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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

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# House of Representatives

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

## DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*July 17, 2003.*

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

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

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, victory for Your people and guardian of all Your people, be present to leaders in government as we pray to You this day. Sacred history reveals Your servant Joshua as a great conqueror who secures and apportions the land of promise, so Your people live in peace. All the deeds of Joshua had been foretold to Moses.

When we look over the history of this Nation from our revolutionary days, through world wars and even to more recent conflicts, we are amazed by the promise of peace and the surprise of new relationships. Time and time again those who were defeated have become our friends. With Joshua, America realizes that true victory and lasting peace are Your gift, as is friendship, born out of obedience to Your law and trust in Divine Providence.

Reflecting on our history today gives us hope for tomorrow. We praise You and thank You that out of conflict You can create great allies. You are always at work changing human hearts and reconciling people. This we know now and forever. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. SOLIS) come forward and lead the House in the Pledge of Allegiance.

Ms. SOLIS 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.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 2330. An act to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

H. Con. Res. 236. Concurrent resolution permitting the use of the Rotunda of the Capital for a ceremony to commemorate the unveiling of the statue of Sakakawea provided by the State of North Dakota for display in Statuary Hall.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 555. An act to establish the Native American Health and Wellness Foundation, and for other purposes.

S. 558. An act to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

S. 570. An act to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools.

The message also announced that pursuant to Public Law 96–388, as amended by Public Law 97–84 and Public Law 106–292, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Democratic Leader, appoints the following Senators to the United States Holocaust Memorial Council for the One Hundred Eighth Congress:

The Senator from Nevada (Mr. REID).

The Senator from California (Mrs. BOXER).

The message also announced that pursuant to section 2761 of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, appoints the Honorable JUDD GREGG of New Hampshire and the Honorable JOHN CORNYN of Texas as delegates of the Senate Delegation to the British-American Interparliamentary Group conference during the One Hundred Eighth Congress.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 5 one-minute speeches per side.

## HOLD CASTRO ACCOUNTABLE AT THE HAGUE

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

Mr. SMITH of New Jersey. Madam Speaker, Cuban political prisoners never have a nice day, so I rise today to remind my colleagues as we meet here in session, more than 400 of Cuba's best, brightest and bravest are suffering unspeakable cruelty at the



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hands of Fidel Castro and his thugs. The dictator's latest sweep, begun in March, has jailed more than 75 independent journalists and human rights activists.

Afraid and fearful, Castro has now moved to silence all dissent. Castro is a weak and insecure man, utterly afraid to be criticized or held to account. Yet some in Congress still do not get it. They imagine Castro is a man we can do business with. Instead, Castro and his psychotic torturers ought to be at The Hague facing prosecution for crimes against humanity.

Madam Speaker, Castro is a mass murderer, a cruel torturer, and anything but a benign revolutionary.

## NATIONAL DEBT INCREASES UNDER PRESIDENT BUSH

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

Mr. TANNER. Madam Speaker, it has been 797 days since President Bush and the Republican Party embarked on their economic plan for our country. During that time, the national debt has increased by $1,080,045,794,469. According to the Web site for the Bureau of the Public Debt at the U.S. Department of Treasury, yesterday at 4:30 p.m. Eastern Daylight Time, the Nation's outstanding debt was $6,720,371,180,827. Furthermore, in fiscal year 2003, interest on our national debt or the ''debt tax'' is $277,768,492,816 through June 30.

## TSA AWARDED PORKER OF THE WEEK AWARD

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

Mr. HEFLEY. Madam Speaker, the Transportation Security Administration is only a year old but is already wasting funds like an old-time Federal bureaucracy. The agency that is responsible for staffing the Nation's airports with security personnel is also responsible for nearly $250 million of waste.

Given the new and enormous task of securing 429 airports around the country, there is bound to be some financial waste. But the extent of the TSA's largess is indefensible. It has overstaffed rural airports, paid security companies inflated rates, purchased more than a thousand baggage scanners with dated technology for a million dollars apiece, leased sport utility vehicles for $200,000 a year rather than lease less-expensive sedans, and entered into a contract to recruit Federal screeners that escalated from the original estimate of $100 million to nearly $700 million, all of this on top of last year's $410,000 expense just to furnish the offices of the director and his chief aides.

Madam Speaker, the TSA gets my Porker of the Week Award.

## UNEMPLOYMENT AND THE ECONOMY

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

Ms. SOLIS. Madam Speaker, today I rise to address an issue very important to millions and millions of people in our country. President Bush has ignored our economy, and I point out to Members to look at what is happening in the 32nd Congressional District of California. Rates of unemployment have gone up dramatically. The national rate is about 6.4, and in one of my cities it is up to almost 11 percent.

What I think we ought to be doing in the House is starting to focus in on trying to replenish jobs and bringing back American values that our families so sorely need. We have many people serving as reservists in the military. Their families are suffering. We need to give them a child tax credit break, and we need to increase the minimum wage.

Madam Speaker, these are hard-working people. They have been suffering for over 2 years, and I know they are telling me in a strong way across the country that we need to focus on our economy. The rich have gotten their tax breaks, but what about the working poor? And what about the working-class families that we all represent in our districts? I would ask my colleagues to think seriously before we go on recess to provide an economic incentive package to help working families.

## IRAQ'S NUCLEAR WEAPONS PROGRAM

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

Mr. BURGESS. Madam Speaker, after the terrorist attacks of September 11, it became apparent that the United States needed to be more vigilant about terrorism and weapons proliferation and pay attention to prospects of weapons of mass destruction falling into the hands of groups that could use them against American interests.

The Bush Administration, the Clinton Administration, and the United Nations all agreed that Saddam Hussein possessed a significant biological and chemical capability in 1998 when the inspectors were withdrawn. There is broad agreement that Hussein, different from any other leader, had proven himself capable of using these weapons for offensive purposes and not merely a defensive posture.

There are efforts in the Congress to employ a full investigation into difficult issues to understand whether mistakes were made and to take action to fix them in fulfillment of Congress' important oversight responsibilities. To date, the chairman of the Committee on Armed Services, the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence reject a broader probe of the WMD issue.

I believe Congress is exercising its oversight authority and has set in place procedures to review comprehensively and on a bipartisan basis the intelligence surrounding Iraq prior to the outbreak of war and to take into account any dissident views on the Iraqi threat.

## GUERILLA WARFARE IN IRAQ

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

Ms. LORETTA SANCHEZ of California. Madam Speaker, since President Bush declared the end to major combat operations on May 1, 2003, our brave servicemen and women have continued to die in Iraq at a rate of one per day. Let us look at the figures: 412 wounded, 86 killed. And still the administration continues to downplay the gravity of this situation.

Our troops are facing insurgents who are clearly using guerrilla techniques and tactics; and even the new CENTCOM commander yesterday admitted that, in his opinion, this is a classic guerrilla-type war.

So why is it that the Secretary of Defense and the President are refusing to characterize it as such? We are starting down a slippery slope into another long, drawn-out guerrilla conflict, once again.

We need to find a viable solution fast. It is imperative that we give our troops all of the resources that they need to get the job done and confront the enemy, and we must continue to urge NATO to provide emergency assistance. We must bring our troops home as quickly as possible.

## NORTH KOREAN REFUGEE CRISIS

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

Mr. PITTS. Madam Speaker, the actions of China and the UNHCR, in response to the North Korean refugee crisis, are reprehensible. China has deliberately failed to uphold the obligations under international law and the conventions that they have signed and has prohibited the UNHCR from carrying out its accepted mandates to assist refugees.

The Chinese government has prevented North Korean refugees from their right to apply for asylum. Any North Koreans who have tried to do this have disappeared, and the UNHCR has failed in its mandate to invoke binding arbitration against countries that prohibit it from carrying out its mandate.

Chinese officials fear a refugee flood, but refugees do not flee their country simply to find refugee assistance, they

flee because of wide-spread starvation, human rights violations and other terrible atrocities and sufferings.

Madam Speaker, the U.N. should condemn China as well as the UNHCR for their failure to uphold their obligations; and Kim Jong Il should step down from power; and the North Korean government should stop their brutal policies against the North Korean people.

## IF NOT NIGER, WHERE?

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

Mr. MARKEY. Madam Speaker, welcome to the People's House Tony Blair. We need you. The Niger evidence that supposedly showed Saddam Hussein had reconstituted his nuclear weapons program turns out to be forged, but you say, wait, there is more.

We are aware of Niger, but Africa is a big continent. You say you have other sources, possibly a third country that thinks Saddam Hussein may have been buying uranium in some other Africa country. Our own CIA does not know what you know. Our National Security Council says it does not know what you know. Indeed, the President of the United States says he does not know what you know.

The American public needs to know the truth. You hold the key. Please, Mr. Prime Minister, redeem our trust. If not Niger, where were the nuclear materials, Mr. Prime Minister?

□ 1015

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Members are reminded to address their remarks to the Chair.

## ANTI-SEMITIC SENTIMENTS ON RISE AMONG BRITISH ACADEMICS

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

Mr. MILLER of Florida. Madam Speaker, I rise today to draw attention to the unsettling increase of anti-Semitic sentiments of many academics in the United Kingdom. Over the past year, a growing number of university professors in the U.K. have engaged in a boycott of scholars and research from Israel. Most recently, a professor at Oxford denied the admittance of an Israeli graduate student based solely on his Israeli citizenship.

So what has fueled this rise in academic anti-Semitism? One only needs to look at the policies of the Association of University Teachers, one of Britain's largest associations for higher education professionals. The AUT Web site states, ''We also support the call by academics in the U.K. and elsewhere for a moratorium on European Union and European Science Foundation funding of Israeli cultural and research institutions until Israel abides by U.N. resolutions and opens meaningful peace negotiations with the Palestinians.''

The ''academics'' in the U.K. have taken a giant step backward from the tradition of teaching individual rights and liberties and free thought. This boycott of Israeli academics and philosophy, ideas that originate in the Middle East's only true democracy, is a clear indication that the values that gave birth to our own American free-thinking principles are no longer practiced by many of the U.K.'s educators.

## IDENTITY THEFT

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, I recently introduced bipartisan legislation with 19 colleagues called the Identity Theft Protection and Health Information Blackout Act of 2003. The legislation would protect Americans from identity theft and safeguard their private health information in the Fair Credit Reporting Act.

My bill would black out and protect sensitive, private health-related information by returning control to consumers and giving them the final say over what is off-limits to financial institutions. There is simply no reason why health information should be used in granting credit or in deciding whether to offer someone a product or a financial service. It is long past time to make this information confidential. Rather than opt in or opt out, we should black out your private health information.

Similarly, we are all aware of the identity theft epidemic in this country. The average identity theft victim spends nearly $1,400 and 175 hours cleaning up his or her credit card record. In fact, ID theft has doubled in just the last year. It puts both businesses and the consumer at risk. This is not a business or consumer issue. It is one that we can come together on.

Mr. Speaker, my bill would put identity thieves out of business and ensure that Americans' private health information is given the strongest protections under the law. I encourage my colleagues to cosponsor the Identity Theft Protection and Health Information Blackout Act to that end.

## GENERAL LEAVE

Mr. TAYLOR of North Carolina. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2691.

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

There was no objection.

## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 319 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. 2691.

□ 1018

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. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 16, 2003, the bill was open from page 101, line 4, through page 101, line 13.

Mr. HEFLEY. Mr. Chairman, I move to strike the last word. I rise to engage the chairman of the subcommittee in a colloquy.

Mr. Chairman, this week, the U.S. Fish and Wildlife Service announced it was proceeding with the development of new voluntary guidelines to protect migratory birds from electrocution and collisions with power lines. This is an important development.

For the past 70 years, the Nation's rural electric cooperatives have provided power to millions of people in rural America. Distribution and transmission lines cross many miles of wide open spaces and sometimes those wide open spaces are filled with migratory birds. Under two laws, the Migratory Bird Treaty Act and the Golden and Bald Eagle Protection Act, electric utilities can be found guilty of so-called takings if birds fly into those lines or land on them and are killed. Many utilities have responded by redesigning the towers for new power lines and locating these lines outside of known flyways. Yet birds continue to fly into power lines and as things currently stand, these utilities are liable for penalties under these two laws. Mr. Chairman, no one in their right mind, when these laws were enacted, would have thought that these laws would be interpreted in this kind of a way.

The Fish and Wildlife Service has been very forthcoming in a series of meetings with myself and my colleagues, the gentlewoman from Colorado (Mrs. MUSGRAVE) and the gentleman from Utah (Mr. BISHOP). However, we ask you, Mr. Chairman, to join us in emphasizing to the Service the importance of resolving this issue. All of America, not just rural America, needs electric power and this problem has the potential of interfering with delivery of that power.

If I may, Mr. Chairman, I would like to yield a moment to the gentlewoman from Colorado who represents the eastern plains of Colorado and has spent an

enormous amount of energy on this particular subject. She actually represents an area bigger than some States.

Mrs. MUSGRAVE. I do represent an area that has wide open spaces. A few years ago, I attended the 50th year anniversary of YW Electric in Akron, Colorado. This rural utility serves a vast area. There were individuals at that anniversary celebration that remembered the day that they got electricity to their rural home. Of course, rural Americans want all of the amenities that we have because of electricity. It just so happens that rural electric lines are built in areas that are remote. It just so happens that that is where raptors are. Again as the gentleman from Colorado said, no one could anticipate the time when laws would be interpreted in such a way that when a bird landed on lines and was electrocuted, a rural electric could be found guilty of an intentional taking.

Mr. Chairman, I just ask that you work with us in order to resolve this problem. There, of course, is no intention in the taking of a bird. When lines are changed to pose less danger to birds, of course, those costs will be passed on to our ratepayers, the individuals who purchase electricity from the rural electrics. We would just ask for the chairman's help in this issue solving this in a reasonable way so that it will be beneficial to all of us who care about the birds, but those of us who realize that we have to have some common sense in this approach to whether or not a rural electric is guilty of an intentional taking when a raptor dies because they have landed on the lines.

Mr. HEFLEY. Mr. Chairman, we do need your help on this and wanted to bring this matter to your attention. You also represent a great deal of rural area, I am sure many rural electrics, so you probably are quite aware of the problem.

I yield to the chairman of the subcommittee.

Mr. TAYLOR of North Carolina. Mr. Chairman, we appreciate the gentleman and gentlewoman for their leadership on this issue of fowl mortality associated with electric power lines. We always want to save any bird possible, but this is somewhat of a bird-brained interpretation of what the rule is meant to do. I recognize the importance of electric cooperatives in rural America and will work with the gentleman and gentlewoman to ensure that the Fish and Wildlife Service continues to work closely with the electric power industry to resolve this issue in a mutually beneficial manner.

Mr. HEFLEY. I want to thank the chairman for his assistance in this important matter.

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

Mr. Chairman, I rise today to engage in a colloquy between myself and Chairman TAYLOR.

Mr. Chairman, on June 23, 2003, President Bush signed into law the Zuni Indian Tribe Water Rights Settlement Act of 2003. This new law settles a longstanding dispute over the water rights of Zuni Heaven among the local, county, State, tribal, Federal and private interests and restores and protects the wetland environments that previously existed on Zuni lands. Specifically, this recently enacted law provides the Zuni people with the resources and protections necessary to acquire water rights from willing sellers.

The Zuni Indian Tribe Water Rights Settlement Act authorized appropriations for $3.5 million for the Zuni people to help them acquire and develop these water rights. This funding is to be used for the acquisition of water as well as associated lands by the Zuni tribe to facilitate the enforceability of the settlement agreement, including the acquisition of at least 2,350 acre-feet per year of water rights before December 31, 2006.

Mr. Chairman, on behalf of the Zuni people, I would appreciate it if you could do all you can to support the inclusion of this funding when we conference this bill with the Senate.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. RENZI. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, the gentleman has been very attentive in bringing this to my attention. You continually fight for the rights of Native Americans and you have persistently expressed to me the need to properly fund our trust responsibilities to the tribes. It has been a longstanding policy of this committee to fund water rights settlements that have been enacted into law. This one is no exception. However, this settlement will be a challenge for funding in the fiscal year of 2004.

Mr. RENZI. I appreciate the gentleman's help on this important matter so that the Zuni people have enough water to bring back the original lush environment to the Zuni Heaven. I am grateful for his support.

Mr. TAYLOR of North Carolina. I will be happy to work with you to fund this Indian water rights settlement.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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 the House report accompanying this Act.

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 the House report accompanying this Act.

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.

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, $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, 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 to aid conservation partnership projects in support of the Forest Service mission, 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.

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.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress, and make available to interested persons, a report containing the results of a management review of outfitter and guiding operations in the John Muir, Ansel Adams, and Dinkey Lakes Wilderness Areas of the Inyo and Sierra National Forests, California. The report shall include information regarding: (1) how the Secretary intends to minimize adverse impacts on the historic access rights of special use permittees in these three wilderness areas; and (2) how the Secretary intends to ensure timely compliance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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 $1,000,000.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

The Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed $15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or 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.

Beginning on June 30, 2001 and concluding on December 31, 2004, an eligible individual who is employed in any project funded under Title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $86,000,000 shall not be available until October 1, 2004: *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), $609,290,000 to remain available until expended, of which $2,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; and of which $130,000,000 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 research, development, and demonstration projects 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 42 U.S.C. 5903d: *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, $20,500,000, 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, 2004 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, $879,487,000, to remain available until expended: *Provided,* That $270,000,000 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: $225,000,000 for weatherization assistance grants and $45,000,000 for State energy program grants.

□ 1030

AMENDMENT OFFERED BY MR. SANDERS

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

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

Page 109, line 22, after the dollar amount insert ''(increased by $15,000,000, decreased by $15,000,000)''.

Page 109, line 23, after the dollar amount insert ''(increased by $15,000,000)''.

Page 110, line 2, after the dollar amount insert ''(increased by $15,000,000)''.

Mr. SANDERS. Mr. Chairman, the Sanders-Kind amendment would increase funding for the very successful Weatherization Assistance Program by $15 million, from $225 million to $240 million. Even with this $15 million increase that we are proposing, funding for the weatherization program would still be $48 million less than the President's request.

We are not sure yet what the offset is, and that is an issue we will be working with the majority on. According to the statement of administration policy that was endorsed by the Office of Management and Budget: ''The administration opposes the $63 million reduction from the President's $288 million request for the Weatherization Assistance Program that assists low-income families with their energy bills while conserving energy for the Nation. The President is committed to increasing funding for this program by $1.4 billion over 10 years.''

I do not often agree with the priorities established by the Bush administration, but on this issue they are absolutely right.

One of the absurdities in terms of public policy both for the needs of low-income people and in terms of environmental protection is that we have huge numbers of low-income people throughout this country who are living in homes that are very poorly insulated, where energy is going right through the doors, through the roofs, through the windows, and it is a very sound investment indeed when we improve the weatherization of their homes. Low-income people save substantial sums of money on their limited budgets, and as a Nation concerned about the environment we do not see energy going right up.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, we have no objection to the extra $15 million. We may not be able to keep it through conference, but we will certainly support it now.

Mr. SANDERS. Will the gentleman do his best?

Mr. TAYLOR of North Carolina. We will. We will try to keep the $15 million in.

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

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

Mr. DICKS. Mr. Chairman, I certainly want to commend the gentleman for his leadership on this issue, and I know that the gentleman from Wisconsin (Mr. OBEY) has also been concerned about this. We appreciate his efforts and will do our best to help.

Mr. SANDERS. Mr. Chairman, I want to thank the gentleman from Washington (Mr. DICKS), the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Wisconsin (Mr. KIND); and

I thank the majority for their support for this amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in support of the Sanders-Kind Amendment to increase funding for the Weatherization Assistance Program. Although, I am aware of the worthy funding for the Committee has offered to this program, I am bothered by the neglect to follow suit in the President's request to increase funding to $288 million from its current funding level of $223 million.

The decision to not increase funding to an adequate level for the Weatherization Assistance Program will directly effect my District and my constituents. Chicago endures some of the country's most severe temperature extremes. In 2002, with on the onset of a harsh winter, Chicago residents saw their heating cost soar to record levels—nearly tripling the cost of 1999. Chicago experienced another cold winter in 2001 causing cost once again to be extremely high for residents. There were countless stories about seniors in my district, on a fixed income, making approximately $700 a month but whose December's gas bill was $400. The heating cost just did not affect residents, but small business, high-rises, and schools. The Chicago Public Schools reported in 2001 of having heating cost that were up $7 million, 50 percent more than what was called for in their budget. Historically, Chicago has experience the highest electricity rates in the Midwest and are among some of the highest nationwide.

The President's request to increase funding would have permitted an additional 25,000 poor and elderly families to be served by this program. It is estimated that each home that is weatherized will generate $275 in annual savings and $4,650 of life-cycle savings per household. These savings are critical for the countless families in my district living near or below the federal poverty level and depend on this program and programs like it to have a warm home. I am proud that in January of 2002, the city of Chicago implemented its New Energy Conservation Code which re-defines energy efficiency requirements for all new and rehabilitated homes and commercial buildings. The goal of this new code will improve energy efficiency standards by 10 to 20 percent. But this is just one small step in the process to lower energy cost for our constituents that need the federal government's assistance.

Mr. Chairman, if we do not help our constituents weatherize their homes to become more energy efficient and heating cost continue to rise, our constituents will only be spending more of their money on energy bills and less towards the growth of our economy. This amendment is good for our constituents, is good for energy conservation and is good for our economy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,047,000, 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.), $175,081,000, 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, $5,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $82,111,000, 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, $2,556,082,000, 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 $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further,* That $460,046,000 for contract medical care shall remain available for obligation until September 30, 2005: *Provided further,* That of the funds provided, up to $27,000,000 to remain available until expended, 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 one-year contracts and grants which are to be performed in two 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 until expended: *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 2004, 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, $392,560,000, 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 complete 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 none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *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.

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.

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, $13,532,000, 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), $5,250,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

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, $489,748,000, of which not to exceed $46,903,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended; and of which $828,000 for fellowships and scholarly awards shall remain available until September 30, 2005; 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.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, 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), and for construction, including necessary personnel, $93,970,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: *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: *Provided further,* That balances from amounts previously appropriated under the headings ''Repair, Restoration and Alteration of Facilities'' and ''Construction'' shall be transferred to and merged with this appropriation and shall remain 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 from 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.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in the House report accompanying this Act.

The Secretary of the Smithsonian Institution may establish a voluntary separation incentive program substantially similar to the program established under section 1313(a) of the ''Homeland Security Act of 2002'' (Public Law 107–296, 116 Stat. 2135) for individuals serving in civil service positions in the Smithsonian Institution.

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, $88,849,000, 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, $11,600,000, 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, $16,560,000.

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, $16,000,000, 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, $8,604,000.

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, $117,480,000, 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, including $17,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: *Provided,* That funds previously appropriated to the National Endowment for the Arts ''Matching Grants'' account and ''Challenge America'' account may be transferred to and merged with this account.

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, $120,878,000, 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.

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 the 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), $1,422,000: *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), $4,100,000: *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, $7,730,000: *Provided,* That for fiscal year 2004 and thereafter, 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), $39,997,000, 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, $20,700,000 shall be available to the Presidio Trust, to remain available until expended.

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, charges, or billings may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments, charges, or billings and the basis therefor are presented to the House and Senate 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, 2004, 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, 107–63, and 108–7 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 2003 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. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 315. Notwithstanding any other provision of law, for fiscal year 2004 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 316. Amounts deposited during fiscal year 2003 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. 317. 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. 318. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2004, 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 using a residual value approach that assigns 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 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns 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 a 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. 319. 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. 320. Prior to October 1, 2004, 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. 321. 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. 322. 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 ''20'' and inserting ''30'';

(2) in subsection (c) by striking ''3'' and inserting ''8''; and

(3) in subsection (d), by striking ''2006'' and inserting ''2007''.

SEC. 323. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, in fiscal year 2004 and thereafter, qualify for General Service Administration contract airfares.

SEC. 324. 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 fire management services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire management activities: *Provided,* That 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: *Provided further,* That 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: *Provided further,* That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 325. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal year 2004 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. 580l), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate 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: *Provided,* That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to or during fiscal year 2004, the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary of Agriculture's statutory authority.

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 2004, 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. 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 2004.

SEC. 329. 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.

SEC. 330. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided,* That the Secretaries may award grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged business if the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further,* That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: *Provided further,* That the Secretaries shall develop guidance to implement this section: *Provided further,* That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 331. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided,* That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

Mr. TAYLOR of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through Page 150, line 23 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 North Carolina?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 332. Section 315(f) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 110 Stat. 1321–200; 16 U.S.C. 460l–6a note), is amended—

(1) by striking ''2004'' and inserting ''2006''; and

(2) by striking ''2007'' and inserting ''2009''.

AMENDMENT NO. 18 OFFERED BY MR. DEFAZIO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. DEFAZIO:

At the end of section 332, relating to the recreation fee demonstration program, page 151, after line 6, insert the following sentence:

The amendments made by this section apply only with respect to areas under the jurisdiction of the National Park Service.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The point of order is reserved.

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask for unanimous consent that all debate on this amendment be limited to 20 minutes to be equally divided and controlled by the proponent and an opponent.

The CHAIRMAN. And any amendments thereto?

Mr. TAYLOR of North Carolina. Yes, Mr. Chairman.

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

Mr. DICKS. Mr. Chairman, reserving the right to object, would it not be better to have a discussion on the point of order first before we get a time agreement, whether we should debate this for 20 minutes?

Mr. TAYLOR of North Carolina. If the gentleman will yield, we are trying to determine which amendment the gentleman is offering.

The CHAIRMAN. It is amendment 18.

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Mr. TAYLOR of North Carolina. Mr. Chairman, we withdraw the point of order.

The CHAIRMAN. The reservation of the point of order is withdrawn. Is the gentleman still making his unanimous consent request relative to the time limit on this amendment?

Mr. TAYLOR of North Carolina. I am, Mr. Chairman.

The CHAIRMAN. The Chair understands that to be 20 minutes on this amendment, equally divided, 10 minutes on each side, and on all amendments thereto.

Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) is recognized for 10 minutes on his amendment.

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

This amendment would extend the authorization for the Park Service which, I think, most Members of this body support, particularly given the backlog we have heard about and the underfunding to levy these fees under what has been commonly called the Rec Fee Demo Program. However, it would not prematurely extend the authority to the United States Forest Service and the Bureau of Land Management to extend these fees.

These fees, under current law for the United States Forest Service and the Bureau of Land Management, are authorized by prior appropriation, not through the authorizing committee, through October 1 of next year. The authorizing committee has actually been processing, beginning work on an authorization bill, which will be the first time since 1996 that these were properly authorized for the Forest Service and the BLM. If this amendment would pass, that committee would have ample time to properly authorize the program before the expiration a year from next October.

So I think that this would address the concerns of many Members of the House who are split between those who feel very strongly we need these funds for the Park Service, and those of us who feel very strongly that levying these fees indiscriminately across the Forest Service and the BLM, to nondeveloped areas in particular, is of great concern. Basically, if you want to drive your car around a park and go hunting or go fishing or just walk with the kids or the dog, you have to buy a pass for nondeveloped sites, and a lot of us have strong concerns about that.

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

The CHAIRMAN. Who seeks time in opposition to the amendment?

Mr. TAYLOR of North Carolina. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from North Carolina (Mr. TAYLOR) is recognized for 10 minutes in opposition to the amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume, and I oppose this amendment.

