today deals with this remarkable wildlife refuge, it is guided by incompatible priorities: the reclamation of wetlands for agriculture and the preservation of wetlands for wildlife.

The water in this basin is overallocated by some 100,000 acre feet a year. Visualize 100,000 football fields covered by a foot of water. The water will be available for competing uses in the Klamath Basin only for perhaps 6 out of every 10 years; 2, 3, 4, 5 of those 10 years, we are going to be in deficit.

Now, the Federal Government created this mess at the beginning of the century by draining regions where there was too much water and creating an artificial hydrological system in the basin. The basin was a 3,500-acre wetland. Now, over 75 percent of this 350,000 acres has been drained for agriculture and other developments.

The water that is left in the basin is damaged. The Klamath River is one of the more polluted rivers in the State of Oregon, and the Upper Klamath Basin Lake is severely polluted. American Rivers has listed the Klamath as one of America's most endangered rivers.

The basin is always going to be in the news unless and until we take steps to reduce the damage. This amendment is a simple, commonsense step towards addressing part of the conflict in the basin between farmers, endangered species, the wildlife refuges, and Native Americans. It aims to reduce the damage from commercial agriculture and the refuge lands in the basin.

The Lower Klamath National Wildlife Refuge was established by Teddy Roosevelt as the Nation's first waterfowl refuge in 1908. Members may be surprised to find out, as I was, that the Klamath Basin refuges are the only refuges in the country that allow leasing for commercial agriculture of this nature. They are damaging wildlife in the process.

Farming on the refuge currently uses 56 different pesticide products, including 10 carcinogenics, two neurotoxins, and 13 endocrine disrupters. At least six of the pesticides have been determined by the U.S. EPA and the U.S. Geological Survey to be toxic to salmon. This is activity that is going on in one of our precious natural wildlife refuges.

That is one of the reasons, perhaps, the daily peak of overall number of birds who visit the refuge have declined from 6 million birds in the sixties to less than 1 million birds today.

For most of America, the conflict between wildlife refuge use and agriculture was fixed by Congress when it passed the National Wildlife Refuge System Improvement Act in 1997 by an overwhelming vote of 407 to one. The act clarified that wildlife conservation is the singular mission of wildlife refuges. It requires that the economic uses of national wildlife refuges only be permitted if they contribute to the achievement of refuge purposes and that such uses not degrade biological integrity, diversity, and environmental health.

Unfortunately, this standard has not yet been applied to the Klamath Basin.

I want to be clear: the amendment would not eliminate the lease land program on Tule Lake in the Lower Klamath Wildlife Refuge. The amendment only applies to the 17 agricultural leases that will be up for renewal in October of this year, a little over 2,000 acres out of the 22,000 acres that we are currently leasing.

The amendment does not stop agricultural activity. Farmers would be able to continue to farm in the wildlife refuge; but it would prohibit the growing of alfalfa, which is water-intensive, and row crops such as onions and potatoes, which are pesticide-intensive, on any new leases. The statistics are rather stark about the intense use of water for these row crops during the summer months when water is scarce in the basin. Farmers would still be able to grow crops that are beneficial to wildlife, such as barley, oats, and wheat.

The Federal Government's efforts in the Klamath Basin have been uncoordinated; and in fact, in concert with some local boosters over the last 100 years, they have made environmental shortcuts and did not honor basic agreements on the scale of ownership, financial commitment, and water use. In this process, Native Americans, the environment, wildlife, and the taxpayers have all been shortchanged.

I strongly urge that my colleagues join me in helping restore the integrity of the Klamath Basin and the National Wildlife Refuge system, and support this amendment that has been offered by myself and my colleague, the gentleman from California (Mr. THOMPSON).

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

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

Mr. Chairman, on behalf of the subcommittee, I rise in opposition to the gentleman's amendment.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. HERGER), the distinguished subcommittee chairman.

Mr. HERGER. Mr. Chairman, the lease land program is a perfect example of how wildlife and agriculture can thrive together. Congress recognized that balance and specifically afforded farming a special status in the national wildlife refuges of the Klamath Basin. The Kuchel Act enshrined the lease land farm program in Federal law, specifying a compromise between row and forage crops and cereal grains in a way that would satisfy the requirements of the law, including maximizing revenues to the government and to local counties, and providing food and habitat for the migrating birds and other wildlife.

While couched in seemingly innocent terms, this amendment takes a short step in the direction of eliminating the lease land program by chipping away at its foundation. If we remove row crops, we remove the greatest incentive to farm and upset the balance that was established in Federal law almost 40 years ago.

Moreover, this would deal another devastating economic blow to these communities, which have already suffered incredible hardship in the wake of last year's tragic water shutoff. Estimates are that these crops generated an average of approximately $10 million annually over the last 5 years. Those same acres planted to grain, as required by this amendment, would generate a little over $1 million. That is a $9 million out of $10 million loss that would cripple this community.

Mr. Chairman, my colleagues with agriculture in their districts know how

tenuous commodity markets are. Farmers need opportunities, not more baseless limitations. The irony here is, Mr. Chairman, that despite the gentleman's stated desires to help wildlife, their amendment would do precisely the opposite. By preventing the planting of onions, potatoes, and alfalfa, we effectively eliminate an important food source.

The potatoes, which I should note the gentlemen have specifically targeted, provide a particularly important source of nutrients for geese, allowing them to migrate and breed successfully; and they remove the very mechanism, crop rotation, that allows farmers to maintain the quality of the soils, and, in turn, enhance the production of the cereal grains that provide food and habitat. That is why it is in the Kuchel Act.

Claims of harm from pesticides used are simply unfounded. There is not a shred of evidence, not one, despite years of study, that lends any support whatsoever to that argument. The refuge manager himself has stated that there is ''no smoking gun.'' That is because pesticide use is severely restricted. California has the most stringent pesticide rules in the country, and over 95 percent of those allowable pesticides are prohibited on the leased lands.

Despite the rhetoric of the radical environmental groups, all the evidence is exactly to the contrary. Mr. Chairman, consider this statement from the California Waterfowl Association: ''For nearly 100 years, farmers and ranchers of the Klamath Basin have co-existed with immense populations of wildlife. Many wildlife species, especially waterfowl, are familiar visitors to their highly productive farms and ranches. Klamath Basin agriculture provides a veritable nursery for wildlife.''

So if there is no harm here, if experience over the long history of this program has shown that agriculture helps and enhances wildlife, then why seek to undo the delicate balance? The only explanation is, quite simply, that this is another attempt to shrink farming in this area.

Note that some of the same radical environmental groups behind this amendment were the same groups that were pursuing a similar proposal 2 years ago which would have eliminated the leases entirely. There is no doubting these groups' desire to remove agriculture from the Klamath Basin.

Mr. Chairman, I urge my colleagues to reject this anti-agriculture amendment.

Mr. BLUMENAUER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chairman, I would like to thank the gentleman from Oregon for yielding time to me and for his work on this very important matter.

Mr. Chairman, this amendment is good for agriculture, it is good for waterfowl, it is good for the fishing industry, and it is good for the families in the Klamath Basin, the north coast of California, and the coast of Oregon.

In 1908, President Theodore Roosevelt established our country's first waterfowl refuge in the Klamath and Tule Lake National Wildlife Refuge.

□ 1645

These are among the most important refuges in our country and they are the most important refuges in California. It is the largest staging area for waterfowl in the entire Pacific flyway. It also has the greatest concentration of wintering bald eagles in the United States. As was pointed out earlier, these are the only refuges in the country that allow commercial lease land farming. They farm over 20,000 acres of farmland. Many of the crops are water-consumptive and chemically intensive. The area is an area of very little waterfall. The average is less than that of some parts of Arizona where they have next to nothing.

There are about 100,000 acre-feet of water that are overallocated in the basin; and this, Mr. Chairman, coupled with a multiyear drought, has hurt farmers, it hurts fish, and it hurts waterfall. The area of the headwaters of the Klamath River, which was the number one salmon river in the Lower 48 States. Today's water shortages and intensive chemicals have greatly diminished the fish and the economy of the coastal communities of Northern California and some parts of Oregon.

In 1988, sports and commercial fishing in the Pacific region generated over $1.2 billion to our regional economy. Today's salmon fishing between Fort Bragg, California and my district and Coos Bay, Oregon has been all but shut down for the last 10 years. Klamath River salmon are 1 percent of their historical population, and the coast families in California and Oregon have lost over 72,000 family wage jobs. We must address the water problems of the Klamath Basin. We have got to do it soon.

This amendment, I believe, is a very important first step in doing that. The amendment will limit the crops grown on about 2,000 acres of the refuge that is leased to farming. That is 17 leases and, remember, they farm 2,000 acres of lease farming there. The crops that will be grown on those 17 leases, on those 2,000 acres, will be less water-consumptive. They will rely less on chemicals and they will provide some very needed food to waterfowl.

We are talking about going from row crops and alfalfa to potatoes to cereal grain to crops that are beneficial to the important wildlife that fly through the entire Pacific flyway. And most important and against what some of the critics of this amendment will say is that it still allows families in the area to farm. These areas will not go out of farming production. They will continue to be farmed. There are just going to be restrictions on what can be farmed in this area, restrictions that will be good for the coastal communities, good for the farming communities, good for the Native American community, good for fish, good for wildlife and good for waterfowl.

This is an important solution to the Klamath Basin water problem and it will help immensely with the downturn in the economy for the aforementioned reasons, and I would urge all of my colleagues to vote in favor of this initiative, and do so knowing this can be good for fish, good for waterfowl and good for people.

I thank the gentleman from Oregon again.

Mr. WAMP. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Oregon (Mr. WALDEN), a member of the Committee on Energy and Commerce and the Committee on Resources.

Mr. WALDEN of Oregon. Mr. Chairman, I am dismayed that my colleague from Portland has chosen to attack farming the Klamath Basin with this reckless and harmful amendment. By doing so, we are kicking the very farmers in the stomach just when they have been begun to recover from the last attack that this government hit them with. You remember, these are the men and women of the Klamath Basin who had their irrigation water cut off to them last year. They could not raise their crops and then the National Academy of Science has found the government's decision to cut off their water could not be backed up by science.

In short, the Federal Government got it wrong, terribly wrong.

What makes this amendment especially troubling is that it flies in the face of science and could hurt the farmers, the economy, the community and the very species that it is supposed to be introduced to protect.

Mr. Chairman, it is our responsibility to see that this Congress does not get it wrong again and do even more damage in the Klamath Basin, damage not only to the farmers who lease the lands on the refuges but also damage the wildlife, the waterfowl and refuges.

The proponents make two arguments: That growing row crops and alfalfa are incompatible with the refuges and the pesticides are adversely affecting the environment of the refuges. First, growing row crops is not only compatible with the refuges, but is also a practice that benefits the soil by improving its fertility as crops are rotated. This practice is as old as farming in America. The increased fertility of the soil in turn benefits the cereal grains that represent more than 75 percent of the acreage in the refuges which are then eaten by various species.

Mr. Chairman, activities on the Klamath and Tule Lake Refuges are governed by several Federal laws, including the 1964 Kuchel Act, which restricts row crops on the refuges to no

more than 25 percent. It is worth noting that current planning of row crops represents less than that figure.

Periodically the U.S. Fish and Wildlife Service conducts a compatibility determination, a formal and involved public process to make sure that agricultural processes are consistent with operating the refuges for the benefit of wildlife and waterfowl. The latest compatibility determination was issued on June 4 of this year. It selected a no-action alternative which means that the farming activities are indeed compatible with the goals of the refuge.

Further, Fish and Wildlife determined that even if these leased lands are reduced, the increased returned flows of water generated from reduced lease land farming would not be available to refuge wetlands. They are the lowest on the priority list to water rights in the basin. This is because the Endangered Species Acts, tribal trust assets, and agricultural contracts take precedent.

In short, cutting back on leasing the lease lands will not result in more water to the refuge wetlands.

Now let us talk about alfalfa. We are talking about onions and potatoes. Growing onions requires hand-weeding which helps keep down the noxious weeds. What better way to control noxious weed infestations than by hand-weeding. Growing potatoes benefits waterfowl. According to the California Waterfowl Association, potatoes specifically benefit two types of geese, the lesser snow and the white-fronted geese, because after the first frost the potatoes left in the field provide food for these geese. The pronghorned antelope on the refuge eat the alfalfa sprouts.

Mr. Chairman, the Blumenauer-Thompson amendment would deny leases that allow farmers to raise these row crops that have indeed been found compatible with the purposes of the refuge.

Now let us move on to pesticides. It is ironic that my friend from California would be on this amendment about pesticides when all the scientific studies, and I have a list of them here, found no adverse effect from these pesticides. And, in fact, I want to go to a statement by the manager of the Klamath Basin National Wildlife Refuge. ''We have never found that the pesticides have had an adverse effect on the environment.''

The Littlejohn report from 1993, the Boyer and Grew reports from 1994, the Moore report in 1993, on and on. These farmers used integrated pest management programs to minimize the use of pesticides in this basin. Each year they go through a pesticide use proposal process. I have the minutes of the April meeting here where they go through and look at how they can minimize the use.

California, and you all from California know this, probably has the most restricted use of pesticides in the United States of America. On this refuge, 97.8 percent of those pesticides allowed everywhere else in California are denied in this refuge already. They only use 2.2 percent of the available pesticides. For nearly a decade scientist after scientist has studied the use of the pesticides and found no problems. Where they have thought there might be some concerns, they have moved back how they applied the pesticides so it does not get in the water, does not get in the canals, and does not adversely affect the species in the Klamath Refuge.

It is important to note, because I know my friend and colleague from Portland originally wanted to ban funding for any renewal of leases but then compromised and just wants to do away about the row crops. Let me point out what Phil Norton, the manager of the Klamath Basin Refuge said. His greatest nightmare would be to have a whole bunch of lands that we were not set up to handle. That is what will happen if we start cutting off these leases.

Again, I want to make the point, if the lease lands are not used, the water does not go to the refuge but to other higher-use priorities.

Finally, let me close by saying this. Those of us who represent rural areas have a concern when those in the urban areas have situations far worse than polluting rivers. In the city of Portland, 3.4 billion gallons of stormwater and sewage flow in in 55 locations into the Columbia and the Willamette River; 3.4 billion gallons of raw sewage. They flush it and it flows right into where the endangered salmon are. Right over where there are toxic dumps, Superfund sites in the Willamette River. Yet the American Rivers Council does not say that one is polluted. They just say that Klamath is.

Mr. Chairman, this is a bad amendment for agriculture. It does not work for the wildlife. What they have done on that refuge is compatible, and I urge opposition to this amendment.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 1 minute.

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

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

Mr. WAMP. Mr. Chairman, I ask if there is a chance we could get a unanimous consent agreement on dividing the time equally, but limiting the remaining debate to 12 minutes so we can honor leadership's commitment to rise at a time certain, and that would be six minutes per side?

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

Mr. BLUMENAUER. With all due respect, I wanted to cooperate with the gentleman. I did this from the beginning. It was the other side who asked for 20 minutes. I had agreed to 15 minutes a side. Now I am going to get behind the curve. If you give me 9 minutes, I will agree to 6. I think that will put us even and I am a happy guy.

Mr. WAMP. If we go beyond 12, we will have to rise and come back at 6 o'clock. That was an agreement we made earlier.

Mr. BLUMENAUER. I will be happy to do it.

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

There was no objection.

The CHAIRMAN. The gentleman from Oregon (Mr. BLUMENAUER) is recognized.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, first of all, I have been working very hard, as I think my gentleman friend from Eastern Oregon knows, to deal with the problems in the Willamette River. I negotiated a settlement. We put a lot of money into it. I am continuing to work on that. But one thing we decided is we were going to make it better, not worse. And what this amendment is seeking to do is to make sure that we are making it better.

Second, the notion is given to the 1964 Kuchel Act. Well, give me a break. We have learned a lot about managing the environment in the last 28 years. And if we were doing it over again, we would not enact, I do not think even this Congress would enact something that looks like that 1964 act. And I am suggesting that what we are doing here is an attempt to bring that into conformity.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me time and for offering this amendment.

To follow up on what he said, we have spent the last 15 years cleaning up after the reclamation projects that were started in the 1950s, the 1960s and even into the 1970s. We completely reorganized the Central Utah project, the Central Arizona project, the Garrison project, the Central Valley project in California. Why? Because in 1964 and 1960 and 1970, we made some very bad decisions about the use of those lands, and the damage from those decisions was now spilling over onto other farmers, onto the cities, onto water users, onto tribes, onto the environment.

We have an opportunity here under this amendment to take a realistic look at a very oversubscribed basin on the use of water. And the particular use here is at the behest of Federal leases that are subsidized; at crops, in some cases, that are subsidized or the farmer was growing crops, one subsidized, one unsubsidized, and I am not clear whether or not yet the water is in fact subsidized.

That is kind of what makes this basin go. But the spillover effect of this basin is all the way to the Pacific Ocean, and it spills over to the recreational industries, onto tourism industry, onto the farming industry, onto the Pacific Coast fisheries, onto the

water qualities issues, and the environmental issues.

At a minimum what the gentleman has raised is something we ought to take very seriously because we had a huge outbreak of concern in the Klamath about how we will allocate water between species and farmers and Indians and fish and all the rest of it.

We have an opportunity with the renewal of these leases to put some of this in abeyance and see what the impact is on the other entities in what is an area that is clearly oversubscribed. If everybody exercises their water rights, the species, the farmers, the tribes, then we know that it is oversubscribed. That is why we are having this problem. Yes, this might have made sense 40 years ago and it might have made sense at the turn of the century when people came to the Klamath Basin. But the State of Utah made a decision, the State of Arizona made a decision, to some extent the State of California, it does not make sense to keep raising alfalfa in the desert.

□ 1700

Because the usage of the water is just too high, especially if we are doing it on subsidized land, and those are the kinds of changes that have to be made.

I do not know if this is the perfect amendment, but we ought not to turn down the serious consideration, what the gentleman is offering here, as we in the Committee on Resources sit and look at the struggle that is going on in this basin. This may be one of the easier options that we can have in trying to sort out an area that is so terribly over subscribed and short of water for all of the competing uses, all of which have very, very legitimate claims on that water. But as we try to sort it out, I think the gentleman has brought forth one of the tools that might be used that is under the control of the Secretary who has to make some very tough decisions and can try to balance out the competing interests of the parties.

I thank the gentleman for yielding me the time.

Mr. WAMP. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. NETHERCUTT), a distinguished member of the subcommittee.

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

I am sort of amazed at the overkill, the overrhetoric that comes on some of these debates. I know there has been allegations by the distinguished gentlemen who were the sponsors of this amendment, both of whom I respect, who said there is damage to the fowl and the fish; and yet the manager of the refuge has not made that determination at all. In fact, he said we found that the pesticides that are used, that none of these pesticides have an adverse effect on the environment.

I listened to the gentleman from California talk about environmental protection. Ninety-eight percent of the pesticides that are allowed in California are already prohibited from use on this refuge. So I say let us clean up California. Maybe if there is such a pesticide problem in California or on this refuge, clean up California first rather than coming out and trying to whack away at farmers.

Frankly, Mr. Chairman, this is 17 families that are affected by this issue, 17 leases. Well, that is 17 families who were trying like crazy to make a living in farming. In fact, the refuge monitors pesticides all the time. That is why we have managers of refuges. That is what they do. They make sure there is no adverse effect on fish or fowl.

So to come in here and keep saying there is damage to this and there is damage to that, it just is not true. There is no evidence of it, and I think that this House ought to stand up and say, wait a minute, this is overkill and let us not go to extremism that I think some of the supporters of this amendment want us to go to.

In fact, if a person does not grow potatoes in this refuge, the lesser snow and white fronted geese feed on the first frost in the refuge. So my point is this is good for wild fowl and snow and white fronted geese. Same with alfalfa, it is good for the fowl and the animals in the refuge.

So enough overkill. That is what this amendment is, and I urge its defeat.

The CHAIRMAN. The gentleman from Oregon (Mr. BLUMENAUER) has 2 minutes remaining. The gentleman from Tennessee (Mr. WAMP) has 4 minutes remaining.

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

In conclusion, Mr. Chairman, I have been listening to the rhetoric, and I find it somewhat amusing. First, they have been quoting Phil Norton, the refuge manager, about the fact that there are not any problems with pesticides. First of all, it might be hard to tell the effect of the pesticides when the farmers are not allowed to go on the fields after they spray for 48 to 72 hours. That is a hint that it may not be as healthy as one suggests.

The notion that this Mr. Norton somehow is a proponent of continuation, I read an article in the San Francisco Chronicle. Mr. Norton said, ''We want to manage the land we already own.'' That, ''we want.'' The leased land program has to go. We get conflicting reactions from the wildlife manager; but the point is, I think it is bizarre that it is being advanced that somehow the wildlife are not going to survive unless we are growing things like potatoes on the wildlife refuge.

The fact is that the wildlife got along quite well without us. It is after we went in and monkeyed with the ecosystems up and down the coasts that we have had problems.

We are suggesting that farming can continue consistent with the uses of the refuge. We are hearing about potatoes; $10 million was referenced by my friend, the gentleman from California (Mr. HERGER). That has been a wildly up and down notion in terms of the value. My friend who is in the Chair right now knows that last year people were leaving potatoes in the field because they cannot afford to harvest them. The point is the potatoes use extensive water, particularly during the growing season. It is not the best use.

We have the charge about reckless and damaging; and with all due respect, as I think my colleagues review the hundred-year history of the Klamath Basin, the people who are reckless and damaging are those who feel that we do not need any changes, that somehow we can continue to ignore the demands of the overall environment of wildlife, of Native Americans, and that the failure to renew 17 leases for other than uses that are compatible with agriculture is reckless and upsetting, I think, Mr. Speaker is overblown, and anybody who looks at it will concur.

Dennis Healey once talked about the theory of the hole; when a person is in it, stop digging. This is a tiny step to restoring the health of the Klamath Basin and protecting the wildlife refuge.

I urge its passage.

Mr. WAMP. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. HASTINGS), a member of the Committee on Rules.

Mr. HASTINGS of Washington. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. WALDEN of Oregon. Mr. Chairman, will the gentleman yield?

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

Mr. WALDEN of Oregon. Mr. Chairman, let us get to the facts here; and the facts are these, and let me read this. I will turn to pesticides. Although current studies and modern activities have failed to detect an acute problem with pesticides on the refuge, they go into this. That is why they did, the IPM, the integrated pest management plan. I can give my colleague study after study right here of great researchers in the State of Oregon that have looked at pesticide use and have found no significant impact.

Beyond that, let me just say this. I have supported, as have the gentleman, legislation to study the water quality and quantity in this basin. It has passed this Congress, probably unanimously, and the agencies are working on that. I have supported and the gentleman has supported legislation to improve fish passage at Chilicottan dam. I have supported conservation efforts to improve water quality and quantity in this basin and habitat.

My feet are not stuck in concrete, but I want to do it in a way that works in the basin for the farmers and the fish and the fowl with science-based decisions. The rest is the rhetoric.

Mr. HASTINGS of Washington. Mr. Chairman, I have to say that when I see somebody from an urban area sponsoring an amendment that deals with

rural America, I get a little bit antsy, and I think that is the case that is happening right here.

I was down at Klamath Basin a little over a year ago at a hearing, and I heard what the farmers went through. It was devastating to them; and now this amendment, which looks innocuous, it just simply says a person cannot grow row crops and no money should be used for row crops or alfalfa. That has an unintended consequence in my view in the future of now saying on reclamation projects a person is limited to what crops they can grow.

It sets a precedent and I think a very bad precedent that could apply to areas probably all over the country, including the central valley of California and my area of Washington, Columbia Basin Project, that I think is very detrimental because those larger areas have the large diversity of crops.

I think the gentleman comes at this with strong feelings. It is a bad way to go, in my view. I urge my colleagues to oppose the amendment.

Mr. WAMP. Mr. Chairman, I yield the balance of our time to the gentleman from California (Mr. DOOLITTLE), a member of the Committee on Appropriations.

Mr. DOOLITTLE. Mr. Chairman, this area has been devastated by government mismanagement already. We already know the history when for no good scientific reason the water was cut off to the farmers. It did irreparable harm, and it should not have happened, and now we come with this new amendment which is going to just compound the error that was made then and will do grave injustice to a community that depends upon the farming.

The farming is essential to these refuges. These refuges do not use much water. I think 2 percent of the water developed in the basin goes for the purpose of agriculture. It is really a de minimus amount.

It is clear that pesticides are not a problem. We have had these uses compatible that have gone on for over a hundred years in this area. There is a waterfowl area. We need farming. The Kuchel Act mandates we have farming in order to sustain the refuges. We have to have this continue. It would be a terrible injustice to enact this amendment.

We need to stay focused, get the good science; and the good science says that agriculture and refuges are compatible. Please defeat this amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Oregon (Mr. BLUMENAUER).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER) will be postponed.

Mr. WAMP. 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. DAN MILLER of Florida) having assumed the chair, Mr. SIMPSON, 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. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF CONFEREES ON H.R. 3763, CORPORATE AND AUDITING ACCOUNTABILITY, RESPONSIBILITY, AND TRANSPARENCY ACT OF 2002

Mr. OXLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3763) to protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. CONYERS moves that the managers on the part of hte House at the conference on the disagreeting votes of the two Houses on the Senate amendments to the bill H.R. 3763 be instructed to recede from disagreement with the provisions contained in the proposed section 1520 of Chapter 73 of Title 18 of the United States Code added by section 802, and the provisions contained in sections 804, 805, and 806 of the engrossed Senate amendment.

The SPEAKER pro tempore. Under the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Ohio (Mr. OXLEY) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

This motion to instruct conferees would be to ask the acceptance of four antifraud measures contained in the Senate measure that were not included in yesterday's suspension bill. These provisions relate to document retention, statute of limitations, whistleblower protection, and sentencing enhancement. All of these were contained in the same measure in the other body that enjoyed a 97 to 0 vote last week.

First, we would ensure that auditors maintain their audit review and other work papers for a period of 5 years after the conclusion of an audit review. This will make sure that evidence of potential accounting fraud is retained for future investigation. In addition, the motion would give defrauded investors more time to seek relief. Under current law, defrauded investors have a year from the date on which the alleged violation was discovered or 3 years after the date on which the alleged violation occurred; but because these types of wrongs are often successfully concealed for years, the other body increased the time period to 2 years after the date on which the alleged violation was discovered or 5 years after the date on which the alleged violation occurred.

□ 1715

And this motion to instruct carries that provision.

In addition, we protect corporate whistleblowers. In the other body that measure was contained in the Grassley amendment, which extended whistleblower protections to corporate employees, thereby protecting them from retaliation in cases of fraud and other acts of corporate misconduct. Those like Sharon Watkins should be afforded the same protections as government whistleblowers.

The last provision in the motion to instruct would provide for strong sentencing enhancements. In the other body the bill included the Leahy-Hatch sentencing enhancements when a securities fraud endangers the solvency of a corporation and for egregious obstruction of justice cases where countless documents are shredded or destroyed.

Now, the Enron scandal broke in November 2001. Since then, our stock market and the economy as well have been devastated by a wave of scandals: Arthur Andersen, Global Crossing, Xerox, MCI, Merck, Quest and others. Tens of billions of hard-earned pension and retirement dollars have evaporated while those at the top of the corporate ladder have cashed out their options.

During this period of time, no person, not a single individual, has faced a single indictment from the Department of Justice. My instructions will give the Department the tools that they need to protect our investors and bring some of these people who have escaped, so far, to justice.

It is my hope that we will get the support that is needed to instruct our conferees in this fashion.

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

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, having just seen this document, the motion to instruct, I would have to say to my friend, the gentleman from Michigan, that most of the issues that he talks about in his motion I have a great deal of empathy for. Certainly the issue over document destruction, of whistleblower protections, and the like, are all part and parcel of what ultimately I think this legislation needs to look at.

I have some concerns, as the gentleman might expect, regarding the language of the extension of the statute of limitations in regard to lawsuits. As the gentleman knows, back in

1995, Congress, on a bipartisan basis, passed the Securities Litigation Reform Act. That was vetoed by then-President Clinton and was the only veto ultimately overridden. So, in fact, the House and the Senate spoke very loudly in 1995 on that issue.