The amendment would strike the extension of the recreation program which provides resources for the national forests, refuges, and public lands. Over and over again, at many hearings and in visitors' surveys, and in my own travels, I hear that the public wants a recreation program that is consistent and simple. The President fully supports this program. This amendment would confuse the public.

I agree with the gentleman that this program should be run through the authorizing committee. Our committee and others have had many hearings on this, and I have assurances that the chairman of the Committee on Resources will work on this issue soon. But for now, it is essential that the recreation industry has certainty and ability to plan ahead for tours and recreation packages. The recreation industry needs to have a full year advanced knowledge of fees in order to plan tours and other services.

This program, begun in 1996, allows the National Park Service and the Bureau of Land Management, Fish and Wildlife Service, and Forest Service to charge certain fees for recreation activities and retain the fees at the site to reduce the backlog in deferring maintenance and enhance the visitors' experience. This is not a charge to enter the forest or the reserve, this is a fee for recreational activity.

To date, the fee program has raised nearly $1 billion to enhance recreation experiences on America's public lands. If we accept the DeFazio amendment and allow only the Park Service to have this authority, the other agencies will lose some $110 million over the next 2 years that go to maintenance and enhancing visitors' services.

We should not give this authority only to the National Park Service.

This would cause confusion and inconsistency for our visitors to public lands. We need to work to create a seamless recreation program to make it easier, not more complicated, for visitors to our public lands.

The program has been discussed in numerous hearings in both the Committee on Appropriations and the authorizing committees, and has been the subject of several House Floor debates and votes, all of which have supported the program. We need to keep this program going while the authorizing committees address the permanent solution. This funding is very important to provide focused improvements to the huge backlog and maintenance needs and to increase specific services.

Please oppose this amendment.

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

Mr. DEFAZIO. Mr. Chairman, I yield myself 30 seconds, just to respond to the esteemed chairman.

I just want this to be conducted factually. The total amount of funds, including the Park Service, may be the number the gentleman quoted, but the actual amount of money in the last year that we have figures for for the Forest Service was $36 million, not $191 million, and only $13 million of that was applied somewhere, somehow on the ground. This program is, in fact, eating up more than half of its costs in overhead.

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

Mr. WALDEN of Oregon. Mr. Chairman, I thank the gentleman from Oregon for yielding me this time.

With great respect for my colleague and the committee, I rise in support of this amendment for this reason: When you get out my district in Oregon and over half of our lands are public lands. And the concerns raised by my colleague from the Lammot Valley are valid. People want to be able to go out and take the family, drive out one of these Forest Service roads, park their car, and walk out in the woods. They cannot do that now if they do not go buy a permit.

If my colleagues want to talk about confusion, there are parts of my district where now you have to buy 3, 4, or 5 permits, depending on which part of public land you want to go on, whether it is a public park or the National Forest Service or the county or whoever. I have to tell my colleagues, there are a lot of people who want us in this Congress to vet this issue better. I think it is only appropriate.

I have no problem paying a fee for a permit to plow the snow where I go skiing, and I do not know of anybody who does. I have no problem paying for developed campground areas, and I laud the effect of this program in that respect. But I resent the part of the program that says simply to take a walk out in the woods and look at trees in an undeveloped area, I have to go to some park ranger district somewhere or some Forest Service office somewhere that I do not even know where it is, maybe, and buy a permit to put in my window and spend 50 bucks or so so I can take my family out. I represent the 12th poorest district in the United States, and over half of our land is Federal land, and this is a burden these people should not have to shoulder.

So I support the gentleman's amendment. I think it needs to be vetted better in our authorizing committee, and I look forward to that opportunity.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding me this time. I listened to my friends from Oregon talk about this, and I substantially agree with everything that they are saying, but I do oppose the amendment.

I believe it is extremely important that we continue on this process. Obviously, it is a very popular program that has some problems, and as the authorizing committee which both of the gentlemen from Oregon sit on, we are going to sit down in the next couple of months and reauthorize this program and fix the very problems that you are describing here today.

I happen to believe that all of this money should go to increasing the enjoyment of the recreational experience on these lands. That was the intention of this program when it was adopted. The money should not be going to other things. That is the intention that I have going into authorizing this for all public lands, and I believe it is extremely important that we continue doing that.

I think it is a mistake to limit this at this point in time to just Park Service. I do understand what the gentleman's argument is, but I think it is a mistake at this point to do that.

I can tell my colleagues that I have had serious concerns over this program in the past and we have talked about that, but I do believe that we need to continue on with the program the way it is right now.

The authorizing committee is going to sit down and work on this. Obviously the gentleman from Oregon (Mr. DEFAZIO) is going to be a big part of that effort to move forward with reauthorizing or authorizing this program into the future, and the gentleman from Oregon (Mr. WALDEN) will as well. But we are going to do that.

I think it would be a mistake at this time to limit it just to the Park Service. It is an important source of revenue for local recreation in these areas, and I think that we need to continue doing that.

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

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

Mr. DEFAZIO. Mr. Chairman, I share a lot of the sentiments expressed by the chairman. But I would point out that both of these programs, both the Forest Service and the Park Service are authorized by the appropriators through October 1 of next year, which would give our committee more than ample time to authorize before the expiration. Just to have a degree of certainty because people are so concerned about the parks, I said, well, the parks would still fall under the 2-year extension here. But the Forest Service, I just want to make sure that we get it done and the other body does not somehow mess us up on this.

Mr. POMBO. Mr. Chairman, reclaiming my time, I yield to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentleman. The gentleman from California (Mr. POMBO) is going to be studying this and making sure that these fees are for actual services, not visiting the recreation lands that the public already has paid for and owns, but getting special recreation services; is that correct?

Mr. POMBO. Yes, sir. The intention of myself and my committee is that this money will be going to enhancing the visitors to these recreational areas and national parks.

Mr. TAYLOR of North Carolina. Mr. Chairman, if the gentleman will further yield, if we find, I would say to the gentleman from Oregon (Mr. DEFAZIO) and to the gentleman from California (Mr. POMBO), that we are not providing actual services, I will join the gentleman in supporting the DeFazio amendment.

Mr. POMBO. Mr. Chairman, reclaiming my time, I appreciate that. And we have had the opportunity to discuss this in the past. There is a lot of concern, as the gentleman from Oregon (Mr. DEFAZIO) has brought up, about how this money is being used and whether or not it is going to enhance the experience of the people that are paying for it as it should. That is something that we are going to change. There is going to be very strict guidelines that come out of an authorization that goes to these agencies so that this does not happen in the future.

I will say I oppose doing the amendment at this point in time, but I will tell the gentleman from Oregon (Mr. DEFAZIO) that in the future, if we cannot authorize this program and change the way that it is being run, that I would join him in eliminating the program all together, because I think people that are paying to go into these Federal lands, these public lands should be getting something for their money, and I think there is a big question as to whether or not they are, the way the program is currently being run.

So at this point in time, I oppose the gentleman's amendment. I will work with him and others that have concerns over this program so that in the future, we have a program that works and enhances the experience that people have.

Mr. DEFAZIO. Mr. Chairman, could I get the division of the time that is left?

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) has 6 minutes remaining; the gentleman from North Carolina (Mr. TAYLOR) has 3 minutes remaining.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

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

I rise in support of the bipartisan DeFazio-Bradley amendment to remove the bill's provision extending the recreation fee demonstration program. I rise also in support of the conversation which has just occurred and am happy to follow my California colleague, the Chair of the authorizing committee, first to note that this is not just an Oregon issue. There are thousands of miles of public lands, a lot of that in the western States, which are not national parks, but which are national forests and have multiple access points.

In my district on the central coast of California where Los Padres National Forest is in our backyard, few issues have galvanized such opposition as what we have come to call the recreational fee demonstration program known locally as the Adventure Pass.

□ 1100

There are many takes on that word by many of my constituents.

As the gentleman from Oregon (Mr. DEFAZIO) has said, this Recreation Fee Demonstration Program was passed into law without hearings in authorizing committees and without public debate. It sounds like it now will get a full hearing within an authorizing committee, which is a good thing. The program should not be blindly extended, however, another 2 years without oversight or debate.

I support full funding, as all of us do, for our national parks and recreation areas. I recognize there is a serious backlog of maintenance and recreation needs on our Nation's public lands, and a lot of that exists within these beautiful forests on the central coast of California.

The mismanagement of the program by the Forest Service as it exists today is staggering. The program was created to address the maintenance backlog on public land facilities, but only 50 cents of every dollar collected goes toward maintaining or improving our public lands. The rest is eaten up by administrative and collection costs and also litigation costs. Fifty percent overhead costs does not make an effective government program.

Let us find more equitable sources for this money. Americans should not be charged twice, our constituents say that over and over again, first through their taxes and then again through these fees to go and have a picnic in their backyard, to take a hike, getting out of their car and see a sunset in our national forests. Big logging companies are receiving subsidies for their activities on these very same lands.

Our national forests are natural treasures to be enjoyed today and to be preserved for future generations. I think we can accomplish this goal, but we should end the Adventure Pass misadventure. Let us go back to the drawing board, it sounds like we may be doing that, have hearings on this demonstrations program and conduct a full and open debate. I urge my colleagues to support this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA).

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

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

I agree with what the chairman of the Natural Resource Committee had to say, the gentleman from California (Mr. POMBO); and I think the problems of concern here can be addressed in a hearing for permanent legislation. So I think the chairman is right on.

I just want to point out this past week the National Public Radio had two segments on maintenance in the parks, and they probably overstated the case substantially about how terrible maintenance is, but without the billion dollars that had been brought in over the past 3 or 4 years from the fees, it would be a lot worse. And these fees are to stay in the park or the forest or the Bureau of Land Management, or whatever it might be, to enhance the visitors' experience. We want them to have good restroom facilities, trails, and the things that are important to the visitors.

To pass this amendment would confuse the public. Because the fee program is a package. It includes the Park Service, Bureau of Land Management, Fish and Wildlife, and USDA. The Forest Service has received over the period of this experimental program $206 million; and that has done a lot to enhance the visitors' opportunities.

But I think the questions that have been raised by the gentleman from Oregon (Mr. DEFAZIO) and addressed by the chairman of the Committee on Resources ought to be the subject of a hearing to make sure that the program works well for everyone.

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

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

Mr. DICKS. Mr. Chairman, I just want to associate myself with the gentleman's remarks. The gentleman from Ohio (Mr. REGULA) was the person who was really the driving force behind the creation of the rec demo program. I think it has done enormous good, particularly in our parks areas. I think the chairman of the authorizing committee has given us appropriate promises that they will deal with this issue. I think we should defeat the amendment.

Mr. DEFAZIO. Mr. Speaker, Mr. Chairman I yield 2 minutes to the gentleman from New Hampshire (Mr. BRADLEY).

(Mr. BRADLEY of New Hampshire asked and was given permission to revise and extend his remarks.)

Mr. BRADLEY of New Hampshire. Mr. Chairman, I appreciate the commitments made by the gentleman from California to look at this very onerous program as it is implemented in the White Mountain National Forest in New Hampshire.

I am an avid hiker. I am taking part in what for many people in the Northeast is a lifetime accomplishment, to try and climb all of the 48 peaks in the White Mountain National Forest; and I am at 37. I constantly am hearing from my constituents how little they like this program and the reason they like this program so little is the hassle that is involved, and then to find out that the administrative costs are so staggering.

I really appreciate the comment from the gentleman from California to look at this, but I believe we can pass this amendment and finish and make a very clear statement that the program as it exists today does not need to be extended past September, 2004, and make sure that if a subsequent program comes into effect in the future that it is well run, that the administrative costs are within reason, and it is not an onerous burden, in particular, on the people that use the national forests where there does not need, in my opinion, to be an expensive-to-collect forest fee. I look forward to working with both sides on this issue.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to oppose the amendment. Before I do that, I would like to correct one thing on the record a few minutes ago. A statement was made that the timber companies get huge bonuses for cutting timber on public lands. That is not true. Timber companies bid for timber, a very little bit of it that is put up for sale, and there is no subsidy. They bid for it. They win the bid, and they pay for it. I do not know how you call that a subsidy.

Back to this issue. I have many forest service recreational sites in my district. We do not get a lot of complaints on this program. I see the benefits as where the money is put back into enhancement.

Let me tell you why it was needed. This Congress every year will take money that ought to go for maintenance of our parks and our forest service recreational sites to buy land. Buying lands wins every time. We have underfunded every one of our recreational opportunities, and because of that we have gone to a demonstration fee.

My State parks have fees. We want enhancement. People like these sites. People are using these sites more and more. They are wonderful. But if we want them well-maintained, we will have to help pay for them.

I think there are some problems in this system, but everything I have heard today would be very fixable.

Mr. DEFAZIO. Mr. Chairman, how much time remains on each side?

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) has 2½ minutes remaining. The gentleman from North Carolina's (Mr. TAYLOR) time has expired.

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

Mr. Chairman, the key points here are, and a number have been made by the gentleman from Ohio (Mr. REGULA) for whom I have great respect, that the Park Service needs this money. They do, and that is why I have offered this amendment. It is to make certain that we cannot fail in our duty to the Park Service. This would extend 2 years further, which means a grand total of 38 months for the Park Service before we would have to pass an authorization; and surely the United States Congress in 38 months can come up with a permanent authorization for the Park Service.

But what I fear is, and we have heard this before on the floor, I heard 5 years ago from a former chairman of the authorizing committee that he would never, ever support further extension without proper authorization. The gentleman is now retired, but we did reauthorize this program with a rider in an appropriations bill without going through the authorizing process.

I am pleased the current chairmen of the full committee and the subcommittee are working on legislation, but I fear this takes the pressure off, that if we pass now an extension for another 2 years from October 1 of 2004 for the United States Forest Service, we will not get to cleaning up that program and making the changes that need to be made.

I am surprised anyone would want to support a tax where 50 percent of the tax is spent on overhead, and that is what is happening with the Forest Service. And the other 50 percent we do not really know where that money is going. There is no tracking. There is nothing to show that is going to meet inventoried unmet needs or enhancement needs for the recreational experience of the people who are paying this tax. And it is, in fact, a tax.

Take the town of Oak Ridge in my district, totally surrounded by the national forests. If they go out to recreate with their families, just to drive up the nearest roads to park and walk over and fish, it is a paved maintained road, they are going to have to pay $35 to do that. Now that is not right. It is a low-income community, and it is just not right. They are surrounded by national forests. They don't have any options. They have to pay this tax.

Then, to add insult to injury, half of the tax they are paying is going to bureaucratic overhead; and they do not know where the other half is going because the Forest Service is not tracking it. We have no system.

I am certain the authorizing committee can rectify those matters, hopefully even eliminating a requirement of a tax on people who want to go to undeveloped recreation. I have no problem with charging this. It would obviously allow the continued charges at parks, but I do not have a problem for continuing to charge for developed campsites, boat ramps, special use areas, and other things on Forest Service and BLM lands.

I would urge my colleagues to support this because I fear if we once again, through this process, extend this for 38 months into the future for the Forest Service, we will never get to correcting this program.

Mr. MCINNIS. Mr. Chairman, I rise today to provide broader explanation of my vote in favor of an amendment offered by my colleague, PETER DEFAZIO, which would remove a provision from the Interior appropriation spending bill extending the Recreation Fee Demonstration Program for the Forest Service, BLM, and Fish and Wildlife Service.

Historically, Mr. Chairman, I have been a proponent of the Rec Fee Demo Program under certain narrowly tailored circumstances. Regrettably, recreation-related appropriations have never reached the level of need. The agencies covered by the Fee Demo Program have experienced massive and growing deferred maintenance backlog expenses, large portions of which are recreation related. At the same time, more and more Americans are flocking to our national forests and parks to experience the wonders of nature. Under the weight of these self-escalating pressures, both the resource and the user-public suffer. This is unacceptable. I have supported the Recreation Fee Demo Program as a mechanism to augment recreation-related appropriations.

But when the Fee Demonstration Program was established as part of an appropriation bill in the middle 1990s, it was done so on a pilot basis. It was a public policy experiment—a test of the user pays concept, and the ability of the affected agencies to implement this authority fairly, wisely and with accountability, both to Congress and the user public.

Today, some 9 years after Congress initiated this laudible test, and several Fee Demo extensions later, I believe it is time for Congress to make a longer term judgment as to whether or not the program should be extended into the future. Piecemeal extensions for all agencies that yield no oversight and exact no accountability are not longer in order. I believe it is time for Congress to sit down and in a thoughtful and deliberative way review this experiment and determine what has worked and what hasn't.

We need to enter into a dialog with the user public, the affected agencies, the General Accounting Office and others with a stake in this program and make an informed decision—an accounting of lessons learned. Where weaknesses in the program exist, Congress should address them. Where strengths are found, those should be augmented. Where accountability has been lacking, greater accountability should be required. In any case, there is a legitimate policy debate that must be entered into before we again decide to extend this user pays experiment.

So while I commend Chairman TAYLOR and all of the Appropriations Committee members and staff who have worked so hard on this program over the years, I am voting for the DeFazio amendment today with the knowledge that I intend to work with the chairman of the Resources Committee, Mr. POMBO, as well as other interested member of the Resources and Appropriations Committee, in a deliberative and systematic discussion about the future of "user pays" on our national parks, national forests, and public lands.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

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

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

Are there further amendments to this portion of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 333. Subsection (c) of section 551 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460*lll*–61) is amended to read as follows:

"(c) USE OF FUNDS.—The Secretary of Agriculture may expend amounts appropriated or otherwise made available to carry out this title in a manner consistent with the authorities exercised by the Tennessee Valley Authority before the transfer of the Recreation Area to the administrative jurisdiction of the Secretary, including campground management and visitor services, paid advertisement, and procurement of food and supplies for resale purposes.".

SEC. 334. Section 339 of the Department of the Interior and Related Agencies Appropriations Act, 2000, as enacted into law by section 1000(a)(3) of Public Law 106–113 (113 Stat. 1501A–204; 16 U.S.C. 528 note,), is amended—

(1) in subsection (b)—

(A) in the first sentence, by striking "not less than the fair market value" and inserting "fees under subsection (c)"; and

(B) by striking the second sentence and inserting the following: "The Secretary shall establish appraisal methods and bidding procedures to determine the fair market value of forest botanical products harvested under the pilot program.";

(2) in subsection (c), by striking paragraph (1) and inserting the following new paragraph (1):

"(1) IMPOSITION AND COLLECTION.—Under the pilot program, the Secretary of Agriculture shall charge and collect from a person who harvests forest botanical products on National Forest System lands a fee in an amount established by the Secretary to recover at least a portion of the fair market value of the harvested forest botanical products and a portion of the costs incurred by the Department of Agriculture associated with granting, modifying, or monitoring the authorization for harvest of the forest botanical products, including the costs of any environmental or other analysis.";

(3) in subsection (d)(1), by striking "charges and fees under subsections (b) and" and inserting "a fee under subsection";

(4) in subsection (f)—

(A) in paragraph (1), by striking "subsections (b) and" and inserting "subsection";

(B) in paragraph (2), by striking ''in excess of the amounts collected for forest botanical products during fiscal year 1999'';

(C) in paragraph (3), by striking ''charges and fees collected at that unit under the pilot program to pay for'' and all that follows through the period at the end and inserting ''fees collected at that unit under subsection (c) to pay for the costs of conducting inventories of forest botanical products, determining sustainable levels of harvest, monitoring and assessing the impacts of harvest levels and methods, conducting restoration activities, including any necessary vegetation, and covering costs of the Department of Agriculture described in subsection (c)(1).''; and

(D) in paragraph (4), by striking ''subsections (b) and'' and inserting ''subsection'';

(5) in subsection (g)—

(A) by striking ''charges and fees under subsections (b) and'' and inserting ''fees under subsection''; and

(B) by striking ''subsections (b) and'' the second place it appears and inserting ''subsection''; and

(6) in subsection (h), by striking paragraph (1) and inserting the following new paragraph (1):

''(1) COLLECTION OF FEES.—The Secretary of Agriculture may collect fees under the authority of subsection (c) until September 30, 2009.''.

SEC. 335. None of the funds in this Act can be used to initiate any new competitive sourcing studies.

AMENDMENT NO. 7 OFFERED BY MR. SESSIONS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. SESSIONS: Strike section 335 of the bill (page 154, lines 12 and 13).

Mr. SESSIONS. Mr. Chairman, the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Committee on Government Reform and I approach the floor today to discuss section 335 which would block the Department of Interior from conducting public/private job competitions. As a result of this opportunity to be on the floor, the gentleman from Virginia (Mr. TOM DAVIS) and I have chosen to have side-bar conversations with the chairman of the committee.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I thank the gentleman for yielding.

Let me make a couple of comments.

First of all, the underlying language in the bill gives me concern because it stops all competitive sourcing in the Department of Interior. I think the current administration plans are probably an overreach. I think there are a lot of concerns that are expressed over the current A–76 circular, and I get concerned sometimes that they may be biting off more than they can chew, moving a little faster and competitively sourcing too many things at one time and not exercising the appropriate oversight.

But I think banning it in its entirety from this or any other agency is probably ill-conceived because, after all, this is one of the pillars of the administration's management policies, of their agenda. This provision constitutes really an unprecedented intrusion in the executive management discretion.

Having said that, I do want to express a couple of concerns about the President's agenda on this issue. One is that we need to be concerned about Federal employees who enter for career service and will have their jobs uped every 5 years. And I think for competitive sourcing in terms of their being able to look at the appropriate career path, particularly in some of these areas, we have talked to a number of Members on this, and if we could get some kind of reading where the President would have some kind of flexibility in this area, I think we could move ahead.

I appreciate my friend, the gentleman from Texas (Mr. SESSIONS), offering this amendment. I think it is the right way to go when you get overreaching amendments like this on there, and I certainly support his efforts.

Mr. SESSIONS. Reclaiming my time, I would like to engage, if I could, in a colloquy with the gentleman from North Carolina (Mr. TAYLOR), the chairman of the subcommittee, concerning this matter.

Mr. Chairman, it is my hope and belief that you and I will be able to work together on this issue such that it might be able to be resolved in conference; and it is my understanding that what we will do is, as we work towards that resolution, it will allow completion of the work today to move on this bill and then that negotiation to begin.

Mr. Chairman, I yield to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I appreciate the gentleman's understanding, and I certainly will be willing to work with him.

I want to say at the outset we do not oppose competitive sourcing. I also want to say that this is not a limiting amendment. Section 335 provides that all studies that are currently ongoing for fiscal years 2002 and 2003 shall be completed and the results of those studies should be reviewed before new studies are initiated. The language makes no judgment on what the outcome of those studies should be, and it merely is an attempt to ensure appropriate congressional oversight of this important initiative.

The Interior Committee on Appropriations is no stranger to competitive sourcing. In 1996, the committee required the United States geographical survey to contract out 60 percent of its map and digital data activities. In 1999, the committee required the outsourcing of 90 percent of the National Park Service's consultant operations. So we are certainly no stranger in outsourcing, and we do not oppose that at all.

What we expect is clear budgeting in annual budget requests the amounts and purpose of the study, complying with the committee's reprogramming guidelines for use of funds that have not been clearly indicated in budget request, and OMB should provide clear direction to the agencies on how to manage these studies in a fiscally responsible manner.

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We will be happy to work with the gentleman from Texas between now and conference, and hope that we can do that.

Mr. SESSIONS. Mr. Chairman, reclaiming my time, I also thank the gentleman from Virginia (Mr. TOM DAVIS) the chairman of the Committee on Government Reform. It is obvious to me, based upon this dialogue, that we will work diligently between now and the time that the conference on this important bill comes forth.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in opposition to the Sessions-Davis motion to strike the bipartisan language in the FY 04 Interior Appropriations bill that protects our National Parks by requiring a reasonable delay in the administration's efforts to outsource National Park Service jobs.

As the Ranking Member of the National Parks and Public Lands Subcommittee, I have met and worked with many of the hard-working men and women of the National Park Service—a significant number of whom are minorities and women. Instead of promoting and increasing diversity within the Park Service, it is likely to do the opposite, especially at higher levels, but we appreciate the Director's concern for this and want to work with her and staff to ensure such diversity is enhanced.

It disturbs me, that the National Park Service has spent millions of dollars on outsourcing positions which are central to the protection of our national treasures at the expense of enormous pressing fiscal needs of the parks, without Congressional approval.

Furthermore, the significant costs of fulfilling the Administration's quotas are unfunded and these costs could seriously hurt visitor services and seasonal operations. The privatization of 808 of the 1,708 jobs in question could carry consultant costs of up to $3 million.

The bipartisan language in the Appropriations bill, which this amendment seeks to strike, protects the national parks by requiring a reasonable delay in the administration's effort to outsource National Park Service jobs. It would provide a reasonable pause in order that these issues are evaluated responsibly and that their ultimate resolution is in the best interest of protecting our national Parks for future generations.

I urge my colleagues to reject this motion to strike and support our National Parks and the hard working men and women who are dedicated to their protection.

Mr. MORAN of Virginia. Mr. Chairman, I rise today to speak against the Sessions-Davis amendment. The provision contained in the Interior Appropriations bill that this amendment seeks to strike, is a well-crafted, bipartisan effort that has the support of both the Chairman and the Ranking Member of the subcommittee.

After careful review of the Office of Management and Budget's competitive outsourcing initiative, the subcommittee believed that the

massive scale on which the initiative is being carried out and the arbitrary targets involved is of great concern, especially considering the enormous costs associated with the initiative which are expected to be absorbed by the agency.

During last year's consideration of the FY03 Treasury-Postal Appropriations bill, I offered an amendment prohibiting OMB or any other federal agency from using numerical quotas, targets, or goals for outsourcing initiatives. The point was to give federal agencies the flexibility to contract out as much or as little government work as they feel is necessary to meet their mission requirements.

The House passed this amendment overwhelmingly with bipartisan support. Unfortunately, the provision was watered-down in conference and the administration is still moving full steam ahead with their quotas-driven agenda for the current fiscal year.

As has been reported in the news over the last several weeks, in an effort to meet OMB's quota for the end of this fiscal year, the Interior Department has targeted thousands of jobs to be outsourced including archaeologists, scientists, engineers, and firefighters. Specifically, Interior's quota is 5,000 jobs, with the biggest piece—1,708 jobs—coming from the Park Service.

To conduct these massive outsourcing studies, the department is diverting critical funds and staff from high-priority assignments and consumed funding that is directed towards fulfilling important mission-essential requirements.

Personel from the Interior Department agencies, including the National Park Service and Forest Service, have expressed concern over the declining morale due to OMB's rigid and arbitrary requirements.

With this country in the midst of a ''human capital crisis'' what kind of message does this send in recruiting and retaining our best and brightest to safeguarding America's natural treasures.

Time and again, OMB has refused to supply any research or analysis to justify the privatization quota, despite a report requirement in the FY 2003 Omnibus Appropriations Bill.

What Section 335 in the Interior Appropriations bill does is limit competitive outsourcing studies that are underway for fiscal years 2002 and 2003 until the department and agencies submit a report detailing schedules, plans, and cost analysis.

Striking this section would only give OMB the green light to continue with their competitive outsourcing initiative without the oversight and accountability reasonably requested.

I understand the sponsors of this amendment have agreed to withdraw their amendment. I thank them for doing so and support the retention of Section 335 of the Interior Appropriations bill.

Mr. UDALL of New Mexico. Mr. Chairman, I rise in opposition to this amendment.

Section 335, which this amendment would strike, is a calm and measured response to a problem that is jeopardizing the ability of the Department of Interior and related agencies to safeguard America's natural treasures.

This is about taking measures to make sure our national treasures are not put at unneeded risk by brash privatization with unclear results. The section would not halt the many outsourcing studies currently ongoing, nor would it stop new outsourcing studies from being commissioned before this bill is enacted. It would simply suspend privatization efforts in 2004 to allow the House Appropriations Committee to review an ''in-depth'' report on the results of pending privatization efforts.

Section 335 is crucial because Interior and related agencies are currently under extraordinary pressure to privatize critical programs because of an onerous quota imposed upon all agencies by OMB to review for privatization 15 percent of their ''commercial'' activities by the end of fiscal year 2003.

This quota is being applied regardless of the impact on the mission of Interior and related agencies or the needs of all Americans who depend on those agencies for efficient and reliable service. In fact, OMB has refused to supply any research or analysis to justify the privatization quota, despite a report requirement in the FY 2003 Omnibus Appropriations Bill.

The Forest Service expects to spend $10 million during FY 2003 to meet the competitive sourcing mandate from the OMB. Instead of concentrating on bolstering emergency fire fighting, the Forest Service's contracting officers will be carrying out OMB's privatization quota. Instead of using funding to hire seasonal employees to handle the crush of summer visitors and making much-needed repairs to bridges, cabins, and historic buildings, the National Park Service will be paying high-priced privatization consultants. As the Committee report states, ''this massive initiative appears to be on such a fast track that Congress and the public are neither able to participate nor understand the costs and implications of the decisions being made.''

That is reason enough to temporarily pause the funding of new outsourcing studies.

In addition to the devastating impacts this arbitrary outsourcing quota could have on the visitor services and seasonal operations of our National Parks and Forest Service, this plan will significantly undermine the diversity in the National Parks Service and Forest Service workforce. According to one Administration official, the current plan to outsourcing more than 1,700 jobs by the end of Fiscal Year 2004 will disproportionately affect minorities.

This comes at a time when the Park Service has explicitly stated its mission to improve diversity in its rank and file.

The fact is, we don't know what the full impacts of the OMB's privatization plan will be. That's why this language was put in the bill, and why it should stay in the bill.

Section 335 is bipartisan.

Section 335 would not prevent Interior from continuing privatization reviews already underway.

Section 335 simply says, ''proceed with caution'' when it comes to our national treasures.

I urge my colleagues to vote against this amendment. A ''no'' vote is a vote to protect our National Parks and Forest Service.

Mr. DAVIS of Illinois. Mr. Chairman, on this day, I will join many of my colleagues in voicing my disapproval of the amendment presented by Rep. Pete SESSIONS and Rep. Thomas M. DAVIS III on H.R. 2691. H.R. 2691 makes appropriations for the Interior Department and related agencies for the fiscal year 2004. This amendment strikes out Section 335 from the bill which prohibits new competitive sourcing studies.

In the Interior subcommittee's report language, a bipartisan majority of lawmakers expressed concern about the massive scale, the arbitrary targets, and the cost. This initiative remains on a fast track, without consideration for the implications or impacts of such a massive privatization scheme. The haphazard manner in which agencies are implementing privatization has had a horrendous impact on the agencies' abilities to provide basic services and due to incredibility short timeframe, agencies have been unable to designate and protect those programs that are ''inherently governmental'' as well as critical programs, which should not be subject to privatization.

While we support our federal agencies in their efforts to streamline their processes, we contend that all efforts to ensure the success of innovative process management requires due diligence, and should be afforded all resources necessary to conceptualize, plan, test, implement and evaluate said processes. As our agencies are forced into a trust relationship with contractors, they are faced with conflicts which impact their Vision, Mission and Goals of providing efficient and effective quality services to our Nation, while ensuring the solvency and viability of its organization and workforce. We must remain diligent and steadfast in our efforts to protect the Workforce of America, and we must ensure that we do not replace our existing workforce with a new Corp of Contractors, whose Statements of Work preclude them from the commitment and accountability which has remained the focus of our Federal workforce.

Mr. Chairman, I urge my fellow members of Congress, to vote ''no'' on this amendment, which, sir, is a vote ''yes'' for the future of America and her workforce.

Mr. SESSIONS. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

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

Mr. Chairman, I would simply like to say that I am pleased to see that the proposed amendment was withdrawn, but I just needed to respond to one thing that one of the previous speakers said. I believe it was the gentleman from Virginia who indicated his disquiet about the committee provision because he said this goes to ''one of the pillars of the administration's management policy.''

That may be, but I think it is worthy to note that the administration's initiative runs the risk of screwing up one of the pillars of American excellence, which is the National Park Service. To me the value of keeping the National Park Service whole without outsourcing many vital activities of the Park Service is that you, first of all, maintain the institutional memory that comes from that dedicated service. You maintain the passion for the mission of the National Park system, which is I think part of the appeal to virtually every American citizen who visits one of the crown jewels of this country's heritage.

I think it is also worth noting that the park system lives off the volunteer activities of thousands of Americans

who give their time and service to help fill in the gaps in making certain that those parks are fully open to everyone. I think it is obvious, and I know I have heard many volunteers say, look, I give hours and hours of time to the parks, but I would not give one hour of time simply to improve the profitability of a corporation.

I appreciate the gentleman's desire for some flexibility on this, and I know that the gentleman from North Carolina (Mr. TAYLOR) means what he says on that score, but I would hope that the administration will take a second look at what they are doing with respect to the Park Service. Because if there is one institution in which the public has confidence, I think it is the National Park Service.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I join with the gentleman's comments on the Park Service. The difficulty with this amendment is it was Department-wide throughout the Department of the Interior. Hopefully, we can come up with some satisfactory language that will satisfy the gentleman's concerns and ours as well.

Mr. OBEY. Mr. Chairman, in addition to the Park Service, I think there are many other agencies that are just as professional and just as crucial, such as the Forest Service, the Bureau of Land Management, and many others. I marvel at the quality of individuals who are in many of those jobs throughout the country.

The parks are a spectacular national asset, and I think we have to take great care before we mess something up. If ever we ought to follow the rule ''If it ain't broke, don't fix it,'' we ought to follow it with respect to the Park Service, the Forest Service, the Bureau of Land Management and many other services who have incredibly dedicated employees, at least as dedicated as any of us are.

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

Mr. Chairman, I just wanted to add my own personal concern here, particularly with the Forest Service and the Park Service, because the way the funding for these studies were done violates the reprogramming agreements that the Committee on Appropriations has with the agencies. This has been called to their attention by the committee with the chairman's leadership.

I think it is very crucial that we protect the integrity of the reprogramming process so that agencies are just not taking money and going out and doing these studies without getting the prior approval of the Committee on Appropriations subcommittee.

Mr. Chairman, I rise to oppose the gentleman's amendment to strike the language carried in our bill with broad committee support.

The bipartisan language related to competitive sourcing was well-though out and should remain in our bill. Congress must ensure that our agencies are not spending untold millions of dollars related to outsourcing activities without any defined plan from the administration about what the goals are and how much money they intend to spend.

I am deeply concerned about the loosely defined policy and believe that the committee was well within its bounds to simply ask for a ''pause'' until we can better understand the parameters of the policy. The Chairman and I were extremely surprised to learn that agencies within the jurisdiction of our Subcommittee were spending, or were planning to spend, millions of dollars on competitive sourcing without coming to the Committee through the normal budget process to tell us how they intended to pay for it.

Recently we learned that the Forest Service had already committed $10 million on these studies despite the fact that they are still owed $372 million in un-repaid forest-fire borrowing from 2002. The agency also admits that their budget for the National Fire Plan is insufficient, making borrowing more likely each season. For the life of me I simply cannot understand how the Forest Service could find the money to study outsourcing when they clearly don't have the money to fight forest fires without raiding other accounts.

Adding to this, neither the Forest Service nor the National Park Service has come to the Committee for a formal reprogramming. Instead, the agencies apparently moved forward on this on their own. I am deeply troubled that the Park Service would undertake this effort without prior approval from Congress, especially since their own budget estimates suggest that these studies would cost $3,000 per FTE.

Last month, Mt. Rainier National Park in Washington State was featured in an article in the Washington Post regarding outsourcing. The article detailed a memo that was sent to parks in the West from the Director's office that warned of budget cuts to pay for anti-terrorism policing and consultants to study outsourcing. Cuts that meant several projects that were ready to go in these parks would not happen this year. Administrators at Mt. Rainier had been instructed to absorb a 40% cut in their repair budget, which obviously meant several projects would not happen.

I have been a member of this Subcommittee for 27 years. I am intimately aware of the backlog of maintenance on our public lands—and particularly our parks. Yet here we see money being literally pulled back from the field—money that Congress appropriated and directed how it would be spent—going towards consultants. As soon as I finished the article, I called Park Service Director Fran Mainella personally. I was able to get an agreement with her that this money would in fact not be pulled from Rainier—but I'm not convinced that other parks are not in some jeopardy.

I understand the agencies seem to be caught in the middle of a larger issue between the Office of Management and Budget which is pushing hard on outsourcing, and the Congress which is understandably concerned about the policy. This is precisely why we need this language. We have got to have a better understanding of the goals and costs of outsourcing. Only then can we make a rational decision about how—or if—to proceed.

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

Mr. Chairman, I thank the gentleman from Texas (Mr. SESSIONS) and the gentleman from Virginia (Mr. TOM DAVIS) for withdrawing their amendment. I was planning to oppose the amendment and speak on the floor. I think as they work with the gentleman from North Carolina (Mr. TAYLOR) to work out compromise language, it is a step in the right direction. It is very important that we do this in a systematic way.

I have supported the gentleman from Virginia (Mr. DAVIS) and continue to believe that contracting out is one method to make government more effective. I believe contracting out has worked well, including in the Park Service. Some parks are 50 percent contracted out already.

The question is, do we move full steam ahead, kind of willy-nilly bidding, or do we do this in a logical, orderly way? Some of these areas are in very remote areas. Contracting will work or not work in some of the urban areas. There are many variations in the Park Service and other institutions.

Generally speaking, I believe it is important to put on the record that parks already contract out. The Forest Service already contracts out. We need to have an analysis on where they are on that. It is not whether Members are for or against the original amendment. It is not for or against contracting out. It is more what the chairman was trying to address. Let us do this in a logical way.

I hope the conference compromise works to address that, but I am concerned that just to do it the way the administration was going ahead with the National Park Service would have done grave damage to the most effective institution and an institution which already had been following mandates on contracting out at a time when they are under tremendous budget pressures, when we in Congress keep adding units to the Park Service, keep adding heritage areas to the Park Service, and while we have increased funding, have not increased funding at a rapid enough rate.

We have homeland security pressures on the parks, narcotics pressure, and at the same time the money is not keeping up. This would have had a tremendous demoralizing effect on the entire National Park Service had we not taken this effort to work it out.

At the same time, I think it is important to acknowledge that there will be contracting out, there has been contracting out, and we just need to do it in an effective way.

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

Mr. Chairman, it is my great privilege to represent portions of Mount Rainier National Park and Mount St. Helen's National Monument. I would like to associate myself with the remarks of the gentleman from Indiana (Mr. SOUDER).

I personally know some of the people who work in these fine resources for the benefit of the American people. Our

national parks are truly great treasures of the people of not only our country but the entire world. The people who work in these parks are not there, for the most part, for the money. They are there because they value and cherish this resource.

I can tell Members, having spoken to some of these folks, that this move towards privatization has had a chilling effect on morale. Let me share two brief anecdotes not just germane to this issue but about the broad effect of privatization.

A dear friend of mine works for the U.S. Geological Service, and he told me that when he first began working for USGS he and his colleagues put in typically 60- 70- 80-hour work weeks, not getting paid overtime, just putting in personal time because they so cared about their mission. Indeed, when Mount St. Helen's erupted, many of the geologists who were there had taken vacation time on their own time to be there to study that danger, and some lost their lives in the disaster.

Last week, I was flying back here with a member of the civilian workforce who is in charge of safety at naval facilities. She told me that what surprised her most was how dedicated many of her employees were even as they faced privatization. But I also hear that it is only humanly natural, if one believes their job is soon to be put on the block, it is difficult to establish the institutional loyalty to put in that overtime, to develop the career path that will lead to the skilled and the trained and accomplished experienced workforce we need to staff our parks and other Federal agencies.

In the name of our dear love for these resources, I plead with the committee to make sure that we do not move forward with this privatization. I thank the sponsors of the amendment for withdrawing it, and I will vigorously oppose the amendment should it reemerge.

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

Mr. Chairman, on the issue of hazardous fuels reduction activities, as the gentleman from North Carolina knows, many of our national forestlands are covered with unnaturally dense vegetation. This unnaturally dense condition has contributed immensely to the devastating wildfires which the western United States is experiencing right now and which it has experienced for the last several years. My own State of Arizona is experiencing the most severe wildfires of the entire West right now and is being devastated by those fires.

Scientific research has shown that unnaturally dense vegetation not only leads to an extreme risk of catastrophic wildfire, such as the Rodeo-Chediski fire we had in Arizona last year and the Aspen fire we are having this year, but also that overgrowth in and of itself is extremely damaging to the health of the forest ecosystem.

One example is the bark beetle infestation, which is currently affecting over 800,000 acres of forest in Arizona, and whose outbreak was directly tied to the overdense tree growth in our forests. Insect infestation not only kill and weaken the vegetation but also increase the threat of fire.

Hazardous fuels reduction treatments which are narrowly confined to the wildland-urban interface are simply ineffective to reducing the risk posed by catastrophic wildfire both to communities, watersheds and to the overall forest ecosystem. During the Rodeo-Chediski fire, which destroyed almost 1.5 million acres in Arizona, that fire jumped on some occasions more than 3 miles ahead of the main fire line. As a result of that, it is obviously futile to confine hazardous fuel treatment activities to just the narrow wildland-urban interface, a ban often defined as half a mile wide. If the fire can jump 3 miles, thinning and protecting a half mile will not protect the forest or the communities.

Mr. Chairman, I appreciate your efforts on this issue and I would like to clarify that the Forest Service hazardous fuels and authorities in this legislation are not limited to that narrowly defined wildland-urban interface but may be used in those areas of the forest where hazardous fuels reduction activity is needed the most, not just to protect homes and structures in communities but also to protect the forest itself and the overall forest ecosystem.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentleman. I agree that many of our National Forests do have unnaturally dense growth which contributes greatly to the extreme threat of catastrophic wildfire that our forests and communities face. Such fires pose a serious threat to the lives and homes of individuals who live in these communities and also to the health of the forest ecosystem, as the gentleman points out. Using funds and authorities in this act, the professionals of the Forest Service should use the best local information to prescribe treatments where needed to effectively reduce the threat of wildfire by improving the health of the forest ecosystem.

Mr. SHADEGG. Mr. Chairman, I appreciate the efforts of the gentleman from North Carolina (Mr. TAYLOR), and I appreciate the gentleman clarifying that those funds can be used where most needed.

□ 1130

AMENDMENT OFFERED BY MR. HEFLEY

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

The Clerk read as follows:

Amendment offered by Mr. HEFLEY:

At the end of the bill (before the short title), Insert the following new section:

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 one percent.

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 10 minutes to be equally divided between the proponent and an opponent.

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

There was no objection.

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

Mr. Chairman, I will admit that I offer this amendment with a great deal of ambivalence because the gentleman from North Carolina (Mr. TAYLOR) takes a back seat to no one when it comes to trying to get control of the spending of our Federal budget. I have appreciated that over the years and have worked with him over the years on this effort.

This amendment does offer an across-the-board cut of 1 percent or about $194 million. Actually I think this is generally a good bill. It addresses concerns that I have concern about, many things that are very important to me, many areas that I have been concerned about for years, including wildfire prevention and suppression. It has managed to do this at a level of about $186 million less than last year. I appreciate that. That took a lot of effort. It is still $110 million over the President's request, however.

I offered a similar amendment on the Labor-HHS bill a week ago and intend to do this on most of the appropriations bills, so it is no reflection on your bill. It is just that I want some way to express the concern. Last week when we were talking about this, we were talking about a $400 billion deficit. Today they have changed those projections and now we are talking about a $450 billion deficit and say next year it will be $475 billion. When I arrived in Congress in 1987, we were running a $200 billion deficit and everyone thought that was the worst problem facing us. I have devoted over the years a lot of attention to that. We finally did balance the budget, and now we have a deficit that is twice as much as we were talking last year.

I know that in circumstances like those we face with a sluggish economy and mounting war costs, that we need to show fiscal restraint and we need to show that balancing the budget is an important value and an important priority that we are still concerned about. It seems like when we have the excuse of the war and the economy, that all of a sudden we say, oh, well, we've got that excuse so we can continue to spend. I thank the gentleman for the good job he has done on this bill. I do offer this amendment and urge its adoption.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the amendment. I appreciate the gentleman's tireless effort in trying to work in the areas of budget control. I know yesterday the announcement was made that we are in a deficit of $450 billion. We must work to solve that this year and in future years as we move forward. That is why, Mr. Chairman, we have opposed a number of much larger amendments, of over $100 million or $500 million that have been proposed here yesterday and this morning. We have worked the best we can to balance this bill. We think it is a good bill.

There are 13 subcommittees. We work with one, with the Interior and Energy. We hope that we can convince the Senate to go with us and we will come out with a balanced appropriations bill that will be conservative as well as meet the needs of our Interior Department.

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

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. DICKS), the ranking member.

Mr. DICKS. Mr. Chairman, I have the greatest respect for the gentleman from Colorado, but I think in this case this amendment is ill-advised. First of all, on the issue of how much it would affect, it would take $196 million out of this bill, a bill that is already inadequate in many respects. We get right to the first two items, conservation spending, which has already been devastated, would be cut $10 million, and then right here on the issue that is so important out in the West, wildfire funding would be cut $23 million. The administration is up here with an emergency supplemental asking for well over $200 million to add to this. How could we cut $23 million out of wildfire spending in this across-the-board meat axe approach?

If you are going to have an amendment to reduce spending, I think you are better served in picking out the items you want to make reductions in. Maybe some of them would be over 1 percent. But to cut wildfire funding is just not responsible in the situation we find ourselves in. In fact, the agencies under this bill have had money borrowed from them to pay for the 2002 fire season that the administration has not even requested the funding to put back into place. So to compound that problem with another cut of $23 million to me is just not responsible.

And then you get over to the Bureau of Land Management and there is another $7 million for BLM fire that would be cut. So you have got $23 million in wildfire funding and another $7 million in BLM fire funding, and then you get to the Forest Service and it is $16 million, another $16 million. Or maybe it is the two of those together is $23 million. I think that is correct. The point is taking that kind of money out of this bill is just not right and it is going to go to conference. The House and the Senate are going to get back together. There is going to be a 302 allocation and we are going to fund the bill at the end of the day at the level that we have gotten an allocation for.

I think this is just a waste of time and I urge a ''no'' vote on this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, while I oppose the amendment, I yield 1 minute to the gentleman from Colorado (Mr. HEFLEY) in opposition.

Mr. HEFLEY. Mr. Chairman, I have yielded back my time, and I do not want much time, but I want to say the gentleman from Washington is using the oldest trick that government uses and, that is, when any time you try to cut something, you pick out things and say, oh, it's coming out of here, it's coming out there. No, it does not have to come out here, and there. It can come out somewhere in there where they find waste, where they find things that are not the top priorities. You set the priorities and decide where that is. It does not have to come out of wildfire or some of the things are more high priorities. But this we do all the time. Anytime you talk about cutting, this is what we say we do.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield the balance of my time to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I hate to do this to the gentleman because I have the greatest respect for him, but it says here, ''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.'' So it takes every line item and reduces it by 1 percent. That means $23 million comes out of firefighting. I do not think that is what the gentleman intended because I have the greatest regard for him, but this is why we should vote against this amendment because of its unintended consequence because the language says one thing and the discussion and description of the amendment says another.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

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

Mr. HEFLEY. 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. HEFLEY) will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. MANZULLO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. MANZULLO:

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—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting ''at least 65 percent'' for ''substantially all''; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting ''at least 65 percent'' for ''substantially all''.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

Mr. MANZULLO. Mr. Chairman, I am here today to ask this House again to engage in the struggle that we have to try to return this country to some semblance of a manufacturing base. We are now down to 14.5 million workers engaged in manufacturing. That is about 6 percent that we have lost in the past 2 years. For the past 35 months, we have lost an average of 55,000 manufacturing jobs. We are being bored out. The jobs that we have left in manufacturing, many of them you might as well say we are in the process of assemblers as opposed to manufacturers.

What this bill does is simply say as to acquisitions by the Department of Interior, which procured about $2.5 billion last year with regard to new construction, repair buildings, roads, dams, bridges, culverts and other projects, it simply says as opposed to using the 50 percent figure in the existing Buy American Act, that we raise it to 65 percent. This is no hardship to the Department from adapting to a higher percent of American domestic content for its procurements. We owe nothing to any foreign countries to guarantee them the opportunity to make things to put into our precious national parks. The area that I represent, Rockford, Illinois, in 1981 led the Nation in unemployment at 25 percent. Rockford today is at 10.5, 11 percent.

Again today I got a letter from another manufacturer closing down a facility saying, sorry, we're moving everything to China. I just wonder how much bleeding, how much hemorrhaging the people of this country can take where there no longer will be any manufacturing jobs left enough to pay the taxes to buy the things that the government wants to buy. This is a simple statement, that the things that we put into our national parks, the things that the Department of Interior buys, the desks, the telephones, the stationery, at least let us use our government procurement to level the playing field and to keep Americans employed.

I would implore this House if this amendment were in order, which it is not, but under any circumstances to force our government agencies, at least them, the ones that are using U.S. taxpayers' dollars, to increase the content of the things they buy from 50 to 65 percent.

Mr. Chairman, with that statement being made and because of the rules of the House, I ask unanimous consent that the amendment be withdrawn.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 17 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. 17 offered by Mr. TANCREDO:

At the end of the bill (before the short title), insert the following:

SEC. . The amounts otherwise provided by this Act are revised by reducing the amount made available for ''NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES—NATIONAL ENDOWMENT FOR THE ARTS—GRANTS AND ADMINISTRATION'' and by increasing the amount made available for ''DEPARTMENT OF AGRICULTURE—FOREST SERVICE—WILDLAND FIRE MANAGEMENT'' for hazardous fuels reduction activities by $57,480,000 respectively.

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 10 minutes to be equally divided between the proponent and an opponent.

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

There was no objection.

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

The last two fire seasons have been devastating for the American West. Millions of acres in States like Arizona, Nevada, Oregon and Colorado have been reduced to charcoal by catastrophic wildfire. By most estimates, an additional 73 million acres at the very least remain at extreme high risk to catastrophic wildfire. To put that in perspective, 73 million acres is an area larger than the State of Arizona.

Central to reducing the threat that these unnatural fires pose to communities, water quality and wildlife is restoring our densely packed forests to a more natural state.

□ 1145

To do that, we must thin our forests.

Mr. Chairman, I believe that the Healthy Forests bill we passed earlier this year will go a long way towards streamlining the ''analysis paralysis'' that has prevented our land managers from reducing the threat of wildfire in our overstocked forest. But in order to carry out more thinning projects, as many of my friends on the other side are fond of pointing out, the Forest Service needs additional funds.

I want to give them an opportunity to put their money where their mouths are. If adopted, my amendment would transfer $57 million to the Forest Service for thinning operations from the National Endowment for the Arts. 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.

In a tight budget year like this, it is irresponsible to squander scarce public funds on subsidizing the arts to the tune of $117 million. Clearly, enhancing the ability of the Forest Service to protect communities from wildfire is a better use of our public funds.

In 1905, President Theodore Roosevelt's Agriculture Secretary James Wilson wrote a letter to the first chief of the Forest Service, Gifford Pinchot. In that letter Wilson wrote, ''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.''

The choice between buying art with our tax dollars or protecting our communities from the catastrophic wildfires should be a no-brainer. It does not take a rocket scientist to determine which of these programs benefit the ''greatest number over the long run.'' I hope the Members will keep Mr. Wilson's words in mind when they consider the merits of my amendment.

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

The CHAIRMAN. Does the gentleman from North Carolina (Mr. TAYLOR) seek the time in opposition?

Mr. TAYLOR of North Carolina. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose this amendment. The committee bill already includes a large $20 million increase for fuel reduction work, fully $15 million above the President's request. This work is essential, but the agencies can only ramp up so fast in, and extra funding is not needed this year.

Our bill makes a very strong contribution to the national fire plan. It is something that the Members can be proud of.

The bill also increases wildfire suppression funding by $179 million and an $89 million increase for wildfire land restoration, forest health projects, and State and community fire assistance. Despite the good intentions of this amendment, I must oppose it. We have a balanced bill, and we think that we can help in many areas, especially in the areas of forest restoration.

Mr. Chairman, I yield the balance of my time to the gentleman from Washington (Mr. DICKS).

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

I rise in opposition to the amendment. This would take $57 million out of the National Endowment for the Arts. I think that is a big mistake. We are going to work on these fire issues. The chairman and the committee have added funds for that purpose. We have money coming up in the emergency supplemental. So I think this amendment is not warranted and should be strongly opposed.

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

Mr. DICKS. I yield to the distinguished gentleman from Wisconsin, ranking member of the full Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I would simply say I would join both gentlemen in saying that some of these amendments I guess I would refer to as the ''anything you can do, I can do better'' amendments. It sometimes seems that no matter what the committee will do someone will want to move a dollar and a half around in order to make a political point. That is legitimate. Sometimes I do it. But I think we need to recognize it for what it is. There is no reason we ought to be robbing Peter to pay Paul. We ought to be funding both of these accounts adequately, and I would expect that by the time the bill works its way through the process, we will.

I thank the gentleman for yielding.

Mr. DICKS. Mr. Chairman, reclaiming my time, I will make one final comment. No Member has worked harder to increase funding for firefighting in these bills than I have. The gentleman from North Carolina (Chairman TAYLOR) and I have made this one of our very highest priorities and included a $335 million increase over the current year for firefighting programs. In addition, we have worked with the gentleman from Florida (Chairman YOUNG) to ensure that additional funds for the current fire season are included in the emergency supplemental bill which we hope to conference this week.

So what I would suggest to the gentleman is that he should join us in opposing the Hefley amendment that would take another cut out of firefighting. But let us all oppose the Tancredo amendment for this meat-ax approach to the endowment.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I consume.

We are interested in how this is playing out. The gentleman just a few minutes ago, in discussing the gentleman from Colorado's (Mr. HEFLEY) amendment, said that these accounts were underfunded, that the President had not replenished them to the extent necessary, and I am giving the gentleman an opportunity to in fact replenish these funds.

Any appropriations is a priority-setting document. That has been stated

over and over again, and it is certainly the truth. So I am simply asking people on the floor of the House and this body to establish a priority here. What is more important? Is it, in fact, the preservation of our forests? Is it to try to mitigate against the catastrophic fires that we have been experiencing and that we will continue to experience because of the overloaded conditions in the forests? Is that more important than purchasing $50 million worth of art?