It is also true that Chairman Greenspan, when asked in the Senate yesterday, when he testified as to whether he saw any need to change the existing statute in regard to securities litigation reform, answered in the negative. So we are, on this side, somewhat perplexed that the minority would choose this particular issue, which was ultimately not part of the legislation that came out of the Committee on Financial Services, the committee of major jurisdiction, so I have some concerns about that part.

On the other hand, it seems to me those are the kinds of issues that we need to work towards and to complete in a conference.

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

Mr. CONYERS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from New York (Mr. LAFALCE), the distinguished ranking member of the Committee on Financial Services.

Mr. LAFALCE. Mr. Speaker, I thank the distinguished ranking member of the Committee on the Judiciary, the gentleman from Michigan, for yielding me this time.

I think the best thing that this House could have done would have been to accept the Senate-passed bill as is. Pass it today and send it today to the President for his signature. I cannot think of anything else that would have restored as much integrity to our publicly traded markets, as much confidence on the part not just of the American public but the world in the integrity of those markets of that single act.

I would still like to hear President Bush call for passage by the House of Representatives of the bill that passed the Senate 97 to 0. Now, my colleagues like to talk about bipartisanship. Ninety-seven to 0 is unanimous with respect to every single Senator from both parties that was voting. They were able to forge a consensus. If they can forge a consensus 97 to 0, and if the President really wants to sign a bill before the end of July, as he said, that is the approach we should take.

Now, unfortunately, the House Republican leadership does not want to take that approach. However, there are alternatives. We could take up the Senate bill and offer one or two amendments to it. If there are four or five or six amendments, my colleagues could offer those four, five, or six amendments to the Senate bill and send it back to them. And that would be a very expeditious way of proceeding.

What I am fearful of is that this conference that my colleagues want to go to could be two things: Number one, long and drawn-out; and, number two, an opportunity to dilute behind the scenes and closed doors the strong provisions of the Senate bill. And we are not going to let that happen.

I want to put everyone on notice right now that on every single issue where we differ from the Senate I intend to have total transparency. There will be a revelation to the world of every single issue and difference and every single vote within conference. There will be total transparency so that they can understand what we are trying to do to protect the American investor and what others might be trying to do.

Now, with respect to the motion of the gentleman from Michigan, what he is trying to do is say that at the very least there are certain provisions within the Senate-passed bill that the House should recede to. It is basically the Sarbanes-Leahy bill, and the ranking member of the House Committee on the Judiciary has focused in on the Leahy provisions, particularly section 802, dealing with the criminal penalties for the altering of documents; section 805, mandating a review of the Federal sentencing guidelines; section 806, creating a private cause of action for whistleblowers if they are in any way discriminated against, a civil cause of action; and very, very importantly, a statute of limitations, because the statute of limitations issue that we are talking about was not dealt with by this Congress. The statements that we did were erroneous.

We need to deal with that because, unfortunately, by the time we discovered the wrongdoing that took place in the Enron case, in the Global Crossing case, in the WorldCom case, et cetera, the private cause of action may have seen the statute of limitations expire. So we need more time. That is an essential and important provision.

There is no reason whatsoever for opposing that. There is no reason whatsoever for opposing any of those provisions. And because of that, the distinguished gentleman from Michigan has said let us instruct the conferees to recede to the Senate on those issues.

If my colleagues oppose this motion to instruct, that means that they oppose those particular provisions within the Senate bill. Let there be no mistake about that. So the issues will be quite clear when we do go to a vote on this motion to instruct.

Mr. OXLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, I want to commend the chairman on his work in gaining corporate responsibility. I would not stand here today if I did not believe at the end of our session here before recess that we would not have a bill on the President's desk.

Just in the last few weeks, the Dow Jones Industrial saw about a 10 percent decline. Yesterday, just yesterday alone, $152 billion of wealth disappeared; $2.6 trillion just this year alone. Those are big numbers.

Now, we heard from my good friends in the minority about process and what goes where and about a very long drawn-out process. But let me say this: The other day I had a woman at a coffee who came in, an elderly woman, and she could not get three words into her story before she started to shake and tears started running down her face because she was just informed that they would not be able to retire in 12 months. Too much of their 401(k), too much of their retirement, was gone.

Now, let me tell my colleagues what they understand, my colleagues. They do not care whose name is on the bill. They do not care what process is used to get to the bill. They want trust, they want accountability, and they want somebody to pay the price for stealing. They understand that whether someone wears an Armani suit or a cheap ski mask, if they steal money, they ought to go to jail. They want us to understand that they are counting on us in Congress, not Republicans, not Democrats, not a name on a bill, but all of us to stand up together and say we are going to reinvigorate the trust and confidence in our American markets.

I think today that will happen. I am very, very pleased at what this chairman has done and what he has committed to do, and with that, I intend to enter into a colloquy with the chairman.

The gentleman from Ohio is going to be the chairman of the conference committee that will hear this matter in conference; is that not true?

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

Mr. ROGERS of Michigan. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Speaker, the gentleman is correct.

Mr. ROGERS of Michigan. Reclaiming my time, Mr. Speaker, the gentleman has made a commitment, and today a very public commitment, that by the end of next week, before this House recesses, the President will have on his desk to sign into law a bill that upholds the principles that the gentleman has fought so hard for these last few months on corporate responsibility; is that correct?

□ 1730

Mr. OXLEY. Mr. Speaker, if the gentleman will continue to yield, I want to assure the gentleman from Michigan (Mr. ROGERS) that is exactly what our goal is. The President has tasked this Congress to get a bill to his desk before the August break. The Speaker has done the same. I am committed, and I think all of us are committed, to getting that job done.

Mr. ROGERS of Michigan. Mr. Speaker, reclaiming my time, we have heard from the gentleman who has given his commitment. Do not talk about months; do not talk about weeks. Do not let one more tear fall on the statement of a 401(k) plan. Let us work together and get this done for the people of America. It is too important.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Speaker, I am delighted that the gentleman wants to work together. That is what we want to do. We want to instruct the conferees to accept these specific four provisions of the Senate-passed bill. If the gentleman wants to work with us, let us vote for this motion to instruct the conferees, unless the gentleman opposes those four provisions. If he opposes those four provisions, or portions of them, the gentleman should come to the floor and tell us what he opposes about them. I do not think that we could be any more cooperative than that.

Mr. OXLEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, we talk about important bills, and this is one of them. I support the gentleman from Ohio (Mr. OXLEY), who has worked very hard on this issue. I also want to see this issue resolved by next week.

The Democrats talk about the Sarbanes bill as if it is the end-all, be-all bill on this floor. While I was on the Senate floor watching the debate, they resisted Senator MCCAIN's efforts to include language relative to options. They did a procedural effort to stop calculating options in the corporate environment. So it is not perfect.

But I have been given assurances by the gentleman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services, that he is going to go into the room and see that we have a final working product with Senator SARBANES, who I have a great deal of respect for on this issue; and I believe that is going to be accomplished.

The gentleman from Michigan (Mr. ROGERS) enunciated some of the concerns that I have as well: stabilizing the markets, ensuring integrity, bringing relief.

I will not be supporting the motion to instruct. I am going to work with our chairman, and I hope that we will deliver a product. But I can assure the House that we will be back on Wednesday and Thursday if it is not delivered to the floor for a vote.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Speaker, I have great regard for the gentleman from Florida (Mr. FOLEY), and even higher regard because of the letter which he sent out saying, let us send something to the President's desk before we recess, and if need be, the Senate-passed bill. I thank the gentleman very much for that.

With respect to the issue of the expensing of stock options, I would love to have FASB promulgate a requirement that stock options be expensed. I have called for that since 1994 when FASB recommended that. But unfortunately, there was so much pressure within Congress to do that that FASB withdrew it as a mandate and merely said do it voluntarily. Only two companies in the world did it.

At the very least, the Senate bill does say to FASB reconsider that issue and if they think it should be mandated, mandate it. The House bill is absolutely silent on that. So if Members want the ranking member from Michigan to alter his motion to instruct the conferees to get them to accept that provision of the Senate bill, I will do what is within my power to get him to so amend that amendment.

The House bill is silent on the issue of expensing. We on this side of the aisle want FASB to reconsider it and not just recommend it, but require it, as Warren Buffitt says we should do, as Alan Greenspan says we should do, as Coca-Cola said they will do, as BankOne said they will do, and as the Republicans have repeatedly said, let us not do.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COX), a valuable member of our committee.

Mr. COX. Mr. Speaker, I have read carefully the very brief motion to instruct conferees and the underlying provisions of the Senate-passed bill that the House would recede were we to adopt this. I am surprised that the motion to instruct focuses on the criminal provisions of the House and the Senate bills respectively because it is well known that the House-passed bill that we adopted here earlier this week by a vote of 391 to 28 is much tougher than the Senate bill.

The specific provision concerning shredding of documents that this motion to instruct would have us adopt, we would recede to the Senate position, drop any disagreement with the Senate position, would have us adopting a 10-year maximum sentence for shredding documents. But just a few days ago by a vote of 391 to 28, virtually every Member sitting on the floor right now voted for a maximum sentence of 20 years.

I cannot understand why, if we want to be tough on corporate fraud, if we want to be tough on corporate wrongdoers, we would focus on this portion of the disagreement between the House and Senate bill and substitute the far-weaker provisions of the Senate bill.

The Senate bill provisions that we are asked to accept in this motion to instruct also include obstruction of justice penalties. The maximum penalty for obstruction of justice in the House-passed bill earlier this week is 20 years, significantly lengthening the provisions under existing law. What the Senate bill does on this point is ask the United States Sentencing Commission to review the sentencing guidelines and do what they think is necessary to deter offenders.

Adopting the far weaker provisions of the Senate bill in this respect, where we know that the criminal provisions enacted by this House are much tougher, makes no sense at all; and I regretfully must oppose this motion to instruct conferees.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to myself.

Mr. Speaker, I must say to the gentleman from California (Mr. COX) the conference is on the Sarbanes bill and the Oxley bill. This motion to instruct in no way changes anything in either of the two bills, and it merely adds some items in the unanimously reported Sarbanes bill.

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

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

Mr. COX. Mr. Speaker, as a conferee, I certainly would urge, and I believe it is the general intent of all of the conferees in the House to urge, as the House position in this conference when it comes to criminal changes, criminal law changes, to urge the House-passed bill be included in the conference report.

Were we to adopt this motion to instruct, we would undermine that position of the House. We would be required to take the much weaker Senate provisions.

Mr. CONYERS. Mr. Speaker, all we want to do is add these four recommendations to the two bills. We are not diluting anything. There is no dilution in here. I just want the gentleman to understand what is going to conference and what it is we are giving instructions on.

Mr. COX. Mr. Speaker, if the gentleman will continue to yield, the dilution is moving from the House position of 20 years maximum sentence for shredding of documents and for obstruction of justice to 10 years.

Mr. CONYERS. Mr. Speaker, reclaiming my time, no, what we are dealing with is document retention. We deal with audit review, statute of limitations, whistleblower protection, and sentencing enhancement. If the gentleman from California (Mr. COX) is confused on this, there may be some other Members that are not clear on this.

We are talking about document retention, statute of limitations, whistleblower protection, and sentencing enhancement only. We are not reducing any time for shredding or anything else.

Mr. OXLEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I apologize for attempting to create a partisan approach to dealing with a very real problem.

I think all of us are intending to make a good bill better. But one of the things we have to be cautious about is in examining the Senate bill which has been brought over is to be reminded that article I, section 7 of the Constitution says, ''All bills for raising revenue shall originate in the House of Representatives.''

Referring back to the opening of the 102nd Congress in which the CONGRESSIONAL RECORD reflected, and I will

have this made a part of the RECORD at the appropriate time, ''jurisdictional concepts related to clause 5(b) of rule XXI.''

This is an attempt to create a systematic approach: ''In order to provide guidance concerning the referral of bills to assist committees in staying within their appropriate jurisdictions under rule X, to assist committees without jurisdiction overtax or revenue measures, it should be emphasized that the constitutional prerogative of the House to originate revenue measures will continue to be viewed broadly to include any meaningful revenue proposal that the Senate may attempt to originate.''

I would tell the gentleman in reviewing the Sarbanes bill, especially in terms of the scope of the board under section 108 on page 61 and the requirement that the fees be raised necessary to meet the needs of the board, when we take those two provisions along with several others, there is no narrowly defined board which would produce narrowly defined fees which could meet the test of fees.

When we have a broadly based, loosely determined jurisdiction of a board and a commitment that mandatory fees cover all of those activities, we begin to slip into the area Speaker FOLEY rightly referred to as broadly to include any revenue proposals.

The constitutional and institutional prerogative of the House I would hope everyone would want to maintain. We do not want to delay producing this product, given the commitment of the chairman on a very tight time line. We just want to make note of the fact that we believe there is a possibility of this violation. As this bill goes to committee, I understand that the Committee on Ways and Means will be conferees. We will work with everyone to make sure that the fees that are called fees in the Senate truly are fees that do not violate the revenue provision and/or we will work together to produce a product which the House participates in, protecting our constitutional prerogative to generate revenue. The goal is not to stop progress, but to make sure that it is done correctly.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Speaker, I heard this morning that the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, had contemplating issuing what is known as a ''blue slip.'' That is a document that would have precluded the House from going to conference with the Senate on the Senate-passed bill on the grounds that it had violated a constitutional prerogative. I disagree with his interpretation, but I am pleased he realized if he did proceed on the course that he outlined this morning, the issuance of his blue slip would have caused thousands of pink slips across America.

□ 1745

However, my primary concern now that he has not exercised what he intended to is what will happen when we go to conference because the chairman of the conference committee has publicly said within the past several days that what we need is a cooling-off period, a cooling-off period. Rather than expeditious action, he has publicly called for, it has been printed in the paper, a cooling-off period. We need action. We need action before we recess. We are not cool right now. We are hot. We want action while we are hot because that is when we can get a tough law on the books. We do not need time to cool off. We need to pass a tough bill and send it to President Bush and he will sign whatever we send to his desk and we know that.

Let us make it good and tough.

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

Mr. LAFALCE. On your time.

Mr. THOMAS. He has not dropped the gavel, so I assume there is still time on your time.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Does the gentleman from New York yield back the time?

Mr. LAFALCE. Yes, to the gentleman from Michigan.

Mr. THOMAS. So the gentleman voluntarily removes the time.

Mr. LAFALCE. I would be pleased to answer any questions on your time.

Mr. OXLEY. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I was not interested in yielding to ask the gentleman a question but merely to clarify that the gentleman is adept at putting words in people's mouths. I did not say that I was going to blue-slip it. At no time did I say I was going to blue-slip it. The determination was whether or not it was blue-slippable, and those are two entirely different things, in an attempt to create an appearance that we were slowing the process down. All I wanted to do was make sure that constitutionally and institutionally we did it correctly. I would assume that would be in the interest of all Members of the House, in fact, anyone who raised their hands and swore to uphold the Constitution.

I thank the gentleman for yielding the time.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, I think one thing that we all know about all Americans of whatever party today is that they do not want weak tea, they want strong medicine to deal with this economic crisis. They do not want passivity. They want action. The majority party is giving them nothing but delay and inaction. Did the majority party just pass a 97–0 vote in the Senate? No. Will they accept this substantive amendment to give instructions to the committee? No.

But let me tell you what the majority party leadership did 5 days ago. I read about this in the newspaper today. The leadership of the Committee on Energy and Commerce in the midst of this economic crisis had time to send a letter to the Public Broadcasting System to complain about the introduction of a new Muppet character. It was not the gentleman from Ohio (Mr. OXLEY), of course, but the chair of another committee. These majority party Members did not think it was right to have a new Muppet that had HIV. They thought that was a problem they had to deal with.

Well, America wants an answer to this question. If the majority party can stand up to Sesame Street, why will you not stand up to Wall Street? If you will deal with the Cookie Monster, why will you not deal effectively with the moral monsters who are stealing America's retirement accounts? That is what America wants to know. It is not enough simply to say you are going to increase jail time, and I will tell you why not. When we were dealing with the terrorist threat to our air system, did we think our job was done by just saying everybody that blows up an airplane gets 50 years instead of 25 years? Did we consider our job done when we did that? No. We developed a security system to check to make sure terrorists do not get into our airplanes, and now we need a security system to make sure fiscal terrorists are not taking over the boardroom.

You need to join with us and stop messing around with Sesame Street and start taking on Wall Street to save people's retirement incomes.

Mr. OXLEY. Mr. Speaker, may I inquire of the time remaining on both sides?

The SPEAKER pro tempore. The gentleman from Ohio (Mr. OXLEY) has 18½ minutes and the gentleman from Michigan (Mr. CONYERS) has 9½ minutes.

Mr. OXLEY. Mr. Speaker, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE), a valuable member of the Committee on Financial Services.

Mr. CASTLE. Mr. Speaker, I rise a little bit perplexed about the motion to instruct conferees in that it appears to me that the Republican-passed legislation calls for stricter penalties from a group which is asking for stronger measures which does not seem quite right.

But that is not really what I want to speak to right now. What I want to speak to is the fact that the Senate, in my judgment, has adopted a very good piece of legislation, at least as I know it, the Sarbanes legislation. But there are some questions about that that I certainly have and that I think conferees would have. The House has also passed, in my judgment, a very good piece of legislation, frankly not that

dissimilar from the Sarbanes legislation, and it also has provisions in it that I think should be looked at. I believe that the right way to do this is to go to conference, not to instruct the conferees as to what to do. Let them make their decisions on the timetable as outlined by the chairman of the Committee on Financial Services here before us tonight to look at some of the House issues as well as some of the Senate issues. The real-time disclosure, in my judgment, is a real issue. The FAIR account to return money to investors which the gentleman from Louisiana (Mr. BAKER) got done, I think, is very significant. This whole issue of the criminal penalties we are talking about right now is very significant. I believe that we can do this.

I believe we can adopt good legislation with good committee review, with good staff review, something I agree with that has been said on the other side, the President will sign this, and when he does, I believe we will have legislation which the investors in America can look to and say, this will help us make our decisions about the future of corporate America.

Mr. CONYERS. Mr. Speaker, the manager on the other side has twice as much time remaining as I do.

Mr. OXLEY. Is that a good thing or a bad thing?

Mr. Speaker, I am pleased to yield 2½ minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, this morning I asked Chairman Greenspan a question which is directly relevant to this motion to instruct. My question was:

''Do you think that increasing the ability for individuals to sue corporations for inaccuracies in their statements is a proper goal for this kind of legislation?''

I am quoting now from Mr. GREENspan's response. He said:

> I think not. I don't see that has any particular economic advantage. The issue is a technical one and a complex one and should be really under the aegis of the Securities and Exchange Commission. And they should be taking the actions which are required to redress inaccuracies, mistakes, malfeasance and the like. I don't think you gain anything by increasing the ability to sue the company. Because remember that it is shareholders suing other shareholders. That is what it is.

Republicans are committed to strengthening this legislation in conference by including real-time disclosures, adding a provision to ensure that investors and not trial lawyers are the beneficiaries of funds recovered from corporate malfeasance and adding tougher penalties to corporate fraud.

If the Senate had not dragged its feet, this bill would have been done months ago. But for whatever cynical reasons they have, the Senate chose to play politics with this issue. And for the same cynical reasons, the Democratic leadership is threatening to drag out any conference for 2 months.

Mr. Speaker, I ask my colleagues on both sides of this aisle to join us in voting against this motion to instruct and for a stronger corporate accountability law.

Mr. CONYERS. Mr. Speaker, the manager on the other side still has twice as much time left as we do.

Mr. OXLEY. Then we will continue to plod on.

Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Louisiana (Mr. BAKER), the distinguished chairman of the Subcommittee on Capital Markets.

Mr. BAKER. I thank the gentleman for yielding me this time.

Mr. Speaker, this is a very important matter that the House must consider this evening and I do appreciate the recommendations the gentleman has made in his motion to instruct. All of those issues will certainly be the subject of conversation during the course of this important conference.

I am surprised that the motion to instruct did not include the specific directions to adopt the provisions contained in the Senate-passed bill, the Sarbanes bill, since it has been viewed by so many as being the answer to the problem. But as is always the case, no legislative product is the perfect answer for all issues. I respectfully suggest that the Sarbanes bill is no different. There is work to do.

For example, the Sarbanes bill does not make provision with regard to real-time material fact disclosure. What does that mean? That means if the corporate manager knows it and it is something that affects shareholder value and he does not report it until the 90-day quarterly earnings statement, you have terrific volatility in the markets and prices go up and down. We unfortunately are seeing that to great extreme today. That is why companies all too often file what they call pro forma returns. They get something out early that is not really a total disclosure, but it is something to help defuse the volatility of the quarterly earnings report.

Real-time material disclosure says if you know it, you got to tell it. If you know it and you do not tell it, that is a criminal penalty. If you did not know it but should have, that is a civil penalty. We want to talk about what real-time material fact disclosure means. That will be the subject of the conference, because that is in the House-passed bill. But what has not been in either bill, and unfortunately I did not see in the motion to instruct, is to do something to actually help the defrauded investor. It troubles me to get home in the evening, turn on the TV and see some millionaire in Mississippi with an $18 million mansion who has run a corporation into the ground and we cannot get the house because he built it with shareholder-defrauded funds. We want to include a fair fund that says within the SEC all fines, all penalties, everything that is disgorged, that means taken back from the guys who have gotten ill-gotten gains, put it into an account and then let the SEC be bound to distribute 90 percent or more of it to the defrauded investor. With all due respect, we are not into a transfer of wealth. We do not want to take corporate wealth and give it to trial lawyer wealth by simply creating new causes of action while the shareholder sits on the sidelines and watches assets be spent in the courts while the fellow is down in the Caribbean enjoying a $150-million-a-year lifestyle. We need to fix that, and we are going to.

In summary, the gentleman from California (Mr. COX) talked about the fact that the House-passed criminal penalties for inappropriate conduct are twice what are now suggested by the motion to instruct. If you want to be tough on criminals, if you want to get the money back and you want to give information to investors, please defeat this motion to instruct.

Mr. CONYERS. Mr. Speaker, the other side now has 12 minutes remaining and I have 9. I would recommend that they continue to carry on the debate.

Mr. OXLEY. Mr. Speaker, I think the gentleman from Michigan has several speakers available in the bullpen. We are prepared to listen to their dulcet tones.

The SPEAKER pro tempore. Does the gentleman from Michigan wish to yield time? Who wishes to yield time?

Mr. OXLEY. Mr. Speaker, we have no further speakers at this time. I would ask the gentleman if he is prepared to yield back the balance of his time and we could proceed to a vote.

Mr. CONYERS. Mr. Speaker, I am very pleased to yield 4 minutes to the gentleman from Michigan (Mr. DINGELL), the dean of the House.

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

Mr. DINGELL. Mr. Speaker, I have heard the name Alan Greenspan mentioned on several occasions in connection with this. This is what Alan had to say yesterday:

''Even a small increase in the likelihood of large, possibly criminal penalties for egregious misbehavior of CEOs can have profoundly important effects on all aspects of corporate governance because the fulcrum of governance is the chief executive officer.''

What he is saying there is, put them in jail, they will understand. The problem here is that the bill that the House has passed has nothing on criminal penalties but the bill passed yesterday does. The motion to instruct takes care of that problem.

I think we ought to adopt the Senate bill because the Senate bill is a good bill. The House bill is nothing. It is pablum. On the 30th of June, the New York Times warned that there is a staggering rush of corporate debacles and that they are raising a disturbing question: Can capitalism survive the capitalists themselves? It should be noted the market has fallen, it should be noted the dollar is weaker, all of which, experts say, is related to the behavior of Global Crossing, Enron,

Adelphia, WorldCom and others. We need strong medicine, not a placebo.

The Washington Post has pointed out that a distinguished member of this body is punting because apparently my friends on the other side are not real anxious to pass strong bills and strong legislation like the Senate. The House-passed bill purports to set up a lot of things, including a regulatory board, to oversee accountants, but it really does not mean anything because it really does not do anything.

□ 1800

The House-passed bill does not require an outright halt of the peddling of lucrative consulting services to audit clients and the conflicts that ensue.

The House-passed bill does nothing about the revolving door between auditors and clients.

The House-passed bill ducks many important issues such as the conflicts of interest between Wall Street analysts and credit-rating agencies, by relegating them to, guess what? Studies. The bill is replete with studies, but there is no strong Federal policy direction here.

Let us look at what the Senate bill does. It improves the timeliness, quality, and transparency of financial reporting. It creates an independent Public Company Accounting Oversight Board to strengthen the regulation of, guess who? The accountants, who certainly need regulation, because there has been more misbehavior there than there has been outside of a red light district. It would ban consulting services that clearly compromise the independence of accountants and auditors. It would enhance the accounting standards process and provide independent funding for the FASB. It would increase accountability of corporate officers and boards of directors. It would require objectivity and independence by securities analysts, and it would enhance SEC resources and authority. It would increase criminal penalties for corporate securities frauds that figured in the recent chain of debacles.

Mr. Speaker, it is time we passed strong legislation to stop the misbehavior in the corporate behavior and in the accounting profession that is shaking the faith of the American people and that is raising real questions about the viability of our securities markets and the well-being of capitalism in this country.

Vote for the motion to instruct and vote for a strong bill. We have had enough nonsense in this place.

On June 30, 2002, the New York Times warned that the ''staggering rush of corporate debacles is raising a disturbing question: can capitalism survive the capitalists themselves?''

Confidence in U.S. capitalism has been dealt a severe blow. U.S. investors and foreign investors are fleeing stocks in droves.

From Enron to Global Crossing, Adelphia to WorldCom, and many more examples, companies lied about their performance, the watchdogs slept or were complicit, and investors and employees paid a dear price.

To cure this problem, we need strong medicine, not a placebo.

On April 24, 2002, a Washington Post editorial entitled ''Mr. Oxley Punts'' lambasted the House bill for taking ''half-steps and side-steps.''

The House-passed bill purports to step up a new regulatory board to oversee and discipline accountants, which everybody agrees is needed, but the bill includes no details on the board's staffing and budget and provides inadequate disciplinary authority.

The House-passed bill stops short of requiring an outright halt to the peddling of lucrative consulting services to audit clients and the conflicts that ensue.

The House-passed bill also says nothing about the revolving door between auditors and their clients.

The House-passed bill ducks many important issues, such as the conflicts of interest among Wall Street analysts and credit rating agencies, by allegating them to studies. The bill is replete with studies rather than the strong Congressional policy direction that is called for.

I therefore urge the House to accept the Sarbanes bill.

It would: Improve the timeliness, quality, and transparency of financial reporting; create an independent Public Company Accounting Oversight Board to strengthen regulation of, and where appropriate disciplinary actions against, firms that audit public companies; ban the consulting services that clearly compromise auditor independence; enhance the accounting standards setting process and provide independent funding for FASB; increase the accountability of corporate officers and boards of directors; require objectivity and independence by securities analysts; enhance SEC resources and authority; and increase criminal penalities for the corporate and securities frauds that figured in the recent chain of debacles.

This morning's Washington Post reports on the front page for all the world to see that ''House Republicans say they will try to delay, and likely dilute, some of the proposed changes.''

Shame on the GOP! And shame on the House if decent Members in this body allow such a travesty to occur.

[From the Washington Post, April 24, 2002]

MR. OXLEY PUNTS

The House is due to vote today on a package of post-Enron reforms prepared by Rep. Michael Oxley (R-Ohio), chairman of the Financial Services Committee. The bill is a troubling sign of how easily the momentum for reform can be dissipated. Though it purports to deal with many of the audit reforms discussed during dozens of congressional hearings since January, it actually pulls its punches. Democrats will get a chance to offer some better provisions in the House today, but nobody expects them to pass. It will be up to the Senate, if it can ever terminate its interminable debates on energy, to produce a stronger bill.

The Oxley bill purports to set up a new regulatory board to oversee and discipline auditors, which everybody agrees is needed. But it would not give this body powers of subpoena, which would undermine its authority; and it would allow auditors to fill some of the board's positions, which could undermine its independence. The details of the new board would be left to the Securities and Exchange Commission, which would have to decide among other things how the new body would be funded. Given the SEC's vulnerability to industry lobbying, there is a danger that the result will fall short of what's needed.