The gentleman and I both know I think it is patently clear that, regardless of whether or not the Federal Government ever bought a piece of art or funded a particular artist, art would thrive in America. People would paint. People would do everything that they have been doing, regardless of whether or not the Federal Government chose to participate in that particular endeavor. So, again, I am just asking that the House establish a priority here. What is more important? Our forests or somebody's opinion of what is art and how everyone's constituents should be taxed to support it? I mean, that is really the question we are facing here.

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

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.

AMENDMENT NO. 14 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. 14 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. BLUMENAUER. Mr. Chairman, it has been over a year since we last considered this amendment. In that period of time we have come right back to an era of water shortage. Actually, we had a little rain, but the controversy continues.

Last year, after the amendment was voted on, we saw an unprecedented 33,000 fish killed by what many claim was a direct result of a lack of water. Whether my colleagues think that was entirely the case or not, virtually any common-sense appraisal would understand that the water shortage did, in fact, contribute to the problem.

We are in a situation, Mr. Chairman, where we have an elaborate system of plumbing in the Klamath Basin that basically we have a problem where there is not enough water. I have had people from the Basin calling our office expressing appreciation for raising these issues.

Because the fundamental problem is not fish. It is not problems with the native Americans, the sportsmen or waterfowl, and it is certainly not the problem with the farmer. It is that the Federal Government has promised more than this elaborately plumed basin in the middle of a desert can deliver. We have overcommitted tens of billions of gallons, and we will continue to have all these problems. We will continue to see fish dying, wildlife habitat destroyed, the demise of recreational commercial fishing activities, and we are going to continue to see farmers in the Basin pinched.

The Federal Government right now, today, can make a small but significant improvement by reducing millions of gallons of peak summer demand.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto to be limited to 30 minutes to be divided as follows: 10 minutes to the proponent, 15 minutes to the chairman of the Committee on Appropriations, and 5 minutes to the ranking member.

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

There was no objection.

The CHAIRMAN. So the gentleman from Oregon (Mr. BLUMENAUER) is clear, his 10 minutes starts from now.

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

I am happy to accommodate the recommendation of the chairman of the subcommittee. My point, Mr. Chairman, was that the Federal Government right now, today, can make a small but significant improvement by reducing millions of gallons of peak summer demand.

Teddy Roosevelt helped designate one of these wildlife refuges as the first waterfowl refuge in 1908. We continue to lease water within these refuges for intensive agricultural uses. The amendment today would be an important step to stop making the problem worse. If the amendment were approved, we would be limiting the leases that expired this year, which are approximately 2,000 out of 20,000 acres.

Number one, the basin limitation is what we do virtually everywhere else on wildlife refuges where there are few refuges where farming is allowed but there are controls. If there is truly an agricultural or economic imperative for some of the water-intensive crops, there is private land that is available in the region where people can pay market rate leases rather than having the ground cut out from underneath these private property owners by the Federal Government. It will be market rate, profits go to the local economy, and the Federal Government will not be wasting water on its land.

Mr. Chairman, it is important that we send a signal today to lead by example. By pretending that water does not matter, that the interests of the Federal Government are supreme, that we can undercut the private market even if it is not good for wildlife, not good for endangered species, not good for other agricultural commitments or those to our native Americans—this is an easy, simple, direct environmental vote, and it is also a reaffirmation of our responsibilities as stewards of the land to start making the Federal Government part of the solution rather than continuing to be part of the problem.

One of my major goals as a Member of Congress is that the Federal Government be a better partner in promoting livable communities, and the simplest way to do that does not require new rules, regulations, laws, or taxes but simply for the Federal Government to behave the same way we want the rest of the country to behave.

I think, Mr. Chairman, that here in the Klamath Basin, where we are encouraging farmers to cut back because of their continuing water crisis, the Federal Government is prepared to extend leases on land that we owned for water-intensive agriculture. That is not just foolish and hypocritical. It is why we continue to have a problem in the Klamath Basin. It is always someone else's fault.

By adopting the amendment that I am introducing with the gentleman from California (Mr. THOMPSON) and the gentleman from Connecticut (Mr. SHAYS), we will stop being hypocritical. We will lead by example, stop competing with private farmers who have land to lease, and we will stop pretending that steps that would save hundreds of millions of gallons and ultimately billions of gallons during the worst time of the year are inconsequential or worth nothing.

It would be a tragedy if Congress did not accept this common-sense approach that would be better for farmers, better for wildlife, better for the environmental community and, most important, will start us down the road of recovery rather than wallowing in denial, acrimony, and recrimination.

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

□ 1200

The CHAIRMAN. The gentleman from North Carolina (Mr. TAYLOR) is recognized for 15 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to this amendment. The Lower Klamath and Tule Lake National Wildlife refuges were established with the expressed intent that agriculture uses of certain lands within the refuge should be continued. Under the law, not more than 25 percent of the total leased lands may be planted in row crops. The agricultural activities must be consistent with proper waterfowl management.

Now, we should step back and allow the process to work. The amendment can only serve to further complicate a very complex and touchy situation. I urge my colleagues to join me in voting ''no'' on this amendment.

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

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. THOMPSON).

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

Mr. THOMPSON of California. Mr. Chairman, I thank the gentleman from Washington (Mr. DICKS) for yielding me this time and the gentleman from Oregon (Mr. BLUMENAUER) for bringing forward this amendment.

I rise in support of this amendment, and I want to emphasize that this amendment is not anti-agriculture. This amendment is pro-water conservation.

The water situation in the Klamath Basin is in bad straits. We are oversubscribed in the Klamath Basin and, as a result, last year some 38,000 salmon, adult-spawning salmon in the lower Klamath Basin, were killed because of the oversubscription, the drought, and the extreme water problems that impact the entire Klamath Basin. This amendment will provide more water for fish without harming agriculture.

The Klamath Basin water problems are not insurmountable. We can fix them. But it is going to require that all parties take a seat at the table and show a willingness to work towards a solution. I would encourage all, those who are opposed to this and those who are in support of it, to come together, finally come together, join forces and attempt to fix this problem. I think this amendment is a step in that direction. It frees up a lot of water that can be used to mitigate the environmental problem that led to the death of some 38,000 fish, the largest fish kill in the history of this country.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5½ minutes to the gentleman from Oregon (Mr. WALDEN).

(Mr. WALDEN of Oregon asked and was given permission to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Chairman, let me address this issue of the fish kill last year, because the science is really in dispute. Dave Vogel says, In 1988, and he is a scientist who has studied this carefully, a run totaling 215,322 salmon occurred on the Klamath River with identical flow conditions: 2,130 cfs in 1988; 2,129 cfs in 2002, but no fish die-off occurred. In 2002, there were 132,000 salmon and 33,000 died.

But why? Two dramatic and uncharacteristic cooling and warming trends occurred during late August and September where the Upper Klamath River was still naturally unsuitably warm that probably both attracted fish into the lower river and then exposed the fish to chronically and cumulatively stressful conditions.

The point being, in 1988 we had nearly double the number of salmon coming back, there was no fish kill, and we had the same amount of water as in 2002 where we had about half the run coming back and we did lose fish. None of us wants to see a fish kill. We are all trying to work together; and I would welcome the opportunity to work with my colleague, the gentleman from California (Mr. THOMPSON), to find a global solution. But this is not it. This is not the solution.

I have to raise an issue that was raised on this floor last night by my colleague and friend, the gentleman from Oregon, when he told the House that he would offer an amendment today, and I quote from his words last night: ''That would reduce water-intensive agriculture in one of the wildlife refuges in the United States where there is unregulated agriculture practicing on leased land dealing with the Klamath Basin.''

I would suggest that that was a misstatement. It is a misstatement because, first of all, these lands are governed by the Kuchel Act passed in 1964 that says: ''Such lands shall be administered by the Secretary of the Interior for the purpose of major waterfowl management, but with full consideration to optimum agricultural use that is consistent therein.''

The leases, and I have a copy here of the draft leases, these are what the farmers have to agree to. And it includes information relating to the previous year's operations which include a report of planting date, cultivar variety, seed and seed piece treatment, crop yield, and units of tons by acre, and harvest date; on and on, including what pesticides are used, irrigation, tillage, burning, fertilizers on each crop. This is regulated, I would suggest, more than the Chinese regulate their agriculture.

Finally, these farmers work very hard to reduce pesticide use, and every year they are evaluated and they enter into probably the most progressive activity when it comes to limiting and reducing pesticide use that we have, and that is the integrated pest management concept. Time and again, they have entered into these agreements; and time and again, the U.S. Fish and Wildlife Service and even the courts have found that these lands are being used in a compatible way.

Now, it is important to understand as well that even if we could find the water that was freed up by limiting crop restrictions on these 2,250 acres, it would not go to the refuges. It would go to other uses having higher priority, which could include private farmland. The U.S. Fish and Wildlife Service realized this in their determination made in 2002. Environmental groups sued on that determination and were unsuccessful.

The U.S. Fish and Wildlife Service also found that based on a USGS study that if you did not irrigate, I mean if you took irrigation completely off of these leased lands, at all, only a minor amount of water would be freed up because there would be a substantial consumptive use of water by the weeds.

Now, their amendment basically tells farmers in my district, and 62 percent of my folks have these leases, that they cannot grow onions, potatoes or alfalfa. They can only grow grain crops. And somehow, that is going to solve the problem or a part of the problem.

What my colleagues may not understand is that onions use 1.88 acre feet of water per acre. Potatoes, the villain from last year, consume 1.73 acre feet of water per acre. The very grain crops that you want them to only be able to grow consume 1.87 acre feet of water per acre, more than the potatoes use, equal to what the onions grow. Now, sure, maybe alfalfa consumes more water. But do my colleagues know what? If we just turned this over to wetlands, wetlands themselves consume 2½ to 3½ times the amount of water that potatoes and onions consume. So if you turned this over to the noxious weeds, they will drink up more than these farmers will.

Finally, these people have been devastated economically down there as farmers, and they have done enormous work to try and solve this problem. We spent $16 million putting in a new sophisticated fish screen in the canal that now routes nearly a million sucker larva down to three-eighths of an inch back into the river or into the lake. That would have languished forever. We got it done.

In conclusion, we are making efforts through the EQIP money that my colleague from Oregon voted against when he voted against the farm bill to do water reduction efforts to have more efficient irrigation systems. That farm bill, too, which the gentleman voted against, included the study, the 1-year study for removal of Chiloquin Dam, which has now been completed which we restored access to 95 percent of the habitat for suckers on the Sprague River. It was a principal blockage and reason why the suckers were limited in the first place.

My point is, we are taking action to try and solve the problem. This does not help.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. THOMPSON) to respond to the gentleman from Oregon (Mr. WALDEN).

Mr. THOMPSON of California. Mr. Chairman, I thank the gentleman from Washington for yielding me this time.

I just want to make a couple of observations, and this has come from someone who voted for the farm bill and someone who actually farms. Again, this is not an antifarming amendment; it is a pro-water conservation amendment. That is what is needed in the Klamath Basin.

I just want to raise the issue that the low flows that we were talking about, this last year when 38,000 adult-spawning salmon were killed, this was the lowest water flows ever recorded since they have been recording the flows out of Irongate, the lowest flows ever during the migration period of the salmon.

The other thing I want to mention is that we can argue science all day, but there is one thing that is not arguable, and that is, fish need water. This is a good amendment. It is not antiagriculture. It does not have anything at all to do with the farm bill. There is nothing in it about chemicals or chemicals used in agriculture. This is water conservation. It will save fish. It will help farmers on both ends of the Klamath Basin. I ask for my colleagues' ''aye'' vote.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Chairman, so this amendment seeks to save the wildlife refuges of the Klamath Basin. From what, Mr. Chairman? Farming in the refuge of the Klamath Basin has occurred since they were created nearly 100 years ago. Today it continues to represent a shining example of how agriculture and wildlife cannot only coexist, but thrive together.

And as if the farmers I represent in this area of Northern California have not suffered enough, it would cause them even more economic harm. And not unlike the disastrous decision that shut off 100 percent of their water just 2 short years ago, there is absolutely no valid justification or factual basis for it.

Row crops are an essential part of the balance that embodies the lease land farm program. They are specifically required under the law, because they benefit wildlife and maximize revenues for farmers in local counties. On average, row crops have generated $10 million annually. If those same acres were planted only in grain, as this amendment would require, they would generate only $1 million. Make no mistake: that $9 million loss would cripple this economy.

The irony, Mr. Chairman, is that despite the gentleman's desire to help wildlife, this measure would do precisely the opposite. For generations, farmers have worked and nurtured these lands for the benefit of the wildlife. Waterfowl populations in particular are thriving. Consider this statement from the California Waterfowl Association: ''For nearly 100 years, farmers and ranchers in the Klamath Basin have coexisted 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.''

Row crops are not just an economic necessity to farmers; they provide food for migrating birds. Crop rotation improves the health of soil and, therefore, the productivity of the cereal grains that provide other essential wildlife benefits.

Allow me to address the notion that this measure would somehow provide more water to the refuges. That is simply inaccurate. For 100 years, all interests in the Klamath Basin, farmers, fish, and refuges, have gotten by together, sharing the pain and the profit alike. It was not until 2001 that the Endangered Species Act caused some interests to do without. Shortages are not the result of an overallocation; they are the result of environmental laws that do not allow for balance.

Mr. Chairman, the lease land program is a win-win. It benefits the environment. The Fish and Wildlife Service have found that it is entirely compatible with refuge management, and a Federal district court has agreed. So what is the problem, Mr. Chairman? Why the persistent attacks on farmers when these facts are so clear?

The purpose of the radical environmental groups supporting it is the removal of agriculture entirely. Consider that virtually the same groups behind today's amendment pursued a version several years ago to eliminate any new leases, and the same kinds of radical environmental groups have unsuccessfully attacked the program again and again in the courts.

Mr. Chairman, I urge my colleagues to look at the facts and consider the lives and the families of those who will be directly impacted should this amendment succeed. Reject this veiled attempt to undermine agriculture.

□ 1215

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. DOOLITTLE.

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

Mr. DOOLITTLE. Mr. Chairman, this Klamath Basin is represented by three Members, the gentleman from Oregon (Mr. WALDEN), the gentleman from California (Mr. HERGER), and myself from California. It has today about 50,000 people in it. It is one of the earliest reclamation projects in the United Nations. The Reclamation Act was passed in 1902, and this was authorized by the Secretary of the Interior in that same year.

You will see here the cover of Life Magazine, January 20, 1947. By the way, it was 15 cents in those days. They have a homesteading veteran portrayed on the cover with his wife and family. People were attracted to this area by government policy to settle the area. It was a good area for farming, and it would be a benefit to the wildlife because of the refuges that existed there.

I want to show you now a picture in 2001 of a real family that lives there, tries to farm there today under the very difficult circumstances imposed by the government. This is lease land farmer Rob Crawford and his family. You can see it does not look very inviting because that is what happens when you cut the water off. It is basically a desert.

These people in our districts have suffered terribly at the hands of the government and misguided people who think they are trying to bring about a good policy. But they are not bringing about a good policy. This amendment is an anti-farming amendment. I do not care what the sponsors say. That is its effect. The wording of this amendment basically bars the alfalfa and the potatoes and the onions. Those are higher value crops. These are the crops that feed this family. But did you know that they are the crops that the wildlife feed on? The geese actually eats the potatoes after the first frost, the antelope come through for the alfalfa and the geese back again in the spring. So this is of great benefit. The law recognizes this benefit, and the whole system was set up so that this could occur.

The proponents claim that their amendment will save water. It will save no water. The crops that they will restrict us to growing, which are lower-value crops and will throw people onto welfare, there will be no less water required to grow those crops than required to grow the higher-value crops that this amendment would prohibit. This is an anti-farming amendment.

If you set the precedent today that we as the Congress will going to dictate what crops a farmer can grow, watch out the rest of you, because today it is in a small part of remote northern California and southern Oregon but tomorrow it will be all over the country as these people with their agendas come after you and your families and your way of life. Vote no on this amendment.

Mr. BLUMENAUER. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Oregon (Mr. BLUMENAUER) has 6 minutes remaining. The gentleman from North Carolina (Mr. TAYLOR) has 1 minute remaining. The gentleman from Washington (Mr. DICKS) has 2½ minutes remaining).

Mr. BLUMENAUER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I did not come to the floor to speak on this amendment, but after hearing the debate I must rise. Because this is not a debate about farming versus the environment. This is a debate about economics versus economics. It is about coastal economics, where the majority of the population of the people in California live, versus interior economics. It is an issue that cries outs for a solution to both parties.

There is not a win-win here. Without this amendment, you have a win-lose.

You have the entire tourism industry which is dependent on where this stream comes into the ocean which is dependent on that fish coming into the stream. There is an economic survival, both in the tourism and the fisherman there versus the farmers.

Alfalfa is one of the most water-intensive crops that we grow in the United States. Certainly the farmers through best management practices can do with less water. We do that in our area all the time. We are always struggling to have it.

What this problem cries out for is a solution for a win-win. In order to do that, somebody has to give up something.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair was incorrect earlier. The gentleman from North Carolina (Mr. TAYLOR) has 2 minutes remaining.

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

Mr. Chairman, I agree with the gentleman from California (Mr. FARR) on this amendment, that this really does cry out for compromise.

We have had some of the most bitter environmental battles in the Pacific Northwest over the spotted owl, the marbled murrelet, salmon, and in most of these instances we have been able to sit down and work out a compromise on these important issues.

What happened last year, and there may be a multitude of reasons, the death of these fish, I think, caused a tremendous impact not only in the Northwest but across the country; and we have a scientific study that will look into and give us the reasons for the loss of this fish. But the gentleman from Oregon's (Mr. BLUMENAUER) amendment I think is an attempt to try and deal with the basic underlying issue, that is, the allocation of water.

We have the same problems in the State of Washington. We have to work out agreements between farmers and fishermen. And we work on these things, and it is not easy to accomplish. But the last thing we need to do is to end the dialogue.

I heard my friends, the gentleman from Oregon (Mr. WALDEN) and the gentleman from California (Mr. FARR), say they were prepared to enter into a dialogue. I think there ought to be a dialogue with the Members and the agencies. But the one thing you have to do with situations like this is to rely on science. This cannot be done on emotion. We just heard a very emotional appeal. This has to be done on good science.

Mr. WALDEN of Oregon. Mr. Chairman, will the gentleman yield?

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

Mr. WALDEN of Oregon. Mr. Chairman, I fully concur with the gentleman about basing this on science. In fact, when we had the National Academy of Sciences review the biological opinions that set up the water cut-off in 2001, the initial findings came back and said the decisions by the government were not backed up by science, and we are waiting for the final review now.

This bill is a rifle shot at a very tiny piece of a huge problem. And as I mentioned in my comments, fixing the fish screen on the A canal, dealing with fish passage at Chiloquin, which will probably result in removal of that dam which I will support if that is what the consensus is, those are the things we can deal with.

Mr. DICKS. Was water temperature here an issue?

Mr. WALDEN of Oregon. Ambient temperature as much as water temperature are both issues. I will be happy to discuss this further with the gentleman.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

The gentleman raised a point that we stated in the beginning. I oppose this amendment because it will disrupt the very technical amendment that has been worked out.

Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me time and his opposition to this amendment. As the chairman of the Committee on Agriculture, I want to rise in strong opposition to this amendment as well.

I would say to the gentleman from Washington (Mr. DICKS) that compromise is certainly needed and sound science is certainly needed, but the sound science has not been put forward today, and this is not the place to be doing it. This is barely inside not being struck for being authorized on an appropriations bill, because all you are doing is limiting expenditures for specific crops.

I would say that this is exactly the wrong place, and the gentleman from Oregon (Mr. BLUMENAUER) ought to withdraw his amendment and work with the appropriate authorizing committees that are involved and interested in this as well as with the gentleman from North Carolina (Chairman TAYLOR) to come up with a solution that works and not try to not compromise, which is exactly what you are doing here.

You are trying to stuff this issue down the throats of the citizens of Eastern Oregon, and I would strongly oppose the amendment. The amendment would sacrifice farming families in the Klamath Basin by restricting the acres planted and restricting the options of families farming under the false premise of providing water for wildlife. You cannot replace some of the crops that you want to replace them with the crops that are being planted now because they are not as profitable. The farmers cannot make a living by having the government dictate to them what they should be doing. This is the wrong place with the wrong solution.

In reality, the Blumenauer amendment would provide less food and water for the millions of waterfowl that use the Klamath National Wildlife Complex in California and Oregon each year.

Congress itself has recognized the dual benefits of the leased lands, and I urge my colleagues to oppose this amendment.

Mr. BLUMENAUER. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Oregon (Mr. BLUMENAUER) is the only Member with time remaining, and he has 5 minutes.

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

Mr. Chairman, first two factual observations:

One, the distinguished chairman of the Committee on Agriculture suggested that we were going to be flinging these farmers off the 2,000 acres that are leased and denying them a way to earn a living. There are people in the Basin who are trying to lease their own private land right now. I have heard from them. In fact, they were in the gentleman from California's (Mr. HERGER) office yesterday. They have land to lease, but they are undercut in their efforts to lease their land because the Federal Government is leasing land at below-market rates.

Now if there is a dramatic demand to grow water-intensive crops, there are private lands that are available to be leased. Nobody has made the argument that there is not. I have heard from farmers down there who have land ready to lease and wonder why we are competing with them.

Second, several of my colleagues have said you are not saving any water because some of the things that you would permit to grow, if this amendment were enacted, actually consume more water. But what my friends did not tell you and, in fact, again, I had a farmer from the Basin yesterday in my office explaining why it is a savings of water, because they can take the water in the winter, charge the ground, do winter irrigation and the water is available for these serial crops in the summer. They do not have to irrigate during the summer when we do not have the water available.

So it is a net gain because it takes the water when it is plentiful, put into the ground, store it up for the summer. It helps recharge the groundwater, and it uses less water when the fish need it, when the Native Americans need it, when it is needed for recreation activities that are far more valuable than just the agricultural interests alone.

I agree with the gentleman from California (Mr. DOOLITTLE) that the Federal Government is the culprit. Absolutely. We have promised more water to the Native Americans, to the farmers, to the needs of endangered species

and wildlife, and it is time to stop pretending that we can blame it on somebody else.

I have watched people play politics in the basin. I have watched the sad spectacle when law enforcement officials said they could not enforce the law. And people play to inflame the attitudes and emotions. I think that is wrong. I think that is sad.

The problem in the basin is that the Federal Government has committed more than nature can produce, and for us to stop the nonsense of assuming that we can just be business as usual is the first step.

I commend my friend, the gentleman from Oregon (Mr. WALDEN) who has been working on this for years. I commend many of the issues that he wants to move forward in terms of dam removal and fish screens. I will support him. I will support major Federal investment to buy out willing sellers to reduce the water demand. Because unless and until we come face to face with the fact that we have promised more than we can deliver, we will be in this mess year after year after year.

This amendment will not throw any farmers off the land. In fact, the farmers in the district of the gentleman from Oregon (Mr. WALDEN) in the wildlife refuge do not irrigate. It will not affect the farmers in his district in the wildlife refuge. I wanted to make the point that it is not going to affect the farmers in the wildlife refuge in his district. The farmers that are in the Tule Lake area can go ahead. They can lease land if they want. But for the land that the Federal Government provides, it is time for us to face reality, limit the use away from water-intensive agriculture.

□ 1230

This is not trying to play the blame game. It is for the Federal Government to lead by example and stop leasing lands for water-intensive agriculture, allow the water to be used at a time when it is most plentiful. They can continue like they have in the other part of the refuge.

I strongly urge my colleagues to vote on a path towards a more sustainable future in the basin, cooperate where we can, but do not make it any worse by continuing to lease land in the refuge for water-intensive agriculture.

Mr. HASTINGS of Washington. Mr. Chairman, this amendment proposes that the House of Representatives arbitrarily declare what crops a farmer can and cannot grow.

I am concerned that this amendment is being sponsored by those who do not represent the areas affected—members who are from urban areas.

This amendment is opposed by those who represent the communities that will be affected, those people who are closest to the land, and those who care the most for the land because it is where they live and where they raise their children.

This amendment is targeted at the Klamath Basin—an area that has seen its farmers and entire economy devastated by actions taken by the federal government. I have traveled to the Klamath Basin and seen the effects firsthand.

I also represent two very large reclamation projects—including one of the largest in the country—and the success of these farmers comes from their hard work, the care they give the land and diversity of their crops.

Passage of this amendment would set a very bad precedent of the government stating what crops can be grown and which can't. The impacts of the amendment would directly harm farmers and communities. The precedent it is sets would be far-reaching and very detrimental.

I urge my colleagues to oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by 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. TAYLOR of North Carolina. 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. HERGER) having assumed the chair, Mr. LATOURETTE, 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. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

## LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2691 in the Committee of the Whole pursuant to House Resolution 319, no further amendment to the bill may be offered except: pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate and, the amendments printed in the CONGRESSIONAL RECORD and numbered 6, 15 and 16, each of which shall be debatable for 10 minutes;

The amendments printed in the CONGRESSIONAL RECORD and numbered 4 and 12, each of which shall be debatable for 20 minutes;

The amendment printed in the CONGRESSIONAL RECORD and numbered 1, which shall be debatable for 30 minutes to be allocated as follows: 10 minutes to the proponent, 15 minutes to the chairman of the Committee on Appropriations, and 5 minutes to the ranking minority member;

A substitute amendment by the gentleman from Utah (Mr. MATHESON) to the amendment numbered 1, which shall be debatable for 20 minutes;

An amendment by the gentleman from North Carolina (Mr. TAYLOR) to the amendment numbered 1, which shall be debatable for 10 minutes;

The amendments printed in the CONGRESSIONAL RECORD and numbered 2 and 9, each of which shall be debatable for 50 minutes to be allocated as follows: 15 minutes to the proponent, 25 minutes to the chairman of the Committee on Appropriations, and 10 minutes to the ranking minority member;

An amendment by the gentleman from California (Mr. GALLEGLY) regarding bear feeding, which shall be debatable for 10 minutes;

An amendment by the gentleman from Washington (Mr. INSLEE) regarding Forest Service regulations on roadless areas, which shall be debatable for 50 minutes; and

An amendment by the gentleman from Arizona (Mr. SHADEGG) regarding Forest Service land acquisition, which shall be debatable for 10 minutes.

Each such amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed, or a designee, shall be considered as read, shall not be subject to amendment, except as specified, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Each amendment shall be debatable for the time specified, and time on each amendment shall be equally divided and controlled by the proponent and an opponent, except as specified.

All points of order against each amendment shall be considered as reserved pending completion of debate thereon, and each amendment may be withdrawn by its proponent after debate thereon.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I would simply like to note a few facts.

This is a bill that I happen to oppose, and yet we are trying to work with the majority to speed up consideration of the bill because we think it would suit everyone's interests if the bill is completed around eight o'clock tonight rather than eight o'clock tomorrow morning.

I would also like to point out that at the request of the majority, we in the minority withheld amendments during the consideration of every appropriations bill so far at the subcommittee level except for one. We have also agreed to consideration of two bills, even though the GPO did not provide copies of the legislation as late as last Friday.

The military construction bill was completed in 1 hour, with procedural cooperation from both sides. The Department of Defense bill was completed in a similar length of time; and in the process, the minority also cooperated in bypassing the need to have a rule.