The Oxley bill takes other half-steps and side-steps. It directs the SEC to prohibit auditors from performing certain types of consulting services for their clients, but it stops short of requiring an outright halt to consulting and the conflicts of interest that ensue. The bill says nothing about the revolving door between auditors and their clients—Enron, for example hired several Arthur Andersen auditors—even though auditors who are angling for jobs from their customers are unlikely to show much independence from them. The bill is also silent on the rotation of audit firms. If an auditor knew that, after a few years, a different outside auditor would scrutinize its efforts, this would create a strong incentive to keep the numbers honest.

The Oxley bill does at least boost the SEC's budget substantially, and it has the right mood music. But given the outrage that Congress has expressed about the Enron scandal, that is a weak effort. Just this week, Enron announced that it had discovered a further $14 billion worth of assets in its balance sheet that don't really exist after all, and it confessed that a ''material portion'' of this overstatement was due to accounting irregularities. This kind of confession further undermines investors' trust in financial disclosures. Congress needs to restore that trust with tough legislation. Perhaps the Senate can deliver if the House won't.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

I am constantly amazed. The minority party offered a motion to instruct that basically tells the House we ought to accept lower penalties instead of the higher penalties that this House passed just this week. I am frankly stunned at that. I want to make it clear that House Republicans support a much stronger bill and reject the kind of efforts to weaken this bill that our friends on the other side have projected.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I rise in opposition to the motion to instruct conferees.

This motion would hinder the House's ability to have a meaningful conference with the Senate on H.R. 3763. The Senate does not equate to perfection. We have two bodies here, and this is an important issue.

Mr. Speaker, it is also important that we have a conference on this important bill so that we have the ability to negotiate on all the issues contained in this bill. It is vital to protecting investors and creating the best legislation we can possibly bring to the American people.

For example, there are some provisions in the House-passed version that are not in the Senate version that I believe will increase investor protections, transparency, and improve disclosure. The gentleman from Ohio (Chairman OXLEY) and the gentleman from Louisiana (Chairman BAKER) have done a good job, and a lot of time has been put into this.

But let me just say something in addition to what the gentleman from Ohio (Chairman OXLEY) just mentioned. I think this is very important for anybody who has any doubt. We had a 391 to 28 vote here. Mr. Speaker, H.R. 5118, in the Senate, increased the penalties for fraud to a maximum of 10 years. The House increases the penalties for mail and wire fraud from 5 to 20 years and creates a new securities fraud section and carries a maximum penalty of 25; 25 versus 10. I think we are a little bit better, obviously.

The Senate, the maximum penalty for destruction of records and documents is 10 years. The House strengthens laws that criminalize document shredding and other forms of obstruction of justice and provides a maximum of 20 years. The Senate 10, House 0.

Under the Senate version, the maximum penalty a corporate officer would face is a $1 million fine and 10 years in prison. The House, $5 million and 20 years. One and 10; 5 and 20.

The last provision I wanted to mention does not change the current penalties of a maximum fine of $1 million and 10 years in prison; corporations would still only face a maximum fine of $2.5 million. The House increases the criminal penalties for those who file false statements with the Securities and Exchange Commission to a maximum penalty of $5 million and 20 years; 1 and 10 in the Senate, 5 and 20 in the House.

It is so clear, and the rhetoric is unbelievable here tonight. We are the strong version. We are the version that is right for the American people. Going to a conference does not do anything except help us to get these tough penalties to protect the American people and to make this a better bill.

I surely urge that people rise in opposition to this conference report.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, passing the Senate bill is but the first step. Hopefully, the conferees will go beyond even the Senate bill or will take up new legislation in the Committee on Financial Services.

The Senate bill contains the provisions that reauthorize the SEC and contains provisions that talk about expensing stock options. We can no longer leave this issue to the Financial Accounting Standards Board that acknowledged long ago that it was best to expense stock options and then refused to make that mandatory. Nor can we allow the recent situation where consumers can compare Coke and Pepsi, but investors cannot, because the two similar companies use different methods of accounting for stock options.

Further, in reauthorizing the SEC, we must demand that they actually read the filings of the largest 1,000 companies, something that their chairman refuses to even consider because he has adopted a ''hear no evil, see no evil'' approach.

Mr. Speaker, we need to go far beyond even the Senate bill.

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

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I support the motion to go to conference because it affirms the supremacy of the Leahy provisions. The President asked Congress to get him a bill before the August recess. We could easily get him a good bill by the weekend if we took up and passed the Sarbanes bill.

The problems facing corporate America are extremely serious; and I think the head of Goldman Sachs, Henry Paulson, put it well when he said accounting at Enron ''bore little or no relationship to economic reality.''

The Sarbanes bill will restore the credibility of the accounting industry by creating a truly independent accounting oversight board that will not be dominated by the industry. The Sarbanes bill will not solve all of corporate America's problems overnight, but it will send a strong message to investors that Congress did not succumb to special interests but, rather, worked very hard at the public interest in building in more accountability.

Mr. Speaker, I urge my colleagues to support the motion to instruct, and I hope that we will report back to the floor the Sarbanes bill.

Mr. OXLEY. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. Mr. Speaker, I would like to engage the gentleman from California (Mr. COX) on the question of the criminal penalties issue which seems to be still in some contention.

As I understand the Sensenbrenner bill we passed in the House on yesterday, there was a provision that required the CEO of a corporation to certify the accuracy of financial statements and also to certify the accuracy of reports to the Securities and Exchange Commission.

In both of those cases, it was my understanding that the penalties that were adopted in that matter dramatically exceeded the prior existing criminal penalties for misrepresentation.

Is that the gentleman's understanding?

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

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

Mr. COX. Mr. Speaker, that is certainly correct.

Mr. BAKER. It was also my understanding that there were additional personal liabilities associated with underperformance or inappropriate conduct that either did not exist in prior law or that the penalties associated with that conduct were dramatically increased.

Is the gentleman familiar with those provisions, and is that accurate?

Mr. COX. Mr. Speaker, I am certainly familiar with those provisions, and that is accurate as well. The gentleman might also point out that not only were the provisions of H.R. 5113 adopted almost unanimously by this House just a few days ago, not only are those provisions much tougher than existing law, but they are significantly tougher than comparable provisions in the Senate legislation.

Mr. BAKER. Mr. Speaker, may I further inquire of the gentleman, once an individual is found to have violated or has committed criminal conduct and found guilty, that the consequence of that activity is to be banned from holding even a corporate or board position for the individual's life?

Mr. COX. That is correct.

Mr. BAKER. Can the gentleman tell me how we could go further in protecting shareholders and constituents with any additional penalties or assessments that would be appropriate in light of the egregious examples we have seen in the marketplace?

Mr. COX. Well, certainly the scope of this legislation on both the House and the Senate side gives ample opportunity to do other things, to reinforce these criminal law provisions; but the motion to instruct that is before us is addressed only to the criminal law provision.

Mr. BAKER. Mr. Speaker, I appreciate the gentleman's explanation. It is clear to me we have taken a very bold step, and I cannot understand anyone who would want to reduce these provisions.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The gentleman from Ohio (Mr. OXLEY) has 8 minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 3½ minutes remaining and the right to close.

Mr. OXLEY. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. ROYCE), our good friend and a valuable member of the Committee on Financial Services.

Mr. ROYCE. Mr. Speaker, one of the points I was going to make was that prior to the passage of our CAARTA bill, during a Committee on Financial Services meeting, I asked the SEC chairman if the SEC had all of the tools that it needed to return the ill-gotten gains from dishonest executives to the shareholders of these companies. His response was that it would be helpful if Congress were to include language that made it clear that it is Congress's intent that the SEC have the power to return these stolen funds to the shareholders.

Now, the Federal Account for Investor Restitution language, as proposed by the gentleman from Louisiana (Mr. BAKER), would effectively accomplish this task.

Now, currently, the Securities and Exchange Commission has the power to disgorge these funds from corrupt managers. However, the funds rarely make

it back to the shareholders who deserve them. They are currently distributed in an ad hoc fashion. I would say less than 20 percent are returned to the shareholders today, with the rest going to the plaintiffs, attorneys' fees, and to the Treasury's general revenue.

So this proposal that is offered by the gentleman from Louisiana (Mr. BAKER) to the conference would ensure that all of these ill-gotten gains be returned to the people who deserve them, and that is the individual shareholders and pension investors who were bilked out of their money through corporate malfeasance. It is another reason why we need to move forward with that conference.

Mr. OXLEY. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I want to commend my colleagues on both sides of the aisle for the work that we have done in this House over the last several weeks to move to the position that we find ourselves in today, going to conference with the Senate on this very important legislation. The President is urging us to act quickly, and we intend to do so. It is our intention on the majority side, and I think it is the intention also on the minority side, to get a bill as soon as possible, certainly by the end of the next week when we adjourn for our August recess.

To that end, in the House of Representatives we have enacted not one, but two bills addressed to this subject; indeed, three bills, because we have included pension reform as well. Several months ago we responded to the President's call for 10 major reforms addressed to corporate wrongdoing. We waited quite a long time for a response from the other body, but now we have it and we are moving quickly.

It should be the position of this House when we go to conference to back the toughest criminal penalties that we can impose as a Nation on those who would undermine our markets, on those who would steal from investors.

□ 1815

That is what this House voted to do just a few days ago. H.R. 5118, produced by the Committee on the Judiciary, which ought to, in our standing committee structure, write criminal laws, that bill passed 391 to 28; and it should be the position of this House. We all voted for it.

I am very puzzled that we would now have a motion to instruct that says, abandon the House position articulated by all of us here on the floor, produced in a quality fashion by the ranking member on the Committee on the Judiciary, who is here with us on the floor today, and by the gentleman from Wisconsin (Chairman SENSENBRENNER); abandon those positions, those tough positions, and instead insert essentially identical positions in the House bill that differ only in that they have half the penalty that we approved here earlier this week.

There is not much to this motion to instruct. It says that ''the House should recede from disagreement with section 802, section 804, section 805, and section 806 of the Senate bill.''

Section 802 of the Senate bill concerns criminal penalties for shredding documents, and the penalty is very clearly stated in section 802 of the Senate bill. It is 10 years. The provision in our House-passed bill, a bill that I think the ranking member on the Committee on the Judiciary takes pride in, that I take pride in, I voted for it, I supported it here on the floor, that identical provision in the House-passed bill is 20 years. That should be our position in conference.

The same with obstruction of justice. The same with all of the things covered in this motion to instruct, which are addressed essentially to the criminal features only of this otherwise broad legislation.

I strongly oppose, therefore, this motion to instruct and urge my colleagues to do likewise.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 1 minute to the distinguished gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, there has never been a period in U.S. history when the economy grew and the stock market shrank at the same time. They have always gone hand in hand.

I think our government must inject a sense of calm into our capital markets, and it is going to take more than just cheerleading. It is actually going to require Congress to pass legislation that not only removes the ability for the greedy to cut corners and defraud investors, but make sure they go to prison, just like any other thief. I think we are on the right track.

Four months ago, the gentleman from New York (Mr. LAFALCE) offered a substitute to the accounting reform bill in the House that sought to do many of the things the other body has agreed to do unanimously. Four months ago, the proposal of the gentleman from New York (Mr. LAFALCE) did not get a single vote from our colleagues on the other side. But yesterday morning, most Members voted for a bill that would send someone to prison for 25 years for securities fraud, and I think that is good. I think we are on the right path.

But the Members know and I know that tougher criminal penalties for wrongdoing are not the solutions to the market's deficiencies. So let us get serious and let us make it nearly impossible to pass fraudulent information along to investors. Let us have more transparencies. Let us clean up the mess. Let us get a bill to the President next week and restore the trust and confidence of the public in the markets.

Mr. OXLEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this has been an enlightening debate. Let me just review the bidding, if I can. Back when Enron became a household word, and all of the scandals that developed, the Committee on Financial Services was the first committee last year in December to hold a hearing on the Enron scandal.

Our committee, the committee of jurisdiction, passed strong legislation, the CAARTA legislation, Corporate and Auditing Accountability, Responsibility, and Transparency Act. It passed in the committee with a strong bipartisan vote, dealing with corporate scandals, dealing with accounting irregularities, directing our efforts at the real problem while preserving the ability of the marketplace to work very effectively.

Then the bill came to the floor. It passed by a large margin, 334 to 90; 119 Democrats wisely voted for that piece of legislation. We waited and we waited and we waited for the other body to act, almost 3 months. Finally, when the WorldCom bombshell hit, the Senate finally decided to act, and act they did.

In large measure, the Sarbanes bill and our bill are very, very similar. I applaud Senator SARBANES, Chairman SARBANES, for his hard work and his dedication. We are now in a process where we all ought to be, and that is to reconcile the differences between the House and Senate. That is what we do here. That is what legislators do.

Those who would say we need to take the Senate bill lock, stock, and barrel and not worry about any of the potential problems in that bill, I think, denigrate our committee and the legislative process.

So we are here to say, let us do regular order. Let us get to a conference. We can do this. The President said, let us get this done before the August recess. The Speaker said, get this done before the August recess. We are going to get this done before the August recess; and we are going to have a good, bipartisan bill that we can take to the President for his signature and send a strong signal to the American people and the investing public that the Congress has done everything possible to restore confidence to our public markets.

We should take a great deal of pride on both sides of the aisle for the way that we have addressed this issue. I have been proud to work with my good friend, the gentleman from New York (Mr. LAFALCE), the ranking member. We have had our differences of opinion; but at the same time, he has been a very strong advocate for doing the kind of reform necessary. I salute him in his last few months here in this great body.

We are on the verge of a very positive approach to the scandals that have enveloped corporate America. Let us move on to the conference. Let us reject this unwise motion and move to a conference in good order.

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

Mr. CONYERS. Mr. Speaker, I am delighted to yield 1 minute to the gentlewoman from California (Ms. WATERS), a member of the Committee on the Judiciary.

Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I do not delight in having to reveal that the Chairs of both the Committee on Financial Services and the Committee on the Judiciary just did not do their job.

My friend on the other side of the aisle, the gentleman from Ohio (Mr. OXLEY), is a good chairman; and I suppose if he had had the support of his Republican conference perhaps he could have had a stronger bill; but the bill that we passed was just too week.

The gentleman from New York (Mr. LAFALCE) never had an opportunity in the Committee on Financial Services to really get his amendments set forth in the way that he would like. The gentleman from Wisconsin (Mr. SENSENBRENNER) did not even take up the bill that the gentleman from Michigan (Mr. CONYERS) was trying so desperately, begging him to take up, so we could have a stronger response to corporate crime.

Now we have an opportunity to instruct the conferees. The Sensenbrenner bill that surfaced yesterday does not do what we need to have done. It is not even in conference. As a matter of fact, they would want us to believe that it is tougher because they have some tougher sentencing, but all of the issues that have been identified here in the Conyers motion are what we all need to embrace. Unless we do it, we are not sincere about doing something about corporate crime.

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to our distinguished colleague, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, vote for this motion. If the Republican bill were an SEC filing, it almost would be actionable under the antifraud provisions of the Federal securities laws. It is a fraud. It masquerades as an investor protection bill when, in actuality, it is an accountant and corporate wrongdoer protection act.

What does it not have in it? Well, it does not have an accounting board that is controlled by independent auditors. It is all controlled by the accounting industry, just as the Securities and Exchange Commission is now controlled by the accounting industry.

It does not separate auditing from consulting when an auditing firm, an accounting firm, goes inside to audit a firm.

It does not separate investment banking from analyst recommendations in terms of the compensation which is received by the analyst, a conflict of interest that is creating all of the problems.

What does this motion to recommit say? It says we should extend from 3 years to 5 years the time that people have to go in and do something about fraud, because we are now talking about fraud committed in 1998 and 1999, and the statute of limitations has run. We must extend it out to 5 years. Ordinary investors are only finding out now how valueless their investments were.

In addition, the auditors must keep the work paper for 5 years so people can bring action against them, whether it be criminal or civil.

Vote for this meaningful motion if Members want to protect American investors against further fraud in the American marketplace.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CONYERS. 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 SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 207, nays 218, not voting 9, as follows:

[Roll No. 313]

YEAS—207

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—218

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Blagojevich	Lantos	McHugh
Bonior	Lipinski	Nadler
Ganske	Mascara	Traficant

□ 1849

Messrs. MCINNIS, SIMMONS and BASS changed their vote from ''yea'' to ''nay.''

Mrs. TAUSCHER, Ms. HOOLEY of Oregon and Ms. WATERS changed their vote from ''nay'' to ''yea.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Without objection, the Chair appoints the following conferees:

From the Committee on Financial Services, for consideration of the House bill and the Senate amendments, and modifications committed to conference: Messrs. OXLEY, BAKER, ROYCE, NEY, Mrs. KELLY, Messrs. COX, LAFALCE, FRANK, KANJORSKI and Ms. WATERS.

Provided that Mr. SHOWS is appointed in lieu of Ms. WATERS for consideration of section 11 of the House bill and section 305 of the Senate amendment, and modifications committed to conference.

From the Committee on Education and the Workforce, for consideration of sections 306 and 904 of the Senate amendment, and modifications committed to conference: Messrs. BOEHNER, JOHNSON of Texas and GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of sections 108 and 109 of the Senate amendment, and modifications committed to conference: Messrs. TAUZIN, GREENWOOD and DINGELL.

From the Committee on the Judiciary, for consideration of section 105 and titles 8 and 9 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas and CONYERS.

From the Committee on Ways and Means, for consideration of section 109 of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, MCCRERY and RANGEL.

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The SPEAKER pro tempore. Pursuant to House Resolution 483 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5093.

□ 1852

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and, for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 1 by the gentleman from Oregon (Mr. BLUMENAUER) had been postponed, and the bill was open from page 126, line 15 through page 135, line 13.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 16 by Mr. TANCREDO of Colorado;

Amendment No. 2 by Mrs. CAPPS of California;

Amendment No. 1 by Mr. BLUMENAUER of Oregon.

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

AMENDMENT NO. 16 OFFERED BY MR. TANCREDO

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 16 offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 123, noes 300, not voting 11, as follows:

[Roll No. 314]

AYES—123

Aderholt	Diaz-Balart	King (NY)
Akin	Doolittle	Kingston
Armey	Dreier	Lewis (KY)
Bachus	Duncan	Linder
Barr	Emerson	Lucas (KY)
Bartlett	Everett	Manzullo
Barton	Flake	McCrery
Bilirakis	Forbes	McInnis
Blunt	Goode	Miller, Gary
Boehner	Goodlatte	Miller, Jeff
Boozman	Graves	Myrick
Brady (TX)	Green (WI)	Ney
Bryant	Gutknecht	Norwood
Burton	Hall (TX)	Osborne
Buyer	Hansen	Otter
Callahan	Hastings (WA)	Paul
Cannon	Hayes	Pence
Cantor	Hayworth	Petri
Chabot	Hefley	Pickering
Chambliss	Herger	Pitts
Coble	Hilleary	Pombo
Combest	Hostettler	Putnam
Cooksey	Hulshof	Radanovich
Cox	Hunter	Rehberg
Crane	Hyde	Riley
Cubin	Istook	Rohrabacher
Culberson	Jenkins	Royce
Cunningham	Johnson, Sam	Ryan (WI)
Davis, Jo Ann	Jones (NC)	Ryun (KS)
Deal	Keller	Schaffer
DeLay	Kennedy (MN)	Sensenbrenner
DeMint	Kerns	Sessions
Shadegg	Stearns	Toomey
Sherwood	Stump	Vitter
Shimkus	Sullivan	Watkins (OK)
Shows	Tancredo	Weldon (FL)
Shuster	Tauzin	Weller
Skelton	Taylor (MS)	Wicker
Smith (NJ)	Taylor (NC)	Wilson (NM)
Smith (TX)	Thornberry	Wilson (SC)
Souder	Tiahrt	Young (AK)

NOES—300

Abercrombie	Frelinghuysen	McGovern
Ackerman	Frost	McIntyre
Allen	Gallegly	McKeon
Andrews	Ganske	McKinney
Baca	Gekas	McNulty
Baird	Gephardt	Meehan
Baker	Gibbons	Meek (FL)
Baldacci	Gilchrest	Meeks (NY)
Baldwin	Gillmor	Menendez
Ballenger	Gilman	Mica
Barcia	Gonzalez	Millender-McDonald
Barrett	Gordon	Miller, Dan
Bass	Goss	Miller, George
Becerra	Graham	Mink
Bentsen	Granger	Mollohan
Bereuter	Green (TX)	Moore
Berkley	Greenwood	Moran (KS)
Berman	Grucci	Moran (VA)
Berry	Gutierrez	Morella
Biggert	Hall (OH)	Murtha
Bishop	Harman	Napolitano
Blumenauer	Hart	Neal
Boehlert	Hastings (FL)	Nethercutt
Bonilla	Hill	Northup
Bono	Hilliard	Nussle
Borski	Hinchey	Oberstar
Boswell	Hinojosa	Obey
Boucher	Hobson	Olver
Boyd	Hoeffel	Ortiz
Brady (PA)	Hoekstra	Ose
Brown (FL)	Holden	Owens
Brown (OH)	Holt	Oxley
Brown (SC)	Honda	Pallone
Burr	Hooley	Pascrell
Calvert	Horn	Pastor
Camp	Houghton	Payne
Capito	Hoyer	Pelosi
Capps	Inslee	Peterson (MN)
Capuano	Isakson	Peterson (PA)
Cardin	Israel	Phelps
Carson (IN)	Issa	Platts
Carson (OK)	Jackson (IL)	Pomeroy
Castle	Jackson-Lee (TX)	Portman
Clay	Jefferson	Price (NC)
Clayton	John	Pryce (OH)
Clement	Johnson (IL)	Quinn
Clyburn	Johnson, E. B.	Rahall
Collins	Jones (OH)	Ramstad
Condit	Kanjorski	Rangel
Conyers	Kaptur	Regula
Costello	Kelly	Reyes
Coyne	Kennedy (RI)	Reynolds
Cramer	Kildee	Rivers
Crenshaw	Kilpatrick	Rodriguez
Crowley	Kind (WI)	Roemer
Cummings	Kirk	Rogers (KY)
Davis (CA)	Kleczka	Rogers (MI)
Davis (FL)	Knollenberg	Ros-Lehtinen
Davis (IL)	Kolbe	Ross
Davis, Tom	Kucinich	Rothman
DeFazio	LaHood	Roukema
DeGette	Lampson	Roybal-Allard
Delahunt	Langevin	Rush
DeLauro	Larsen (WA)	Sabo
Deutsch	Larson (CT)	Sanchez
Dicks	Latham	Sanders
Dingell	LaTourette	Sandlin
Doggett	Leach	Sawyer
Dooley	Lee	Saxton
Doyle	Levin	Schakowsky
Dunn	Lewis (CA)	Schiff
Edwards	Lewis (GA)	Schrock
Ehlers	LoBiondo	Scott
Ehrlich	Lofgren	Serrano
Engel	Lowey	Shaw
English	Lucas (OK)	Shays
Eshoo	Luther	Sherman
Etheridge	Lynch	Simmons
Evans	Maloney (CT)	Simpson
Farr	Maloney (NY)	Skeen
Fattah	Markey	Slaughter
Ferguson	Matheson	Smith (WA)
Filner	Matsui	Snyder
Fletcher	McCarthy (MO)	Solis
Foley	McCarthy (NY)	Spratt
Ford	McCollum	Stark
Fossella	McDermott	Stenholm
Frank		

Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—11

Blagojevich
Bonior
Johnson (CT)
LaFalce
Lantos
Lipinski
Mascara
McHugh
Nadler
Smith (MI)
Traficant

□ 1910

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

ANNOUNCEMENT NO. 2 OFFERED BY MRS. CAPPS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 252, noes 172, not voting 10, as follows:

[Roll No. 315]

AYES—252

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bartlett
Becerra
Berkley
Berman
Bilirakis
Bishop
Blumenauer
Boehlert
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Calvert
Capito
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Goss
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kucinich
LaFalce
LaHood
Langevin
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Miller, Jeff
Mink
Moore
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Oberstar
Obey
Olver
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Platts
Pomeroy
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Rivers
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sununu
Sweeney
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walsh
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Woolsey
Wu
Wynn
Young (FL)

NOES—172

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Barton
Bass
Bentsen
Berry
Biggert
Blunt
Boehner
Bonilla
Boozman
Brady (TX)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Camp
Cannon
Cantor
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Deal
DeLay
DeMint
Doolittle
Duncan
Edwards
Emerson
Everett
Flake
Fletcher
Foley
Forbes
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Graham
Granger
Graves
Green (TX)
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Keller
Kerns
King (NY)
Kingston
Knollenberg
Kolbe
Lampson
Latham
LaTourette
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Mollohan
Moran (KS)
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Otter
Pence
Peterson (PA)
Pickering
Pitts
Pombo
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryun (KS)
Sandlin
Schrock
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Stenholm
Stump
Sullivan
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Wamp
Watkins (OK)
Watts (OK)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—10

Bereuter
Blagojevich
Bonior
Lantos
Lipinski
Mascara
McHugh
Nadler
Schaffer
Traficant

□ 1919

Mr. ROGERS of Michigan changed his vote from ''aye'' to ''no.''

Mr. CRAMER changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. BLUMENAUER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 1 offered by the gentleman from Oregon (Mr. BLUMENAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 223, not voting 10, as follows:

[Roll No. 316]

AYES—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Biggert
Blumenauer
Boehlert
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Ehlers
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank
Frelinghuysen
Frost
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka

Kucinich
LaFalce
Lampson
Langevin
Larson (CT)
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Platts
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—223

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Berry
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Bono
Boozman
Boswell
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Costello
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Etheridge
Everett
Flake
Fletcher
Foley
Forbes
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kerns
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McInnis
McIntyre
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Bereuter
Blagojevich
Bonior
Istook
Lantos
Lipinski
Mascara
McHugh
Nadler
Traficant

□ 1927

Mrs. JOHNSON of Connecticut changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SHADEGG

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

The Clerk read as follows:

Amendment offered by Mr. SHADEGG:

At the end of the bill, before the short title, insert the following new section:

SEC. . The Regional Forester for a National Forest System Region may exempt a specific project involving the removal of trees with a diameter of 12 inches or less on land owned or managed by the Forest Service in that Region from the applicability of the citizen suit authority contained in section 11(g) of the Endangered Species Act of 1973 (16 U.S.C. 1540(g)) if the Regional Forester finds (and certifies these findings to the Chief of the Forest Service and Congress) that, on the basis of the best scientific information available, (1) a wildfire in the area of the project is likely to cause extreme harm to the forest ecosystem and destroy human life and dwellings and (2) the project is necessary to prevent these occurrences.

□ 1930

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. SHADEGG. Mr. Chairman, this amendment is designed to address a problem with the Endangered Species Act and the fires that are raging across the West at the present time. Right now citizens' suits are being brought to prevent the clearing of these forests by thinning out the dead wood and thinning out the smaller trees. As a result of the fact that we are not doing this removal of smaller trees, we are encouraging crown fires which destroy entire areas.

In my State of Arizona, we have just had a fire that has destroyed 500,000 areas. If you look at areas that have been treated, it appears as though the fire never even went through those areas. If you look at areas where they were not treated, there has been absolute, total devastation. This simply says that a regional forest ranger could make a determination that a wildfire in the area of the project to thin out the fire load was likely to cause extreme harm to the forest ecosystem and destroy human life and dwellings and that the project was necessary to prevent these occurrences. Once that finding had been made and had been certified to the United States Congress, then the thinning could occur without there being a citizen lawsuit to block the thinning from occurring.

Mr. Chairman, I yield to the gentleman from Utah to discuss the issue as well.

Mr. HANSEN. I thank the gentleman for yielding.

Mr. Chairman, let me point out as the chairman of the Committee on Resources, one of the biggest problems we have in America and the West at this particular time is called fuel load. Fuel load is when we have dead trees and we have all kinds of trash and no one is allowing prescription, to go in and take these out on prescribed fires. We have case after case all over America where forests are burning to the ground. Last year I went with staff and we went to about four Western States. You have got fuel load up to your armpits. All you need is one strike of lightning and you have got a fire. Never have we had fires like this. Last year I asked all of the forest supervisors, are we going to have more fires? They said, ''Count on it. You'll never have as many fires as you have.''

Why is this? It is because we cannot go in and we cannot seem to find a position that we can clear it out like we have since 1905. In one committee we had one of the large environmental groups there. She said, ''We don't believe in this. We shouldn't do it that way. It's not nature's way.''

I think this amendment is an excellent amendment. Somebody has got to wake up, be honest, and have guts enough to look some of these guys in the face and say, we have to clean the forests or we are going to burn the West down, and we are well on the way to doing it.

Mr. SHADEGG. Mr. Chairman, I yield to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I rise in support of the gentleman's amendment and in opposition to the point of order.

The gentleman's amendment allows the management of the forest by thinning and protection of life and health of the forest by local control, that is, the Forest Service regional forester. I think it is a commonsense amendment, I cannot imagine anybody would be against it, and so I support the gentleman's amendment.

Mr. SHADEGG. Mr. Chairman, it seems to me this is, in fact, a commonsense amendment. It does not say that you can never bring such a lawsuit. It is limited to certain circumstances where they are cutting small diameter trees, trees of less than 12 inches. It would not allow commercial logging. It simply allows a reasonable thinning of the forest to stop the kind of devastating crown fires that have destroyed Arizona recently and have stricken California and Colorado and

many other States. It is, I believe, an absolute essential requirement that we allow this thinning to occur so that we do not burn our forests down. When you look at the language of the amendment, which requires a rather extreme certification that the wildfire is likely to cause extreme harm to the forest ecosystem, destroy human life and dwellings, and that the project is necessary to prevent these occurrences, I believe it is a very, very reasonable amendment. It is designed to protect our forests and strike a balance, because this would not block a citizen lawsuit if they wanted to thin larger trees. It would not block a citizen lawsuit under other circumstances where these certifications were not made. It is a middle ground that I think makes a great deal of sense.

I would urge that the point of order be withdrawn so that the Members can at least look at this policy. Our forests are burning to the ground. We lost over 460 homes of people that live in those forests in Arizona in the absence of being able to strike a reasonable policy, and I think this does. This requires a certification. It requires that the certification be that there be extreme harm and that it is going to destroy human life and dwellings and that the thinning project is necessary. In Arizona, the environmental groups have agreed that they support thinning so long as it does not go to large-diameter, old-growth trees. Indeed they have rushed to say we are willing to support this kind of policy as long as it is limited.

I was urged not to put a diameter limit in this because I was told, look, if you put a diameter limit in it, we may need to cut some larger trees. I said, no, I want a bright line so that those who oppose allowing timber harvesting to go forward under this policy will not be able to see this as a ruse. It is not a ruse. It is a genuine effort by us to strike a reasoned policy that will allow thinning to go forward without extended legal battles where the thinning is not a commercial logging effort but is, rather, necessary to save the forest and to prevent these kind of crown fires.

The evidence is absolutely clear that these crown fires take off and occur only when there is the underlying load, fuel load, which has not been removed. In the strongest possible terms, it seems to me that this is a reasonable compromise which I would urge upon this Congress and upon our colleagues that they withdraw the point of order.

POINT OF ORDER

Mr. GEORGE MILLER of California. Mr. Chairman, I insist upon my point of order. I make a point of order against the amendment because it proposes to change existing law and imposes new duties and constitutes legislation on an appropriation bill and therefore violates clause 2 of rule XXI. The rule states, in pertinent part, ''No amendment to a general appropriation bill shall be in order if changing existing law.'' The amendment imposes additional duties.

Therefore, I ask for a ruling of the Chair.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

Mr. KINGSTON. Mr. Chairman, I ask to speak on the point.

I just want to say I have read this amendment and listened to a lot of testimony over the past several years about the need to do this sort of thing in our forests. When you look at the common sense of preserving the life of the forest, the ecosystem and helping save human lives and dwellings, this is a reasonable, commonsense approach. I would ask my friend from California to reconsider the point of order simply because I do think this is something in the interest of forest management that our agencies need. I regret that the gentleman from Arizona did not have it in the committee because I think that we would certainly try to work with you on the committee. But I hope the gentleman will withdraw the point of order because I think this is common sense, and I am an Easterner, but I have lots of forests, tree farms, as we would call them in my district, and forest management is part of the responsibility and it is a great, I would say, intercourse between man and nature and great involvement.

I think this is a good amendment. I hope that we can keep it in the bill and that the gentleman would withdraw his point.

Mr. DICKS. Mr. Chairman, I hate to do this, but we are supposed to be talking about the point of order, not the substance of the amendment. I would hope that the gentlemen would restrict their discussion to the point of order.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

Mr. HANSEN. Mr. Chairman, I would hope the gentleman from California would withdraw the point of order. I think it is substantive when you talk about these particular areas. We have a situation out there, and we had the BLM director.

Mr. DICKS. Mr. Chairman, I have to raise a point of order here. The gentleman is not discussing the point of order. You have to have some way to talk about the rules of the House. He is not addressing the point of order.

The CHAIRMAN. Members are reminded to confine their remarks to the point of order.

The gentleman may proceed.

Mr. HANSEN. Parliamentary inquiry. Would you define ''point of order'' for us?

The CHAIRMAN. The gentleman will proceed on the point of order. The point of order is whether the amendment legislates on an appropriation bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask for a ruling on my point of order.

The CHAIRMAN. The gentleman from Utah may proceed.

Mr. HANSEN. I will say that we legislate on appropriations on a very regular basis around here. I think that my good friend from Washington is making something out of nothing, but that is his privilege to do that. But I would just like to say this.

Mr. DICKS. The gentleman is willing to exercise his points of order when he needs them.

The CHAIRMAN. The gentleman from Washington is not recognized.

Mr. HANSEN. You have a situation with the BLM and the gentleman from Washington (Mr. DICKS) got up, he talked about show us a place where you can save money yesterday, he was talking of one, and here is one that comes out. The new director of BLM stands up and says, ''I'm spending close to 50 percent of my money on litigation.''

Mr. DICKS. Mr. Chairman, I insist that the gentleman speak on the point of order and not talk about irrelevancies.

The CHAIRMAN. If there is no further debate on the point of order, the Chair is prepared to rule.

The amendment proposes to convey new authority to the Executive and, as such, constitutes legislation in violation of clause 2(c) of rule XXI. The point of order is sustained.

AMENDMENT OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. NORTON:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

Ms. NORTON. Mr. Chairman, I believe this is a noncontroversial amendment. It is language identical to the language included in six previous appropriations bills. It makes sure that Pennsylvania Avenue, for 200 years America's Main Street, does not become a park without Congress having some say in it, that it would not be an administrative matter that the Park Service should simply be allowed to go ahead and do.

It has been offered every year in the past by the distinguished former chair of this subcommittee, the gentleman from Ohio (Mr. REGULA). I understand it has been cleared with the present chair, the gentleman from New Mexico (Mr. SKEEN), and with ranking members of the full committee and of the subcommittee on our side. I want to make clear that it has no security impact. All during the time this amendment has been in force, all 6 years, the White House has proceeded to on Pennsylvania Avenue put up the appropriate security. If you go there now, they have the same contraption that goes up and down that we have to come into the Senate and House side of the House.

While I am on the floor, I want to explain why I did not offer an amendment

on the payment of rent by Wilson Center at the Ronald Reagan Building to the Federal building fund. I have been assured of discussions going on now to accomplish what my amendment seeks, so I will hold it in abeyance for the time being.

This is a noncontroversial amendment. I simply ask that we reinsert the amendment that has previously been in the appropriation for the last 6 years.

Mr. SKEEN. Mr. Chairman, we accept the gentlewoman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON).

The amendment was agreed to.

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

We just recently were talking about this issue of fuel load which is a very sensitive issue to those of us in the West. We are seeing the West burn up. It is a very important thing. I remember yesterday when some people were talking about the idea of show us where you can save money. The new director of BLM is a lady by the name of Kathleen Clark. Kathleen Clark is a very bright lady. She was head of the natural resources department in the State of Utah. She has had all kinds of experience. We had her before the committee of which I chair of Natural Resources. She made an interesting statement. She said that she spends almost 50 percent of her budget fighting lawsuits put in by extreme environmental people. That was very interesting to us.

Then we turned and asked the question also to Dale Bosworth, the new chief of the Forest Service. His is not that high, but it is pretty high. We are sitting here worried about the lands of America. What are we going to do to take care of this thing? How are we going to clean this forest? How are we going to get rid of this fuel load? So all this money we are putting up, we are turning around and paying it to attorneys. Around here, attorneys' retirement plans are a pretty big deal, it seems like. I have never seen such a waste of money, especially when they get on this rule 28. Win, lose or draw, they get paid 350 bucks an hour. I think that is really excessive. If we are going to take care of the forests, if we are going to take care of the public lands, if we are going to take care of these areas, somebody in Judiciary, this committee and others have got to have courage enough to start reining these people in. We can hardly go out spending all of this money that these CATs yesterday were talking about taking out. Look how much you could put into taking care of the forest if you did not do it this way. The judges, in effect, have taken over the public lands of America. Hardly qualified in my mind as I read many of their decisions to come up and explain what they feel is right in public lands.

I wish I had an hour, and on a special order I may do this, talking about some of the dumbest decisions I have ever read in my life where these people are telling us how to run the public lands of America.

□ 1945

The reclamation, the BLM, the forest service and services as this.

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

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

Mr. DICKS. Mr. Chairman, this just jumps out at me that if the gentleman has been reading these decisions and we do not like the current law, which is what the judges are interpreting, the gentleman from Utah was in a wonderful position as chairman of the committee to try and do something about it, to clarify the law, or to make it clearer on some of these points.

Mr. HANSEN. Mr. Chairman, I appreciate those comments. Believe me, if the gentleman has watched what we have done in the committee, he would know that we have tried very diligently to do it, and we would sure like the gentleman's support.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

I want to take a moment to thank the gentleman from California (Mr. DICKS) and the gentleman from New Mexico (Chairman SKEEN) for securing funding for the Urban Park and Recreation Funding Program, known as UPAR, and for increasing the allocation for National Parks operation.

Since its inception in 1979, UPAR has provided over 1,400 grants to 42 States, Puerto Rico, and the District of Columbia for the revitalization of our urban and suburban parks and sports facilities and recreational facilities for young people throughout this country.

The President has zeroed out the UPAR program, and I am thankful to the gentleman from New Mexico (Chairman SKEEN) and the ranking member, the gentleman from Washington (Mr. DICKS), for restoring this funding for this critically important urban and suburban program.

This is a program that is sponsored by many, many parts of the private sector, from the sporting good manufacturers, pro sports and national league baseball, the NBA, the NFL, the Women's National Basketball Association and so many others who have participated with this in this effort to revitalize these recreational opportunities in our cities and in our suburbs.

I also want to thank them, as I mentioned, for restoring and increasing of funds for the Park Service operations. Over 83 Members wrote to the committee asking for an increase in this, and they were able to secure an additional $118 million for Park Service operations, which are so vital to the operations of the Park Service and to continue to present the kind of experience that the American citizens and people from around the world expect when they visit these massive, world-famous national parks in our system.

I also want to take a moment just to recognize the gentleman from New Mexico (Chairman SKEEN), whom I have had the pleasure of serving with in Congress for these many years, and who I have found to be one of the really fun people in the Congress of the United States, who has been a gentleman whenever we have had our disagreements. I have had the chance to travel with him on the issues of trade and agriculture, between Mexico and the United States, and enjoyed listening to him and the information that he understood, given his long background of living on the border, if you will, and understanding the relationships between our two nations.

This is the final bill of his career; and I just want to thank him for all of his kindness, for his generosity, for hearing me out; not always granting my wishes, but at least hearing me out and being very fair about it. I thank the gentleman, and I thank him for his chairmanship of this committee and for his time served in Congress. It has been a joy to serve with the gentleman.

AMENDMENT OFFERED BY MR. SHADEGG

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

The Clerk read as follows:

Amendment offered by Mr. SHADEGG:

At the end of the bill, preceding the short title, insert the following:

SEC. . The amounts otherwise provided by this Act are revised by reducing the amount made available for "DEPARTMENT OF THE INTERIOR—BUREAU OF LAND MANAGEMENT—Land Acquisition" and by increasing the amount made available for "DEPARTMENT OF THE INTERIOR—BUREAU OF LAND MANAGEMENT—Wildland Fire Management" by $36,000,000 and $23,089,000 respectively.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 20 minutes to be evenly divided.

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

Mr. DICKS. Mr. Chairman, reserving the right to object, does the gentleman think we need that much time on this amendment?

Mr. SHADEGG. Mr. Chairman, I certainly would agree with the gentleman from Washington that we will not need more, but we might need 20 minutes. I think it is a reasonable number.

Mr. DICKS. Mr. Chairman, continuing my reservation, could the gentleman state how many other speakers there will be on this amendment?

Mr. SHADEGG. I do not know.

Mr. DICKS. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The gentleman from Arizona (Mr. SHADEGG) will control 10 minutes and the gentleman from New Mexico (Mr. SKEEN) will control 10 minutes.

The Chair recognizes the gentleman from Arizona (Mr. SHADEGG).

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

This is a straightforward amendment about prioritization. I have, as I indicated last night in my remarks, the greatest admiration both for the chairman of the overall committee and for the chairman of the subcommittee. I have worked with him since I got here. I know that in the process of drafting this bill they had to make many hard choices, but I believe that one of them has been misallocated.

The bill currently provides $23 million less for the Bureau of Land Management's budget for wildfire management than the current year allows. We have reduced the amount of money to fight wildfires. At the same time, we have increased the amount of money to acquire land to $49 million. I would suggest that this is a misprioritization of our resources.

In an age when we have seen outrageous fires across the West, in my State, as I mentioned a moment ago, we have lost half a million acres to wildfire, we are seeing a situation where we are reducing the amount of money to fight wildfires; but we are increasing the amount of money to buy land. It seems to me clearly imprudent to follow that course of conduct.

Now, the acquisition of land would mean that we are going to buy more land in the western United States, because the BLM operates exclusively in the western United States. What that means is that this $49 million that is in the bill currently to acquire more land will be used to buy even more Federal land.

I would suggest that that is a serious problem, that we do not need to acquire more land; but most importantly, we certainly do not need to acquire more Federal land in the eastern United States.

In my State of Arizona, there is no shortage of public land. The Federal Government owns 29 percent of all of the land in the United States, and 92 percent of that land is in the 12 Western States. In my State of Arizona, 83 percent of Arizona's landmass is owned by one level of the government or other, leaving only 17 percent of our land in public ownership. There are only 32 States that have higher percentages of public ownership than Arizona, and that is Alaska, which is 90 percent public owned, and Nevada, which is 87 percent publicly owned. I might add Utah is 79 percent publicly owned.

In contrast, the number of eastern States like Connecticut is only fourtenths Federal. New York is 1.4 percent Federal. We do not need at this moment in our history, with a war on and a battle over domestic terrorism, to be acquiring more Federal land, but we particularly do not need to do so at the expense of wildfire fighting. That should be obvious to anyone who has read the papers in the last month.

It may be true that we need to acquire some land, and my amendment does not take out all of the monies in this legislation to acquire additional land. Some $13 million is left in this legislation to buy more land. But it does say that we are going to transfer a portion of that $49 million to buy more land, leaving $13 million there, a portion of that $49 million to buy more land we are going to transfer over to fight wildfires. I would suggest that it is absolutely irrational to oppose this amendment.

Right now, again, I want to make this point, that there is an over-$23 million cut in the current bill for wildfire fighting. That is obviously an error. In this bill itself, there is a supplemental for this year of $700 million to add for firefighting this year. If it was not enough last year, and it clearly was not enough, and it was the Dicks amendment which added $700 million for wildfire fighting this year, how can it be rational to cut wildfire fighting next year by $23 million over the figure from this year, before we add the $700 million? It simply does not make any sense.

Nobody can stand here today and say that there is a dramatically smaller chance of wildfires next year. Nobody has that kind of crystal ball. Indeed, what we are told, Arizona is in one of the worst droughts in its history; the entire West is in one of the worst droughts in its history. The entire West is burning up from heat. Temperatures are way up in Washington, hotter than they are in my State of Arizona. And that is part of a long-term drought.

It is very obvious to me that we are going to need money to fight wildfires next year. I am simply saying that it does not make sense, when we are having to add in this very piece of legislation $700 million additional dollars to fight wildfires in the current fiscal year, that we would, at the same time, reduce the amount of money that we are allocating to fight wildfires in the coming year. Who can explain that? There is no reason to believe the drought is going to end; there is no reason to believe that the cost of fighting fires is going to go down. What we are doing is creating a situation where we will have to be back here on this floor the next time a devastating wildfire occurs finding more money for next year's budget because we simply underfunded it.

With all due respect to the members of the committee, I think they made a conscientious effort, but we ought to make priorities. It is literally irrational to spend all of this money for additional firefighting efforts this year, $700 million under the Dicks amendment, and cut $23 million next year. I simply say we restore that by taking that money from land acquisition.

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

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. NETHERCUTT).

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

I want to rise in opposition to the gentleman's amendment, but praise him for his concern about this. I have the same concerns and the same philosophy about this issue.

What I want to emphasize in my remarks, however, is that the subcommittee has led the way on the wildfire issue. For the forest service the subcommittee provided $146 million more than the President requested for wildfire. We added $5 million, over $5 million for the readiness and program management, which is really the money to get out there and fight these fires. We have $700 million additional in emergency spending for wildfires and fighting those within the system of the Interior Department, and we are at the President's budget request of $160 million for fire suppression operations.

I think the gentleman makes some very good points; and I am going to be real frank about it, because I come from the West, and I know we are worried about additional acquisitions that are not then properly accounted for within the system. In other words, proper management falls behind.

I will say, with respect to the gentleman's offset and the reduction, that if this land acquisition program reduction occurs, there will be a disruption in some of the agreed upon acquisitions that Members of this body, the House, and Members on both sides of the aisle, have looked at and agreed upon as a sensible acquisition, not an insensible one.

So I think we, again, feel as though the subcommittee has balanced this issue pretty carefully, and I really want to commend the gentleman for his sensitivity about fire issues, especially from his State and his concern in this amendment. Again, I reluctantly oppose it; but on the other hand, I oppose it because there is a substantial amount of money in the bill that the subcommittee looked at and the full committee looked at and felt was appropriate at a level that meets the needs of fire suppression.

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

Mr. NETHERCUTT. I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, my only question is, this does reduce the amount of money for land acquisition, but it does not zero it out. I mean, the intention of the amendment was to say let us leave some money there and to recognize that we need to acquire some lands. There are things that need to happen in a timely fashion. It seems to me reasonable to delay some of those land acquisitions.

I guess I am asking, does the gentleman know what projects have to be delayed, what acquisitions would have to be delayed, based on the reduction contemplated in the legislation?

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Mr. NETHERCUTT. Reclaiming my time, Mr. Chairman, I do not know

which would be delayed. That is part of the problem that we have, that there may be some agreed-upon acquisitions that the BLM and the Members and others, and the administration and others, feel are sensible and genuine. So that is part of the problem that we cannot identify them exactly.

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

Mr. DICKS. Mr. Chairman, will the gentleman from New Mexico (Mr. SKEEN) yield me time?

Mr. SKEEN. Yes. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I appreciate the gentleman from Arizona mentioning the fact that our committee, when we looked at this in the full committee, added $200 million for the BLM for this purpose as a 2002 supplemental.

I would like to see us in the supplemental, the one that is moving now in conference committee, and the administration suggested that we do that, add the $700 million in the 2002 conference so we will get the money back faster for the agencies, because they desperately need this money.

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

Mr. DICKS. I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, I certainly concur with the gentleman that the place for firefighting money is in the supplemental, which could become law literally next week.

Mr. DICKS. In a couple of days.

Mr. SHADEGG. In a couple of days, rather than leaving it in this bill, which is not likely, at best, to become law before October. So I join the gentleman.

Mr. DICKS. Reclaiming my time, Mr. Chairman, we are trying to do what the gentleman is suggesting, what the gentleman has suggested, that we need more money for firefighting. We do. The agencies are telling us that they have to borrow money from other accounts in order to pay for the firefighting; that they are going to be completely dislocated in the last quarter of this year because they have not got the resources. Once they give the money for firefighting, all kinds of other things are going to stop within the BLM and the forest service.

The gentleman has a stake in that, and I do. Many in this House have a stake in that. What I suggest to the gentleman, what I would suggest to the gentleman, is let us try to work on that issue with both of our leaderships on that committee to try to get the $700 million, it actually needs to be a couple more hundred million than that right now, into the supplemental.

What we do here in the land acquisition account is completely disrupt the program that the President of the United States sent up. The President asked for $44,686,000. The committee added a small amount of money.

There is, on page 21 of the report of the gentleman from Washington, the gentleman from Arizona, a list of the projects that will be affected, and these are all projects that I think are very well thought out. I notice there is one in Moses Lake, Washington, for example; one for Lewis and Washington Historic Trail in Montana; the Lewis and Clark National Historic Trail in Idaho.

These are well thought out and very important projects; so I would urge the gentleman, he has made his point. We want to help him on the firefighting deal, but do not go in and disrupt this other program and slash the money that the President asked for. Yes, there are a few congressional projects in here, but this is well thought out, well balanced.

The majority staff works with all the Members on this. This is not the place to take the money. What we should do, this should be emergency money. We should not have to take it out of this account. This should be emergency money.

Mr. SHADEGG. If the gentleman will continue to yield, Mr. Chairman, certainly I agree with the gentleman that this should be emergency money. I believe it belongs in the supplemental bill and not in this bill.

But that $700 million goes to this current fiscal year. What we are debating in my amendment is the funding for next fiscal year, where the committee has reduced the amount of money for wildfire fighting by $23 million. That is what I am trying to restore.

I would point out, the gentleman points out there is a list on page 21 of the report that shows the projects that need to be purchased, or that the committee has looked at purchasing; but no one of those projects is above the amount of money that I have left in the bill for land acquisition.

This simply would say that in the current circumstances, with the unbelievable fires we are having in the West, with Colorado burning up and Arizona burning up, that for next year, we go through and reprioritize this list, delay the acquisition of some of that land.

Mr. DICKS. Mr. Chairman, I get the gentleman's point.

Mr. SHADEGG. And fight fires.

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

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

Mr. NETHERCUTT. I thank the gentleman for pointing out the list on page 21. As I look at it and see the Lewis and Clark National Historic Trail, that affects numerous States from Missouri westward, and I think that is a fair acquisition. I think it is necessary as we come up on the bicentennial.

We have the Lower Salmon River Area in Idaho of critical environmental concern. I think there has been some sensitivity about that whole issue. I do not think this list is the one to knock out, because it is agreed upon. They are necessary projects.

I would just point out, too, to my friends, the gentleman from Washington and the gentleman from Arizona, the President is $150 million above the fire plan. We have that 150 extra in. We are right where the President wants us to be in the budget request, so we are on budget. We are on target. We are even over with respect to the critical issues of fire suppression and fire assistance.

So, Mr. Chairman, I would urge that the amendment be defeated.

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

Mr. Chairman, I simply want to make the point that my colleague, the gentleman from Washington, and I complimented the committee for its effort to begin with, has pointed out some of these particular projects: the Lewis and Clark National Historic Trail. I simply want to make the point that project is only $1 million. The second project that he cited is also only $1 million.

We have left, under my amendment, a substantial sum of money in the bill so that we could go through and acquire much of this land in the current year as planned; and even with that, if we restored $23 million, we will probably have to come back here and put more money into wildfire fighting next year.

But I would simply say that it should be obvious to anyone, certainly it is obvious to the people of Arizona, that the devastation of these wildfires has not stopped and is not going to stop.

I would point out that my colleague on the opposite side of the aisle just fought us, at least his side of the aisle did, and objected to an effort by our side to allow a thinning of the forest, to allow us to clean out the fuel wood load so we would not have the devastating crown fires we now have.

Some of the Nation's best experts are in Arizona. Dr. Wally Covington of NAU has said the only way we can save these forests is to clean out the fire load, fuel load that is underneath them. Yet we just made an effort to try to do that, and it was blocked on a point of order by the other side.

If we cannot thin the forests, if we cannot take the advice of the experts like Dr. Wally Covington to avoid these wildfires, then we had better put the money behind fighting them. It is simply irrational, and I hope my colleagues in this Congress are listening carefully, it is simply irrational to add $700 million to firefighting this year and cut $23 million from wildfire fighting next year. What we are doing is we are putting the people who live in those forests at risk, and we are putting the firefighters who need that funding at risk, and we are putting the people who need these funds at risk.

Right now, we just heard my colleague, the gentleman from the other side, say that, by gosh, we should not put these firefighting funds at risk. It is desperate to get money into them. Well, if it is desperate to get money

into them, it is irrational and I would say dangerous to take money out of them; to undercut, underfund next year's firefighting effort by $23 million, when we know this is a long-term drought; when we know we are not thinning the forest the way we need to. It simply makes no sense.

I have the greatest respect for the committee. I am simply saying we should not be buying millions of dollars of additional land that we cannot protect at the same time that we are bulldozing extra money into the current year. If we need $700 million more this year, by gosh, it is wrong to cut $23 million next year.

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

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, I think the point that is being missed here is that this acquisition list for limited purposes, for conservation or preservation, will be managed, will be managed against wildfire. I think by doing that in this particular bill in this particular acquisition, we are going to assure that the Lewis and Clark Trail does not burn up. We are going to assure that, as acquisition comes, so does management. This is not just land that is being bought for public purposes. It is bought for purposes of a specific region, a specific area that goes or carries along with it the obligation to manage it, to protect it from wildfires.

So I would argue that it has a greater opportunity to be protected from wildfire on these particular lands than if it were otherwise acquired, or just left unacquired.

So I think we agree with the gentleman, and I think there is some validity to the argument that we can protect this property from wildfire by having it acquired.

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

First of all, I want to thank the participants in this debate for its collegial nature. I think we are debating very, very important issues. I know for the people of Arizona, for the people of Colorado, for the people of California, and indeed, for the people of the entire West, Washington and New Mexico and all of these States, these are critically important issues. I appreciate the debate.

My colleague, the gentleman from Washington, I paid a compliment to earlier. I think the committee struggled with these issues. I would simply argue that when this committee draft was put together, I do not know that we appreciated the dimension of this year's problems. I know this report was prepared very, very recently; and I know that the fire in Arizona literally was contained just a matter of a week or so ago.

With regard to the point my colleague just made with regard to we can protect the land we are acquiring, yes, I would certainly agree, we can protect the lands we are acquiring. But candidly, we cannot protect it by reducing the amount of money for wildfire fighting for the coming year by $23 million. It is simply irrational to say that we can protect it next year for $23 million less, but we need $700 million more this year.

I think for the people across America who understand this issue, certainly for my constituents in the West, they have to say, I would rather we acquired a little bit less, just acquire a little bit less, still go ahead and acquire the Lewis and Clark Trail, and I am just finishing the book on Lewis and Clark, ''Undaunted Courage,'' so I certainly think we ought to protect those lands. But we can slow down the acquisition of more Federal land this year in this economic climate, just slow it down, not bring it to a stop, and put a little of that money back into wildfire fighting, so we knew that money was there when we needed it.

It simply makes no sense, and it literally cannot be justified, given the fires; and I know the Colorado fires recently broke out. They are a recent development. The committee may not have thought through those. I know the California fires are relatively recent. I know the Arizona fires that have been devastating to my State and to 460 families who lost their homes, and to half a million acres of Arizona that is burned up and gone, I know those people would want to know that the money is not just there, the $700 million in the current year, but is going to be there next year. Because no one, again, I challenge my colleagues, either of my colleagues from Washington or anybody else on this floor, can say to me that they can establish that next year is going to be a less severe fire season than this year.

If it is not going to be, and they cannot prove it is going to be, we cannot plus it up by $700 million this year and pull it down by $23 million in the next year. We will be back at this issue. We should not do it this way. We ought to put the $23 million back in.

Mr. SKEEN. Mr. Chairman, I yield 30 seconds to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, we have it. We have it.