Three of the six bills that have been brought up so far have been brought up by unanimous consent, thereby saving everyone time in terms of the need to go to the Committee on Rules. Those unanimous consent agreements limited amendments and limited time for consideration of those amendments. So I think it is fair to say that we have helped the majority greatly run the trains on time, even if we have on occasion disagreed with the contents in the boxcars.

I simply wanted to take the time to point those facts out because of some of the comments that I have heard the last 3 days from some Members of the majority about the ''lack of cooperation'' from the minority. I think there has been extraordinary cooperation, even though we have differed with the number of bills; and even though, for instance, on the labor-health bill last week we voted unanimously in opposition to it, we still cooperated in accommodating the majority in terms of schedule.

So I simply want to take note of that. I am glad we have finally gotten to this UC. I do not have any objection to it; but Mr. Speaker, I wanted to make clear and put in the record what the facts have been with respect to cooperation between the two parties on these procedural matters.

Mr. TAYLOR of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Speaker, I would like to thank the ranking member for his cooperation and also the ranking member of the subcommittee for the cooperation he has shown in drafting this bill and on the floor of debate.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 319 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. 2691.

□ 1239

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. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. LATOURETTE 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. 14 by the gentleman from Oregon (Mr. BLUMENAUER) had been postponed.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate and the amendments printed in the CONGRESSIONAL RECORD and numbered 6, 15 and 16, each of which will be debatable for 10 minutes

The amendments printed in the CONGRESSIONAL RECORD numbered 4 and 12, each of which shall be debatable for 20 minutes;

The amendment printed in the CONGRESSIONAL RECORD and numbered 1, which shall be debatable for 30 minutes to be allocated as follows: 10 minutes to the proponent, 15 minutes to the chairman of the Committee on Appropriations, and 5 minutes to the ranking minority member;

A substitute amendment by the gentleman from Utah (Mr. MATHESON) to the amendment numbered 1, which shall be debatable for 20 minutes;

An amendment by the gentleman from North Carolina (Mr. TAYLOR) to the amendment numbered 1, which shall be debatable for 10 minutes;

The amendments printed in the CONGRESSIONAL RECORD numbered 2 and 9, each of which will be debatable for 50 minutes to be allocated as follows: 15 minutes to the proponent, 25 minutes to the chairman of the Committee on Appropriations, and 10 minutes to the ranking minority member;

An amendment by the gentleman from California (Mr. GALLEGLY) regarding bear feeding, which shall be debatable for 10 minutes;

An amendment by the gentleman from Washington (Mr. INSLEE) regarding Forest Service regulations on roadless areas, which shall be debatable for 50 minutes; and

An amendment by the gentleman from Arizona (Mr. SHADEGG) regarding Forest Service land acquisition, which shall be debatable for 10 minutes.

Each amendment may be offered only by the Member designated in the request, or a designee, or the Member who caused it to be printed, or a designee, shall be considered as read, shall not be subject to amendment, except as specified, and shall not be subject to a demand for a division of the question.

Each amendment shall be debatable for the time specified, and time on each amendment shall be equally divided and controlled by the proponent and an opponent, except as specified.

All points of order against each amendment shall be consider as reserved pending completion of debate, and each amendment may be withdrawn by its proponent after debate.

AMENDMENT OFFERED BY MR. SHADEGG

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHADEGG:

Add at the end (before the short title) the following new section:

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available in title II for ''DEPARTMENT OF AGRICULTURE-LAND ACQUISITION'', and increasing the amount made available for ''DEPARTMENT OF AGRICULTURE-WILDLAND FIRE MANAGEMENT'', which increase shall be available for hazardous fuels reduction activities, by $19,000,000.

The CHAIRMAN. Pursuant to the order of the House of earlier today, the gentleman from Arizona (Mr. SHADEGG) is recognized for 5 minutes in support of his amendment, and an opponent will be recognized for 5 minutes as well.

The Chair recognizes the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I want to begin by commending the gentleman from North Carolina (Mr. TAYLOR), the chairman of the Interior Committee on Appropriations, for his superb work in increasing funding for Forest Service wildland fire management by $82 million more than the budget request and for his advocacy for the use of those funds for hazardous fuels reduction. I also want to commend him for reducing at this point in time funding for Forest Service land acquisition. He has done an excellent job, and I commend him for the product he has produced.

I want to carry that one step further, and I want to carry it one step further because we face a crisis in this Nation. America's forests are burning to the ground, and they are burning to the ground because they are occupied by excessive vegetation. They are, according to every knowledgeable expert in the country, grossly overgrown, too dense; and that is leading to a condition not only of wildfires but of disease that is destroying those forests.

In my State of Arizona, we are losing 800,000 acres of land to disease because of this overgrown condition.

My amendment is simple and straightforward. It takes $19 million from the Department of Agriculture Lands Acquisition Fund, and it transfers that $19 million to the Department of Agriculture Wildland Fire Management Fund, and it makes that money available for hazardous fuels reduction activities, that $19 million dollar.

Mr. Chairman, we are in dire straits. A report by the GAO in 1999 predicted that we have 39 million acres at high risk. Last year alone, 6.9 million acres of those forests burned to the ground at a firefighting cost of $1.6 billion. The experts tell us that the 10-year average

of forests burned to the ground is 4.2 million acres per year.

Dr. Wally Covington of Northern Arizona University has predicted that if we do not do something to treat these forests, an additional 5 to 10 million acres will burn every single year. This condition cannot continue.

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from North Carolina (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

I reluctantly rise to oppose the gentleman's amendment. I know he has been a leader in trying to provide funds in this project, and I would say that he has been successful in many ways.

The decision was made to make sure sufficient funds were made available for forest health and backlog maintenance. At the same time, limited land acquisition funds are available for the most critical inholdings and to manage the projects that are currently underway.

□ 1245

We provided $20 million above the President's request, and we hope to continue to work in this basic area of forest health and backlog maintenance.

So I must oppose the gentleman's amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, let me say, first of all, that I have great respect for the gentleman who offered this amendment. I know he is dedicated on the issue of firefighting.

As the chairman mentioned, however, we have added a significant amount of money and there will be a supplemental on the floor next week of $289 million for fire as well. And I just think that we have taken this land acquisition part of the Forest Service budget down from $132 million to about $29 million, and this would be another $19 million. You could not even run a program out of this. And if they need the money, they probably could borrow it anyway.

So I would argue that this is not an appropriate offset. I would urge the gentleman to consider adding this to the supplemental. If he wants to add additional money to the supplemental to reimburse the government for the money it borrowed from a lot of these accounts, the supplemental is coming up next week. This should be emergency. If the gentleman was offering it as an emergency measure, not taking an offset out of land acquisition, I could support it; but I cannot support the amendment as it is currently drafted.

Mr. Chairman, I hope these suggestions are beneficial.

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

I appreciate the supportive remarks of my colleagues on the opposite side of this issue. I simply believe this is critical. The issue I raised a year ago was additional funds for firefighting. The issue I am raising, however, this year has to do with hazardous fuels reduction. I believe that this committee has done a superb job in fighting to get the funds to fight fires, but we must reduce the fuel load in our forests.

In Arizona alone, the Rodeo Chedeski fire last year consumed 469,000 acres. This year's Aspen fire has already consumed 80,000 acres. In my State alone, this year, we have lost 140,000 acres. And in the Nation we have lost 1 million acres. I am not fighting for funds to fight fires. I agree with the gentleman and will support efforts for funding to fight fires. I am talking about fuels reduction.

We have millions of acres, tens of millions of acres of overgrown forests in this country due to mistaken policies of the past. We need to thin those forests, to treat those forests. The Governor of Arizona has asked for emergency funding to treat the forests in Arizona. She says the urgent need is $116 million. The need to treat all of the forests in just my State of Arizona is $700 million. There are 32 large fires burning in the West as we speak. Seven of those fires are burning in the State of Arizona, and over 20,000 acres in my State are burning as we debate this issue right now.

The issue is not fighting fires. I already referred to the $1.6 billion we spent last year to fight fires. We do not have enough money to fight all these fires. We must treat these forests so that we do not have the fires to fight. And the only way we can treat these forests is to move dollars into the fund that allows the treatment of forests, and that is the fund I have sought to move them into. We must have hazardous fuels reduction. This is a mere $19 million, but it will help in the effort.

And with those who are concerned about land acquisition, I want to make it very clear that we have left a substantial amount of money, millions of dollars, in the land acquisition fund, because I understand there are important land acquisitions and inholdings, as the chairman talked about. I intentionally did not gut that fund or leave it empty. We did, however, say that we must recognize the catastrophe that our Nation faces. If we do not reduce the fuel load in these forests, if we do not make it so these fires do not burn so intensely, and if we do not treat them, and there is a debate over whether we should treat just the wildland urban interface or the inner part of the forest itself, that debate is beyond the issue of my amendment, my amendment says we have a crying need across America.

I would suggests that the statistics tell us that with 39 million acres at high-risk, and burning 6.9 million acres per year, as we did last year, in 5 years there will be no forests left to debate. Those 39 million acres will be gone. It seems to me that this is a modest effort to look at the critical need of treating hazardous fuels reduction in our forests. I urge my colleagues to support this amendment.

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

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.

AMENDMENT OFFERED BY MR. GALLEGLY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GALLEGLY:

At the end of the bill (before the short title), insert the following new section:

SEC. 3___. None of the funds made available by this Act may be used by the Forest Service or the Bureau of Land Management to administer any action related to the baiting of bears except to prevent or prohibit such activity.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. GALLEGLY) and a Member opposed each will control 5 minutes.

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

Mr. GALLEGLY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise today to offer an amendment to the interior appropriations bill. My amendment prohibits the Bureau of Land Management and the Forest Service from using funding for the purposes of allowing bear baiting on Federal lands.

I think it is important to mention that my amendment does not increase funding in this appropriations bill. Baiting is an unpopular and increasingly discredited method of bear hunting. States that have banned bear baiting have not experienced any wildlife management problems stemming from the prohibitions. Actually, bear hunting participation has increased after States adopted baiting bans.

Baiting is a practice unpopular with Americans, including hunters, largely because it runs against the norm of fairness and sportsmanship and against the widely recognized wildlife management principle that it is dangerous to make human foods available to bears. Most people believe it is unfair, unsportsmanlike to lure a bear with food and then shoot the animal while he or she is gorging on food.

The four major land management agencies have endorsed the ''Leave No Trace'' public awareness campaign which warns that people should never feed wild animals. The campaign materials say feeding wildlife damages their health, alters natural behaviors, and exposes them to predators and other dangers. In this same publication, Federal agencies address waste disposal in the woods, saying: ''Pack out all trash and garbage, including leftover food.'' Specifically, the National Park Service and Fish and Wildlife Service ban baiting, and my amendment would ensure the same no-feeding standards apply to other Federal lands by precluding the use of funds to encourage the practice of baiting.

Allowing bear baiting is inconsistent with these declarations. It just makes no sense to think that providing food to bears is wrong except if feeding is associated with hunting. If it is wrong to set out food to lure bears for picture-taking or just to watch the bears, surely it is also wrong to lure bears with jelly donuts and rotting animal carcasses for the purpose of shooting them.

I ask my colleagues to support this amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. MORAN), and I ask unanimous consent that he be allowed to control that time.

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

There was no objection.

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

Mr. POMEROY. Mr. Chairman, I claim the time in opposition, and I yield 1 minute to the gentleman from North Carolina (Mr. TAYLOR), the chairman of the subcommittee.

Mr. TAYLOR of North Carolina. Mr. Chairman, I oppose the amendment. The question is a question of States' rights and management of wildlife populations. The States have broad responsibility and authority over resident fish and wildlife, including fish and wildlife found on Federal lands within a State. Congress has reaffirmed this authority through numerous acts.

States must be allowed to effectively manage resident wildlife populations. This is an authorizing issue and a States' rights issue and this provision does not belong in an interior appropriations bill. So I must urge defeat of this amendment.

Mr. POMEROY. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL), the ranking member on the Committee on Resources.

Mr. RAHALL. Mr. Chairman, I thank the distinguished chairman of the Committee on Resources for yielding me this time.

The gentleman from New Jersey (Mr. HOLT) and I plan to offer an amendment soon dealing with an issue involving Yellowstone National Park. This morning, two Members who are in the majority are quoted as complaining in a newspaper report that we are being unfair because this matter should be debated in the Committee on Resources rather than as a rider to an appropriations bill.

I would note that we in the minority are forced to use this tactic. We are in the minority. The majority will not give our issue the time of day in the Committee on Resources. The Members making this allegation should know better. They are in the majority. They know that the Committee on Resources will not hear or consider our issues.

The situation is different with this particular amendment from the gentleman from California. He had every opportunity for the Committee on Resources to consider this matter. In fact, the bill was scheduled for committee consideration this past Tuesday. The chairman of the committee, the gentleman from California (Mr. POMBO), scheduled his bill; yet he came to the committee and had it withdrawn.

So I am going to vote against this amendment, and I am voting against it on the process that is being used. Perhaps then those two Members who took issue with my amendment and the amendment of the gentleman from New Jersey and the tactics that were used will recognize there is a difference. So we are being forced to offer amendments to an appropriations bill because we are not in the majority.

Mr. MORAN of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. GALLEGLY) to respond to the last speaker's comments for the record here.

Mr. GALLEGLY. Mr. Chairman, in response to the comments of the gentleman from West Virginia (Mr. RAHALL) about the bill being withdrawn on Tuesday, basically we had 1-day notice, and there were several Members that wanted to be there and could not.

In fact, the chairman had, at the beginning of the markup, acknowledged that he was withdrawing several bills that day because Members were not present to vote for the bills. That one was not on his list of bills to be withdrawn that day.

And so I ask that that be added to for the record.

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

Mr. POMEROY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, let me just say that I rise in strong opposition to this amendment. It has traditionally been the right of the States to determine what hunting methods can and should be used for wildlife management purposes.

New Jersey is in a unique position, being the most densely populated State in the country and having a very fast-growing bear population at the same time. Our State is in dire need of this management tool. As a matter of fact, the Wall Street Journal reported this week, and I quote: ''The New Jersey Fish and Game Council voted to allow the State's first black bear hunt in 33 years. Officials will hand out 10,000 bear permits in hopes of making a dent in the bear population that has been ransacking garbage cans, breaking into houses, killing livestock and mauling residents.''

This is a very, very serious issue, Mr. Chairman. And for the rights of the residents of New Jersey and the nine States that currently allow bear baiting, this amendment goes too far in the wrong direction.

Mr. POMEROY. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I rise in strong opposition to this amendment. First of all, I do not believe the amendment has any practical effect. There are no funds currently expended by the Forest Service or Bureau of Land Management in regards to the bear baiting that is going on, but there is a larger issue at stake.

This amendment would overturn over 200 years of Federal precedents of deferring to State agencies, State wildlife experts, and the people of the States in the management of their own wildlife herds. Nine States choose to allow bear baiting because it is the most effective and humane manner of managing bear populations where it is very difficult to go in and hunt them anyway.

We have had cases in northern Wisconsin where bears are walking into towns, walking into public school yards because their population is exploding. If you take this management tool away from States like Wisconsin, like Michigan, like Minnesota, we fear there is going to be an explosion of the bear population and an unnecessary risk to children's lives and other people's lives.

□ 1300

Mr. Chairman, I think we should stay true to historical precedent. The Federal agencies have deferred to the States on this issue. That is how it has been for 200-plus years. That is how it should remain. I encourage my colleagues to oppose this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, the gentleman who preceded me talked about the threats to the population if we do not have this practice. It has not happened in my State. We banned this practice.

Real sportsmen do not bait bears. In Oregon, what has happened is actually three times as many people have bought hunting licenses to hunt bears. So, actually, the bear harvest, if Members want to call it that, is up in Oregon because real hunters are out there, not the guys sitting around waiting for the bears to come and feast on what they are being baited with.

Mr. MORAN of Virginia. Mr. Chairman, how much time remains on both sides?

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) has 2 minutes; the gentleman from California (Mr. POMBO) has 1 minute.

Mr. POMBO. Mr. Chairman, I have one additional speaker, and I reserve the right to close.

The CHAIRMAN. The gentleman from Virginia (Mr. MORAN) has the right to close.

Mr. MORAN of Virginia. Mr. Chairman, if that is the case, I reserve my right to close.

PARLIAMENTARY INQUIRIES

Mr. POMBO. Parliamentary inquiry, Mr. Chairman. Does not the Member defending the committee position have the right to close?

The CHAIRMAN. The proponent of the amendment, the gentleman from California (Mr. GALLEGLY), yielded his time to the gentleman from Virginia (Mr. MORAN); and as the proponent of the amendment he has the right to close.

Mr. MORAN of Virginia. Mr. Chairman, I reserve the right to close.

Mr. POMBO. Mr. Chairman, does the committee position have the right to close?

The CHAIRMAN. Under clause 3(c) of rule XVII, the gentleman from California (Mr. POMBO), not being a Member of the Committee on Appropriations, does not qualify as a member of the committee defending the committee position, so it is the proponent's right to close.

The proponent of the amendment has transferred the balance of his time to the gentleman from Virginia (Mr. MORAN).

Mr. POMBO. Parliamentary inquiry, Mr. Chairman. If I yield the balance of my time to the chairman of the Subcommittee on Interior and Related Agencies, do we have the right to close?

The CHAIRMAN. That would not represent the requisite unbroken line of committee affiliation in opposition.

Mr. POMBO. Mr. Chairman, I yield the balance of my time to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I rise to oppose this amendment, and I think it is maybe the right timing because the gentleman before me said real hunters do not bait bears.

I would like to say, in Minnesota, I was a sponsor of the bill that created a season and made the bear a big game animal. We are having trouble controlling the population in spite of the fact that we issued two permits last year to every hunter, and this year we did not sell all of the licenses. We have three times as many bears now as we did back when they were not protected.

In Minnesota, last year, we shot 2,915 bears; 2,900 were shot over bait. The only way a bear can be shot in the northern climates like Minnesota is over bait. There is no other way hunters are going to do that. If we pass this legislation, the bears are all in the Chippewa and Superior National Forests, we will eliminate the ability for us to control our population. Our DNR is very much opposed to this. It will take away the chance for us to manage this population, and it will cause all kinds of trouble with folks that live up in that area. The bears are starting to move out in the private areas. I very much oppose this amendment and hope it is defeated.

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

Mr. Chairman, I thank the gentleman from California (Mr. GALLEGLY) for his leadership on this issue.

This is a poster paid for by the U.S. Department of Agriculture Forest Service. This one happens to be distributed jointly with Arizona and New Mexico's Departments of Game and Fish. It says, ''Just Be Bear Aware,'' and the reason it says ''Don't feed bears'' is because most conflicts between humans and bears arise as a result of human-supplied food. It says, ''Remember, a fed bear is a dead bear.''

This is all about safety to the public. The reason why we do not want bears to be fed is that they become nuisances, they become a threat to property and particularly to people. That is Federal policy. All we are trying to do in this bill is to make sure that Federal policy is consistent, it is consistently in the public interest. There is no difference between bear baiting and bear feeding. That is what this amendment says.

The fact is that bait sites typically consist of pastries, junk food, the kinds of foods you typically find at camp sites and dumpsters. Once acclimated to those human foods, bears become aggressive in approaching campers, park visitors, and they migrate to those areas where those kinds of treats can be found. That is what leads to property damage, attacks on people, and the bears being shot as nuisance animals.

The gentleman from Minnesota (Mr. PETERSON) said they cannot continue hunting without bear baiting, but I cannot believe that the bears in Minnesota are that different from the bears in Oregon and Washington and the 41 other States which banned this practice.

Mr. HAYES. Mr. Chairman, I rise in strong opposition to this amendment. As a cochair of the Congressional Sportsmen's Caucus, I am here to strongly urge members to vote against this measure that seeks to ban bear baiting.

As it has been discussed during the Resources Committee hearing and during the committee markup on Tuesday, a ban on bear baiting would set an extremely dangerous precedent of the Federal Government preempting the authority of the States to manage wildlife.

The State fish and wildlife agencies have the authority and responsibility of managing wildife and have an excellent record in years past, especially in regards to bear management. This authority includes most Federal public lands with the exception of National Parks, and has been repeatedly affirmed by Congress in acts such as the National Forest Management Act, Federal Land Policy and Management Act, National Wildlife Refugee System Improvement Act and Sikes Act, to name a few.

Baiting has always and continues to be a method of controlling wildlife population levels beyond just bears. Currently, nine States—Alaska, Idaho, Maine, Michigan, Minnesota, New Hampshire, Utah, Wisconsin, and Wyoming—allow regulated baiting as a method of hunting bears and would be severely impacted by this legislation. If these State wildlife agencies feel that here baiting is not necessary to help regulate the population, they are much better equipped to make that decision than the Federal Government.

As a fellow sportsman and a strong believer in State's rights, I strongly encourage members to support the State wildlife agencies and their successful and positive roles they play in wildlife management. At no time in history has Congress selected an individual species for Federal management and there is absolutely no reason that it should start now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GALLEGLY).

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

Mr. GALLEGLY. 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 California (Mr. GALLEGLY) will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. RAHALL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. RAHALL:

At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds made available by this Act may be used to kill, or assist others in killing, any Bison in the Yellowstone National Park herd.

The CHAIRMAN. Pursuant to the order of the House earlier today, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed each will be recognized for 10 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. RAHALL).

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

Mr. Chairman, I have an amendment today to halt the slaughter of bison in Yellowstone National Park. The bison is a symbol of America. Like the monuments on our National Mall or the dome on this Capitol building, the bison is an American icon. These magnificent beasts are woven into the fabric of our culture, not to mention being sewn onto the fabric of every uniform worn by an employee of the Department of Interior.

After a century of wanton slaughter, we have a small herd in Yellowstone

National Park, the last remaining example of the purebred, free-roaming bison left in this country. Is it any wonder then that the American public looks on in horror at footage of employees of the United States Department of Interior participating in the slaughter of Yellowstone bison? The general public is under the impression that these animals are being sheltered and protected by the Federal Government, not rounded up and shot. But the numbers tell the awful story: This year alone, the Department of Interior participated in the slaughter of 244 Yellowstone bison. On average over the last decade, 250 of these wild animals have been shipped off to slaughter or shot on site every year. The obvious question is why? Why is the Department of Interior murdering its beloved mascot?

Should this picture be the new seal of the leading conservation agency in this country? Instead of a bison standing tall and proud on the seal of the Department of Interior, it is indeed dead, on its back, legs standing stiffly in the air.

The reason these bison are being slaughtered lies in the Department's decision to pander to a single State's deadly approach to wildlife management. During the harsh winter months, bison migrate out of Yellowstone National Park to lower elevations in a desperate attempt to avoid starving to death.

Once they leave the park, they can come into cattle grazing on public and private land; and some of the bison may carry a disease which can be dangerous to cows. But here is the critical point: The transfer of this disease from bison to cattle has never happened in the wild. Never happened. Yet one State and only one which borders Yellowstone insists that the only means to deal with a theoretical possibility that it might happen is to pursue an automatic death sentence for any bison that steps one hoof onto the invisible park boundary. Talk about using a sledgehammer to kill a flea. Under current policy, simply being a bison in Montana is a capital crime, punishable by death.

Perhaps most shocking of all is that most of the bison are not even tested, not even tested to see if they actually carry the disease before they are being sent to their deaths. The truth is, this State is caught in a time warp. Despite the fact that we have entered a new millennium, this particular State is still pursuing wildlife management policies that were popular in the 1800s. Moreover, this State has demanded and the Department of Interior has agreed to help this State implement its approach to wildlife management by helping them shoot bison. That must stop.

The National Park Service is one of the foremost conservation agencies in the world. It should not be required to kill the very wildlife they are sworn to protect. If adopted, this amendment will prohibit the use of any funds in this bill to kill or assist others in killing these magnificent animals. This is a very narrow amendment. If Montana wants to continue to slaughter bison as if they were still living in the old West, this amendment will not stop them. However, the Federal agencies funded in this bill, agencies with a conservation mandate, will not help them do their dirty work.

The Federal conservation agencies funded in this bill will continue working within the existing bison management plan to address the theoretical threat of disease through hazing and capture of bison, through development of a vaccine for both cattle and bison, and through the use of other tools. But the tools they use will no longer be lethal.

This is a very simple amendment. Members either support slaughtering Yellowstone bison or they do not. We know the American people do not support the slaughter of this icon of America, just as they would not support the slaughter of the bald eagle. There is no good reason for this killing, and I urge my colleagues to adopt this amendment.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from North Carolina (Mr. TAYLOR) is recognized for 10 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, none of us are comfortable with this issue, but let me provide Members with some facts.

A record of decision was signed on December, 2000, by then Secretary of Interior Bruce Babbitt, the Secretary of Agriculture Dan Glickman, and the Governor of Montana. This document was a long-term plan for bison management in this region.

The main objectives were to maintain a free-ranging bison population and manage the risk of transmission of diseases from bison to cattle. Both the State and the Park Service have specific responsibilities under this agreement.

When we have bison outside the park, bison are captured, tested and some are shipped to slaughter. On occasion, bison resist the capture or hazing and are shot. During the winter of 2002, there was a dangerous situation of this kind involving one bison bull. At the request of Montana, an interagency team, including the Park Service, shot the bull.

□ 1315

Mr. Chairman, I yield 3 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, I do not understand why some Congressmen continue to offer amendments about issues that they truly do not understand, that they have never observed, nor have they ever participated in the solution to a problem that exists. The States of Wyoming, Idaho, Montana and the United States Departments of Agriculture and Interior have worked very hard over the past decade to protect and sustain the existing free-ranging elk and bison populations while still protecting the economic interests of the livestock industries in these States.

My colleague from West Virginia made the statement that it has never been proven that brucellosis has spread from bison to cattle. That is simply not true. My colleague from Montana will go further into that explanation. Controlling brucellosis is a delicate balancing act for all parties involved. We need to address the needs of each of the environment, Federal and private stakeholders. Bison numbers are nearly at capacity for the range in the parks and surrounding areas, and those herds must be managed. We must actively manage the herd consistently with the greater ecosystem management plan which has been established by stakeholders and the Departments and we have to employ sometimes the unfortunate use of reduction methods. To not do so would upset the balance of the Greater Yellowstone ecosystem. That is something that certainly my colleague from West Virginia would not want to happen.

The gentleman from West Virginia's amendment would make the decade-long efforts of public and private stakeholders in vain by limiting the use of Federal funds to aid the Park Service in managing the reduction of bison. I would much prefer the sponsor of this amendment begin attending the Greater Yellowstone Interagency Brucellosis Committee meetings as my staff does and learn the complexity of these issues and the limitations of reasonable solutions rather than enacting knee-jerk legislation that those of us in the surrounding communities have to then live with. By taking one of the Park Service's tools out of their tool box in bison and brucellosis management, this amendment reduces our ability to effectively control the bison herd at a time when its numbers are reaching maximum capacity.

This amendment will not reduce the reduction of bison leaving Yellowstone and Grand Teton parks. Merely the surrounding States will then have to take a more active role in reduction of their activities. This is nothing more than feel-good legislation that ignores all of the facts, all of the stakeholders' concerns and the real world.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, we must stop the Park Service from killing Yellowstone National Park's buffalo. More than any other animal, the American buffalo is a wildlife icon of the United States. The buffalo is the symbol that represents the Department

of the Interior. The buffalo is profoundly significant to Native American cultures and perhaps more than any other wildlife species has influenced our history.

In the late 19th century, buffalo were nearly exterminated. After tens of millions of buffalo were killed, only 200 wild buffalo remained in the Nation and all were located in Yellowstone National Park. Due to poaching, their numbers were reduced to 25 by the turn of the last century. The offspring of the 25 survivors, today's Yellowstone National Park buffalo, comprise the only wild, free-roaming buffalo to continually occupy their native habitat in the United States. Yet the Yellowstone buffalo herd is still under assault. Since 1984, nearly 3,700 buffalo have been killed in Montana. This past winter, 244 buffalo were killed by the Federal and State agencies, including 231 captured and slaughtered by the National Park Service. The Department of the Interior does this under the guise of preventing the spread of brucellosis to cattle.

Here are the facts. There has never been a confirmed incidence of brucellosis transmission in the wild from buffalo to cattle. This risk is so low as to be determined to be immeasurable by the 1998 report from the National Research Council of the National Academy of Sciences. 13,000 Yellowstone elk, some of which harbor brucellosis, are allowed unfettered access to Federal land outside the park. Buffalo with brucellosis and cattle have grazed together for over 50 years in the Jackson Hole area south of Yellowstone with no incidence of disease transmission. Despite these facts, the National Park Service spends taxpayer dollars to kill buffalo in an attempt to keep them unnaturally confined within Yellowstone.

Later this year I will introduce a bill that provides a comprehensive solution to this issue. But until the bison herd can freely roam on key low-elevation habitat on national forest land adjacent to the park like any other wildlife, without triggering hazing, capture or killing, the Park Service should be protecting this wildlife icon in Yellowstone Park and managing them in a nonlethal manner. The Rahall amendment will do this. I urge its adoption.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, the last speaker and the sponsor of this amendment act like nothing has been done over the last few years to try and manage the herds within Yellowstone Park. I can say that that is the farthest thing from the truth. This is 10 years of hard work. We have had agencies that disagreed, we have had States that disagreed, we have gone to court and sued each other and finally through the good sense of the Clinton administration and Bruce Babbitt, they signed a memorandum of understanding on the management of the park bison and they took it out of the court. In fact, they took it to court, and the court agreed with this memorandum of understanding.

To make the statement that it has never been passed in the wild, that is ludicrous. You cannot manage something like that because you would have to see the cow lick the aborted fetus of the bison and then immediately kill the cow and test it. We do have proof that brucellosis has been passed from bison to elk. We do have proof that in captivity brucellosis has been passed from bison to cattle.

This is also a human health issue. There are people all over this country and in the State of Montana that carry undulant fever, brucellosis; and they get it from these animals. The Public Health Security and Bioterrorism Preparedness and Response Act of 2002, which we passed and was signed by our President, the act specifies that the Secretary of the Department of Health and Human Services establish and maintain a list of biological agents and toxins that have the potential to pose a severe threat to public health and safety.

I turn to page 1. There are only seven bacteria in this bioterrorism alert. Brucellosis is number two on the list. Anthrax is number one. This is a health issue. This is a management of the health of the bison issue. The National Academy of Sciences had a study that was released a number of years ago that said the carrying capacity of the park is being exceeded. It has a capacity somewhere between 1,700 and 3,500 bison. As of last week, there are 4,045 bison on the park premises and leaving during the winter. The riparian damage that they do, the damage that they do to the very environment we are trying to protect in the national park is one of the reasons that we signed this memorandum of understanding with the Federal Government. We finally came to a compromise. We finally took it out of the court.

This amendment turns back 10 years' worth of compromise, 10 years' worth of consensus. Take it to a committee, bring it back to a discussion; but do not undercut the process creating a human health danger, a herd health danger, and danger to the environment of the national park. This amendment must be defeated.

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

Let me say once again that the bison is an American icon. In my own home State of West Virginia, at Marshall University, the football team's mascot is the bison. They are the Thundering Herd. Nobody slaughters that Thundering Herd just as nobody should slaughter the Yellowstone herd.

Are there alternatives? Yes. There are alternatives for dealing with diseased bison. It is not that difficult. Contrary to what the State claims, it does not require shooting them. We support continuing efforts to keep bison from having any contact with cows through the use of hazing and capturing bison when necessary. We support continued and improved testing to determine precisely how many bison actually have the disease. We support allowing bison which test positive to be quarantined either within the park or on any of the many Indian reservations where a tribe has contacted the Secretary volunteering to take possession of bison. All of these activities and more are allowed under the Rahall amendment. The only thing that is prohibited is killing these animals.

As far as the counter to our claim that there has never been a documented instance of a cow catching the disease from a bison, in the wild, it has never happened. I stress what we are saying here is in the wild. It is only a theory. If this concern were indeed serious, then bison would not be allowed to cross the southern park boundary and mingle with cattle in Wyoming, nor would elk, which also carry this disease, be allowed to leave the park and mingle with the cattle in Montana and Wyoming. None of this has led to an outbreak. The numbers regarding how many bison have the disease are inflated and unproven because under current practice most of them are not even tested before they are slaughtered. No one really knows how many bison have this disease.

In conclusion, Mr. Chairman, let me say that the Department of the Interior should not be out slaughtering an animal that they are in charge of protecting. This is not a difficult problem with which to deal. There are alternatives available. This amendment allows those alternatives to be pursued. The American bison is to our culture just like the bald eagle is the very icon of our American way of life. Let us protect that icon, and let us stop the slaughter of bison in Yellowstone.

I urge the adoption of the amendment.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong opposition to this amendment, which I do not think makes any sense. It provides, ''None of the funds made available by this act may be used to kill or otherwise assist in killing any bison in the Yellowstone National Park herd.'' The national park herd is not controlled by the Congress. Nature takes care of the size of that herd. If it grows too large, if we have a situation where bison are starving in the national park because there is not enough land to take care of this ever-increasing-size herd, leave aside the debate about brucellosis and human health which I will address in a second, you have a very serious limitation on doing anything.

Secondly, the State of Montana has indicated that they are going to gather

up these bison that get off of the park and slaughter them. So now you have created a situation where the people responsible for taking care of them cannot have any cooperation with those who want to slaughter them and you are going to break down the scientific ability to make a sensible decision about when they should be slaughtered and when they should not.

Brucellosis is a highly contagious reproductive disease that affects cattle, bison, and swine by causing abortions, infertility, and lowered milk production. The disease is also transmissible to humans. Brucellosis is not a natural disease for bison. The disease was introduced into the bison herd when infected cattle arrived into North America and then infected the bison. To conclude that it is not going to work going back the other way, I think, is not sound science. We are rapidly approaching eradication of brucellosis from the U.S. cattle herd. The Yellowstone bison herd represents the last significant reservoir of brucellosis in the U.S.

The Rahall amendment would interfere with the eradication of brucellosis in the Greater Yellowstone area. For the health of our cattle herds and our bison herds, oppose this amendment. An interagency bison management plan has been developed, approved and is being implemented to deal with this situation. It is imperative that the National Park Service employees be allowed to continue to play their integral role in eradicating brucellosis. The response to the problem that the gentleman has identified of wanting to protect bison wherever possible is not enhanced by this amendment. This amendment is not based upon sound science. It is not based upon a commonsense approach to both protecting the interests of the State and the interests of those who are very concerned about the bison in our national park.

I urge my colleagues to oppose this amendment.

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 noes appeared to have it.

Mr. RAHALL. 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.

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. 10 offered by the gentlewoman from New York (Ms. SLAUGHTER); amendment No. 18 offered by the gentleman from Oregon (Mr. DEFAZIO); the amendment offered by the gentleman from Colorado (Mr. HEFLEY); amendment No. 17 offered by the gentleman from Colorado (Mr. TANCREDO); amendment No. 14 offered by the gentleman from Oregon (Mr. BLUMENAUER); and the amendment offered by the gentleman from Arizona (Mr. SHADEGG).

The amendment offered by the gentleman from California (Mr. GALLEGLY) and amendment No. 4 offered by the gentleman from West Virginia (Mr. RAHALL) will be taken at a later time.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

□ 1330

AMENDMENT NO. 10 OFFERED BY MS. SLAUGHTER

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Ms. SLAUGHTER:

Page 21, line 3, after the first dollar amount, insert ''(reduced by $6,000,000)''.

Page 47, line 6, after the dollar amount, insert ''(reduced by $3,000,000)''.

Page 91, line 22, after the dollar amount, insert ''(reduced by $6,000,000)''.

Page 128, line 7, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 128, line 11, after the dollar amount, insert ''(increased $10,000,000)''.

Page 128, line 23, after the dollar amount, insert ''(increased by $5,000,000)''.

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 225, noes 200, answered ''present'' 1, not voting 8, as follows:

[Roll No. 376]

AYES—225

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gonzalez
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Reynolds
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—200

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McIntyre
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)

Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Sherman

NOT VOTING—8

Berkley
Brady (TX)
Ferguson
Gephardt
Janklow
Jefferson
Millender-McDonald
Turner (OH)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are reminded there are 2 minutes remaining on this vote.

□ 1350

Mr. TAUZIN and Mr. HILL changed their vote from ''aye'' to ''no.''

Ms. WATERS and Mr. SIMMONS changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MCHUGH. Mr. Chairman, on rollcall vote No. 376 I inadvertently cast a ''nay'' vote. I had intended to vote ''aye.''

Stated against:

Mr. BRADY of Texas. Mr. Chairman, on rollcall No. 376 I was inadvertently detained. Had I been present, I would have vote ''no.''

Mr. PORTMAN. Mr. Chairman, on rollcall No. 376 I inadvertently voted ''yes.'' I meant to vote ''no.''

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT NO. 18 OFFERED BY MR. DEFAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 18 offered by the gentleman from Oregon (Mr. DEFAZIO) 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 184, noes 241, not voting 9, as follows:

[Roll No. 377]

AYES—184

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clyburn
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Doggett
Doyle
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Franks (AZ)
Frost
Gallegly
Gonzalez
Gordon
Graves
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayworth
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McInnis
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Porter
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shadegg
Sherman
Skelton
Slaughter
Smith (NJ)
Solis
Stark
Strickland
Stupak
Tancredo
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—241

Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emanuel
English
Everett
Feeney
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Houghton
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Keller
Kennedy (MN)
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McGovern
McHugh
McKeon
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Schrock
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (TX)
Upton
Visclosky
Vitter
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Berkley
Clay
Ferguson
Gephardt
Hunter
Janklow
Jefferson
Millender-McDonald
Turner (OH)

□ 1359

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) 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 81, noes 341, not voting 12, as follows:

[Roll No. 378]

AYES—81

Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Blackburn
Brady (TX)
Burgess
Buyer
Cannon
Carter
Chocola
Coble
Collins
Costello
Cox
Crane
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeMint
Diaz-Balart, M.
Doggett
Duncan
Feeney
Flake
Forbes
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Graves
Green (WI)
Gutknecht
Hefley
Hoekstra
Hunter
Hyde
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Kennedy (MN)
King (IA)
Kirk
Lewis (KY)
Linder
Manzullo

McCotter
McInnis
Miller (FL)
Miller, Gary
Musgrave
Norwood
Otter
Oxley
Paul
Pearce
Pence
Petri
Pitts
Ramstad
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (MI)
Smith (WA)
Stearns
Tancredo
Taylor (MS)
Terry
Toomey
Wilson (SC)

NOES—341

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Clay
Clyburn
Cole
Conyers
Cooper
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Inslee
Israel
Issa
Istook
Jackson (IL)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Berkley
Ferguson
Gephardt
Herger
Jackson-Lee (TX)
Janklow
Jefferson
Millender-McDonald
Nunes
Pelosi
Sandlin
Turner (OH)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote, 2 minutes.

□ 1407

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HERGER. Mr. Chairman, on rollcall No. 378 I was inadvertently detained. Had I been present, I would have voted "aye."

Stated against:

Mr. NUNES. Mr. Chairman, on rollcall No. 378, do to a technical malfunction, by vote did not register. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Chairman, I was unavoidably detained off the floor of the House during the recorded vote of the Hefley amendment, which was to cut the Interior appropriations by 1 percent. On that amendment, I would have voted ''no.''

PERSONAL EXPLANATION

Mr. TURNER of Ohio. Mr. Chairman, on rollcall Nos. 376, 377, and 378 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 17 OFFERED BY MR. TANCREDO

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 17 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 CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 112, noes 313, not voting 9, as follows:

[Roll No. 379]

AYES—112

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Blackburn
Bonner
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Cannon
Cantor
Carter
Chabot
Coble
Cox
Crane
Cubin
Culberson
Cunningham
Davis, Jo Ann
DeFazio
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Duncan
Emerson
Feeney
Flake
Forbes
Franks (AZ)
Gallegly
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hostettler
Hulshof
Hunter
Hyde
Isakson
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McInnis
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Otter
Paul
Pence
Petri
Pitts
Pombo
Putnam
Renzi
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Skelton
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Thornberry
Tiahrt
Toomey
Vitter
Wamp
Weldon (FL)
Weller
Wilson (NM)
Wilson (SC)
Young (AK)

NOES—313

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Bass
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chocola
Clay
Clyburn
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood

Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Simpson
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—9

Berkley
Ferguson
Gephardt
Istook
Janklow
Jefferson
Millender-McDonald
Pelosi
Strickland

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote, 2 minutes.

□ 1414

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MR. BLUMENAUER

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 14 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 197, noes 228, not voting 9, as follows:

[Roll No. 380]

AYES—197

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berman
Berry
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Houghton
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wynn

NOES—228

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Etheridge
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hooley (OR)
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—9

Berkley
Buyer
Ferguson
Gephardt
Hoyer
Janklow
Jefferson
Millender-McDonald
Pelosi

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1421

Mr. MEEK of Florida changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

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 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 128, noes 298, not voting 8, as follows:

[Roll No. 381]

AYES—128

Akin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Cannon
Cantor
Carter
Chabot
Chocola
Cole
Collins
Cox
Crane
Cubin
Cunningham
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Doolittle
Duncan
Emerson
Everett
Feeney
Flake
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Graves
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hooley (OR)
Hostettler
Hulshof
Hunter
Jenkins
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Kolbe
Latham
Lewis (KY)
Linder
Lucas (OK)
McCotter
McInnis
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pitts
Pombo
Porter
Putnam
Radanovich
Renzi
Reynolds
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (MI)
Souder
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Toomey
Turner (OH)
Vitter
Walden (OR)
Weldon (FL)
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)

NOES—298

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Houghton
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wolf
Woolsey
Wu
Young (FL)

NOT VOTING—8

Berkley
Ferguson
Gephardt
Hoyer
Janklow
Jefferson
Millender-McDonald
Pelosi

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1428

Mr. BURGESS changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. TAYLOR of North Carolina. 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. SWEENEY) having assumed the chair, Mr. LATOURETTE, 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. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

□ 1430

## REPORT ON H.R. 2765, DISTRICT OF COLUMBIA APPROPRIATIONS, 2004

Mr. FRELINGHUYSEN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–214) on the bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. SWEENEY). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. PENCE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

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

There was no objection.

## PRIVILEGED REPORT IN THE MATTER OF THE RESOLUTION OF INQUIRY TO THE ATTORNEY GENERAL

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted a privileged report (Rept. No. 108–215) on the resolution (H. Res. 287) together with dissenting views, directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States, which was referred to the House Calendar and ordered to be printed.

## ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003

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

Mr. VAN HOLLEN. Mr. Speaker, subject to rule XXII, clause 7(C), I hereby announce my intention to offer a Motion to Instruct on H.R. 1308, the Child Tax Credit bill. The form of the motion is as follows:

Mr. Speaker, I move that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

One. The House conferees shall be instructed to include in the conference

report the provision of the Senate amendment, not included in the House amendment, that provides immediate payments to taxpayers receiving additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

Two. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment, not included in the House amendment, that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

Three. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

Four. To the maximum extent possible within the scope of the conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of astronauts who died in the *Columbia* disaster.

Five. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees, and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders and with their consent and approval, the Chair announces that during the joint meeting to hear an address by the Right Honorable Tony Blair, Prime Minister of the United Kingdom of Great Britain and Northern Ireland, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

## RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 10, 2003, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at about 3:50 p.m., the following proceedings were had:

□ 1550

## JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE RIGHT HONORABLE TONY BLAIR, PRIME MINISTER OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Bill Sims, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair has appointed as members of the committee on the part of the House to escort the Right Honorable Tony Blair into the Chamber:

The gentleman from Texas (Mr. DELAY);

The gentleman from Missouri (Mr. BLUNT);

The gentleman from Nebraska (Mr. BEREUTER);

The gentleman from California (Mr. LEWIS);

The gentleman from Wisconsin (Mr. PETRI);

The gentleman from New York (Mr. KING);

The gentlewoman from Florida (Ms. GINNY BROWN-WAITE);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from New Jersey (Mr. MENENDEZ);

The gentleman from South Carolina (Mr. CLYBURN);

The gentlewoman from Connecticut (Ms. DELAURO);

The gentleman from Missouri (Mr. SKELTON); and

The gentleman from California (Mr. LANTOS).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, has appointed the following Senators as members of the committee on the part of the Senate to escort the Right Honorable Tony Blair into the House Chamber:

The Senator from Tennessee (Mr. FRIST);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Alaska (Mr. STEVENS);

The Senator from Pennsylvania (Mr. SANTORUM);

The Senator from Texas (Mrs. HUTCHISON);

The Senator from Arizona (Mr. KYL);

The Senator from Virginia (Mr. ALLEN);

The Senator from Indiana (Mr. LUGAR);

The Senator from Colorado (Mr. CAMPBELL);

The Senator from North Carolina (Mrs. DOLE);

The Senator from South Dakota (Mr. DASCHLE);

The Senator from Nevada (Mr. REID);

The Senator from Maryland (Ms. MIKULSKI);

The Senator from Delaware (Mr. BIDEN);

The Senator from Vermont (Mr. LEAHY); and

The Senator from Connecticut (Mr. DODD).

The Committee has been advised to convene in the office of the Speaker with the Members of the Senate to escort the Prime Minister into the Chamber.

The Assistant to the Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Jesse Bibiano Marehalau, Ambassador of Micronesia.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 4 o'clock and 1 minute p.m., the Assistant to the Sergeant at Arms announced the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, the Right Honorable Tony Blair.

The Prime Minister of the United Kingdom of Great Britain and Northern Ireland, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you the Right Honorable Tony Blair, Prime Minister of the United Kingdom of Great Britain and Northern Ireland.

[Applause, the Members rising.]

## ADDRESS BY THE RIGHT HONORABLE TONY BLAIR, PRIME MINISTER OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Prime Minister BLAIR. Mr. Speaker, Mr. Vice President, Honorable Members of Congress, I am deeply touched

by that warm and generous welcome. That is more than I deserve and more than I am used to, quite frankly. And let me begin by thanking you most sincerely for voting to award me the Congressional Gold Medal. But you, like me, know who the real heros are: those brave servicemen and -women, yours and ours, who fought the war, and risk their lives still. Our tribute to them should be measured in this way: by showing them and their families that they did not strive or die in vain, but that through their sacrifice, future generations can live in greater peace, prosperity, and hope.

Let me also express my gratitude to President Bush. Through the troubled times since September 11 changed our world, we have been allies and friends. Thank you, Mr. President, for your leadership.

Mr. Speaker, my thrill on receiving this award was only a little diminished on being told that the first Congressional Gold Medal was awarded to George Washington for what Congress called ''his wise and spirited conduct in getting rid of the British out of Boston.''

On our way down here, Senator FRIST was kind enough to show me the fireplace where in 1814 the British had burned the Congress library. I know this is kind of late, but sorry.

Actually, you know, my middle son was studying 18th century history and the American War of Independence and he said to me the other day, you know Lord North, Dad. He was the British Prime Minister who lost us America. So just think, however many mistakes you make, you will never make one that bad.

Members of Congress, I feel a most urgent sense of mission about today's world. September 11 was not an isolated event, but a tragic prologue; Iraq, another act, and many further struggles will be set upon this stage before it is over. There never has been a time when the power of America was so necessary, or so misunderstood; or when, except in the most general sense, a study of history provides so little instruction for our present day. We were all reared on battles between great warriors, between great nations, between powerful forces and ideologies that dominated entire continents. These were struggles for conquest, for land or money. And the wars were fought by massed armies. The leaders were openly acknowledged; the outcomes decisive. Today, none of us expect our soldiers to fight a war on our own territory.

The immediate threat is not conflicts between the world's most powerful nations. And why? Because we all have too much to lose; because technology, communication, trade and travel are bringing us ever closer together; because in the last 50 years, countries like yours and mine have trebled their growth and standard of living; because even those powers like Russia or China or India can see the horizon of future wealth clearly and know they are on a steady road toward it; and because all nations that are free, value that freedom, will defend it absolutely, and have no wish to trample on the freedom of others.

We are bound together as never before. This coming together provides us with unprecedented opportunity that also makes us uniquely vulnerable. And the threat comes because in another part of our globe there is shadow and darkness where not all the world is free; where many millions suffer under brutal dictatorship; where a third of our planet lives in poverty beyond anything even the poorest in our societies can imagine; where a fanatical strain of religious extremism has risen that is a mutation of the true and peaceful faith of Islam; and because in the combination of these afflictions a new and deadly virus has emerged.

The virus is terrorism, whose intent to inflict destruction is unconstrained by human feeling and whose capacity to inflict is enlarged by technology. This is a battle that cannot be fought or won only by armies. We are so much more powerful in all conventional ways than the terrorists. Yet even in all our might, we are taught humility. In the end, it is not our power alone that will defeat this evil. Our ultimate weapon is not our guns, but our beliefs.

There is a myth that, though we love freedom, others do not; that our attachment to freedom is a product of our culture; that freedom, democracy, human rights, the rule of law are American values or Western values; that Afghan women were content under the lash of the Taliban; that Saddam was somehow beloved by his people; that Milosevic was Serbia's savior.

Members of Congress, ours are not Western values. They are the universal values of the human spirit. And anywhere, anytime ordinary people are given the chance to choose, the choice is the same: freedom, not tyranny; democracy, not dictatorship; the rule of law, not the rule of the secret police.

The spread of freedom is the best security for the free. It is our last line of defense and our first line of attack. And just as the terrorist seeks to divide humanity in hate, so we have to unify it around an idea, and that idea is liberty. We must find the strength to fight for this idea and the compassion to make it universal.

Abraham Lincoln said: ''Those that deny freedom to others, deserve it not for themselves.'' And it is this sense of justice that makes moral the love of liberty.

In some cases, where our security is under direct threat, we will have recourse to arms. In others, it will be by force of reason. But in all cases to the same end: that the liberty we seek is not for some, but for all. For that is the only true path to victory in this struggle.

But first we must explain the danger. Our new world rests on order. The danger is disorder, and in today's world it can now spread like contagion. The terrorists and the states that support them do not have large armies or precision weapons. They do not need them. Their weapon is chaos. The purpose of terrorism is not the single act of wanton destruction. It is the reaction it seeks to provoke: economic collapse, the backlash, the hatred, the division, the elimination of tolerance, until societies cease to reconcile their differences and become defined by them. Kashmir, the Middle East, Chechnya, Indonesia, Africa, barely a continent or nation is unscathed.

The risk is that terrorism and states developing weapons of mass destruction come together. And when people say that risk is fanciful, I say we know the Taliban supported al Qaeda; we know Iraq under Saddam gave haven to and supported terrorists; we know there are states in the Middle East now actively funding and helping people who regard it as God's will, in the act of suicide, to take as many innocent lives with them on their way to God's judgment. Some of these states are desperately trying to acquire nuclear weapons. We know that companies and people with expertise sell it to the highest bidder; and we know that at least one state, North Korea, lets its people starve while spending billions of dollars on developing nuclear weapons and exporting the technology abroad. This is not fantasy. It is 21st century reality, and it confronts us now.

Can we be sure that terrorism and weapons of mass destruction will join together? Let us say one thing. If we are wrong, we will have destroyed a threat that, at its least, is responsible for inhuman carnage and suffering. That is something I am confident history will forgive. But if our critics are wrong, if we are right, as I believe with every fiber of instinct and conviction I have that we are, and we do not act, then we will have hesitated in the face of this menace when we should have given leadership. That is something history will not forgive.

But precisely because the threat is new, it is not obvious. It turns upside down our concepts of how we should act and when, and it crosses the frontiers of many nations. So just as it redefines our notions of security, so it must refine our notions of diplomacy.

There is no more dangerous theory in international politics today than that we need to balance the power of America with other competitor powers, different poles around which nations gather. Such a theory may have made sense in 19th century Europe. It was perforce the position in the Cold War. Today, it is an anachronism to be discarded like traditional theories of security. And it is dangerous because it is not rivalry but partnership we need, a common will and a shared purpose in the face of a common threat.

I believe any alliance must start with America and Europe. If Europe and America are together, the others will work with us. If we split, the rest will

play around, play us off, and nothing but mischief will be the result of it.

You may think after recent disagreements it cannot be done. But the debate in Europe is open. Iraq showed that, when, never forget, many European nations supported our action, and it shows it still when those that did not, agreed Resolution 1483 in the United Nations for Iraq's reconstruction. Today, German soldiers lead in Afghanistan. French soldiers lead in the Congo where they stand between peace and a return to genocide. So we should not minimize the differences, but we should not let them confound us either.

People ask me, after the past months when, let us say, things were a trifle strained in Europe, why do you persist in wanting Britain at the center of Europe? And I say, well, maybe if the U.K. were a group of islands 20 miles off Manhattan, I might feel differently; but, actually, we are 20 miles off Calais and are joined by a tunnel. We are part of Europe, and we want to be; but we also want to be part of changing Europe.

Europe has one potential for weakness. For reasons that are obvious, we spent roughly a thousand years killing each other in large numbers. The political culture of Europe is inevitably and rightly based on compromise. Compromise is a fine thing, except when based on an illusion; and I do not believe you can compromise with this new form of terrorism.

But Europe has a strength. It is a formidable political achievement. Think of the past and think of the unity today. Think of it preparing to reach out even to Turkey, a nation of vastly different culture, tradition and religion, and welcome it in.

But my real point is this: now Europe is at a point of transformation. Next year, 10 new countries will join. Romania and Bulgaria will follow. Why will these new European members transform Europe? Because their scars are recent. Their memories strong. Their relationship with freedom still one of passion, not comfortable familiarity. They believe in the transatlantic alliance. They support economic reform. They want a Europe of nations, not a superstate. They are our allies, and they are yours. So do not give up on Europe. Work with it.

To be a serious partner, Europe must take on and defeat the anti-Americanism that sometimes passes for its political discourse. And what America must do is show that this is a partnership built on persuasion, not command. Then the other great nations of our world and the small will gather around in one place, not many; and our understanding of this threat will become theirs. And the United Nations can then become what it should be, an instrument of action as well as debate.

The Security Council should be reformed. We need a new international regime on the nonproliferation of weapons of mass destruction. And we need to say clearly to United Nations' members: If you engage in the systematic and gross abuse of human rights in defiance of the U.N. charter, you cannot expect to enjoy the same privileges as those that conform to it.

I agree, it is not the coalition that determines the mission, but the mission, the coalition. But let us start preferring a coalition and acting alone if we have to, not the other way round. True, winning wars is not easier that way. But winning the peace is. And we have to win both.

You have an extraordinary record of doing so. Who helped Japan renew or Germany reconstruct or Europe get back on its feet after World War II? America.