Mr. Chairman, I would just say to the gentleman that I understand his concern. He has made a very valid point about the importance of proper funding, which this administration has refused to fund. Mitch Daniels should pull his head out of the sand and smell the smoke, okay? That is what happened: the West is burning. I quoted that from the gentleman from Wisconsin (Mr. OBEY), and he got it from Archie.

The bottom line here is we will try to take care of this in the conference between the House and Senate. I urge our colleagues not to destroy this other program which we need in order to do it. We have heard them, and we will help them in the conference. I think they ought to withdraw the amendment.

Mr. SKEEN. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia (Mr. KINGSTON).

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

Mr. Chairman, sometimes in this body we get to an issue that we want to flip a coin on and say, heads or tails, because we are genuinely confused. Sometimes that coin actually lands on the edge.

I have to say to my friend, the gentleman from Arizona, as I listened to his arguments, as I know my own philosophy on Federal land acquisition, the coin lands on a clear message that he has. I am going to support the Shadegg amendment. I believe he has proven the case. I think this is a worthwhile amendment with sincere reasons.

Should it fail, I will commit, as will the gentleman from Washington (Mr. DICKS), that we are going to try to work this out in conference. Should it pass, I will try to protect it in conference. I think the gentleman has a good amendment, and he has raised some excellent points.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. SHADEGG).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. SHADEGG) will be postponed.

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

Mr. Chairman, I have two amendments which I am not yet offering to insert two new sections related to the Everglades restoration effort. These sections are structured slightly differently but are functionally identical to the language included by the committee when it reported the bill to the House.

The first amendment would add a provision to require the Secretary of Interior to be a full partner in the interagency RECOVER team which oversees the hundreds of individual projects which make up the $8 billion Everglades restoration effort. My amendment is consistent with the long-held position of the Committee on Appropriations that if this project is to achieve true environmental restoration, the Secretary of Interior must be an equal partner with the Army Corps of Engineers and the Florida Water Management District.

The second amendment provides statutory authority necessary to resolve

pending litigation against the Army Corps of Engineers and its implementation regarding the so-called Modified Water Deliveries Project, the heart of the restoration effort. This language is supported by Governor Jeb Bush, the Secretary of Interior, the Army Corps of Engineers and several prominent environmental organizations. This project, which involves acquisition within the 8.5 square mile area, has been controversial. However, after a lengthy public hearing process and supplemental EIS, a final decision was made in 2000 by the Army Corps of Engineers to adopt a compromise measure, alternative 6D. This action was supported by the Florida Water Management District and the Secretary of the Interior.

Alternative 6D was also formally adopted by the Congress in the WRDA 2000 Act. But notwithstanding this agreement, the file actions have been tied up in court and the language inserted by the committee and reinserted by amendment is absolutely necessary if Everglades renewal and water development in South Florida are to be successful.

It really upsets me to read today again in the Washington Post, there is a very good picture of the chairman of the Committee on Natural Resources, that because of maybe less than two or three dozen homes, we are standing in the way of this entire Florida restoration effort. And I will tell you, the gentleman from Washington is getting fed up. We are supposed to send them something like $8 billion in Federal money to fund this project. And if we cannot get them to at least have the courage to deal with this issue and to start this project moving forward, I think the committee has to seriously reconsider funding for the Florida project.

And what is happening here is that Members of the Florida delegation are quietly behind the scenes going to the chairman of the Committee on Transportation and Infrastructure, the chairman of the Committee on Natural Resources because politically they cannot stand up here and offer the amendment themselves. In order to get, in order to protect a handful of people in their district, they are subverting the whole process of moving forward with this project.

This is an important project. This may be the most important environmental restoration effort ever attempted. And if we cannot do this thing, if we cannot do mod 6, if we cannot make this initial start, then how are we ever going to move this project forward?

AMENDMENT OFFERED BY MR. DICKS

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

The Clerk read as follows:

Amendment offered by Mr. DICKS:

At the end of the bill, before the short title on page 135, insert the following new section:

SEC. . Of the amounts provided under the heading ''NATIONAL PARK SERVICE, LAND ACQUISITION AND STATE ASSISTANCE'', $20,000,000 may be for Federal grants, including Federal administrative expenses, to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of the lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: *Provided further*, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new marching non-federal funds by the State, or are matched by the State pursuant to the cost-sharing provisions of section 316(b) of Public Law 104–303, and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: *Provided further*, That none of the funds provided for the State assistance program may be used to establish a contingency fund: *Provided further*, That notwithstanding any other provision of law, funds provided in this Act and in prior Acts for project modifications by the Army Corps of Engineers pursuant in section 104 of the Everglades National Park Protection and Expansion Act of 1989 shall be made available to the Army Corps of Engineers, which shall implement without further delay Alternative 6D, including acquisition of lands and interests in lands, as generally described in the Central and Southern Florida Project, Modified Water Deliveries to Everglades National Park, Florida, 8.5 Square Mile Area, General Reevaluation Report and Final Supplemental Environmental Impact Statement, dated July 2000, for the purpose of providing a flood protection system for the 8.5 Square Mile Area.

Mr. YOUNG of Alaska. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. DICKS. Mr. Chairman, why do my colleagues object to this? The President, the Governor of Florida, the Corps of Engineers, the Department of Interior, all think this is necessary in order to move this project forward. Are we going to let a couple dozen people, and most of which I am told are prepared to sell their property, so it gets down to a handful of people, are we going to let that block this project?

I think the gentleman from Alaska who has been a great leader in terms of our efforts on the West Coast to return the salmon runs, I think of that and this as the two most important environmental efforts of our time. Why are we trying to block this?

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. There are two reasons. One is I am not terribly fond of what originally this Congress did about the Florida Everglades. This is one of the largest pits we have ever created as far as dollars and expenditures. And we have some difference of opinion from science about the benefit of what they are trying to do. I have heard this as Resources chairman.

Secondly, although small in number, there are about 200 people that are directly affected by the actions that you propose. Now, that may be small in number for a lot of people in this room, but I am one that believes that the individual is all-important, not the mass.

Mr. DICKS. The gentleman has answered the question. Let me ask this. If we are going to let a handful of people block this project, how are we going to complete this immense effort? How are we going to get that done if we cannot get this small initial project started?

Mr. YOUNG of Alaska. I think there are different alternatives. I think it can be done a different way. I am not convinced that this is the perfect way of doing it, as I mentioned to you. As long as, in fact, I have the opportunity to see a different way, I am going to try to have that happen.

Now, I know the sincerity of the gentleman. I do not doubt that, but I am not convinced that everybody is right in this issue. I have people from Florida calling me, talking to me, asking me to do this. And very frankly, just because there is 200 does not make the project that important if they are going to be adversely affected.

Mr. DICKS. I definitely disagree with the gentleman.

Mr. Chairman, I yield to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I would just reiterate what I said yesterday, that this is a major project. It is basically sold on the fact that we will restore the Everglades as a great national monument and part of our heritage, biological heritage. To not allow the Secretary of Interior to have a voice in the management of this project does not make any sense at all because it is fundamentally Interior. We have put in a billion dollars thus far from Interior. We are going to put 100 million in in this bill. And certainly the American people who are putting up the money with their taxes are doing this not because they care about Florida, but because they care about the Everglades. It is a great natural asset.

Unfortunately, the language as it would be at the moment is that the Corps of Engineers and the South Florida Development Association will be calling the shots. And what is the key to all of this? Water. And, therefore, the Secretary of Interior should have a voice in the access to the water because that is the thing that makes the Everglades what it is.

And, of course, on this land issue I thought that they had that resolved in the 8.5 square miles because they changed it so that only a limited number of houses are affected by it. But if we want to restore the Everglades, and that has been the basic premise of which all this has been done, we have to have the water and we have to have the Secretary of Interior playing a role in management.

Mr. DICKS. I will just say the final thing since the gentleman has covered

my second amendment, and I think the gentleman from Alaska will object to both of them, I would let the gentleman now proceed with his point of order which I will concede.

POINT OF ORDER

Mr. YOUNG of Alaska. Mr. Chairman, I raise a point of order.

This amendment violates clause 2 of rule XXI. It changes existing law and, therefore, constitutes legislating on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The amendment waives existing law in violation of clause 2 of rule XXI.

The point of order is sustained.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to provide any grant, loan, loan guarantee, contract, or other assistance to any entity (including a State or locality, but excluding any Federal entity) identified specifically by name as the recipient in a report of the Committee on Appropriations of the House of Representatives or the Senate, or in a joint explanatory statement of the committee of conference, accompanying this Act unless the entity is also identified specifically by name as the recipient in this Act.

Mr. DICKS. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order.

The gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Chairman, this amendment is actually quite simple. We have a situation in Congress now, we have been spending the last full day, many, many hours trying to amend the Interior appropriations bill. This is the bill. There are very strict limits on what we can amend and what we can do because we can only amend the bill. The problem is most of the spending is actually directed not on the bill itself but in the committee report.

The committee report actually directs how a lot of the money is to be spent. The hard marks are in the bill. The soft marks are in the committee report.

The problem we have is once this bill passes through the House, passes through the Senate, and then comes to a House-Senate conference, we then have the bill which we in the House vote on and they vote on it in the Senate, we have to go up or down. We cannot go in and amend specific language. But, again, most of the spending is actually directed, not then by a committee report, but by a conference report. Ordinary run-of-the-mill Members, if you are not a member of Committee on Appropriations, really do not have a chance to go in and amend some of the most egregious pork barrel projects that are often part of the bill. And there are some doozies. We hear about them all the time.

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We have little ability on the House floor either at this point or no ability when we vote on the House-Senate conference report to actually go in and amend and actually go to try to clean up some of these pork barrel projects. What this amendment simply says is the executive branch of government cannot spend money, cannot expend any of the money appropriated in the bill that is not expressly contained in the bill.

This does not get rid of earmarks. Earmarks are an important part of the congressional prerogative. The executive branch does not always know the best way to spend money, and Congress has the prerogative to direct that spending.

What this amendment simply says is that if we want to direct the spending, if we want to earmark the spending, do so in the bill, not in the conference report; and that will allow Members to go in and actually take that money out or move it around and not be limited to the very limited amount of money that we can actually direct or rescind or move around in the bill. We have to remember, most of the money is directed and earmarked through soft marks in the report language in the committee and then the conference report.

I think this amendment is very simple. It actually would shine a lot of sunshine on the process. This would allow Members of the House and the Senate, not just those on the Committee on Appropriations, but Members at large to actually go in and face that pork barrel spending and actually do something about it, not just tell their constituents, hey, I was forced with an up-or-down vote, I had to vote ''yes'' or I had to vote ''no.''

That is the amendment and I urge my colleagues to support it.

POINT OF ORDER

Mr. DICKS. Mr. Chairman, I make a point of order against the amendment, and I insist on my point of order because it proposes to change existing law and imposes new duties and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part, ''No amendment to a general appropriation bill shall be in order if changing existing law the amendment imposes additional duties.''

I ask for a ruling from the Chair.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

Mr. FLAKE. Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN. The gentleman from Arizona is recognized.

Mr. FLAKE. Mr. Chairman, as I understand the rules of the House, a proposal constitutes legislating if it imposes an additional task or new task on the executive branch or a government official, such as having information that that government official does not currently have.

I would inquire of the Chair, is that the correct understanding of this provision?

The CHAIRMAN. The Chair is going to listen to arguments on the point of order, and then the Chair is going to rule.

Mr. FLAKE. Mr. Chairman, the amendment I have proposed only requires that a government official responsible for making grants or loans knows what is in the appropriation bill. Now I think we assume that those on the executive side actually read the bill. That is all that is required here. When they read the bill, they will know if this is report language or if it is language actually contained in the bill.

With this information, they are able to make that determination simply by reading the bill. I do not see how this imposes a new task on a government official.

If the Chair rules that my amendment is subject to a point of order because it proposes a new duty, then the Chair is ruling that a government official does not have the responsibility to actually read the bill. That is, I think, the least we can expect of government officials is that they actually read the bills that we pass.

I would submit that this should not be subject to a point of order. It is inconceivable that this body is deciding that government officials cannot actually read the report. I respectfully ask that the Chair does not sustain the point of order.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order? If not, the Chair is prepared to rule.

The gentleman from Washington (Mr. DICKS) makes a point of order that the amendment offered by the gentleman from Arizona (Mr. FLAKE) changes existing law in violation of clause 2 of rule XXI.

The amendment in pertinent part would require the examination of certain legislative reports to determine whether an entity is specifically identified by name. As indicated on page 802 of the House Rules and Manual, the burden is on the proponent of the amendment to prove that the amendment does not change existing law. In this instance, the proponent has been unable to prove the existence of a requirement in law requiring the examination of legislative reports by Federal agencies.

Accordingly, the point of order is sustained.

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

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

Mr. FALEOMAVAEGA. Mr. Chairman, I am in support of the proposed interior appropriations, and I am including my statement in the RECORD

and also a letter from deputy assistant Secretary David Cohen.

Mr. Chairman, the gentleman from California, Congressman DARRELL ISSA, has introduced two amendments to reduce considerably funding for my district of American Samoa. It is my understanding that there has been an exchange of communications between the Gentleman and the Governor of American Samoa. Specifically the gentleman's constituent has had an employment contract dispute with the American Samoa Government, and this matter has been ongoing for almost two years now.

Mr. Chairman, it is my understanding the gentleman has withdrawn his amendments, and that he will insert a statement for the record. I do appreciate the fact that the gentleman has decided not to introduce his amendments, but I would also like submit this statement to express my concerns on the proposed amendments.

I can appreciate the gentleman's concerns for his constituent, and I commend the gentleman for his efforts to look after the needs of his constituent. And every member should follow his good example.

Mr. Chairman, my concern for these two amendments is that the gentleman's constituent has not sought judicial adjudication for whatever rights he felt were not fulfilled by the American Samoa Government. To punish every man, woman, and child in my district by reducing critically needed funding as the gentleman's amendments proposed—is just simply unfair and not right.

This matter was never brought to the attention of the Interior Appropriations Subcommittee, as well as the Full Appropriations Committee. And the matter certainly has been reviewed by the appropriate authorizing committees.

Mr. Chairman, we have the courts to deal with contractual disputes between individuals and government entities. Our High Court in my district is the proper forum for my colleague's constituent to pursue his rights under the employment contract he agreed to with the American Samoa Government.

I submit the American Samoa Government does have budgetary and fiscal problems, but so does our federal government, the state of California and all other states and other territorial governments. But this is not an issue about fiscal management or mismanagement. It is an issue about making sure the constitutional rights of my colleague's constituent are protected. And I submit the constituent always was afforded an opportunity to take the matter to court, but he did not. And for this basic reason, my colleague's amendments are not in order and should not be approved by this body.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, July 16, 2002.

Hon. C.W. BILL YOUNG,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: It has come to our attention that two amendments have been offered to the Department of the Interior's appropriations bill that would limit grants to the government of American Samoa for fiscal year 2003 to $22,012,058 (under one proposed amendment) or $23,012,058 (under the other proposed amendment). As you know, a total of $33,240,000 was earmarked for American Samoa's government operations and capital improvement projects for fiscal year 2002, and the same amount was requested by the Administration for these purposes for fiscal year 2003. Additionally, approximately $2,100,000 in technical assistance grants is provided to American Samoa through my office in a typical year. Therefore, the more severe of the two proposed amendments would have the effect of reducing appropriations to American Samoa for fiscal year 2002 to fiscal year 2003 by approximately $13,328,000 or by approximately 38%. Needless to say, such a drastic reduction would jeopardize essential projects that my office was supported for hospital improvements, new classrooms, water and wastewater systems, public safety equipment and other essential activities. Either of the proposed amendments would likely have a significant adverse impact on the health and safety of the people of American Samoa.

Please feel free to contact me at my office at 208–4736 should you or your staff have any questions.

Sincerely,

DAVID B. COHEN
Deputy Assistant Secretary, for Insular Affairs.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. SHADEGG

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. SHADEGG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 153, noes 269, not voting 12, as follows:

[Roll No. 317]

AYES—153

Aderholt
Akin
Armey
Bachus
Baker
Barr
Bartlett
Barton
Bilirakis
Blunt
Boehner
Boozman
Brady (TX)
Bryant
Burr
Burton
Buyer
Cannon
Cantor
Chabot
Chambliss
Coble
Collins
Combest
Condit
Cooksey
Cox
Crane
Cubin
Culberson
Cunningham
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Emerson
Everett
Flake
Fletcher
Foley
Forbes
Fossella
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Graves
Green (WI)
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Horn
Hostettler
Hunter
Hyde
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Kolbe
Latham
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Matheson
McCrery
McInnis
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Ney
Norwood
Nussle
Osborne
Ose
Otter
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pryce (OH)
Putnam
Radanovich
Rehberg
Reynolds
Riley
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shuster
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Turner
Upton
Vitter
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)

NOES—269

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bishop
Blumenauer
Boehlert
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Callahan
Calvert
Camp
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crenshaw
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Dunn
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank
Frelinghuysen
Frost
Gekas
Gephardt
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hayes
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Houghton
Hoyer
Hulshof
Inslee
Isakson
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Shaw
Sherman
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tiberi
Tierney

Towns	Waters	Wolf
Udall (CO)	Watson (CA)	Woolsey
Udall (NM)	Watt (NC)	Wu
Velazquez	Waxman	Wynn
Visclosky	Weiner	Young (AK)
Walden	Weldon (PA)	Young (FL)
Walsh	Wexler	
Wamp	Whitfield	

NOT VOTING—12

Bereuter	Lantos	Meehan
Blagojevich	Lipinski	Nadler
Bonior	Mascara	Oxley
Ehrlich	McHugh	Traficant

□ 2058

Mr. BRADY of Pennsylvania, Mr. QUINN, Ms. McCOLLUM, Ms. JACKSON-LEE of Texas, Mrs. JO ANN DAVIS of Virginia, and Mr. LUTHER changed their vote from ''aye'' to ''no.''

Mr. SHAYS changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2100

Mrs. WILSON of New Mexico. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it has been a long couple of days for all of us, and we are coming to the end of the Department of Interior appropriations bill, which will be the last appropriations bill with the gentleman from New Mexico (Mr. SKEEN) as the chairman of a subcommittee of this House.

Whenever I walk through the halls of the House and I pass by the statue of Will Rogers, I always think of JOE because Will Rogers is such a wonderful, funny man with a dry sense of humor who loved his country. JOE SKEEN is the same kind of guy. He is a gentleman with a dry sense of humor, almost as dry as New Mexico this year. He loves his country, he loves this House; and he has served it well. I think we should all show our thanks to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, will the gentlewoman yield?

Mrs. WILSON of New Mexico. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I thank the Members. Now sit down and go to work.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of the Interior and Related Agencies Appropriations Act, 2003''.

Mr. UDALL of Colorado. Mr. Chairman, this is a good bill. I support it, and urge its passage by the House.

This bill is important for the whole country, of course, but it is particularly important for Colorado and other states that include large amounts of federal lands.

So, I am very appreciative of the hard work of Chairman JOE SKEEN, ranking Member NORM DICKS, and the other members of the Interior Subcommittee as well as Chairman YOUNG and ranking Member OBEY of the full Appropriations Committee.

In particular, I want to thank them for including in the bill $700 million in Fiscal Year 2002 emergency firefighting funds. As we in Colorado are all too aware, the combination of serious drought conditions and the results of a century's policy of suppressing all fires on federal lands has produced a series of extreme wildfires that have threatened the lives and property of thousands of people in our state and elsewhere.

As a result, the Forest Service, Bureau of Land Management, and other federal land-managing agencies have exhausted the funds budget for firefighting and have had to divert money from other important purposes to respond to the emergency conditions.

That was why last month, along with my Colorado colleagues, Representative HEFLEY, Representative DEGETTE, and Representative TANCREDO, and my cousin, Representative TOM UDALL of New Mexico, I wrote to Chairman YOUNG and Mr. OBEY, urging that the agencies be provided with emergency supplemental firefighting funds.

I thought then—and still think—that the best way to accomplish this would be to include the funds in the conference report on the emergency supplemental bill already passed in both Chambers. However, I understand that the Administration opposes that idea and therefore as an alternative the money has been included in this bill. I certainly support that, although I am concerned that the result may be to unnecessarily delay the provision of these vitally-needed funds to the agencies.

I also want to express my appreciation for inclusion of the bill of $4 million to enable the Forest Service to continue acquiring lands in the Beaver Brook area of Clear Creek County, in Colorado's Second Congressional District.

This tract encompasses almost the entire watershed of Beaver Brook, which flows into Clear Creek. the city of Golden originally acquired the lands as a potential source of water. However, it now wants to sell the lands so it can use the money for pressing municipal needs.

The Beaver Brook lands, nearly 6,000 acres in all, are important elk habitat and include pristine riparian areas and ponderosa pine stands that are comparatively rare in this part of Colorado. The tract also is a key part of a corridor of open and undeveloped lands linking the alpine terrain of the Mount Evans Wilderness with the foothills and piedmont of the Front Range area. In short, these lands provide scenic, recreational, and wildlife resources that are important to all Coloradans, and it is very important that they remain undeveloped—especially because our population growth is leading to increasing development throughout this part of the state.

The City of Golden—the property owner—is willing to sell the lands to the federal government so they can be added to the national forest. Clear Creek County, where the lands are located, also supports that acquisition, and the Forest Service has identified it as a high regional priority. The acquisition is also supported by a wide range of other individuals and groups in Colorado—and here in Washington, Representative TANCREDO and I have been working together on the idea as well.

Last week, I had the pleasure of attending a ceremony marking transfer of part of the lands to the United States for inclusion in the Arapaho National Forest. The funds provided in this bill will help maintain momentum as we move toward completion of this important acquisition.

The bill also includes a number of other items of particular importance to Colorado, including money for construction work at Rocky Mountain National Park and the Great Sand Dunes National Monument, funds to make the land acquisition that will set the stage for upgrading the Great Sand Dunes to National Park status, and funds for important work to further the protection of endangered species and the sound management of our natural resources.

Of course, no bill is perfect. But this bill is a good one and I urge its passage.

Mr. BLUMENAUER. Mr. Chairman, today I voted for the Appropriations Bill for the Department of the Interior and Related Agencies for the year FY 2003. It is not a perfect bill, but it includes many provisions that are important for Oregon and the rest of the country.

The bill appropriates a total of $20.4 billion, which includes an important $700 million for emergency fire fighting in the West. The bill includes an increase in funding over both the President's request and the appropriation for last year for important programs within the Bureau of Indian Affairs and the Indian Health Service. The bill also increases funding for the National Parks Service, which has a tremendous responsibility as caretaker of some or our nation's most valued natural, cultural, and historic resources that draw nearly 300 million visitors annually. I was also pleased to vote for a bill that provides $1.4 billion for conservation programs, $120 million more than what President Bush recommended. Finally, on the 100-year anniversary of the National Wildlife Refuge system, the bill provided a $60 million increase for the refuge system to $458 million.

I was pleased that the bill also provides funding for programs that are crucial to Oregon. We were able to secure $10 million and $2.5 million to purchase land from willing sellers in the Columbia River Gorge and the Sandy River watershed, respectively. The bill increases funding to help fish in the Pacific Northwest, providing $4 million for fish screens and $20 million for additional fish passage projects. It also provides $500,000 for the Columbia River Estuary Research program at the OGI School of Science and Engineering.

This bill was also improved on the floor. Amendments on the floor increased funding for the National Endowment for the Humanities that will help improve our federal commitment to the arts, which make a community vibrant, unique and lively. On the floor the House also voted to increase funding for the Energy Star Program and to prohibit funding for new oil drilling activity on the coast of California. Finally, adjustments were made to the bill on the floor to remove provisions that would be at best troubling, and possibly destructive to, the Native American community. More importantly, a strong commitment was made by the appropriators and members to work together to fashion a solution to the long ignored Native American trust issues.

Unfortunately, an amendment I introduced that would have helped improve the situation in the Klamath Basin did not pass. The amendment would have help solveed the inherent conflicting priorities and competition over scarce basin water by farmers, endangered species, wildlife refuges, and Native Americans. The amendment would have also helped make farming on the Lower Klamath and Tule Lake Wildlife Refuges more consistent with farming on other refuges around the country by prohibiting new leases from

growing row crops or alfalfa. I pledge to continue to work with my colleagues in Oregon and California to address the shortage of water and habitat degradation in the Klamath basin.

Overall, I believe this is a good bill for Oregon and for the United States.

Mr. HOLT. Mr. Chairman, as a Member of the National Parks Subcommittee in Congress, I have made the protection of our National Parks one of my priorities in Congress. Our National Parks are our national treasures, and belong to each and every American.

Each year millions of American families enjoy the fresh air, natural splendor, and diverse wildlife of our National Parks. If we are to preserve our Parks for future generations, however, we must invest the resources necessary for their continued preservation and maintenance.

Due to a lack of funds, many of our parks suffer from inadequate sewer systems, poor and deteriorating facilities, and an insufficient number of park rangers. In addition to damaging the parks themselves, these conditions detract from the experience that visitors take away with them.

Yellowstone National Park, the world's first National Park and one of my favorites, is representative of this problem. Created to preserve its unique geothermal features, Yellowstone currently lacks a geologist on staff to monitor and protect the park's geysers and ''underground plumbing.''

Yellowstone, and the rest of or nation's treasures, deserve better. Earlier this year I joined 83 of my colleagues urging a significantly higher increase for the operations of the National Parks than provided in the bill we are debating today. But, given the funding constraints placed on the Committee, this bill takes a big step in the right direction to address the significant operating shortfalls facing our nation's parks. Because of this I would like to applaud the efforts of the committee. As the bill moves to Conference, it is critical that at a minimum, we hold the line on funding provided in this bill, and even do better.

The CHAIRMAN. Are there any further amendments?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISAKSON) having assumed the chair, Mr. SIMPSON, 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. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes, pursuant to House Resolution 483, he reported the bill, as amended pursuant to that rule, back to the House with sundry further 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.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 377, nays 46, not voting 11, as follows:

[Roll No. 318]

YEAS—377

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—46

Akin
Barr
Barton
Berry
Boswell
Capuano
Chabot
Collins
Cox
Crane
DeMint
Doggett
Duncan
Emerson
Flake
Gibbons
Goode
Graves
Green (WI)
Gutknecht
Hefley
Hostettler
Jones (NC)
Kerns
Manzullo
Miller, Gary
Miller, Jeff
Myrick
Paul
Pence
Petri
Pitts
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Stearns
Terry
Tiahrt
Toomey
Weldon (FL)
Wilson (SC)

NOT VOTING—11

Bereuter
Blagojevich
Bonior
Lantos
Lipinski
Markey
Mascara
McHugh
Meeks (NY)
Nadler
Traficant

□ 2124

Mr. WILSON of South Carolina changed his vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FUNDING FOR THE ARTS AND HUMANITIES

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, as evidenced by the enormous vote on the previous appropriations bill, the Interior bill enjoys much support from this body. It is a bill that protects our natural resources and the natural beauty of this Nation.

I rise to speak to this bill for its inclusion of support of the National Endowment for the Arts and the National Endowment for the Humanities. I was very pleased to be able to support the Slaughter amendment which added $15 million to the budgets of the NEA and the NEH. It is a small but important step, for those two organizations raise the Nation's cultural competence. It is extremely important that the next generation of Americans be culturally aware. They need to understand the history, the art, the culture, the literature and archaeology not only of this Nation but of the world.

I am very proud, coming from the 18th Congressional District in Houston, to support the Houston Symphony, the Houston Ballet, the Houston Grand Opera, the Ensemble and many, many other arts institutions in our community. The many, many museums that we enjoy in Houston and the State of Texas, all of it benefits from the support of the National Endowment for the Arts and the National Endowment for the Humanities. That is why this bill was passed with such overwhelming support. That is why I am pleased to have supported the Slaughter amendment and to rise today to support the NEA and the NEH.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PARTIAL-BIRTH ABORTION BAN ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, in the midst of important debates in the last 48 hours over critical spending bills and the creation of our national budget, a very, very important piece of lawmaking has taken place that will find its way onto the blue carpet of this historic place next week. It is the issue of partial-birth abortion, H.R. 4965, the Partial-Birth Abortion Ban Act of 2001, which I am proud to say as a Member of the Committee on the Judiciary we marked up and reported out by an overwhelming vote earlier today.

Mr. Speaker, I would offer that societies are rightly judged by how they deal with the most defenseless among their citizenry and how they confront those who exploit the most defenseless. This is best expressed in the proverb that ''Whatsoever you do for the least of these, you do also for me.''

□ 2130

Today, in the House Committee on the Judiciary, we took up what for some, at times, sounded like the debate over abortion and the woman's right to choose that has been settled law in this country since 1973. In fact, Mr. Speaker, what we brought up today was an issue altogether different. It is about a practice in this country described in our legislation that is barbarous, to say the least.

In our legislation we describe the procedure that is banned, that the American Medical Association has said is never medically indicated. ''A partial-birth abortion under this law is an abortion in which a physician delivers an unborn child's body until only the head remains inside the womb, punctures the back of the child's skull with a sharp instrument and sucks the child's brains out before completing delivery of a dead infant.''

I must tell my colleagues that as a Christian and as an American and as a father of three children, it is astonishing to me that this is even remotely legal in America today, but it is. And as we will no doubt hear on this floor next week, it is practiced all too often in this country.

We will bring the Partial-Birth Abortion Ban Act of 2002 to the floor again. We have changed the bill, adding findings of fact to overcome constitutional barriers, and I am confident that it will survive judicial review. The American people, Mr. Speaker, want this bill in overwhelming numbers, believing in their hearts that we are better than this. We are a better people.

Lastly, Mr. Speaker, it is simply the right thing to do, to stand with newborn children, the most defenseless among us. The Good Book tells us, ''See I set before you today blessings and curses, life and death; now choose life so that you and your children may live.''

It is my hope, and it will be my prayer, in the intervening days as I urge my colleagues on both sides of the aisle to do as we have done in bipartisan fashion in the past in this institution, and send a deafening message into the laws of the United States that this heinous, barbarous practice of infanticide, which we call a procedure known as partial-birth abortion, has no place in the great and good Nation of the United States.

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 5 minutes.

(Mr. LAFALCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. KANJORSKI) is recognized for 5 minutes.

(Mr. KANJORSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. SANDLIN) is recognized for 5 minutes.

(Mr. SANDLIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN CELEBRATION OF THE 30TH ANNIVERSARY OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, June 23rd marked the 30th anniversary of Title IX of

the Education Amendments of 1972 which prohibits sex discrimination in any educational institution that receives federal funds. To commemorate this 30th anniversary, it is important that we celebrate the successes of Title IX, acknowledge its tremendous and positive impact on the lives of girls and women in our country, and rededicate ourselves to the continued pursuit of equal educational opportunities for girls and women.

I was a member of the House Education and Labor Committee in 1972. I worked diligently to promote civil rights legislation during my entire tenure. I consider Title IX to be one of my most significant efforts as a Member of Congress, and I take special pride in honoring its contributions to changing our view about women's role in America.

Title IX has opened the doors of educational opportunity to millions of girls and women who otherwise would have been shunned or relegated to a secondary place. Title IX has helped to tear down barriers to admissions, increase opportunities for women in nontraditional fields of study, improve vocational educational opportunities for women, reduce discrimination against pregnant students and teen mothers, protect female students from sexual harassment in our schools, and increase athletic competition for girls and women.

We have heard much about the many successes of Title IX, particularly in athletics. Most do not know of the long arduous course we took before the enactment of Title IX and the battles that we have fought to keep it intact. On the occasion of this 30th anniversary, it is appropriate to take time to reflect on the history of this landmark legislation so we may never forget the struggles and we may never forget the original purpose.

From the day at age four when I had my appendix removed, I knew I wanted to be a doctor. I went to college drive with this goal. I was elected President of our college pre-med organization. No one bothered to tell me that my career goal could not be achieved because I was female. In my senior year I applied to a dozen or more medical schools. Everyone turned me down because I was female. I was stunned. I had a degree in zoology and chemistry that could not get me to my coveted profession. America the land of the free had closed its doors of opportunity to me because I was female.

Again after I got my law degree I was shut out from employment because I was female.

When I ran for elected office was ostracized because I was ''only a woman'' and presumably therefore had nothing to contribute.

This personal story of my life adds meaning to what happened in Congress. Title IX had its origins in a series of hearings on sex discrimination and equal opportunities for girls and women held in the mid-1960s and early 1970s by the House Education and Labor Committee. Throughout that time, the committee had been engaged in the process of systematically gathering a large body of evidence of discrimination against girls and women in our educational system.

In 1965, the year I first came to Congress and became a freshman member of the Education and Labor Committee, Chair Adam Clayton Powell initiated an examination of discrimination in textbooks. Our committee scrutinized textbooks and found that they portrayed girls and women in stereotypical ways and minimized our potential to lead. We hauled in the U.S. Department of Health, Education, and Welfare because they were issuing brochures and films that consistently portrayed women in occupations such as nursing, teaching, or social work, but never as scientists, doctors, lawyers, judges, pilots, or engineers. We scrutinized vocational education courses and found that girls were being taught home economics while boys were being taught skills and concepts that would prepare them for higher wage careers. In addition, we found that the admissions policies of many institutions systematically excluded women from graduate and professional schools and rarely if ever afforded them scholarships, fellowships, research stipends, or staff assistantships.

In 1970, Congresswoman Edith Green (D–OR), Chair of the House Special Subcommittee on Education, held hearings on a bill she had introduced, H.R. 16098. This bill would have amended Title VI of the Civil Rights Act of 1964—which prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance—to also ban sex discrimination.

On July 3, 1970, Assistant Attorney General for Civil Rights Jerris Leonard testified before Congresswoman Green's subcommittee on H.R. 16098. He said that while the Justice Department would not support language to amend the Civil Rights Act, ''we suggest an alternative''. The alternative was that the committee should concentrate on developing separate legislation that would prohibit sex discrimination in education. This was the genesis of Title IX.

It is important to put this initiative in the context of the times. This was right around the time of the big push for the Equal Rights Amendment. The women's movement was active and growing and supporters of equal rights for women were pursuing equal protection under the Constitution. Under the leadership of Representative Martha Griffiths (D–MI) Congress voted for the ERA in 1971 by a vote of 354 to 24, sending it to the states for ratification. While Congresswoman Green's bill to prohibit sex discrimination under the Civil Rights Act of 1964 would have provided broader protections for women, prohibiting sex discrimination in education would be a giant step forward in the fight for equal rights for girls and women.

The opportunity to add Title XI came in 1971 when the House turned its attention to consideration of amendments to the Higher Education Act, H.R. 7248. It was initially Title X of H.R. 7248 and it prohibited discrimination on the basis of sex in any educational institution receiving federal funds. It also authorized the Civil Rights Commission to investigate sex discrimination, removed the exemption of teachers from the equal employment coverage of the 1964 Civil Rights Act, and eliminated the exemption of executives, administrators, and professions from the Equal Pay Act.

The bill was reported out of the House Education and Labor Committee on September 30 1971 and was considered by the full House on October 27, 1971.

During consideration by the full House, Representative John Erlenborn (R–IL) offered an amendment to exempt undergraduate admissions policies of colleges and universities from the prohibition of sex discrimination. This amendment won by a 5-vote margin, 194 to 189.

The provision that would have authorized the Civil Rights Commission to investigate sex discrimination (section 1007) was eliminated during the floor debate on a point of order by House Judiciary Committee Chair Emanuel Celler (D–NY) because it came under the jurisdiction of his committee.

At the same time, the Senate was working on amendments to its Higher Education Act. The Senate also argued bitterly over the inclusion of a provision banning sex discrimination in schools.

During the Senate floor debate on August 6, 1971, Senator Birch Bayh (D–IN) offered an amendment, along with Senators EDWARD KENNEDY (D–MA) and Phil Hart (D–MI), to ban sex discrimination in any public higher education institution or graduate program receiving federal funds. Senator George McGovern (D–SD) also submitted an amendment prohibiting sex discrimination in education, but decided not to offer it and instead supported the Bayh amendment.

As the Bayh amendment was considered, Senator STROM THURMOND (R–SC) raised a point of order against it on the grounds that it was not germane. The point of order was sustained by the Chair, who agreed and ruled that ''the pending amendment deals with discrimination on the basis of sex. There are no provisions in the bill dealing with sex.'' A 50 to 32 roll call vote sustained the ruling of the Chair.

The Senate reconsidered the higher education legislation in early 1972 because it objected to the House version that included provisions prohibiting the use of federal education funds for busing. Again, the bill that came out of the Committee on Labor and Public Welfare did not include any provisions banning sex discrimination in schools.

Fortunately, Senator Birch Bayh was persistent on the issue of sex discrimination in education. During the floor debate that began on February 22, 1972 he offered an amendment that would prohibit sex discrimination in educational institutions receiving federal funds but would exempt the admissions policies of private institutions. Later, Senator Lloyd Bentsen (D–TX) offered an amendment to the Bayh amendment that also provided an exemption for public single-sex undergraduate institutions. Both amendments passed by voice vote. This time, a provision prohibiting sex discrimination in schools was included in the bill passed by the Senate.

Negotiations in the House-Senate Conference Committees, held in the spring of 1972, finally yielded Title IX. The final language prohibited sex discrimination in educational institutions receiving federal funding and applied to institutions of vocational education, professional education, and graduate higher education, and to public institutions of undergraduate higher education. The conference report was filed in the Senate on May 22 and in the House on May 23. The bill was approved by Congress on June 8. On June 23, 1972—30 years ago—President Nixon signed it into law.

Since its passage most people have come to associate Title IX with gains made by girls and women in athletics. Certainly, this is the most visible, spectacular, and recognized outcome of Title IX. However, many are surprised to learn that the topic of athletics did not even come up in the original discussions about Title IX. Our primary goal was to open up educational opportunities for girls and women in

academics, and the most controversial issue at that time was the application of Title IX to institutional admissions policies.

The impact of Title IX on athletics became apparent almost immediately. We were thrilled to see that athletic opportunities were starting to open up to girls and women, although these changes also sparked controversy. When coaches and male athletes began to realize that they would have to share their facilities and budgets with women, they became outraged. In 1975, this anger prompted the first and most significant challenge to the law.

Opponents of Title IX proposed an amendment to the education appropriations bill to prohibit the Department of Health, Education, and Welfare from promulgating Title IX regulations to apply to college and university athletics. They paraded a number of college and professional athletes through the committee room to testify that Title IX hurt men's athletics. At the time, women athletes were so few and unknown that the only well-known athlete we could bring in to testify was Billie Jean King. The fact that there were virtually no prominent women athletes in our country was a testament in itself to the necessity of Title IX.

The amendment was agreed to by the House and was included in the 1975 House appropriations bill (H.R. 5901), but it was not agreed to by the Senate and was stricken in conference.

On July 16, 1975, I managed the House floor debate against a motion by Representative Robert Casey (R–TX) to insist on the House position. In the midst of vigorous debate on the issue and just prior to the vote, I was sent word that my daughter had been in a life-threatening car accident in Ithaca, New York. I left the floor immediately and rushed off to Ithaca to be with her. After I left, the Casey motion carried on a vote of 212 to 211. The House had voted to exclude college athletics from Title IX regulations. The newspapers reported that I had left the floor ''crying'' in the face of defeat. Without checking with my office the paper indulged in the very stereotypical smear that we were fighting against.

The following day, the Senate voted 65 to 29 to insist on the Senate position and strike the amendment from the bill.

On the next legislative day, July 18, 1975, Speaker Carl Albert (D–OK) and Representative Daniel Flood (D–PA) took the House floor and explained the circumstances of my departure. Representative Flood then offered a motion ''to recede and concur in the Senate position''. An affirmative vote on this motion would reverse the vote taken by the House two days prior and would reject both the Casey position and the amendment. It carried by a vote of 216 to 178. Title IX's application to athletics for preserved.

While the story of Title IX is a story of celebration, it also a story of struggle to defend it against persistent challenges. Although we celebrate the year 1972 as the year of enactment of Title IX, in retrospect it is clear that I was engaged in efforts to pass a Title IX law since I first arrived in Congress in 1965. There is also a clear pattern of repeated attempts to weaken or undermine Title IX from the very beginning. For 30 years, we have constantly needed to be on guard to defend it.

Five years ago, several colleagues and I came together on the House floor to celebrate the 25th anniversary of Title IX. Since then its story of spectacular successes, coupled with new and significant challenges, has continued to evolve. One of the most notable successes since the last anniversary was the tremendous victory by the U.S. Women's Soccer Team in the 1999 Women's World Cup. Hundreds of thousands of spectators attended the games and millions more watched on television. These strong, disciplined, and exciting athletes drew record-breaking audiences, inspired a whole new generation of girls to pursue their dreams, and captivated a nation.

This victory was significant not only for its impact on women's athletics but as a testament to the power of Congress to change the nation for the better. Mia Hamm, one of the team's brightest stars, was born in 1972—the same year that Title IX was signed into law. Without Title IX, she and many of her teammates may have never had the opportunity to develop their talents and pursue their dreams.

Along with recent public celebrations of Title IX however, there have also been new and high-profile attacks. In 1998, the Republican majority of the Committee on Education and the Workforce inserted an 11th hour provision into the Higher Education Amendments that would have required colleges and universities to report annually any changes in funding or in the number of participants on an athletics team. In addition, it would have required them to forecast four years in advance any decisions to eliminate or reduce athletic programs or funding and to ''justify'' their decisions.

During the House floor debate on the Higher Education Amendments on May 6, 1998 TIM ROEMER (D–IN) offered an amendment to delete the provision.

Several colleagues and I argued strenuously in support of the Roemer amendment. We believed that this provision would have been extraordinarily intrusive on the decision-making processes of colleges and universities. We believed that it was impractical because it would have been virtually impossible for institutions to know four years in advance whether or not they would need to cut programs. Most importantly, we opposed this provision because of its potential for severe and adverse impact on the enforcement of Title IX. This provision had been supported by opponents of Title IX who wanted to force colleges and universities into blaming Title IX for their decisions to make reductions or cuts to minor, non-revenue men's sports teams.

The argument that Title IX is to blame for the reduction of some men's minor, non-revenue teams is patently false. Title IX regulations do not require schools to cut men's teams in order to comply with Title IX. Instead, reductions or cuts to some men's sports teams—and to many women's minor sports teams as well—are due to choices made by college administrators in favor of the big budget, revenue-generating programs such as football and basketball. To blame Title IX is disingenuous and just plain wrong! The goal of Title IX is not to disadvantage men but to provide equal opportunities for women.

After a vigorous debate on the House floor, the Roemer amendment was agreed to by a vote of 292–129. The provision was deleted from the Higher Education Amendments of 1998.

Unfortunately, the myth that Title IX is to blame for the reduction of men's minor sports teams on college campuses has continued to persist. In January of this year, the National Wrestling Coaches Association and other groups filed a high-profile lawsuit in federal court against the U.S. Department of Education, arguing that colleges and universities have cut wrestling teams and other men's minor sports teams in order to comply with Title IX.

This argument is unsupportable. The Department of Education's regulations regarding Title IX do not require schools to cut men's teams in order to comply with Title IX. Rather, ''proportionality'' is only one of three ways that schools can comply with the law. They may (1) offer athletic opportunities in substantial proportion to male and female enrollment, or (2) show that the institution is steadily increasing opportunities for women students overtime, or (3) show that the athletic interests and abilities of female students are being met. Institutions do not need to demonstrate all three.

While the Department of Justice filed a motion to seek dismissal of this lawsuit on May 29, 2002, the final disposition of the case is pending.

New challenges and questions have also been raised recently about Title IX and single-sex education. On May 8, 2002 the U.S. Department of Education announced its intention to encourage single-sex education in the nation's public schools by filing a notice of intent to propose amendments to the regulations implementing Title IX. According to the announcement in the Federal Register, the Bush Administration wants to ''provide more flexibility for educators to establish single-sex classes and schools at the elementary and secondary levels''. This announcement marked a reversal of three decades of federal education policy regarding single-sex education.

While advocates of this proposal cite research studies indicating that students may perform better in same-sex educational environments, opponents fear that the proposal endorses a form of segregation. In addition, many others worry that tampering with the current Title IX regulations is risky and dangerous and may have the ultimate effect of weakening Title IX.

Given difficult challenges such as these, it is especially important that we celebrate the many successess of Title IX. However, it is even more important that we not become complacent about Title IX. Many young girls and women today do not even know about Title IX and take it for granted that equal educational opportunities are safeguarded by the Constitution. While it is wonderful that equity has become the expected norm, we must also teach each new generation that there was a time when Title IX did not exist. Further, we all need to be reminded that since Title IX was put in a place by a legislative body, it can also be taken away by a legislative body. We need to be vigilant. Title IX must be protected and defended to ensure that equal educational opportunities for girls and women are preserved for all generations to come.

Mr. Speaker, as I have recounted this story here tonight, you can see that the pursuit and enforcement of Title IX has been a personal crusade for me for three decades. I am proud to have been a part of the enactment of Title IX in Congress 30 years ago, and I continue to be proud of its rich and lasting legacy of equal educational opportunities for girls and women. On this 30th anniversary, let us rededicate ourselves to the goals of dignity,

equality, and opportunity for all that characterized our dreams for Title IX 30 years ago. These goals are every bit as worthy and important today, in 2002, as they were in 1972.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BENTSEN) is recognized for 5 minutes.

(Mr. BENTSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LEGACIES OF DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, about a week ago the President of the United States went to Wall Street in the wake of the accounting scandals and the scandals that have caused so many Americans to lose so much money, so much of their life savings, so much money that they were counting on to pay for their retirements. One of the things he told the Wall Street firms was, you have to change the system of hiding your debts, making your balance sheets look better than they are. It is a shame the President did not live by his own axiom a year ago right now.

Those of my colleagues who watch television, those of my colleagues who read the newspapers know that starting last January, February, March, we are talking about a year ago, the President was telling the American people, Washington is awash in money, it is awash in money. We have to have this big tax break. Well, it is easy to pay, Mr. President, if you are hiding the debts of the country. You see, because a year ago right now, and I do mean a year ago right now, our Nation was $5,726,814,835,287.17 in debt, and yet you had the American people convinced that we were awash in money.

What is even worse than the fact that we owed all of that money was that we owed; and I look into the audience and I look around the country and I see folks who pay taxes and the biggest portion of a lot of folks' taxes is what they pay to Social Security, that is that FICA on your tax bill. The promise was made in the 1980s when they raised those taxes, with a Democratic House and a Republican Senate and a Republican President by the name of President Reagan, they were going to take that money and set it aside and make sure it is used for nothing but Social Security. They lied to us.

Mr. Speaker, right now, if we were to find the mythical lock box for Social Security and open it up, all we will find is an IOU that says we owe the people who paid into the Social Security Trust Fund $1,300,000,000,000. If we look a little bit farther down on our pay stub, and again, these taxes were raised in the 1980s, a Democratic House, a Republican Senate and a Republican President, they raised the taxes on Medicare. If you were to find the mythical lock box for Medicare, and I do mean mythical, because there is nothing there, we would find an IOU for $271 billion.

Now, for folks like myself from Mississippi, it is hard to imagine $1 billion. I think one of the reasons that the folks in Washington use the term ''billion'' is we think of it as 271 of these things, be it apples or boats or whatever. So let me walk an average Joe like myself through it.

Everybody can visualize $1,000. A lot of people pay $1,000 on their house on rent. So we can kind of visualize a thousand times a thousand. That gets us up to a million. Visualize a thousand times that. That is a billion. So a thousand times a thousand times a thousand times 271 is what we owe the Medicare trust fund. There is not a penny there. It is spent. The money collected was supposed to be set aside for Social Security, for Medicare. It is gone.

How about our military retirees? How many times have we heard since September how proud we are of our troops and how we need to do everything for them? Well, Mr. President, maybe one of the things we ought to do for them is pay back the $168 billion that we owe to their retirement fund. Again, a thousand times a thousand times a thousand times 168. There is not a penny there, it is just IOUs.

We have heard about our brave Border Patrol, the Customs agents, the FBI agents, the guys who sweep these buildings on a fairly regular basis looking for chemical and biological weapons. They pay into their retirement fund; this young lady right here pays into her retirement fund; her employer, you, the Federal Government pays a portion into her retirement fund. If we were to find the account for the retirement fund, all we are going to find is an IOU for a thousand times a thousand times a thousand times 540.

Mr. President, it begs the question, how did you tell the American people we were awash in money when we were $5 trillion in debt? You had your budget. You had a Republican House, a Republican Senate, they passed you a budget dollar for dollar the way you wanted it. You got your tax cuts, and in the wake of all of that, in 12 months alone, we have increased the national debt, the debt that all of these young people in this room have to pay, the debt that my kids have to pay, by $399,653,925,113.31.

Mr. Speaker, in the time that you have been Speaker of the House, the national debt has increased by $511,040,208,939. That is more money than this country accumulated in debt in 199 years, and yet, for 1,300 days you have not allowed us a vote on a balanced budget amendment. Is this not enough? Is this the legacy you want to leave the American people, or do you want to leave the American people a legacy of a balanced budget? I hope, and I ask, for the latter.

MUSHARRAF AND DEMOCRACY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I would like to express my outrage over the continued infiltration by Pakistani-backed militants and the line of control in Kashmir and the continued blatant terrorist attacks on innocent women and children in Jammu and Kashmir.

About a month ago, President Musharraf of Pakistan acquiesced and promised to end infiltration of militants who were openly supported politically and morally by Pakistan. India had been willing to honor Musharraf's promise by giving him a chance to act on his word and waiting until October to assess the infiltration situation at the Line of Control.

But much to everyone's dismay, this brutal killing in this war-torn region is going on unabated, despite Musharraf's promises. This past weekend's savage attack has left 27 civilians dead and wounded another 30 civilians. Another attack today wounded 13 people in Kashmir. I do not think there is any justification for such violence.

Mr. Speaker, infiltration by militants at the border and terrorism in Kashmir needs to be stopped in order for peace and stability to be reinstated in this fragile region of the world. However, every step Musharraf is taking is, in fact, turning Pakistan in the opposite direction of achieving any sense of peace or stability, and, most importantly, achieving democracy.

Mr. Speaker, President Musharraf has proposed changes to the constitution that are of grave concern. The underlying strategy behind his guise of transitioning to democracy is, in fact, to restructure the Pakistani government to protect his dictatorship. Through over 70 proposed amendments, he is attempting to rewrite Pakistan's constitution in order to empower his branch of government over other branches of the Pakistani government. In addition, Musharraf would also be giving the constitutional power to dissolve the parliament, dismiss and appoint a prime minister, and establish a national security council as a constitutional body.

The latest piece of his proposal is to require members of parliament to hold university degrees which would disqualify 98 percent of Pakistan's 144 million citizens, but also would disallow over half of the politicians serving in the last parliament from holding office again.

Mr. Speaker, I am concerned about the use of American resources provided in economic and military aid to an antidemocratic Pakistani regime. In October 2001, Congress passed a bill, S. 1465, which granted the President authority to waive all sanctions against Pakistan, including sanctions against

Pakistan that prohibited aid to a nation whose democratically elected government was deposed. I introduced legislation today that reinstates the democracy sanctions, because I think it is necessary to implement measures that encourage Pakistan to transition back to democracy.

I have written to President Bush and I have requested that he and his administration, particularly Secretary Colin Powell, who will be visiting the region over the next 2 weeks, to take these violent actions by Pakistan into consideration for any future talks with Musharraf, and that the United States use its influence to encourage a return to democracy in Pakistan.

CORPORATE FRAUD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, to my colleague, the gentleman from New Jersey (Mr. PALLONE), I am not going to follow up with some comments about your previous comments. In fact, I found the gentleman's comments pretty interesting.

This evening I want to spend the time with my colleagues speaking about corporate fraud. I spoke about that at length the other day but, actually, the conversation I wanted to have with my colleagues was cut short by the time. So tonight I wanted to go through it in much more detail at a little slower pace so that we have a pretty clear understanding of what is happening out there in corporate America, with a few bad apples, but these bad apples are so bad they are ruining the bushel of apples. I come from apple country out in the Rocky Mountains of Colorado, and I can tell my colleagues if we do not track down the bad apple in a bushel of apples, no matter how good the rest of the apples in that bushel are, it will not be very long before the stain from the bad apple begins to go over on the good apples, and pretty soon the whole bushel of apples is ruined.

Now, I have heard many of my colleagues recently talk about the corporate fraud that is going on and, remember, it is not all corporations. It does not entail all of the corporations. Keep in mind that there are many, many smaller corporations in America.

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When we speak of the word ''corporation,'' it is very broad. As I said the other evening, my in-laws are cattle ranchers. They are not big cattle ranchers, but they have a cattle ranch up in the mountains. It has been in their family since the 1880s. They are incorporated for liability purposes.

I have a friend who owns an ice cream shop. He has two employees, actually his partner, he and his wife, they are incorporated. So not all corporations fall into this.

There are a few corporations that I am going to address specifically by name this evening. There are a couple of corporate executives, thieves, that I am going to address this evening by name; and I hope my colleagues are attentive to this issue.

But back to the point that I was making, recently several Members have said that this is like a bank robbery. These guys are bank robbers. I stand to differ with them. These people, like the President of Tyco, or Bernie Ebbers, the President of WorldCom, or Scott Sullivan, the chief financial officer, they are not like bank robbers.

I will tell the Members the difference. It is right here on this poster. A bank robber, generally in a bank robbery the person who commits the bank robbery is generally a poor person taking from a rich person. That is not what we have here. What we have with these corporate problems in America today is not a poor person taking from a rich institution, but instead, just the opposite: we have a rich institution taking from the poor people. That is exactly what is happening out there.

So when we hear people say, this is kind of like a bank robber, it is just the opposite of a bank robbery. It is the institution taking from the small guy, instead of the poor guy maybe taking from the bank. That is the difference.

These people who are dealing with this are not any different than a bank robber, though, as far as how we might describe them otherwise, like two-bit crooks, two-bit hoods. That is exactly what we are talking about here.

Let me go over a few things. I think, first of all, the best thing to talk about, I mentioned earlier that, by far, most of the corporations in America are small companies. Most of the companies in America run a pretty good operation. America, by far, has the strongest economy in the world's history. America will continue to have a strong economy. We are going to get through this.

In a sense, this is somewhat of a cleansing process. We are cleansing ourselves of the bad apples in the bushel, so to speak. The cleansing process is always painful, but the only way the cleansing process works is that it has to be complete. The only way we save the bushel of apples is to get in there and find the bad apple.

We just cannot talk about the fact that we have a bad apple in a bushel of apples. We have to get in there and find out where that apple is and find out if the bruise and the rot in the bad apple has spread to others, and we have to get rid of all of those.

That is the duty of our enforcement agencies in this country. It is also the duty, the peer duty of other companies, other chief executives. We have to lift our standards in this country. This kind of behavior demands that other chief executives, the good chief executives, the good people who work hard out there, that deliver a good product on behalf of the company, that are honest with their books, that do not use their attorneys to try to deceive shareholders and employees, that these people demand a higher standard.

I know a number of chief executives. I can tell the Members, they pride themselves on the standards that they demand. Their standards exceed all of the standards that some accounting firm may want, or the standards that the law firm says are the minimal standards they must meet.

The most successful companies in America are not the companies that perform unethically, or perform right on the border. The successful ones over a long period of time or over the average period of time are the ones that are honest in their dealings with their employees. They are honest in their dealings with their shareholders. They are honest in their dealings with government agencies. They are honest in their dealings in the reports they give to the general public.

Those are the companies, those are the businesses in America, in fact, those are the businesses in the world that over the long run will be the most successful and the strongest.

Now, I think it is important that we have a good concept of what a corporation is. What makes up a corporation? How does it work? Who is an insider? What are some of the buzz words that are used when we talk about corporations?

Of course, the first buzz word we use is ''corporation'' itself. As I said earlier, a corporation really, or corporations in America, are comprised of many, many different sizes of corporations. We can go all the way from General Electric or a Wal-Mart Corporation clear down to the mom and pop ice cream shop in our local community that incorporates generally for tax or liability purposes.