So when we invade Afghanistan or Iraq, our responsibility does not end with military victory. Finishing the fighting is not finishing the job. So if Afghanistan needs more troops from the international community to police outside Kabul, our duty is to get them. Let us help them eradicate their dependency on the poppy, the crop whose wicked residue turns up on the streets of Britain as heroin to destroy young British lives as much as their harvest warps the lives of Afghans.

We promised Iraq democratic government. We will deliver it. We promised them the chance to use their oil wealth to build prosperity for all their citizens, not a corrupt elite. And we will do so. We will stay with these people, so in need of our help, until the job is done.

And then reflect on this: How hollow would the charges of American imperialism be when these failed countries are and are seen to be transformed from states of terror to nations of prosperity; from governments of dictatorship to examples of democracy; from sources of instability to beacons of calm? And how risible would be the claims that these were wars on Muslims, if the world could see these Muslim nations still Muslim but with some hope for the future, not shackled by brutal regimes whose principal victims were the very Muslims they pretended to protect? It would be the most richly observed advertisement for the values of freedom we can imagine.

When we removed the Taliban and Saddam Hussein, this was not imperialism. For these oppressed people, it was their liberation. And why can the terrorists even mount an argument in the Muslim world that it is not? Because there is one cause terrorism rides upon, a cause they have no belief in, but can manipulate.

I want to be very plain. This terrorism will not be defeated without peace in the Middle East between Israel and Palestine. Here it is that the poison is incubated. Here it is that the extremist is able to confuse in the mind of a frighteningly large number of people the case for a Palestinian state and the destruction of Israel, and to translate this, moreover, into a battle between East and West, Muslim, Jew, and Christian. We must never compromise the security of the State of Israel.

The State of Israel should be recognized by the entire Arab world, and the vile propaganda used to indoctrinate children not just against Israel but against Jews must cease. You cannot teach people hate and then ask them to practice peace. But neither can you teach people peace except by according them dignity and granting them hope. Innocent Israelis suffer. So do innocent Palestinians. The ending of Saddam's regime in Iraq must be the starting point of a new dispensation for the Middle East.

Iraq: free and stable. Iran and Syria, who give succor to the rejectionist men of violence, made to realize that the world will no longer countenance it; that the hand of friendship can only be offered them if they resile completely from this malice, but that if they do, that hand will be there for them and their people. The whole of the region helped towards democracy. And to symbolize it all, the creation of an independent, viable, and democratic Palestinian state side by side with the State of Israel.

What the President is doing in the Middle East is tough, but right. And let me at this point thank the President for his support and that of President Clinton before him and the support of Members of this Congress for our attempts to bring peace to Northern Ireland. One thing I have learned about peace processes, they are always frustrating, often agonizing, and occasionally seem hopeless; but for all that, having a peace process is better than not having one.

And why has a resolution of Palestine such a powerful appeal across the world? Because it embodies an evenhanded approach to justice. Just as when this President recommended and this Congress supported a $15 billion increase in spending on the world's poorest nations to combat HIV/AIDS, it was a statement of concern that echoed rightly round the world.

There can be no freedom for Africa without justice, and no justice without declaring war on Africa's poverty, disease, and famine with as much vehemence as we remove the tyrant and the terrorist.

In Mexico in September, the world should unite and give us a trade round that opens up our markets. I am for free trade, and I will tell you why. Because we cannot say to the poorest people in the world we want you to be free but just do not try to sell your goods in our market. And because ever since the world started to open up, it has prospered.

That prosperity has to be environmentally sustainable, too. I remember at one of our earliest international meetings a European Prime Minister telling President Bush that the solution was quite simple: just double the tax on American gasoline. Your President gave him a most eloquent look.

It reminded me of the first leader of my party, Keir Hardy, in the early part of the 20th century. He was a man who used to correspond with the Pankhursts, the great campaigners for women's votes. Shortly before the election in June, 1913, one of the Pankhurst sisters wrote Hardy saying she had been studying Britain carefully, and there was a worrying rise in sexual immorality linked to heavy drinking. So she suggested he fight the election on the platform of votes for women, chastity for men, and prohibition for all. He replied saying, ''Thank you for your advice, the electoral benefits of which are not immediately discernible.'' We all get that kind of advice.

But, frankly, we need to go beyond even Kyoto; and science and technology is the way. Climate change, deforestation, and the voracious drain on natural resources cannot be ignored. Unchecked, these forces will hinder the economic development of the most vulnerable nations first and, ultimately, all nations. We must show the world that we are willing to step up to these challenges around the world and in our own backyards.

Members of Congress, if this seems a long way from the threat of terror and weapons of mass destruction, it is only to say again that the world's security cannot be protected without the world's heart being won. So America must listen as well as lead, but Members of Congress, do not ever apologize for your values. Tell the world why you are proud of America. Tell them when the ''Star Spangled Banner'' starts, Americans get to their feet: Hispanics, Irish, Italians, Central Europeans, East Europeans, Jews, Muslims, white, Asian, black, those who go back to the early settlers and those whose English is the same as some New York cab drivers I have dealt with but whose sons and daughters could run for Congress. Tell them why Americans, one and all, stand upright and respectful, not because some State official told them to but because whatever race, color, class, or creed they are, being American means being free. That is what makes them proud.

As Britain knows, all predominant power seems for a time invincible, but in fact it is transient. The question is: What do you leave behind? What you can bequeath to this anxious world is the light of liberty. That is what this struggle against terrorist groups or states is about. We are not fighting for domination. We are not fighting for an American world, though we want a world in which America is at ease. We are not fighting for Christianity, but against religious fanaticism of all kinds.

This is not a war of civilizations, because each civilization has a unique capacity to enrich the stock of human heritage. We are fighting for the inalienable right of humankind, black or white, Christian or not, left, right or merely indifferent, to be free; free to raise a family in love and hope; free to earn a living and be rewarded by your own efforts; free not to bend your knee to any man in fear; free to be you so long as being you does not impair the freedom of others. That is what we are fighting for, and that is a battle worth fighting.

I know it is hard on America. And in some small corner of this vast country out in Nevada or Idaho, these places I have never been to but have always wanted to go, I know out there is a guy getting on with his life, perfectly happily, minding his own business, saying to you, the political leaders of this country, why me and why us and why America?

The only answer is because destiny put you in this place in history in this moment in time, and the task is yours to do.

And our job, my nation that watched you grow, that you have fought alongside and now fights alongside you, that takes enormous pride in our alliance and great affection in our common bond, our job is to be there with you.

You are not going to be alone. We will be with you in this fight for liberty. We will be with you in this fight for liberty; and if our spirit is right, and our courage firm, the world will be with us. Thank you.

[Applause, Members rising.]

At 4 o'clock and 42 minutes p.m., the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet;

The Acting Dean of the Diplomatic Corps.

## JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 4 o'clock and 45 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess subject to the call of the Chair.

□ 1731

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BONILLA) at 5 o'clock and 31 minutes p.m.

## PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore (Mr. BONILLA). Pursuant to House Resolution 319 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. 2691.

□ 1732

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. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentleman from Arizona (Mr. SHADEGG) had been disposed of and the reading of the bill had progressed through page 154 line 13.

AMENDMENT NO. 9 OFFERED BY MR. UDALL OF NEW MEXICO

Mr. UDALL of New Mexico. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. UDALL of New Mexico:

Add at the end (before the short title) the following new section:

SEC. ____. None of the funds appropriated or made available by this Act may be used to finalize or implement the proposed revisions to subpart A of part 219 of title 36, Code of Federal Regulations, relating to National Forest System Planning for Land and Resource Management Plans, as described in the proposed rule published in the Federal Register on December 6, 2002 (67 Fed. Reg. 72770).

The CHAIRMAN. Points of order are reserved.

Pursuant to the previous order of the House of today, the gentleman from New Mexico (Mr. UDALL) will control 15 minutes. The gentleman from North Carolina (Mr. TAYLOR) will control 25 minutes. The gentleman from Washington (Mr. DICKS) will control 15 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. UDALL).

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to protect our national forests and ensure that they continue to

be managed using long-standing scientific principles and practices. My amendment will stop a radical rewrite of 27 years of bipartisan forest management policy. It will prohibit the use of funds provided in this bill for the finalization or implementation of the Bush administration's proposed changes to the National Forest Management Act of 1976.

The proposed regulations constitute a radical departure from current forest management policy, first adopted and implemented by Congress and the Reagan administration over 20 years ago. The proposed changes will greatly reduce the amount of environmental analysis, wildlife protection and public involvement currently required in the development and revision of forest management plans. Many of these changes reflect the so-called timber industry wish list.

In at least eight specific instances, the proposed regulations closely mirror policies favored by the timber industry. To name a few of these, the proposed recommendations eliminate ecological sustainability as the priority of the Forest Service; eliminate protections for wildlife; eliminate scientific oversight of agency actions; and eliminate most mandatory standards for forest management.

These measures were designed to strengthen Forest Service accountability. The National Forest Management Act established new duties to conserve biological diversity, to ground management decisions in sound science, and to ensure extensive public participation opportunities in the forest planning process. The proposed regulations depart in a number of ways from sound forest management policy that has existed for the past 6 administration.

First, the Bush administration's regulations would effectively exempt forest management plans from the National Environmental Policy Act, NEPA, the Magna Carta of environmental law.

Second, the administration's proposed rules would eliminate the requirements to maintain viable populations of native wildlife.

Third, the changes would increase the likelihood of harmful logging projects based on multiple use values.

Fourth, the administration's proposal would also reduce overall environmental standards and accountability by allowing management plans to be revised to accommodate individual projects.

Finally, I believe that these changes would drastically limit public involvement. The opportunity to request an administrative review or file an appeal would be severely curtailed. These changes would eliminate sound science as a basis for forest management.

The proposed regulations were developed without a Committee of Scientists, a statutorily-authorized body that has informed the development of every other change in NFMA regulations since their inception.

The administration's dismissal of the principles of sound science and NEPA highlights its contempt for public involvement and scientific input. The recommendations of the independent Committee of Scientists have guided every rewrite of the NFMA regulations since 1979.

Ronald Reagan used a team of scientists to write the original regulations. Three years ago, Bill Clinton revised the regulations with significant input from scientists. If it was good enough for President Reagan and good enough for President Clinton, why does President Bush insist on throwing science out the window? Because the scientists will not give him the answers his timber industry friends want.

These proposed regulations were developed with maximum input from the timber industry and minimum input from the American public and the scientific community. The proposed regulations have received widespread editorial opposition from newspapers around the Nation. These regulations were also strongly opposed by the environmental community, sportsmen's groups, Republicans for Environmental Protections, and members of the Committee of Scientists.

In the public comment process, 325 scientist from across the Nation are urging the Forest Service to withdraw the proposed regulations, and over 100,000 citizens have submitted comments urging withdrawal of these regulations. Given the administration's refusal to adequately consult the scientific community, let alone listen to its comments, Congress must intervene and stop this flawed and environmentally damaging rulemaking.

I strongly urge all of my colleagues from both sides of the aisle to join me in supporting and maintaining sound principles of forest management.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, rise in opposition to this amendment.

This funding limitation would stop changes to the National Forest Management Act planning regulations. This is a bad amendment, and that is the best thing I can say about it.

National forest planning has become an endless gridlock which needs to be fixed. This administration is trying to make appropriate changes. If this amendment were adopted, the Forest Service would either continue to operate under the outdated 1982 planning regulations or begin to implement highly prescriptive and expensive 2000 planning regulations.

The 1982 planning regulations require the Forest Service to use unnecessary analytical processes and implement outdated science requirements. Under the old forest planning regulations, it takes an average of 5 to 6 years to complete a forest plan at a cost of 5 to $6 million each. Now, this is much too long. And, in fact, it is not a plan effort. It is not a scientific move. It is an effort to stop all harvesting in the forest, and we know that this amendment would delay forest projects which are now needed to clean up our forests and reduce the danger of fire, the real problems with fire that has been exaggerated in many ways by the lack of scientific forest management throughout the country, especially in the West.

This amendment would require national forests to be managed under plans that are clearly out of date, waste money on out-of-date planning methods, and are designed just to stop harvests altogether. So I certainly hope you will join me in defeating this amendment.

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

Mr. DICKS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Mexico (Mr. UDALL) and commend the gentleman for his attention to the important issue of forest health and the protection of our public lands. The amendment applies to U.S. Forest Service managed lands which support 17 percent of Federally endangered and threatened species.

In November, 2002, the Bush administration proposed a radical and sweeping rewrite of the forest policy that has governed the Nation since shortly after passage of the National Forest Management Act, NFMA, in 1976. The changes would eliminate or seriously weaken vital safeguards for 155 national forests in the United States and that were put in place by the Reagan administration.

I served under President Reagan, and I can tell you in this one case I was very pleased that he used science in order to make a determination on these forests plans.

Now the Bush administration, however, attempts to allow forest plans to be exempted from the analysis of their environmental impacts as required by NEPA, the National Environmental Policy Act. It seeks to do away with the rule that requires the Forest Service to maintain native species of wildlife in each national forest. The proposed regulations try to make surveying wildlife merely optional.

In addition, the draft would reduce the role of scientists and monitoring in forest planning. Extensive requirements for independent scientific review and consultation in the development of forest plans would be eliminated and replaced with optional provisions of including scientists in the process. The effect of these regulations would be to virtually eliminate scientific review of forest plans.

Public participation is greatly restricted in the forest planning process. The rule would discount petitions, cards and other methods citizens use to contact their government. Also, this plan would halt the appeals process allowed under current rules.

The Udall amendment would limit the Bush administration reductions to

the National Forest Management Act. The new regulations are the wrong policy to maintain and preserve our national forests.

Mr. Chairman, I encourage my colleagues to support the Udall amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, I rise in opposition to the amendment. I think what we are going through is more of the same, and that is to protect an effort that is being made to protect a broken system. What is in place right now is a bureaucratic system of red tape that makes it nearly impossible to move forward.

□ 1745

Forest plans, which must by law be rewritten every 15 years, often take between 7 to 10 years to draft and implement. For example, the forest plan on the Black Hills National Forest in South Dakota took over 7 years to complete. The Tongass forest plan in Alaska took 9 years to complete. That is right, 9 years to complete a 15-year forest plan. Both cost millions of dollars to go through the process.

It is a broken system. It is what we are trying to fix. The 11th-hour regulations that were adopted by the previous administration do not work, and what the administration is trying to do is update those regulations so they represent what the reality is today, and that is the effort that is being made. I think that this amendment completely undermines the ability to do that.

Charges that recent Forest Service-proposed regulations weaken essential wildlife protections are absurd. The proposed regulations offered two options for wildlife analysis on which the Forest Service conducted a national workshop to solicit the views of leading wildlife experts from around the country. The focus of this effort has been to make wildlife analysis more useful to the public and decision-makers.

Charges that the 2002 draft weakens public involvement are also unfounded. The draft regulations provide for public involvement at every single step. They preserve appeal opportunities like those in the 2000 regulations and go well beyond the baseline requirements of NEPA. More timely planning will further facilitate effective public participation.

The bottom line is that we do need this a lot faster. It is absolutely outrageous that we would spend 9 years going through the bureaucratic process, 9 years going through the bureaucratic process to adopt a 15-year plan. How outrageous is that? Only in Washington would somebody move to try to preserve that.

If there are problems with the current system, participate in rewriting those regulations. Have your input put in that, but do not try to go back to a broken system. That is outrageous, and I have no idea why anyone would possibly want to do that.

We need to streamline the system. We need to move a lot quicker. We need to make it more efficient and more responsive to the public and our constituents. Trying to go back to a broken system makes absolutely no sense.

I oppose the amendment. I support the underlying bill, and I would ask my colleagues to oppose the Udall amendment.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself 1 minute.

The gentleman from California uses an example of a forest plan where he says it took 9 years to plan to put together a 15-year plan. We are not in any way trying to protect an inefficient, ineffective process. The bureaucrats have to get their act together. For the most part, for the most part, forest planning saves the taxpayer money. It saves time and it allows the public input, and what we are objecting to here is the public is being cut out of the process with these regulations.

Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. GRIJALVA), a valuable member of the Committee on Resources, a leader on these important forest management issues.

Mr. GRIJALVA. Mr. Chairman, first of all, I rise today to urge my colleagues to vote for the Udall amendment and also to thank the gentleman from New Mexico (Mr. UDALL) for this very thoughtful amendment that continues the protection of our national forests.

The national forests are owned by all the citizens of the United States. Our forests provide places for families to camp, hike, fish, and mountain bike. They are increasingly under demand for recreation as our cities grow and open space is at a premium. Forests provide not only recreational opportunities but also clean water for cities and habitat for wildlife.

Because Americans enjoy forests so much for all their values, they also want to participate in the planning for their management. They want to have a voice in determining that forests are available for recreation, that habitat is provided for wildlife, and that everyone is accommodated. For decades citizens have participated in forest planning, and forests are better for it.

But the Bush administration would prefer the citizens stay out of the process, making it easier for big timber companies to log and mining companies to drill. This is wrong. The Bush administration's regulations are giving away environmental protection and public participation in the name of helping the timber industry and others to get what they want first, but they do not own the forests. The American people own the forests.

The administration's regulations are a bad deal for the environment, a bad deal for citizens; and I would urge people to vote ''yes'' on the gentleman from New Mexico's (Mr. UDALL) amendment to suspend full funding for the new Bush administration's regulations on forest management.

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

I would like to engage the gentleman from New Mexico, the sponsor of the amendment, in a couple of questions.

First of all, one of the assertions here that bothers me the most, having lived through the spotted owl issue in the Pacific Northwest, is that there seems to be an indication here that science is not favored in the development of this rule. We have a group of scientists who write to the USDA Forest Service planning rule saying as scientists with expertise and conservation, biology and fish and wildlife management, we are writing to express our concern over the proposed National Forest Management Act, and they go on. We request that you reinstate the 2000 rule that received very thoughtful input by scientists and the public.

We would like to respond as specifically to three assertions underlying the proposed 2002 rule change that, on examination, turned out to be false.

One, that monitoring an assessment of the species level cost too much. It seems that if we are going to have multiple use and if we are going to protect the forests, that one of the things that has to be done under any circumstance is monitoring an assessment of the condition of the species. What would the gentleman have to say about that?

Mr. UDALL of New Mexico. Mr. Chairman, will the gentleman yield?

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

Mr. UDALL of New Mexico. Mr. Chairman, I thank the gentleman from Washington, and first let me say that the ranking member from Washington, and my good friend, has shown very strong support for this amendment. He has given me guidance on getting this amendment through the appropriations process, and his leadership on this important environmental issue is very much appreciated.

The point he makes with regard to science and what he is talking about is making sure that there is scientific input, that there is public input in this process; and what we are talking about today with these proposed regulations is they have swept the public out of the system. They have swept the scientists out of the system.

As the gentleman from Washington knows, the planning process includes everybody; and if we sweep these people aside, we are then going to have inefficient forest plans. We are going to have forest plans where people are going to sue under them, and we are going to waste a lot of time and money.

So I think the gentleman makes a very good, solid point.

Mr. DICKS. Mr. Chairman, reclaiming my time, that is what concerns me here. We have been through the Endangered Species Act, the listing of these

species. If we are now going to wipe the scientists out as we develop these forest plans and not take into account their input, we are just going to open ourselves up again to additional listings under the Endangered Species Act.

The one thing I found in the Northwest was we had to base our decisions on science, science, science. They had to be scientifically credible, legally defensible.

I worry that without public input, without scientific input, letting the agencies do what they want in the name of expediency, that we are going to wind up with a lot of additional listings and then a lot of additional requirements to set aside acres for protection. We are going to get into the same mess we were in before. Because if we do not rely on science, if we do not do what is scientifically credible and legally defensible, I see us getting into worse shape than we are already in. That is what bothers me about what the administration has done.

None of us like the fact that it takes 9 years or whatever amount of time, but that is because the administration, whoever is in charge, has not promptly dealt with these issues; and the concerns that are expressed by these scientists is that in 2000, during the Clinton administration, there was scientific input; and then we get the new administration, they walk away from science.

All I think it is going to do is lead us back into trouble, back into more listings; and I do not see how that does anybody any good. It is the listings that cause the economic disruption and the problems in the communities. It is better to do these plans credibly, take the time, use the science and make sure we get something that can be sustained in the courts because, at some point, the biologist is going to be taken into court. He is going to be put on the stand, and he is going to say and the lawyers are going to ask, if this scientifically credible? The minute he says no, the judge is going to enjoin the plan. It is not going to do any good.

By not using the credible science in the first place, trying to slip around this, I think we are making a terrible mistake, and I think we will be back here shortly saying we have got to redo this because it simply did not work.

Mr. UDALL of New Mexico. Mr. Chairman, if the gentleman would yield just a moment on that point, as the gentleman from Washington knows, one of the things that has happened here, this is not an amendment we have moved quickly on. We have given notice to this administration. The gentleman and I have signed a letter, over 100 Members of Congress have signed a letter to the President, Members from the other side of the aisle have signed a letter to the Secretary of Agriculture, calling for exactly what the gentleman is calling for, scientific input on these regulations. When they ignored these letters, when they ignored the request, our only avenue was to work with the gentleman and his appropriations bill to stop this process so that we could get scientific review.

Mr. DICKS. Again, I just think it is important for us to understand why we are coming here with this limitation is because of the failure, frankly, of the administration to take into account the concerns that have been expressed by the Congress, by the scientists, by the outside groups, and I just think it is a terrible mistake, and I urge strong support for the Udall amendment.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

A few weeks ago, we passed legislation that would stop the disastrous fires. It will take a long period of time. It will take management plans to be implemented to get rid of the crowded undergrowth and stop the fires that are costing us billions of dollars and burning up tens of millions of acres of our forests.

Let me tell my colleagues, these forest plans, and there are 40 forest plan revisions under way, 36 of these plans are more than 15 years old. Unless regulations are changed, 52 more are expected to go beyond the 15-year limit in the next decade. We cannot make any progress in fighting fires, stopping fires, not having to spend the money and the millions of dollars unless we get plans that are going to take less than 15 years, and yet most of these plans are going to do.

Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I am somewhat hesitant to wade into this debate because I am somewhat new to it, and I want to agree with the gentleman from North Carolina (Mr. TAYLOR), and I rise in opposition to this amendment.

He talked about the millions of acres and the millions of dollars. Essentially, if we boil this debate down that we are having right now, the proponents of this amendment are saying the status quo is just fine. Let me tell my colleagues, the status quo is not fine. Let me give my colleagues some of the reasons. Let me give my colleagues some of the reasons why the status quo is not acceptable. It is not about millions of dollars. It is not even about millions of acres of wasted forest. Let me give my colleagues some of the reasons:

Kathi Beck, 24, Eugene, Oregon; Tami Bickett, 25, Powell Butte, Oregon; Scott Blecha, 27, Clatskanie, Oregon; Levi Brinkley, 22, Burns, Oregon; Robert Browning, no age given, of Savannah, Georgia; Doug Dunbar, 23, of Redmond, Oregon; Terri Hagen, 28, Prineville, Oregon; Bonnie Holtby, 21 years old, Prineville, Oregon; Rob Johnson, 26, Redmond, Oregon.

□ 1800

John Kelso, 27, Prineville, Oregon; Don Mackey, 34, Hamilton, Montana; Roger Roth, 30, McCall, Idaho; James Thrash, 44, McCall, Idaho; Richard Tyler, 33, Grand Junction, Colorado.

Those are the young people. Those are the young people who lost their lives in one forest fire. And for people to come to the floor of this House and say the status quo is acceptable, that we can lose 23 forest firefighters in 1 year, 18 the year before, 17 the year before, 86 young people in the last 4 years, I say the status quo is not acceptable. I say we have to move forward with healthy forest management.

For people out in the West, they must be wondering, why does Washington continue to fiddle while our forests burn and our young forest firefighters die? No, Members, the status quo is not acceptable. How many more young people will have to die fighting these fires until we realize that we need real healthy forest management?

It starts today. It starts with our vote on this amendment. Let us reject this amendment. Let us let the Forest Service do what it knows how to do best. Let us get honest plans going for these forests. Let us do it now.

Mr. DICKS. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Washington has 2 minutes remaining.

Mr. DICKS. Mr. Chairman, I yield myself 30 seconds.

First of all, with all due respect, the forest plans do not have a lot to do with the funding that is necessary to deal with the important issues the gentleman is talking about. We are for trying to fund the programs that will improve forest health and allow us to deal with these fires. Our committee has appropriated a considerable amount of money, but having a good scientifically credible plan is crucial. It is not status quo. This is the kind of creative change that we have to have, and that is why I support the Udall amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have appropriated a great deal of money, and I appreciate the efforts of my friend, the gentleman from Washington (Mr. DICKS), in that area. He has been a leader in that area. But time is not the only consideration here. If we have money in the vault for the next 15 years and it is not spent, then the fires will continue and the young lives will be lost.

Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong opposition to this amendment.

This amendment would prevent the Forest Service from completing a much-needed amendment to the current outdated National Forest Management Act planning regulations. The current planning regulations were written over 21 years ago, and they

need to be updated. The Forest Service is currently operating under the 1982 regulations. There have been significant developments in the science of active forest management, and revisions are needed to reflect these developments.

One would think that environmental organizations that are supporting the amendment of the gentleman from New Mexico would understand that. We are operating a generation ago in terms of the technology that is available and in terms of the planning protocols that are available. The Society of American Foresters, an organization founded by Gifford Pinchot, agrees with us. They oppose this amendment. They support the efforts to revise the existing NFMA.

The Forest Service is currently drowning in paperwork and red tape. They estimate that they spend more than 40 percent of their budget and personnel hours on planning and fighting court battles rather than in the forests. Let me repeat that. Of all the money that they have to spend, 40 percent of it does not go to helping our forests. It goes to paying for lawyers to fight lawsuits. It goes to paying for the bureaucracy to deal with the planning process.

The proposed 2002 regulations would allow land managers to get more accomplished on the ground; and that is especially critical right now, as our public lands are currently in a grave forest health crisis and are in need of active management to restore them. We are facing problems in our forests not just with forest fires, which clearly is the most serious problem, but with disease and insect infestation all across the country, and we need to give them the tools to act promptly to save our forests, to prevent them from being burned down, to prevent them from being devoured by gypsy moths and pine bark beetles and a whole host of other insects.

The proposed 2000 regulations protect wildlife and public involvement. The 2002 proposal offers two options to provide for biological diversity, which were presented and discussed at a national workshop involving wildlife experts and ecologists from across the country. The 2002 proposal provides opportunities for public input at every step in the planning process. Completing the 2002 regulations should be a top priority for everyone and anyone concerned about our national forests.

The Forest Service is in the midst of evaluating public comments on the 2002 proposed rule. Halting this process would significantly delay the efforts to implement improvements on the old regulations. It currently takes 5 to 10 years to complete a forest plan under the old planning regulations. That is outrageous, it is irresponsible, and it indicates the kind of morass that the Forest Service finds itself in. These proposed rules would help to make sure that we can more promptly get that input from the public, input from environmental organizations, input from industry, input from local communities, input from everybody affected in this process and then act on it in a more timely fashion than 10 years down the road.