So when we hear the word ''corporation,'' do not just apply it to the big corporations and do not just apply it every time we use it in a negative connotation to the bad corporations, like Tyco or K-Mart Corporation. And really, the corporation as a whole was not so bad, but the people who worked within it were rotten apples.

We have to be able to segregate the bad from the good because the good deliver us good products. We can take a look at the car we drive, we can take a look at the toothpaste that we brush our teeth with in the morning, the mouthwash, or the cold medicine that we take, or the pen that we write with, the lights, the power that is delivered here, or even the clothes we have on. There are a lot of good products in our country.

There are a lot of honest, hardworking people in our country. They are being smeared by the likes of Scott Sullivan in Florida, who right now is building his $19 million mansion, or the likes of Gary Winnick with Global

Crossing in California, who is building a $90 million mansion. We can go on and on. Bernie Ebbers.

I will go through a lot of these names with the Members because we ought to know the names of the people. We ought to be able to identify what apple in the bushel is bad. Remember the saying: once a crook, always a crook. A crook is a crook is a crook. That is the way it is. We have to call it as we see it. Call a spade a spade; call a crook a crook.

I will tell the Members, if we allow a crook to stay in our midst, if we allow a crook to stay and influence what we do, over time we begin to pick up some of those bad habits. After a while, that old saying, you cannot teach an old dog new tricks, it kind of applies to a crook, too.

Look at the president of Tyco, the guy who bought millions of dollars in art. He is worth hundreds of millions of dollars, but he cheated on a very small part of the art. He decided not to declare it on the sales tax so he could avoid it, save $100,000 here and $100,000 there.

To someone worth hundreds of millions of dollars, that is pennies; that is nothing. But to illustrate, that this individual would go to the trouble to cheat the State out of a small amount of State sales tax lets us know that that old saying, you cannot teach an old dog new tricks and once a crook, always a crook, those sayings out there have applicability to some of these individuals.

Let us go back and study what the structure of a corporation looks like. A corporation always starts here on the top. It always starts with the shareholders. The shareholders are the fundamental part of a corporation.

A corporation really is not recognized as a human being, obviously; it is a legal body that is created by law that allows a group of people, in some States as few as one or two people, in other States it requires more, but it can allow a corporation to be built with just a couple of people who own the shares of the corporation.

If it is tightly held, what ''tightly held'' means is a very few people or a family holds that corporation, the stock, the shares in that corporation, and shares and stock being synonymous, and ''closely held'' means maybe it is a little broader than tightly held, maybe you only have 20 shareholders.

We have lots of those. For example, my wife and her parents have a family ranch. It is very closely held, tightly held by the family, closely held; and it does not have but maybe, I do not know, 10 or 15 shareholders in that corporation.

A lot of corporations, for example, an IBM or a General Electric or a Wal-Mart Corporation, they literally have millions of shareholders, millions of people who want to pool their money together. They entrust their money. They entrust their investment in this corporate entity, in this vehicle, to go out and see if they can make a product upon which there will be demand, which the consumer will want.

In turn, those shareholders hope over time, as a result of their investment in this corporate vehicle, that they are going to get paid dividends, that they are going to be able to make money off their investment. But in making that investment, there are certain levels of integrity or trust.

Now, we are not fools. We know that we deal with a lot of different people that form these corporations. We know that in any given body of people, whether it is Congress or whether it is the Catholic priesthood or whether it is schoolteachers, once in a while we are going to get a corrupt person in that group.

So we do not just leave it to the honesty or integrity of people who form corporations, especially if those corporations are broader than a closely held corporation, if they are publicly traded, broadly traded, as they say. If they are broadly traded, we do not just totally trust them, the government. We do not completely trust them. We mostly trust them, but we do not completely trust them.

What we do is require audits. We require public disclosure statements, financial disclosure statements, so that the public has an opportunity to screen very carefully what the audit says or what the financial statements say. It is kind of a check and balance on the chief executives.

But in order for that check and balance to work to give protection not only to the shareholders but to the employees and to the people who are affiliated with that corporation, in order for that to work, we have to have honest accountants.

Here comes Arthur Andersen. There is a problem with Arthur Andersen. We have to have honest attorneys. Here comes a problem with K-Mart and Tyco Corporation; here comes a problem with Adelphia Cable Systems, where the family themselves stole from the public shareholders almost $3.5 billion, not million, billion dollars.

So in order for the whole system, in order for this whole system to work, which I am going to go through, we have to have some honesty. We have to have honesty and integrity from the attorneys.

If we happen to have an attorney, like in Tyco Corporation, who pays himself a $20 million or $30 million bonus and breaks it up so he does not have to put it in the public disclosure statement that I referred to, so the shareholders, the check and balance, can determine whether or not the attorney deserved his self-enrichment of 20 or $30 million, if we do not have an attorney who is honest, we ought to have him disbarred. That is the check and balance that tries to keep the legal counsel in check.

It did not work with Tyco Corporation. In fact, in Tyco Corporation, the attorney kind of was in bed with the president of the company. The president of the company self-enriched himself with hundreds of millions of dollars, and the same thing with the attorney. We are going to see the same thing in something called ImClone, ImClone, the Martha Stewart case. We are going to get into that in a little detail. That is where I am going to describe inside deals.

But let me go back to the corporate structure. So we have the shareholders. A shareholder could own one share. For example, I may own one share of BankOne, a very reputable company out there. I do not know what their shares, let us say it is $24. So you could own one share, or be a mutual fund that owns hundreds of thousands of shares.

Now, 10 or 15 years ago, 20 years ago, very few people, as a percentage of the whole of society, owned stock. The average person on the street did not invest in stock. But that has changed significantly over the last few years. One, we now have many more people that have retirement funds, called mutual funds, or 401(k)s with their company, or they form some other type of retirement vehicle. That money is pooled, and believe it or not, a lot of people out there who do not think they own stock, in fact, they indirectly do own stock because their retirement fund, their 401(k) or their mutual funds, actually are stockholders. They hold stock on your behalf. So today we have many, many more people invested in 401(k)s, et cetera. Therefore, we have many, many more people who now own stock.

We have also seen a surge of interest in the stock market, especially during the boom years. We now have a lot of people we would never imagine buying stock who would figure out the best stock to buy down at the local barber shop. We had a boom. That boom, that big bubble, has burst.

What I am trying to get at here is that we have lots of people who are now reliant on a credible corporate structure. We have more people in this country today dependent upon the integrity and the honesty and the strength of the corporate structure in America than we have ever had in the history of this country.

That is why it is important that, one, we recognize not every corporation is corrupt. We have a lot of good companies that produce good products out there: the toothpaste, the car, the electric blanket, you name it. But that is why it is so important that we find the corporations like Tyco, ImClone, or K-Mart, or some of these others, Enron Corporation, WorldCom, Waste Management, Adelphia, Conseco. That is why we have to clean house on these.

When I say clean house, I mean clean house. We cannot just sit back here and treat these people like they have not done something wrong. Keep in mind, in America, if you steal a car off a shopping center parking lot, and even though that car is only worth $50, and

somebody turns you in to the police, when the police stop you, they do not stop you with one police car and one police officer.

□ 2200

They stop you with a number of police officers. A number of police officers surround you. They pull you out of the vehicle at gun point for stealing this $50 car. They put you on the pavement. And while you are laying down on the pavements they handcuff you. They then put you in a police car, in a cage in the police car and they haul you to the police department.

Bernie Ebbers of WorldCom or Gary Winnick of Global Crossing, Gary Winnick is currently residing in his $90 million home in Bel Air, California. He has never felt handcuffs. Bernie Ebbers of WorldCom went to the board of directors and borrowed $408 million and neither he nor those board of directors have ever had the feel of handcuffs around their hands.

Our society has got to give them that feeling because if they do not get that feeling of handcuffs, we are not going to get the feeling of credibility. We are not going to get the feeling that our system is working, that the checks and balances are in place. So it is just as important to society that appropriate and tough punishment be meted out as it is to our own feeling of, well, they deserved this punishment as it is to fairness.

You go into a Kmart and you steal a candy bar, you will suffer a lot more penalty under the criminal law than the chief executives of Kmart who loan themselves millions of dollars, and then the week before the company was taken into bankruptcy, got the loans forgiven by corporate documents. In other words, you do not have to pay it back. You sign it. Self-serving. And then they took the company into bankruptcy. Remember, we are not just talking about shareholders. There is another group up here that hurts a lot, that has suffered a lot as a result of the Enron and the WorldComs and the Tycos and the people of Global Crossing and the companies like that. That is the ones clear at the bottom of the list, but probably the most important box on the list, and that is the employees. And not just the active employees. Do not forget we have retired employees. So there really should be another box right here. The retired employees. Some who have given their entire careers to these corporations, and now they find themselves out on the street. WorldCom, who bought company after company and assumed those employees, now those employees are out on the street.

This company will declare bankruptcy this week or early next week. These retired employees will find their pensions wiped out. The same with Global Crossing. How do you think the employees of Global Crossing feel today? They have been wiped out and Gary Winnick is living in a $90 million mansion, currently being remodeled because he thinks it needs upkeep, in Bel Air, California. Or Scott Sullivan, the 40-year-old guy who shows up in Congress chuckling while we are interviewing him while his $20 million home on the ocean or lakeside is currently under construction in Florida. You think he gives a hoot about these retired employees? You think he gives a hoot about the current employees?

These people have broken the trust of America and these people should pay the price. They should not be allowed to live the rest of their life in the luxury of a king and in the mockery of a justice system.

Let me go back to how this corporation is made up. We have talked about our shareholders. The corporation would not exist without the shareholders. Now the shareholders entrust their money and they give their money, they put their money into the corporation. And then you have gotten the corporation, a group of individuals who represent the best interests of the corporate entity as a whole, who look out for the shareholders, who have responsibility for guidance of the corporation, not day-to-day guidance of the corporation, but overall policy, overall direction of the corporation. And these people have what is described as a fiduciary duty.

What does fiduciary duty mean? It means a special duty, a special obligation to the people that you are representing. More than just, okay, I will do it for you. It is a special level of trust. It is a higher standard, and that is what these boards of directors do. I can tell you any time you find one of those overpaid executives, any of these corporations you would find in trouble whether it is Enron, TYCO, ImClone, whether it is Waste Management, whether it is Xerox Corporation, Sunbeam Corporation, any of these in trouble, you will find trouble in the board of directors. You will find a breach of fiduciary duty with those boards of directors. Either they fell asleep on the job or they were lulled asleep by the management that bestowed them with gifts.

For example, in WorldCom, Bernie Ebbers made sure that one of his board of directors was given a corporate jet which probably costs the corporation $200,000 a month, but he decided to lease it at an arm's length transaction, a fair transaction. So he let the director lease it for a dollar a year, and all the expenses were paid.

Do you think that director has got a fiduciary duty? Do you think he is representing the shareholders or the best interest of that corporation, or do you think he is representing the best interest of Bernie Ebbers of the WorldCom Corporation? It is clear he has breached his trust. That is why this part right here, these boards of directors, that is very, very important. Every box in here is important for the corporation to work correctly.

Every box in here has an integral part, a basic and fundamental part of the company. This vehicle cannot move forward effectively if any of the people in these boxes have corrupted the box. For example, if you have corrupt shareholders, this corporation will not work. It will not be a good corporation. If you have a corrupt board of directors, we have seen what has happened with Enron or these others. If you have corrupt legal counsel, corrupt auditors like Arthur Andersen, corrupt president like the president of Tyco or the president of ImClone, the inside deals, or if you have a management team that is corrupt, it will not work, or employees that steal from the company, if you have employees that are corrupt. Every box in here has to work; and if it works, it is a very powerful economic machine. If it does not work, it is a complete failure or close to it. It can cause an implosion, and that is what you are seeing with some of these companies. You are seeing an implosion with WorldCom. You have seen an implosion with Xerox. You have seen an implosion with some of these and it is because of defective management in a large degree.

So we talk about the board of directors. The board of directors does not go to work every day. They are generally retired executives, men and women, prominent in their communities, but they are supposed to be qualified on that board. They were not supposed to be on there for celebrity status. They are not supposed to be on there to be yes people. They are supposed to be on there for the best interest of the shareholder and of the corporation. And for some reason, that has been diluted.

In my opinion, the long-term solution for this, one of the key parts of that is that we have got to professionalize our boards of directors across this country. We have to increase the standards and the behavior that we expect from them, which also means we have to increase the punishment if the board goes bad, if they become corrupt.

So now we go and we have got our legal counsel. I have referred to our legal counsel a little. You should not have an attorney who gives you the advice that you want to hear. A good attorney will give you the advice regardless of what you want to hear. And what happens here, unfortunately, and Tyco is the excellent example, the attorney goes to work for Tyco. He got his job as a personal favor from the president of the company. The president of the company is a guy that cheats on his sales tax even though he makes tens of millions of dollars every year. And the lawyer here decides to cozy up in bed as well, so what he does is start to pay himself bonuses.

Now, remember that the board of directors issues reports that go out to the shareholders. They issue reports that go out to the public, and they issue reports that are read all the way down this system. In Tyco what happened is the legal counsel made sure that the bonus he got of $20 or $30 million was broken up and titled in such a

way that it would never have to show up in any of these reports. So the employees did not know what the attorney was paying himself. The board of directors, theoretically, did not know what he was paying himself. Certainly the shareholders did not know what he was paying himself. It was what is called a sweetheart deal.

Now, you also have the auditors over here. And you saw the same thing with Enron. That is the excellent example of Enron Corporation. With Enron what you did is you had Arthur Andersen in the morning, and keep in mind it is not just Arthur Andersen, but you had Arthur Andersen in the morning being your auditor, telling you whether or not your books were clean and whether or not they had been cooked, and in the afternoon offering to you a much more lucrative contract for themselves doing consulting.

We have got to break apart auditing firms that offer auditing at this time and consulting at this time. They are two separate functions, and they should be handled by two totally independent, unaffiliated units for it to work effectively. What happened with Arthur Andersen, they got too cozy with the management at Enron. These accountants, these CPAs out there making 100,000 or 90,000, they could not resist the temptation to make several hundred thousand like the executives at Enron. So when the executives at Enron or the board members that were corrupt at Enron came over to the accountants and said, here is what we want this report to the public to look like, the auditors for their own self-enrichment say, we can make it work. We can hide those numbers. And that is exactly what they did at WorldCom.

At WorldCom they took their expenses that should have been put in the expense column and they capitalized them so it looked like they were making more profits. And this was done with the assistance of their auditing team. And, in turn, they had stock options that went up in value because the stock price was high because the public, the shareholders and the public that wanted those shares thought the company was making money when, in fact, it never made money. It never made any kind of money. They threw out these corrupt corporate executives or these board members threw out a line. They got the auditors to bite on the bait. They pull in the auditors, then they throw in another line. They pull in the legal counsel and then, of course, pretty soon they say we have enough. Now, let us see what kind of suckers are out there.

The first suckers they go after are the shareholders. They suck in the shareholders, and then the people that suffer the worst at the bottom are the employees. People that have worked for these companies for years, for decades. What is left of their future is decimated. Their life savings is gone. It is pretty hard to stomach this. It is pretty hard to look at how much these employees of WorldCom or Enron or Kmart or Tyco or ImClone, it is hard to stomach what has happened to these people's savings, to their pensions, when people like Scott Sullivan are living in a $20 million brand new mansion in Florida or Gary Winnick of Global Crossing is living in a $90 million mansion in Bel Air, California, all at the expense of these employees and of these shareholders. Self-enrichment. Inside deal. Inside knowledge.

Now, what do I mean by inside knowledge? You know, to run a corporation, your executive officers have certain information that is obviously confidential. They have information that would impact the corporation. They cannot, for example, if they are negotiating to buy some property across the street, they do not want to release publicly about what price they are willing to pay for that. They keep that inside the company's information. And it is for obvious reasons. They keep it. And that is perfectly legal. That is called inside information. But what is not legal is when these executive officers, this management team or these boards of directors use that confidential inside information for their own self-enrichment. And I will give you the perfect example of it. I have it laid out right here for you. It is a company.

Many of you have never heard of ImClone Systems, Incorporated, but you have heard a case affiliated with it called Martha Stewart. She is tied into this little deal. Let us take a look at what ought to be a textbook example for every college business book that is published for study, a textbook example of corruption at the core, of the misuse, and the breach of fiduciary duty by your corporate officers. Here is what happens. ImClone has a president, and the president of the corporation finds out December 4, remember the dates. They are important. On my poster, this is the key date right here. Lots of these corporate officers, including the president, the vice president, the legal attorney, the vice president for marketing, they hold a lot of stocks. They hold a lot of options on shares of stocks.

Now they are about to get information that the public will not have access to for several days. Now under the rules of law, they are not to share this information with anybody because it gives one person an unfair advantage. Our stock market works out there, our investment market works because theoretically both parties have an equal advantage at least going into it. And they then negotiate and they bargain. But you cannot have a system that works correctly when one party has inside information and using it inappropriately, the other side can never get a fair deal. There is no square deal on something like that. And ImClone was not about to give anybody a square deal, except the inside people. Here is what happened.

□ 2215

December 4, FDA officials meet privately with the ImClone vice president and informally and probably improperly, but informally signaled that the company's cancer drug could have licensing problems. So on December 4, an FDA official, and again, I am not sure this was proper what this official told, but he hinted or dropped the hint, hey, your drug, which this company has built itself upon, is in serious trouble. It may not get its license. You guys may be in real trouble.

What happens? Look what happens. You think that they go public with this information? No. You think they are going to go out to the average John or Jane on the street that owns stock, that trusts this management, you think they go to the board of directors? They may, by the way, have gone to the board, but do you think they go to the employees who work so hard to make this a success and say we have got some information, you need to be aware this stock may collapse? No, they do not do that. These people are corrupt. They are going to use that to self-enrich themselves.

Here is the sequence of things that happen. December 6, two days later, their attorney, and remember, I told you how important it is that you have legal counsel that has integrity, that has capability and knows the rules of law when it comes to corporate governance. So what happens on December 6? This attorney, their general attorney, general counsel the title they use, unloads $2.5 million worth of ImClone stock. Cannot wait to sell. Two days after that information gets to him, he drops the stock. What a wonderful timing. What a coincidence, what a hunch. Must be a very brilliant guy in the stock market.

December 11, ImClone vice president Ronald Martell sells another two-point-some-million dollars' worth of ImClone stock.

On December 26, now we are jumping to December 26, a very key date right here, here is the CEO, this guy, in my opinion, is as big a two-bit crook as you have ever seen in the history of this country. This guy was called the general attorney, now the general counsel. He has already sold his stock because he knows the news is coming. He spends 17 minutes on the phone with the CEO, Sam Waksal, the president. Here is what he does. He spends 17 minutes on the phone with the president. The president then drafts a note, and on the note he marks ''urgent, immediate attention required,'' and he sends it to his broker, to the broker that holds the president's, this guy, he sends it over to his personal broker, this note, urgent, immediate attention required.

Then what he does is he knows that in the next couple of days, on December 27 or December 28, I guess it is December 28, there is going to be an announcement that ImClone's drug is not going to get licensed by the FDA, and

he knows that their stock price will implode. It will collapse. So he immediately calls his broker, and he knows that if he sells the stock in his name, it is going to be pretty obvious he had inside information.

So he transfers 4.5 million shares or $4.5 million, I cannot remember which, into his daughter's name and says to his daughter, sell the stock quick. What happens to the daughter? She turns around and sells her stock. She has got over $2 million or $3 million worth of stock. She attempts to sell her father's stock in her name, but Merrill Lynch says no, something is fishy here, we are not going to let you sell that 4 million shares, but we will let you sell your shares because maybe you are like the attorney and the marketing guy and like some of the other executive officers, you just know how to read the stock market, just timing, just a coincidence that you had such a hunch that this stock was going to implode.

Do not forget now they have got buddies out there. They do have a couple of close friends. One of their close friends is this broker at Merrill Lynch. What does this broker at Merrill Lynch do? He calls somebody named Martha Stewart. What does Martha Stewart do? He leaves a message to Martha Stewart. This is before the general public knows of the inside information that is going on. The Merrill Lynch broker calls Martha Stewart, and the message he leaves her is ImClone is going to start trading downward, ImClone is in trouble, in other words, but the exact quote is, ''ImClone is going to start trading downward.''

What happens? Martha Stewart immediately sells almost $300,000, I think it is within a few minutes sells $300,000 approximately worth of her stock.

What happens? Next day, the announcement comes out. ImClone stock almost becomes worthless. Who loses on the deal? Well, the shareholders of ImClone lose in a big way unless you happen to be on the inside. The employees of ImClone lose in a big way. The retired employees of ImClone get their pension plans, their retirements, all get wiped out.

Who comes out of it smelling like a rose? The two bit-crook comes out of it smelling like a rose. Some of the board members come out of it. The president of the company, the president's daughter and people like Martha Stewart, who by coincidence just happened to know the right day to sell.

These are the kind of deals that are putting a black eye on business in America. These are the kind of deals that are shading the honest people. These are the kind of bad apples in the bushel we have got to dig down and we have got to find it, and I will tell you it is not just with this ImClone Corporation.

Let me just give you a quick demonstration. Enron Corporation, I do not need to talk much about that. We know about the corruption that went on at Enron Corporation, and take a look at the problems they had on their board of directions at Enron Corporation. Not one of those executives has yet had the feeling of handcuffs on their wrists. Keep that in mind next time you go to the grocery store or the shopping center. You might see somebody that stole a 95 cent candy bar and they have got handcuffs on their wrists, but nobody at Enron did.

Take a look at Arthur Andersen, completely breached their duties, not the whole corporation. There were a lot of good people that worked in that, but the whole corporation was dependent on their executive officers who were supposed to have integrity and honesty, but they got reeled in. They cast out there and the executives reeled them in, said, come on, we will cut you in on the deal. Arthur Andersen.

Xerox Corporation overstates their sales, tried to deceive the shareholder.

Kmart Corporation goes out and loans its chief executive officers and several of the executive officers millions of dollars a couple of weeks before they know they are going to declare bankruptcy; and the week before they declare bankruptcy, the chief executive officers sit down and write a statement to themselves, dear self, the money that we had you loan from Kmart is now forgiven, signed self. That is what happened here.

I know people that worked at Kmart. You know stores of Kmart that have closed. They are trying to make it. They are still trying to make it go. There are a lot of people. These are blue collar workers, a lot of them. These are not wealthy people. It is like I said at the beginning of my remarks, this is not a bank robbery going on here because keep in mind, the bank robbery, it is generally a poor person trying to rob from a rich institution. These are wealthy institutions trying to rob from poor people; and at Kmart they were successful, lots of retired employees there that made maybe five, six bucks an hour who had just a few hundred dollars a month. They do not have a $90 million dollar mansion like Gary Winnick with Global Crossing.

They get wiped out, these people, and they are not 20-year-old kids that have a lot of life ahead of them. They are 50-, 60-, 70-year-old people that are dependent upon their pension after 30 years with Kmart.

Take a look at WorldCom, Tyco Corporation. Take a look at ImClone. That is the one that we took, and I have got more charts. I could tell you about more and more of them.

I have got back here Adelphia Corporation. There the executive officers bought their own sports team, built their own private golf course for $20 million, managed to siphon $3.5 billion, not million, billion off the corporate books. Where were the auditors? Where was the attorney? Where was the corporate board of directors? They stole that money. They are probably playing golf today, and we have more examples like that.

Waste Management, Sunbeam which was caught several years ago, Global Crossing.

There is a little game called Monopoly out there, and I am not trying to be cute here. I am serious as I can be. In that game you could pull a card, and if you get in trouble, you could pull a card. You know what that card says, ''Go to jail, and as you pass go, do not collect your $200.''

What I worry about here is that people like Gary Winnick, people like the head of Tyco, people like Scott Sullivan, and by the way, if you have not seen it, this is Scott Sullivan's $20 million palace currently under construction on Lakeside in Florida. These people should not only ought to go to jail. They should not collect the money on the way to jail.

These proceeds were taken from the employees of that corporation. These proceeds were taken from the shareholders who trusted the management team of that corporation. There is a solution, and our solution is kind of multistage.

The first step in the solution for getting this is to keep in mind that the whole system has not imploded. I would say that a very small fraction of the system is in trouble, but your body may be cancer-free and you may have just a little tiny bit of cancer on your big toe. If you do not catch that cancer for a while, most everything is going fine; but if you ignore that cancer on your toe, pretty soon it may go up your leg and then pretty soon it will kill you.

Now we have discovered it on our toe. Now is the time to act. Keep in mind that we do not need to pull out a gun and shoot ourselves because most of our body is in fine shape and we are going to be able to remove that cancer. If we remove it and if we act aggressively and if we dig deep enough, we can get that cancer off and we will be fine. So it is no use destroying your body. Keep in mind, most of your body is working well, but you have got to act aggressively against the problem you have got on that foot. It is the same thing here.

The second step, we have got to aggressively pursue these crooks. A crook is a crook is a crook; and a crook that steals from the poor, a crook that steals from the working population in this country, a crook that steals from anybody ought to be punished. The days of our society, of these people being allowed to live in these kinds of mansions after we know they took the money or the ImClone people and I do not care how popular they are. It may be Martha Stewart.

I admire Martha Stewart. She built her empire from nothing. She is a hard-working lady but she made a big mistake, in my opinion. She dealt on inside information, information that the little guy was not entitled to, but the law says the little guy is entitled to.

These people have broken the law, and these people should be punished. If

we do not punish these people, if we do not go aggressively after these people, then we begin to lose the integrity and the credibility that we are going to be able to get that cancer off our foot, and then we do have the risk of our entire system imploding.

That is a long way off because I am confident, especially under the President's statements of the last couple of weeks, under action take on this floor, under action taken on the other body's floor and the compromise that we will eventually come up with, we are going to go after them; but we need our local prosecutors to go after them. We need the Internal Revenue Service to go after them. We need the Securities and Exchange Commission to go after them. There is no reason any agency that has any kind of jurisdiction over these individuals should not pursue these people as aggressively as they would pursue a two-bit thief that walks out of one of these companies with a pen or a candy bar or calculator that they have stolen.

I have been pretty emotional with this speech because I feel deeply about it. I feel a lot of people have gotten cheated; and I know I have said it time and time again, but it is not a bank robbery. It is not poor people trying to steal from the rich. These are a very few people who are very wealthy who acted in a very self-serving, very selfish method for one purpose and that was to enrich themselves at the expense of somebody else; and in these particular cases, the people that have done this were already wealthy. It was not like they needed to get wealthy. It was not like they needed to take bread home to their kids. These people were already wealthy. They just did not have enough so they decided to cheat the system, and the people they cheated are the people that do not have enough.

□ 2230

They are the people that have had their pensions wiped out; that have had their dreams wiped out; that have had their jobs eliminated. Those are the people that are suffering, and the people who have invested in these shares and the American dream. Those are the people that are suffering, and we ought to right the wrong. It is dependent on us, colleagues, to right that wrong, and we are going to have this opportunity.

So once again I call for prosecutors across the country, for the IRS, for the SEC, for Congress, the President has already shown his aggressiveness on this, we need to come together and we need to bring down the hammer and we need to bring it down hard so that people know that the American business system is a credible system that works on integrity. If we can do that, we will restore the economic strength of our business machine. We have to have that for this country to continue its greatness.

CORPORATE RESPONSIBILITY

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Mr. Speaker, I have come to the floor of the House tonight to advise the American people about the status of our efforts to deal with the crisis of confidence in our corporate structure, which indeed is deep.

Mr. Speaker, I have to say that one thing I realize all Americans share tonight, looking at these repeated scandals, fiscal collapses and debacles in the accounting structure of our corporations, all Americans, I think, share one belief, be they Democrats or Republicans, suburban, rural, north or south, and that is that we need strong medicine rather than weak tea in dealing with this problem. We need more aggressivity and not so much passivity in dealing with this problem. We need action rather than inaction.

Mr. Speaker, I must report to Americans that, unfortunately, we have not had enough action in dealing with these problems. Let me give an example of what I mean by that. A few days ago in the other body a bill was passed to deal with these problems by a vote of 97 to zero. Ninety-seven Democrats and Republicans joined together to pass a meaningful bill to provide for the security of Americans, for their retirement and investment in corporations.

We should be here voting on that bill tonight. Tonight, we should be sitting here, Republicans and Democrats, passing that legislation which had overwhelming bipartisan support in the other Chamber, but we are not. And why are we not doing that work for the American people tonight? Well, the reason is this, and it is sad to say, but the leadership in this House in the majority party has made a conscious decision to drag their feet; has made a conscious decision to be passive rather than active; has made a conscious decision to answer the needs of some special interests rather than the American investors who are losing their shirts in the last few days in the stock market and in their retirement funds, which are rapidly disappearing.

The sad fact is that we have some very commonsense things that we need to do to make sure that there is a fiscal security apparatus in our corporations so that people cannot pull the wool over the eyes of investors, defraud investors, and falsify their books. Unfortunately, the majority party refuses to adopt those measures.

Today, on this floor, we had a motion that my party proposed that would require some very commonsense measures so that investors would have greater confidence; measures to give whistleblowers protection, these whistleblowers who have blown the whistle on corporate misdeeds, to make sure they have protection. That was rejected by the majority party.

We had a proposal to require records to be kept for a decent interval so we could figure out what had happened and find the trail of fraud in these cases. That was rejected by the other party.

We had a provision that would give investors who had been damaged greater leeway, a greater period of time to seek redress if they had been hurt by corporate fraud. That was rejected by the majority party.

These are things we could have done today. For the last 2 months, it has been a common litany here that we have proposed ideas and we have had to drag the majority party kicking and screaming to get consideration of these issues. It is really sad, because I have a lot of friends on the other side of the aisle who, unfortunately, are not being given a chance to vote on these commonsense measures.

Now, let me mention what the majority party has been doing in the last week. During the last week, when the economy has been in a crisis of consumer confidence and investor confidence in the last week, on July 12, just a few days ago, the leadership of the Committee on Energy and Commerce in the majority party, in response to this, what did they do? Well, they wrote a letter to the Public Broadcasting Service, PBS. In the midst of this economic crisis, the leaders of this Chamber's Committee on Energy and Commerce wrote a letter to PBS. And you know what they wrote about? They were complaining that Sesame Street program was going to introduce a muppet character that was HIV-positive.

They were so concerned about this that they wrote a letter to PBS to stop this heinous introduction of this muppet character. Well, Americans want to know the answer to this question tonight: If the Republican Party in this House is willing to take on Sesame Street, why are they not willing to take on Wall Street? If the Republican Party is willing to take on the Cookie Monster, why are they not willing to take on these moral monsters who are defrauding American investors and taking away people's entire retirement income in some cases?

This is a time for a bipartisan response to an economic crisis that does not just give Americans weak tea. Yes, the majority party is going to have to stand up against some of the special interests who have been so prevalent in this Chamber in the last decade. Yes, they are going to have to do it. But we need them to do it. We need them to join us to do it.

Now, we have heard this response that they have made, and they have joined with Democrats to do one of the things that needs to be done. They have increased with us the jail time that corporate defrauders will be exposed to. And that is a good thing. It is necessary. It is probably not adequate, because I would support mandatory jail time. Because, unfortunately, a lot of

white collar criminals spend too little time in these country club prisons. We should have mandatory jail term. But, nonetheless, we have joined in a bipartisan way to increase the jail time.

Unfortunately, some Members on the other side of the aisle have said that is enough; our job is done. But that is not enough. If we draw a metaphor to our airline security system, when we had this terrorist threat against airlines, we did not say our job was done as soon as we increased jail time for terrorists. Because that is not enough. We have to draw a security ring around airplanes to make sure terrorists do not put bombs in the checked baggage of our airplanes, do not sneak weapons onto our airplanes. We need to be proactive, rather than just coming after the crime and sanctioning people with jail.

So it is not enough for the majority party to simply say we will increase jail times and go home. That is not enough. What we need to do is to assure that we have watchdogs watching corporate behavior to make sure investors are not defrauded. Now, what does that mean? Well, let me suggest some of the commonsense proposals that were adopted 97 to 0 in the other Chamber and have the overwhelming support of Democrats in this House. Let me mention a few.

One, a segregation, to make sure that auditors do not have conflicts of interest. We depend on auditors to act as referees or umpires, to make sure there are no fouls. But right now those auditors can have these huge conflicts of interest where they have these giant contracts with the companies they are supposed to be auditing, and we want to end that practice. We want auditors to be real meaningful cops on the beat. The majority party refuses to accept that. That is most unfortunate. We need to get that security ring up and running.

Second, we need CEOs to verify their financial statements. We need the people at the top, the captain of the ship, the one who is ultimately responsible for the corporation to sign their John Hancock to verify the financial accounting. If we do not do that, then nobody is in charge. And it is about time to adopt that proposal.

Third, we have to have an independent accountancy board to make sure that the rules of auditing are workable, tough, and enforceable. Unfortunately, right now, we have learned that the accounting rules have allowed tremendous creative accounting to take place. Creativity is something we need in artists, not in accountants and auditors. We need to have an independent board to establish the rules of how these audits are conducted, and we do not have that right now. Americans do not have that right now. The profession essentially writes its own rules, and that has been a recipe for disaster.

Now, in the other Chamber, on a 97 to 0 vote, that was adopted, and we have proposed this on our side of the aisle. But tonight, as people's retirements are disappearing all across America, the majority party refuses to allow us to have a vote on this House floor to implement that commonsense measure. And I respect people on the other side of the aisle. I have some great friends on the other side of the aisle. But it is wrong not to allow this House to have a vote on those commonsense measures, because ultimately America needs people who will stand up for those investors against fraud.

Mr. Speaker, I hope tomorrow that when we convene we will have people in the majority party who will join us on a bipartisan basis to get this job done, and finally convince the majority party if they are going to be willing to stand up to Sesame Street, join us in standing up to the shenanigans on Wall Street and get this job for the American people.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess for approximately 10 minutes.

Accordingly (at 10 o'clock and 44 minutes p.m.), the House stood in recess for approximately 10 minutes.

□ 2253

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. JEFF MILLER of Florida) at 10 o'clock and 53 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5120, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2003

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–585) on the resolution (H. Res. 488) providing for consideration of the bill (H.R. 5120) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5121, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2003

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–586) on the resolution (H. Res. 489) providing for consideration of the bill (H.R. 5121) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MASCARA (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Mr. MCHUGH (at the request of Mr. ARMEY) for today after 1:30 p.m. and the balance of the week on account of attending a funeral for a former member of his staff.

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. PALLONE) to revise and extend their remarks and include extraneous material:

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. KANJORSKI, for 5 minutes, today.

Mr. SANDLIN, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. BENTSEN, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

The following Members (at the request of Mr. PENCE) to revise and extend their remarks and include extraneous material:

Mr. OSBORNE, for 5 minutes, today and July 18.

Mr. DELAY, for 5 minutes, July 22.

Mr. BLUNT, for 5 minutes, July 22.

Mr. ADERHOLT, for 5 minutes, July 22.

Mr. PENCE, for 5 minutes, today.

Mr. KIRK, for 5 minutes, July 18.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. INSLEE, for 5 minutes, today.

ADJOURNMENT

Mr. LINDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Thursday, July 18, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8047. A letter from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting the Department's final rule — Housing Assistance for Native Hawaiians: Native Hawaiian Housing Block Grant Program and Loan Guarantees for native Hawaiian Housing; Interim

Rule [Docket No. FR-4668-I-01] (RIN: 2577-AC27) received July 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8048. A letter from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Risk-Based Capital Standards: Claims on Securities Firms [No. 2002-5] (RIN: 1550-AB11) received July 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8049. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Standards for Business Practices of Interstate Natural Gas Pipelines [Docket No. RM96-1-020; Order No. 587-O] received June 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8050. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Pakistan for defense articles and services (Transmittal No. 02-36), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8051. A letter from the Director, Defense Security Cooperation Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more; the listing of all Letters of Offer that were accepted, as of March 31, 2002, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

8052. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Report on Denial of Visas to Confiscators of American Property; to the Committee on International Relations.

8053. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the determination and certification of seven countries that are not cooperating fully with U.S. antiterrorism efforts: Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria; to the Committee on International Relations.

8054. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed transfer of major defense equipment pursuant to Section 3 (d) of the Arms Export Control Act (AECA); to the Committee on International Relations.

8055. A letter from the Chief, Regulations and Administrative Law, USCG, Departmenmt of Transportation, transmitting the Department's final rule — Safety and Security Zones; High Interest Vessels —— Boston Harbor, Weymouth Fore River, and Salem Harbor, Massachusetts [CGD01-01-227] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8056. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations; Beaufort Water Festival July 12th Fireworks Display, Beaufort River, Beaufort, SC [CGD07-02-087] (RIN: 2115-AE46) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8057. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulation; Pelican Island Causeway, Galveston Channel, TX [CGD08-02-003] (RIN: 2115-AE47) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8058. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations: Lady's Island Bridge, Atlantic Intracoastal Waterway (AIWW), Beaufort, South Carolina [CGD07-99-038] (RIN: 2115-AE47) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8059. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Chicago River, IL [CGD09-01-148] (RIN: 2115-AE47) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8060. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone: Sag Harbor Fireworks Display, Sag Harbor, NY [CGD01-02-085] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8061. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zones; Liquefied Natural Gas Carrier Transits and Anchorage Operations, Boston, Marine Inspection Zone and Captain of the Port Zone [CGD01-01-214] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8062. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Port Hueneme Harbor, Ventura County, CA [COTP Los Angeles-Long Beach 01-013] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8063. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Ohio River Miles 355.5 to 356.5, Portmouth, Ohio [COTP Huntington-02-009] (RIN: 2115-AA97) Receive July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8064. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lake Huron, Harbor Beach, MI [CGD09-02-038] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8065. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Seafair Blue Angels Performance, Lake Washington, WA [CGD13-02-008] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8066. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zone; Boston and Salem Harbors, Massachusetts [CGD01-02-016] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8067. A letter from the transmitting the Department's final rule —, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8068. A letter from the Chief, Regulations Branch, Department of Treasury, transmitting the Department's final rule — Import Restrictions Imposed On Pre-Classical and Classical Archaeological Material Originating in Cyprus [T.D. 02-37] (RIN: 1515-AC86) received July 16, 2002, pursuant to 5 U.S.C. 01(a)(1)(A); to the Committee on Ways and Means.

8069. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventorie [Rev. Rul. 2002-47] received July 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8070. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Returns of Information of Brokers and Barter Exchanges [Rev. Proc. 2002-50] received July 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8071. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Substitute Agent for a Consolidated Group when the Common Parent Ceases to Exist [Rev. Proc. 2002-43] received July 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8072. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 2002-49] received July 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8073. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Class Life of Floating Gaming Facilities — received July 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8074. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters [Rev. Proc. 2002-32] received July 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8075. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories [Rev. Rul. 2002-29] received July 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8076. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2002-32] received July 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 521. A bill to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam (Rept. 107–584). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 488. Resolution providing for consideration of the bill (H.R. 5120) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2003, and for other purposes (Rept. 107–585). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 489. Resolution providing

for consideration of the bill (H.R. 5121) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2003, and for other purposes (Rept. 107–586). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GILMAN (for himself, Mrs. ROUKEMA, Mr. FRELINGHUYSEN, Mrs. KELLY, Mrs. JOHNSON of Connecticut, Mr. HOLT, Mr. WALSH, Mrs. MCCARTHY of New York, and Mr. ENGEL):

H.R. 5146. A bill to establish the Highlands Stewardship Area in the States of Connecticut, New Jersey, New York, and Pennsylvania, and for other purposes; to the Committee on Resources.

By Mrs. BONO (for herself, Mr. TERRY, Mr. BUYER, Mr. GREENWOOD, Mr. FRANK, Mr. SWEENEY, Mr. QUINN, Mr. OSBORNE, Mr. GREEN of Texas, Mr. ENGLISH, Mr. SHERWOOD, Mrs. JOHNSON of Connecticut, and Mr. TAYLOR of Mississippi):

H.R. 5147. A bill to allow the Financial Accounting Standards Board to develop standards of financial accounting and reporting related to the treatment of stock options; to the Committee on Energy and Commerce.

By Mr. HOBSON (for himself, Mr. HALL of Ohio, Mr. TIBERI, Mr. PORTMAN, Mr. OXLEY, Mr. GILLMOR, Mr. NEY, Mr. REGULA, Mr. BROWN of Ohio, Mrs. JONES of Ohio, Mr. LATOURETTE, Mr. BOEHNER, Mr. KUCINICH, Mr. STRICKLAND, and Ms. PRYCE of Ohio):

H.R. 5148. A bill to establish the National Aviation Heritage Area, and for other purposes; to the Committee on Resources.

By Mr. LEACH:

H.R. 5149. A bill to establish the Securities and Commodities Exchange Commission in order to combine the functions of the Commodity Futures Trading Commission and the Securities and Exchange Commission in a single independent regulatory commission, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 5150. A bill to remove the exemption with respect to Pakistan from the prohibition on assistance to a country whose elected head of government was deposed by decree or military coup; to the Committee on International Relations.

By Mr. PAUL:

H.R. 5151. A bill to exclude certain properties from the John H. Chafee Coastal Barrier Resources System; to the Committee on Resources.

By Mr. QUINN (for himself, Mr. NADLER, Mr. KING, Mrs. MALONEY of New York, Mrs. KELLY, Mr. CROWLEY, Mr. MCHUGH, Mrs. MCCARTHY of New York, Mr. HOUGHTON, Mr. ENGEL, Mr. FOSSELLA, Mr. TOWNS, Mr. BOEHLERT, Mr. OWENS, Mr. WALSH, Mr. ISRAEL, Mr. GRUCCI, and Mrs. LOWEY):

H.R. 5152. A bill to extend the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of victims of the terrorist attacks of September 11, 2001; to the Committee on Transportation and Infrastructure.

By Mrs. ROUKEMA:

H.R. 5153. A bill to designate the facility of the United States Postal Service located on Kinderkamack Road in Emerson, New Jersey, as the ''Gary Albero Post Office Building''; to the Committee on Government Reform.

By Mr. STUPAK:

H.R. 5154. A bill to provide Medicare beneficiaries with access to prescription drugs at Federal Supply Schedule prices; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of South Carolina (for himself, Mr. BARTLETT of Maryland, Mr. CHAMBLISS, Mr. DEMINT, Mr. DOOLITTLE, Mr. GOODE, Mr. GRAHAM, Mr. HALL of Texas, Ms. HART, Mr. HAYES, Mr. JENKINS, Mr. JONES of North Carolina, Mr. KERNS, Mr. KINGSTON, Mr. MCHUGH, Mrs. MYRICK, Mr. NORWOOD, Mr. OSBORNE, Mr. PENCE, Mr. PICKERING, Mr. PITTS, Mr. RILEY, Mr. SHIMKUS, Mr. SHOWS, Mr. SMITH of Michigan, Mr. SOUDER, Mr. SULLIVAN, Mr. TAYLOR of North Carolina, Mr. TIAHRT, Mr. VITTER, and Mr. WILSON of South Carolina):

H.J. Res. 106. A joint resolution proposing an amendment to the Constitution of the United States respecting real and virtual child pornography; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. BORSKI):

H. Con. Res. 442. Concurrent resolution recognizing the American Road and Transportation Builders Association for reaching its 100th Anniversary and for the many vital contributions of its members in the transportation construction industry to the American economy and quality of life through the multi-modal transportation infrastructure network its members have designed, built, and managed over the past century; to the Committee on Transportation and Infrastructure.

By Ms. CARSON of Indiana (for herself, Mr. VISCLOSKY, Mr. PENCE, Mr. ROEMER, Mr. SOUDER, Mr. BUYER, Mr. BURTON of Indiana, Mr. KERNS, Mr. HOSTETTLER, and Mr. HILL):

H. Con. Res. 443. Concurrent resolution expressing the sense of Congress supporting the 2002 World Basketball Championship and welcoming the 16 national teams competing; to the Committee on International Relations.

By Mr. ISAKSON (for himself, Mr. TANNER, Mr. MATHESON, Mr. SIMPSON, Mr. PLATTS, Mr. TOM DAVIS of Virginia, Mr. ISTOOK, Mrs. BIGGERT, Mr. EHLERS, Mr. CALVERT, Mrs. CUBIN, Mr. JONES of North Carolina, Mr. GUTKNECHT, Mr. TIBERI, Mr. HAYWORTH, Mr. LEWIS of Kentucky, Mr. WELLER, Mr. WATTS of Oklahoma, Mrs. JOHNSON of Connecticut, Mr. BROWN of South Carolina, Mr. WILSON of South Carolina, Mr. HAYES, Mr. KINGSTON, Mr. KENNEDY of Minnesota, and Mr. MCKEON):

H. Con. Res. 444. Concurrent resolution expressing the sense of the Congress that the Federal Mediation and Conciliation Service should exert its best efforts to cause the Major League Baseball Players Association and the National Association of Professional Baseball Leagues to enter into a contract to continue to play professional baseball games without engaging in a strike, a lockout, or any coercive conduct that interferes with the playing of scheduled professional baseball games; to the Committee on Education and the Workforce.

By Mr. FATTAH (for himself, Mr. PAYNE, and Mr. MEEKS of New York):

H. Res. 490. A resolution concerning the formation of the African Union; to the Committee on International Relations.

By Mr. STARK (for himself, Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCKINNEY, Ms. LEE, Ms. MILLENDER-MCDONALD, Ms. WOOLSEY, Mr. DOGGETT, Mr. MCGOVERN, and Mr. FARR of California):

H. Res. 491. A resolution supporting the use of fair trade certified coffee; to the Committee on Government Reform, and in addition to the Committees on House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 360: Mr. SANDERS.

H.R. 632: Mr. FATTAH, Mr. STUPAK, and Mr. NORWOOD.

H.R. 638: Mr. CUMMINGS.

H.R. 658: Mr. PETERSON of Minnesota.

H.R. 840: Mr. SCHIFF, Mr. LANGEVIN, Mr. DINGELL, Mr. DOGGETT, and Mr. HOUGHTON.

H.R. 853: Mr. BARCIA.

H.R. 969: Mr. AKIN.

H.R. 1296: Mr. LEWIS of Kentucky.

H.R. 1307: Mr. CONYERS.

H.R. 1362: Mr. ROTHMAN.

H.R. 1581: Mr. CRENSHAW.

H.R. 1723: Mr. MARKEY.

H.R. 1726: Mr. MCGOVERN.

H.R. 1842: Mr. KANJORSKI.

H.R. 1907: Mr. ORTIZ.

H.R. 2117: Mr. SHERMAN and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2570: Mrs. MALONEY of New York and Mr. RANGEL.

H.R. 2702: Mr. MATHESON and Mr. KIRK.

H.R. 2735: Mr. UNDERWOOD, Mr. SMITH of New Jersey, and Mr. KENNEDY of Minnesota.

H.R. 2763: Mr. GRAHAM.

H.R. 2874: Mr. PALLONE, Mr. MALONEY of Connecticut, and Ms. BERKLEY.

H.R. 3063: Ms. MCKINNEY, Mr. MCGOVERN, and Mr. KENNEDY of Rhode Island.

H.R. 3273: Mr. SIMMONS and Mr. WILSON of South Carolina.

H.R. 3321: Mr. ACEVEDO-VILA.

H.R. 3339: Mr. PRICE of North Carolina.

H.R. 3443: Mr. MANZULLO.

H.R. 3450: Mr. GOSS, Mrs. KELLY, and Mr. BARTON of Texas.

H.R. 3456: Mr. ROSS.

H.R. 3567: Mr. HOEKSTRA and Mr. WILSON of South Carolina.

H.R. 3594: Ms. WOOLSEY.

H.R. 3645: Mr. SMITH of New Jersey, Mr. MCKEON, and Mr. UDALL of New Mexico.

H.R. 3695: Mr. BROWN of Ohio and Ms. LEE.

H.R. 3831: Mr. THOMPSON of California, Mr. MORAN of Virginia, and Mrs. MCCARTHY of New York.

H.R. 3884: Mr. CARDIN, Mr. WEXLER, and Mr. MATHESON.

H.R. 3894: Mr. BARRETT.

H.R. 3974: Mr. FILNER.

H.R. 4061: Mr. LATOURETTE.

H.R. 4098: Ms. NORTON, Ms. DELAURO, Mr. BROWN of Ohio, and Mrs. LOWEY.

H.R. 4194: KLECZKA, Mr. PASTOR, and Mr. TOWNS.

H.R. 4483: Mr. LIPINSKI and Mr. LANTOS.

H.R. 4524: Mr. CUMMINGS and Mr. PAYNE.

H.R. 4600: Mrs. EMERSON, Mrs. JOHNSON of Connecticut, and Mr. ROGERS of Kentucky.

H.R. 4668: Ms. SLAUGHTER.

H.R. 4693: Mr. SKELTON and Mr. VITTER.

H.R. 4730: Mr. NADLER.
H.R. 4754: Mr. WILSON of South Carolina, Mr. FILNER, and Mr. PRICE of North Carolina.
H.R. 4757: Mr. SCHIFF.
H.R. 4780: Mr. BERMAN, Mr. KILDEE, Ms. WATERS, Mr. FRANK, and Mr. PHELPS.
H.R. 4790: Mr. KERNS.
H.R. 4792: Mr. BACA.
H.R. 4804: Mr. CRANE and Mr. KERNS.
H.R. 4821: Mr. ISRAEL.
H.R. 4840: Mr. RADANOVICH.
H.R. 4852: Mr. JEFF MILLER of Florida.
H.R. 4857: Mrs. MORELLA.
H.R. 4881: Mrs. MYRICK and Mr. ENGLISH.
H.R. 4894: Mr. BARRETT, Mr. NEAL of Massachusetts, Ms. MCCARTHY of Missouri, Mr. DOYLE, and Ms. MCKINNEY.
H.R. 4909: Mr. SOUDER.
H.R. 4937: Mr. STARK and Mr. CUMMINGS.
H.R. 4951: Mr. TOWNS, Ms. SLAUGHTER, Mr. WEXLER, Mr. KUCINICH, Mr. LEWIS of Georgia, Mr. PAYNE, and Mr. ENGEL.
H.R. 4963: Mr. DUNCAN and Mr. SMITH of New Jersey.
H.R. 4967: Mr. GUTIERREZ and Mr. BERMAN.
H.R. 4976: Ms. SCHAKOWSKY.
H.R. 5013: Mr. PICKERING, Mr. BOYD, Mr. FOLEY, Mr. KERNS, Mrs. JO ANN DAVIS of Virginia, and Mr. SHOWS.
H.R. 5033: Mr. BROWN of South Carolina, Mr. YOUNG of Alaska, Mr. GARY G. MILLER of California, Mr. WILSON of South Carolina, Mr. SOUDER, Mr. KERNS, Mr. TAYLOR of North Carolina, Mr. JONES of North Carolina, and Mr. KOLBE.
H.R. 5005: Mr. UDALL of New Mexico.
H.R. 5064: Mr. TAYLOR of North Carolina, Mr. FORBES, Mr. HERGER, Mr. HOEKSTRA, Mr. JEFF MILLER of Florida, Mr. CANTOR, Mrs. EMERSON, Mr. GRAVES, Mr. POMBO, and Mr. HAYES.
H.R. 5069: Mr. NADLER.
H.R. 5073: Ms. PELOSI.
H.R. 5089: Mr. LEVIN.
H.R. 5105: Mr. FRANK and Mr. MCGOVERN.
H.R. 5107: Mr. WYNN, Ms. SCHAKOWSKY, Mr. DEFAZIO, Mr. MENENDEZ, Mr. MALONEY of Connecticut, Mr. SANDLIN, Mr. ROSS, Ms. SLAUGHTER, Mr. KLECZKA, Mr. CUMMINGS, Mr. LAMPSON, Mr. HOEFFEL, Mr. JOHN, Mr. CARDIN, Mr. CARSON of Oklahoma, Mr. DICKS, Mr. HOLDEN, and Mr. BOSWELL.
H.R. 5129: Mr. BARR of Georgia.
H.R. 5135: Mr. BALLENGER and Mr. MEEKS of New York.
H.R. 5139: Mrs. JONES of Ohio, Mr. FROST, Mr. MCNULTY, Ms. NORTON, Mr. PETERSON of Minnesota, Ms. WOOLSEY, Mr. MCDERMOTT, Ms. MCCOLLUM, and Mrs. CLAYTON.
H. Con. Res. 221: Mr. MEEKS of New York.
H. Con. Res. 238: Mr. UDALL of New Mexico.
H. Con. Res. 269: Mrs. KELLY, Mr. MALONEY of Connecticut, and Mr. SENSENBRENNER.
H. Con. Res. 327: Mr. GILMAN, Mr. HASTINGS of Florida, and Mr. HOUGHTON.
H. Con. Res. 367: Mr. WALSH, Mr. STEARNS, Mr. JONES of North Carolina, and Mr. ROGERS of Michigan.
H. Con. Res. 385: Mr. SUNUNU, Mr. BENTSEN, and Mr. CUMMINGS.
H. Con. Res. 421: Mr. ROTHMAN.
H. Con. Res. 437: Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Mr. LANTOS, and Mr. MORAN of Virginia.
H. Con. Res. 439: Ms. ROYBAL-ALLARD, Ms. PELOSI, Ms. WATERS, Ms. DUNN, and Mrs. MEEKS of Florida.
H. Res. 94: Mr. FORD, Ms. JACKSON-LEE of Texas, Mr. THOMPSON of California, Mrs. CHRISTENSEN, Mr. KENNEDY of Rhode Island, Mr. FILNER, Mr. BARRETT, Mr. BACA, Mr. BAIRD, Mr. GIBBONS, Mrs. CUBIN, Mr. LEWIS of California, Mr. FALEOMAVAEGA, Mr. TOM DAVIS of Virginia, Mr. REYES, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. INSLEE, Mr. SERRANO, Mr. CROWLEY, Mr. HILL, Ms. PELOSI, Mrs. JONES of Ohio, Ms. SANCHEZ, Ms. DUNN, Mr. HINOJOSA, Ms. KILPATRICK, Mrs. MEEK of Florida, Ms. BROWN of Florida, Mr. DELAHUNT, Ms. ROS-LEHTINEN, Ms. MCCOLLUM, Mr. MCNULTY, Mrs. MINK of Hawaii, Mrs. CAPPS, Mr. LARSON of Connecticut, Mr. BERRY, Mr. SCHIFF, Mr. CARSON of Oklahoma, Mr. WU, Mr. HINCHEY, Ms. RIVERS, Mr. CUMMINGS, Mr. RAHALL, Mr. DICKS, Mr. CLAY, Mr. DAVIS of Illinois, Ms. HARMAN, Mrs. CAPITO, and Ms. ESHOO.
H. Res. 295: Mrs. MORELLA.
H. Res. 410: Mr. SCHAFFER.
H. Res. 443: Mr. PASTOR.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

AGRICULTURE APPROPRIATIONS BILL

OFFERED BY: MR. ROYCE

AMENDMENT NO. 1: At the end of the bill, before the short title, insert the following new section:

SEC. ____. None of the funds appropriated by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out a market promotion/market access program pursuant to the Agricultural Trade Act of 1978.

H.R. 5120

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 15: Page 57, line 1, after the dollar amount, insert the following: ''(reduced by $339,000)''.

H.R. 5120

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 16: At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

H.R. 5120

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 17: Page 71, beginning on line 1, strike section 513 (relating to applicability of cost accounting standards to Federal Employees Health Benefits Program).

H.R. 5120

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 18: At the end of the bill (before the short title), add the following new section:

SEC. . None of the funds provided in this Act shall be used to enforce or implement discounts for the statistical value of a human life estimated during regulatory reviews through implementation of OMB Circular A–94 Guidelines and Discount Rates for Benefit Cost Analysis of Federal Programs or any guidance having the same substance.

H.R. 5120

OFFERED BY: MS. MILLENDER-MCDONALD

AMENDMENT NO. 19: Page 61, line 12, insert before the period the following:

Provided further, That, of the funds provided in this paragraph, $600,000 shall be for the preservation of the records of the Freedmen's Bureau, as required by section 2910 of title 44, United States Code, and as authorized by section 3 of the Freedmen's Bureau Records Preservation Act of 2000 (Pub. L. 106–444)