If we were to identify a problem and say, well, 10 years from now we will get around to solving it, that would be an irresponsible way to handle things. The Forest Service's hands are tied. This amendment will keep them tied for a long time. I urge my colleagues to oppose this amendment.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER), one of our key members on the Committee on Resources, who has been here for the period of time while these regulations have evolved and I am sure has some real insight on this.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time; and I rise in support of this amendment.

My colleagues want to argue that somehow to cut the public out of the process, to provide a public process that is discretionary is somehow going to help in the planning of our forests. Well, we passed a bill here to deal with fire. My colleagues want to keep talking about fire, but somehow they do not want to pass the bill. We sent it to the Senate. I do not agree with every provision in it, but where is the Senate bill?

The fires are burning, we have a bill to address that, but now my colleagues want to use fire as an example to gut these regulations. We know what happens when the Forest Service does not involve the public or does not involve the scientists. We had a policy that almost destroyed the forests, either because they mindlessly cut down the forests and destroyed watersheds and destroyed streams, or they mindlessly did not deal with the forests and we built up such fuel loads that we lost them to catastrophic fires.

Now, as a result of a public process, because communities are involved, individuals are involved that live in the area, organizations that know about this and scientists who care about this, we have a comprehensive planning proposal that deals with these forests. These forests are not simplistic. These are complicated, huge watersheds and ecosystems, and that is what we have learned from the scientists.

Now my colleagues want to throw the scientists out of the room and treat these forests and treat these watersheds and treat these ecosystems somehow in a simplistic fashion. There is more to a forest than just the treatment of the fuel load. There is more to the habitat protection. There is more to the species protection than that. That is why these regulations are in play.

What the Bush administration is suggesting is that we just take a simplistic approach; and that if we take a simplistic approach, the first thing we will want to do is to cut the public out of the process. Well, the people in the communities that are impacted by these forests have a stake in it, they have an economic stake, they have a life-style stake, they have a standard of living stake, so they are concerned about those forests. But it would be much easier to cut them out of it. It should be in the direction of the forest manager as to whether he wants to let them in at this point or that point or the next point in the process.

Public participation is not a luxury. It is a right in this country. It is important to developing good policy. And that is why we should support the Udall amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume to remind all of us that we spend millions of dollars in research. Science is going on in modern silviculture every year. We have forest research stations, we have private research stations, we have all our universities with schools of forestry participating in the science, and so it is working every day.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Chairman, I respectfully rise in opposition to this amendment offered by my good friend, the gentleman from New Mexico (Mr. UDALL).

There have been significant developments in science, adaptive management and the concept of sustainability within the Forest Service. However, the current regulations were written 30 years ago and are not adapting the new regulations as fast as we need to for the preservation of healthy forests. This amendment will prevent the Forest Service from modernizing its planning regulations under the National Forest Management Act by removing funding for the implementation of the proposed 2002 regulation.

Now, I understand people that can oppose new and better techniques. I understand how we can have differences of opinion. But those who make accusations that the proposed 2002 regulations weaken wildlife protection and public involvement simply are not true. Read the bill. It is not true. It does allow for more attitudes to be considered, and that is healthy. It is healthy.

Completing the 2002 regulations should be a priority, thus allowing land managers to get more accomplished on the ground. Our public lands face a grave forest health crisis and are in need of active management to restore them. If you support scientific forest management over red tape, you oppose this amendment, you let the regulations be written, you let them be implemented and then, if they are not doing what needs to be done, you correct them. But holding fast with regulations 30 years old are not a way to

manage our forests for a more healthy, sustainable environment, as well as industry, as well as those who love the outdoors.

Oppose this amendment. Let us get on with changing the regulations to adapt sound science to our forests.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself 1½ minutes to respond to my good friend, the gentleman from Texas.

I think it is fair to say that the forest management plans that we have today, supplemented by sound science, if we moved in that direction, and we had been moving in that direction over the next 100 years, we would not have the problems with the forest fires if we had gone through this process, this management process. That is why I think it is so offensive to us that support this amendment and are working on this that the scientists are cut out.

That is why I would disagree with the gentleman when he says, let the regulations go into effect. If you let the regulations go into effect, we are going to find ourselves in court, we are going find ourselves in a bollixed-up situation. We are going to hurt the forest management process.

So that is why over 300 scientists have written to the administration and said, stop here. That is why over 100 Members of Congress on a bipartisan basis have said, involve the scientists before you finalize these regulations. And, really, what we are trying to do is say, stop, put in place good regulations based on sound science, and then you will not run into problems.

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

Mr. UDALL of New Mexico. I yield to the gentleman from Texas if he would like to respond.

Mr. STENHOLM. I would, Mr. Chairman, because the gentleman is simply describing what we have been going through for the last 10, 15 years: litigation, difference of opinion. In the meantime, look at what is happening to our forests: infestation, forest fires out of control.

What I hear the gentleman describing is what we have been doing. Let us try to make it work a little better, and that is what we are trying to do with the new regulations.

Mr. UDALL of New Mexico. Mr. Chairman, reclaiming my time, my point was that if we had been doing the planning for 100 years and if we had had science, we would not be where we are today.

Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL), the ranking member on the Committee on Resources. He knows these forest issues very well, and I appreciate his help on this.

□ 1815

Mr. RAHALL. Mr. Chairman, I rise in strong support of the gentleman's amendment. He has eloquently described the effort here, as well as has the ranking member, the gentleman from Washington (Mr. DICKS), a gentleman who does not get up on every amendment which has been offered today, but he has spoken strongly in favor of the amendment of the gentleman from New Mexico.

I remind my colleagues regarding a letter cosigned by the gentleman from Michigan (Mr. DINGELL) and myself and some 100 other Members of the House to the President in March of this year. We wrote expressing our deep concern with the scope and the breadth of the initiatives undertaken by this administration. The cumulative effect of all of these proposals are to undermine or eliminate open decisionmaking, as we have already heard today, to eliminate accountability, eliminate resource protection, and limit opportunities for public and scientific input as well.

On November 27, 2002, this administration proposed a NFMA planning role that renders the public process virtually meaningless, and that is what this amendment attempts to restore, public input and protection of our resources so every area is not just opened up for willy-nilly use or multiple use of our forest lands.

I urge adoption of this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, I want to bring to Members' attention, and we have heard quite a few things from the other side of the aisle about all the scientists and sportsmen and everybody else who has engaged in this battle, and it is a very important battle, but I would like to read a letter addressed to the Secretary of Agriculture, Ms. Veneman, dated April 11, 2001.

It says, ''The National Forest System supports a diverse array of forest and rangeland ecosystems and provides useful products, unparalleled recreational opportunities and other important amenities. Today, the ability of the Forest Service to conserve and enhance these attributes is increasingly compromised by obstructionist administration appeals and legal challenges of proposed agency actions.''

And the letter goes on to say scrap the 2000 and let us deal with a system that actually works.

What we have heard from the gentleman from Washington, which I am in shock and awe that he would suggest that we stay with the status quo, as well as the gentleman from New Mexico, the proponent of this amendment, is they want a continuation of the same scientists that, in the gentleman from Washington's own State, 12 agency scientists got together in the Wenatchee National Forest and they said we have a great plan, let us put out a bunch of phony science here so we can lock up thousands of acres, put thousands of people out of work, maybe close down a few communities.

I am sure the gentleman remembers the incident in Wenatchee National Forest where the scientists were looking for Canadian lynx. They could not find any, so they took little sticky pads, as is the normal scientific method, and placed them in the forest at rub areas and scratch areas so they could recognize or perhaps ascertain whether or not the lynx were there.

The scientists could not find any. So what did they do? This is the science that they want to protect, the very scientists that these victims want to protect. So they go into the lab and they have a stuffed lynx in there from God knows where, and so they take hair off of it and they run around in the forest and put this hair on these little sticky pads and write a report that says obviously the lynx are there, and so now we have scientific data and scientific evidence to shut down this area from any kind of human activity, including the people who want to live and work in that area.

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

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

Mr. DICKS. Mr. Chairman, the gentleman knows I would never support that kind of science under any circumstances.

Mr. OTTER. Is that not the status quo?

Mr. DICKS. No, it is not. That was condemned by everybody on both sides of the aisle.

Mr. OTTER. Mr. Chairman, reclaiming my time, I would conclude by saying we got no support from the gentleman from New Mexico or the gentleman from Washington when we wanted to take those scientists to task. What happened to them, they were sent to sensitivity schools and told not to do that again. I suggest that we send this legislation to the same place.

Mr. DICKS. Mr. Chairman, I yield myself 30 seconds.

We support scientifically credible science. We do not support people who go out with some kind of a vendetta. I just think we should not try to make this so vitriolic.

I have been through what has happened in the Northwest. There is one thing I learned, if it is not scientifically credible or legally defensible, you are not going to go very far. So if one thinks these plans are going to hold up once you get the Endangered Species Act in place, Members are making a big mistake. It is better to do these things scientifically credible in the first instance.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. DEFAZIO), a long-standing member of the Committee on the Resources.

Mr. DICKS. Mr. Chairman, I yield the balance of my time to the gentleman from Oregon (Mr. DEFAZIO).

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) is recognized for 2½ minutes.

Mr. DEFAZIO. Mr. Chairman, I was sitting in my office watching this debate. I participated earlier, and I was

going to participate later, and I was not going to participate on this amendment until I was insulted and the memories of young people from my district were insulted by the gentleman from Minnesota. To try and purport that the National Forest Management Act had anything to do with the death of those kids is outrageous.

Mr. Chairman, where is the money for the firefighting? The other side has not adequately funded it. Where is the money for the fuels reduction? It is not in the budget. The other side has passed a so-called healthy forest bill that does not have one penny, not one red cent in it for fuels reduction.

The other side wants to pretend this stuff can be done on the cheap so they can give money in tax cuts to the wealthy people. Those kids died protecting their property.

Mr. Chairman, it does not have to do with the National Forest Management Act, and Members know. Put up the money to fight the fires. Put up the money to do the fuels reduction and stop screwing around with the public process. That is what is being done here. The target here is not to get rid of the brush. We have a 6 billion board foot backlog of commercial thinning in the Pacific Northwest that the Forest Service does not have the money to fund; 6 billion board feet. That could put one heck of a lot of people to work for one heck of a long time.

But the other side will not fund it because what is the real target here, the target here is the little bit of the remaining old growth. That is why they want to change the rules. Not to get the brush or fuels reduction or deal with the 6 billion board foot backlog of thinning but to go into these forests and cut the last remaining valuable old growth trees, the only trees that happen to be fire resistant, the only trees that should be left behind when foresters go through and remove the rest of the junk from 100 years of forest mismanagement.

And, yes, Democrat and Republican administrations alike are responsible for forest mismanagement. But to perpetuate it now and to perpetuate it under a myth that somehow it will not cost a penny to undo 100 years of mismanagement, that somehow you are going to go in and do the thinning, that somehow you are going to go in and do the brush removal and the fuels reduction and it will not cost a cent, the only way to do that is to take out the most valuable trees at the same time, which means you do not leave what every credible fire ecologist and scientist says needs to be left in fire-prone forests and which would take us back to presettlement conditions and premismanagement conditions, the old growth. Do not do this by disrespecting the young people from my district and other people in the West who died fighting these fires.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in closing, let me say that the gentleman from Washington has incredible experience with forest issues; and I believe he was right on when he said do not cut the scientists out of the process or we are not going to have very good forest planning. That is what we are about here today, these regulations cutting scientists out of the process.

Members talk about sound science, but when it comes to this administration, the science was thrown out of the window.

Mr. TAYLOR of North Carolina. Mr. Chairman, the gentleman from Minnesota (Mr. GUTKNECHT) who spoke earlier, and I agree with him, we have lost lives and we have lost forests because we have had years and years and years of delay rather than trying to address this subject, and that is what these resolutions are trying to do.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. POMBO) to close.

Mr. POMBO. Mr. Chairman, I know that our colleagues that are watching this debate who may not have invested as much time on these issues as those of us that are on the floor are probably really confused right now. Because I heard the gentleman from Washington give a very impassioned description of what we need in the process of doing forest planning and I believe an accurate description.

If that is what the Udall amendment did, I would vote for it in a second; and I would get our guys to vote for it. Unfortunately, that has nothing to do with the amendment that is on the floor. The amendment on the floor is to take us back to an old, broken system and not move forward. What we are doing right now is what is wrong. It is the process that we currently have in place that has led us to an unmanaged forest that has resulted in catastrophic fire. It is the process that is in place right now that has led us into these endangered species fights. It is the process that is in place right now which has caused the problem. Why Members want to stay with that process instead of moving forward is beyond me.

I would like to read from a letter that I received from the Secretary of Agriculture, Ann Veneman. In part it states, ''The Forest Service is required by law to revise land management plans for national forests and grasslands every 15 years. To satisfy this requirement, the agency needs to complete 92 plan revisions in the next 10 years. The Forest Service estimates that it spends over $100 million a year on plan revisions using regulations adopted in 1979 and slightly revised in 1982.'' $100 million a year.

I do not think that I have to scream to get this across, but when we talk about using money for better purposes, spending $100 million a year is outrageous.

It further says, ''In addition, an internal study by professional planners in the Forest Service concluded that the 2000 regulations were unimplementable, primarily because of the expansive and detailed process requirements in the regulations, the large amount of data needed to meet these requirements, and the lack of personnel with scarce and specialized skills.''

So not only do Members want to continue doing what we are doing now but also force the Forest Service to spend more money putting these plans together in order to meet the 11th hour regulations put in place by the previous administration.

It continues, ''In short, the 2000 planning regulations would make the already unreasonable procedures and costs associated with the 1982 regulations worse instead of better.''

I would further like to read from a letter of the Society of American Foresters, ''The forest planning process is crucial to establishing the goals and objectives for each national forest unit. It involves extensive public involvement, analysis, and local decision-making. Without clear direction through regulations, the agency's time and resources will continue to be tied up in the planning process, instead of management activities such as hazardous fuels reduction and forest health restoration work.''

□ 1830

We have also heard a lot about wildlife. The wildlife organizations that oppose this amendment include the Boone & Crockett Club, Buckmasters American Deer Foundation, Campfire Club, the Congressional Sportsmen's Foundation, Conservation Force, Foundation for North American Wild Sheep, International Association of Fish and Wildlife Agencies, International Hunter Education, National Trappers, National Wild Turkey Federation, Pheasants Forever, Quail Unlimited, and on and on.

This is not about wildlife. This is not about science. This is not about public participation. This is about protecting the system that is in place right now. Many of the folks that have come to the floor today to support this amendment are the exact same people who opposed the healthy forests initiative. They are the exact same people who did not want to move forward in terms of protecting our forests from catastrophic fire. They are the same people who proposed putting these regulations in place at the end of the previous administration. What we currently have is a problem. It has led us to the point where we are now. The system is broken. We need to fix it. Vote against the Udall amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. UDALL).

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

Mr. UDALL of New Mexico. 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 New Mexico (Mr. UDALL) will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. HOLT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HOLT:

At the end of the bill (before the short title) insert the following section:

SEC. 3___. None of the funds made available in this Act may be used to manage recreational snowmobile use in Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr. Memorial Parkway, except in accordance with National Park Service One-Year Delay Rule published November 18, 2002 (36 CFR part 7, RIN 1024–AD06).

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. HOLT) will control 15 minutes, the gentleman from North Carolina (Mr. TAYLOR) will control 25 minutes, and the gentleman from Washington (Mr. DICKS) will control 10 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I yield myself 4 minutes.

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

Mr. HOLT. Mr. Chairman, Yellowstone Park, our first national park, our premier national park, a symbol of America, is being loved to death. My colleagues and I today are offering this amendment to protect Yellowstone and Grand Teton parks, some of our Nation's most valuable treasures. The Park Service which is charged with protecting the natural resources of the parks unimpaired for the enjoyment of current and future generations has studied the state of these parks. In Yellowstone Park, they have determined that the use of snowmobiles is the principal insult to the park, an insult that can be corrected. What they say is that phasing out of snowmobile use in Yellowstone and Grand Teton is the best way to protect the parks, better than other alternatives, better than requiring new snowmobiles, better than requiring guided snowmobile tours, better than a cap on the number of machines entering the park daily. Snowmobiles produce significantly more noise and pollution than cars, presenting a health hazard to park rangers, to visitors and obscuring the visibility even around Old Faithful. Having been there myself in winter, I can tell you that snowmobile noise is clearly audible through much of the park most of the time, disturbing wildlife and disrupting visitors' experiences.

The Park Service in November 2000 issued an environmental impact statement that was the culmination of nearly 10 years of study. The statement said: ''Based on reduced impacts to human health and safety, to air quality, visitor access, the natural soundscape and to wildlife, the National Park Service has identified the snowmobile phaseout as the environmentally preferred alternative.''

The Bush administration did not like this conclusion. So they told the Park Service to study it again and issue another report, which they did, publishing a new environmental impact statement in February of this year. This time they considered the impacts of the administration's proposal to look at new machines, the four-cycle machines, and to cap the number of snowmobiles entering Yellowstone and Grand Teton. They came to the previous conclusion. The statement now reads: ''The snowmobile phaseout best attains the widest range of beneficial uses of the environment without degradation and risk of health or safety.''

Last month, the Environmental Protection Agency weighed in as well. Not only did they uphold the Park Service's conclusion that a phaseout would be best for the parks and for the visitors, they actually found that the Park Service had underestimated the impact of snowmobile emissions under the administration's proposal. For no good reason, Mr. Chairman, the Interior Department wants to roll back a regulation based on 10 years of careful study. They are the ones trying to undo the existing snowmobile phaseout. We are here to uphold what the Park Service has determined to be best for the parks.

Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL), who has studied this and experienced it firsthand.

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

Mr. Chairman, I am here today to support the Holt-Rahall amendment that would phase out the use of snowmobiles in Yellowstone and Grand Teton National parks. These parks have a special place in my heart as they have in the hearts of most Americans. I have frequently visited Grand Teton and Yellowstone Park during the summer months, probably visiting Yellowstone 10 times during my life. It is a beautiful park, as all Americans know. It is a grand and wonderful place, our first national park. But because of the concerns I heard about snowmobile use in the winter, I visited the park this past winter with the gentleman from New Jersey and the gentleman from West Virginia, because I could not believe that things were quite as bad as I heard. In fact, I found that they are worse.

The use of snowmobiles in Yellowstone has all of the negative impacts that the gentleman from New Jersey has described, of noise pollution, air pollution, the harassment of animals, the impact on the habitat. I was completely overwhelmed by the amount of noise that these machines generate. But what I did not understand was that government policy is to virtually require the use of snowmobiles. I thought this problem was because of some recreational use in Yellowstone during the wintertime. That shows you what an Easterner maybe does not understand about Western winters. There is a lot of snow out there, and they do not pave the roads so that cars can ride into Old Faithful or around Yellowstone. They groom the roads with the snow on it and pack it down for the use of snowmobiles. Snowmobiles are the preferred and only way to travel around Yellowstone unless you use a snow coach, a larger-tracked vehicle that can carry 10 or 15 people.

So the government policy is to use snowmobiles. Therefore, we are responsible for what is happening there. The reality is that the Holt-Rahall amendment is not about banning snowmobiles. It is about protecting Yellowstone. It is about protecting it from the invasion of these machines in the wintertime that pollute, that disrupt because of noise, disrupt because of harassment.

We see this picture of one of the groomed roads with some of the bison in the Yellowstone herd with even more of a machine herd coming behind them, the people that are using the snowmobiles to travel. I am sure snowmobiles are a lot of fun to ride. I have, in fact, ridden them in the East. I understand the appeal. But this is not about snowmobiles. We have an obligation to protect Yellowstone. We have an obligation to make sure we stop practices that are hurting Yellowstone. We have stopped allowing tourists to chip off parts of the formations there. We keep them out of the geyser basins so that there will not be damage to the natural beauty or harm to the visitors. We have stopped certain things from happening in Yellowstone and in Grand Teton because we want to protect the natural beauty and protect those parks for the future. Under the same thinking, we have to phase out snowmobiles in order to protect the park.

The three of us visited the entrance to the park on a Saturday morning. The pollution, the smoke, the haze was extraordinary. The noise was disruptive. No matter where we went in the park, we could hear the noise of the snowmobiles. The advocates of the current use say that modern technology is improving the situation, that the four-stroke technology of the new machines gets rid of the problems that the old two-stroke machines were causing. That simply is not the case. The four-stroke machines are noisy. They pollute.

The answer here is to phase out snowmobiles, promote the use of snow coaches. The government could purchase a fleet or help develop a fleet of snow coaches that could be leased by the government to the private sector that now represents snowmobiles. The private sector could take the responsibility for putting the visitors into those snow coaches, could charge for that, could make money, the economies of the surrounding areas would

stay strong, and yet we would have done a major benefit for Yellowstone by outlawing the snowmobiles, protecting the environment and living up to our obligations to be good stewards of Yellowstone and Grand Teton for our children and our grandchildren to enjoy.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment. In the beginning, there was no limit to snowmobiles in these parks. In the last days of the Clinton administration, the administration barred all snowmobiles from the parks. Clearly, people live in the parks and this was not acceptable, emergency purposes. We had to come up with a program that would be reasonable, and I think this plan that is in place or will be in place is a balanced approach that addresses air quality, noise, wildlife, and safety concerns while continuing to allow the American public access to enjoy the parks during the winter months.

For the first time, a strict daily limit will be placed on the number of vehicles, and the snowmobiles must achieve at least a 90 percent reduction in hydrocarbons and a 70 percent reduction in carbon monoxide compared to conventional two-stroke engines. We now have four-stroke engines.

The sound question is that no more than 73 decibels of sound, a five-decibel reduction, has been put in place and 80 percent of the snowmobiles will be commercially guided. We have tried to reach a balanced plan that I think is reasonable. I urge a ''no'' vote on this amendment.

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

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume. I rise in support of this amendment. There was a very important letter written on May 20, 2003, by George B. Hartzog, National Park Service director, 1964 to 1972; Nathaniel Reed, Assistant Secretary of the Interior, 1971 to 1976; Russ Dickenson, National Park Service director, 1980 to 1985; Denis Galvin, National Park Service deputy director, 1985 to 1989, 1998 to 2002; Roger Kennedy, National Park Service director, 1993 to 1997; Robert Stanton, National Park Service director, 1997 to 2001; Michael Finley, Yellowstone National Park superintendent, 1994 to 2001; and Robert D. Barbee, Yellowstone National Park superintendent, 1983 to 1994.

This letter is to Secretary Norton. It says:

''It has been our privilege collectively to serve nine Presidents as stewards of America's national parks. For each of us, this experience underscored the pride and joy that Americans feel for their common heritage and their desire to have national parks vigorously preserved for their grandchildren. In this spirit, we write to you about a final decision that is before you regarding snowmobile use in Yellowstone National Park. There can be no doubt that this decision is a defining moment for America's national parks. The choice over snowmobile use in Yellowstone is a choice between upholding the founding principle of our national parks, stewardship on behalf of all visitors and future generations, or catering to a special interest in a manner that would damage Yellowstone's resources and threaten public health.

''The latter choice would set an entirely new course for America's national parks. It is our deep hope as this issue now moves to your final review that you will ensure the highest protection for Yellowstone. To do otherwise would be a radical departure from the Interior Department's stewardship mission. Yellowstone is an irreplaceable national treasure, a symbol of our country and a gathering place where Americans feel justifiably proud that our country led the world by establishing its first national park.

□ 1845

''A decision made on behalf of the snowmobile industry and not for Yellowstone's environment and general public would be wrong.

''On many occasions President Bush has made laudable pledges that members of his administration will always be fully accountable to the public. In keeping with this, we are mindful of your assertions regarding snowmobile use in Yellowstone. They are as important today as they were when you made them.

''Two years ago the Interior Department directed that a supplemental'' EIS ''be undertaken so that additional information and wider public involvement could be brought to bear in making the best possible decision about Yellowstone's future. The Department asserted that this information would be essential to a sound decision.

''On the basis of the new data, the National Park Service verified that phasing out snowmobile use would provide the best protection of Yellowstone's environment and the health of employees and visitors. The study concluded that ending snowmobile use while providing visitors access on snowcoaches 'best preserves the unique historic, cultural, and natural resources associated with Yellowstone and Grand Teton National Parks' and would 'attain the widest range of beneficial uses of the environment without degradation and risk of health and safety.' Final Supplemental'' EIS ''February, 2003.

''We hope that you will now embrace the central conclusion of a study that your Department asserted to the American people would shape a better decision. To ignore its conclusion would clearly be to accept avoidable risks to health and safety, a narrower range of beneficial uses, and weaker preservation of Yellowstone and Grand Teton National Parks.

''Your department also called for wider public involvement, and the call was unquestionably answered. More Americans submitted comments to the National Park Service than the agency has received on any single issue in its 87-year history. While the volume of comment was unprecedented, its reflection of public opinion was consistent with previous comment periods over the past several years. By a four-to-one margin, Americans urged you to give Yellowstone the best possible protection and said they believe, as the National Park Service has confirmed, that this means replacing snowmobiles with snowcoaches. We hope after calling for public comment, you will heed, not ignore, what the public has told you.

''Clearly we are in economic and budgetary times that require us to be scrupulous with every tax dollar. This is another reason why we urge you to adopt a phaseout of snowmobile use. Your study demonstrated that continuing snowmobile use in Yellowstone would result not only in higher levels of air and noise pollution, harm to wildlife, and risks for employee and visitor health; it would also cost taxpayers $1.3 million more each year than replacing snowmobiles with snowcoaches. Surely you will not ask the American taxpayer to pay more for less protection, an annual transfer payment to the snowmobile industry subsidizing ongoing damage to Yellowstone.

''We would be remiss if we did not emphasize one final point. Yellowstone's wintertime struggles with pollution, noise, and traffic congestion fit into a larger context. Throughout the National Park System we have been striving for years to develop more efficient transportation systems so that the visitor's national park experience can be defined by each park's special attributes and not by negative aspects of traffic that most visitors hope to leave at home.

''Zion National Park is an excellent example of the success and popularity of this strategy. Where automobile traffic had clogged Zion's once quiet canyons and the visitors' experience were being defined by noise, exhaust, and frustrations finding parking, the Park Service substituted shuttle bus access. This change boosted gateway business, earned accolades from visitors who today are enjoying a better park experience, and reduced impacts to Zion's resources.

''In Yellowstone the supplemental study that you requested has demonstrated that replacing snowmobiles with an efficient system of snowcoaches would bring similar benefits. In fact, with wildlife under stress from Yellowstone's deep snows, frigid temperatures, and employees and visitors breathing snowmobile fumes often trapped by the park's inversions, the benefits of reducing traffic and emissions would be even greater than they have been in Zion.

''In summary, we join as former public stewards of America's national

parks in urging you to place Yellowstone National Park back on a path that gives the highest priority to protecting its natural qualities for today's visitors and future generations. To do otherwise would ignore sound science, the public will, and responsibility to taxpayers; and, worst of all, it would erode a precious gift that this country gave itself and the world, a gift that will only become more valuable to our Nation as our population grows.''

So if these eight people representing a cross-section of our American political life who have served in the parks on a bipartisan basis over the last 40 years can come together, certainly I hope that our House can come together tonight in support of the Holt amendment.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I thank the chairman for yielding me this time.

Smoke is being blown in the United States Congress. In fact, more smoke than is being blown by the snowmobiles in Yellowstone Park. I share with the Members what a dear colleague, the gentleman from New Jersey sent out, showing a picture of a park ranger with a gas mask. I will now share with the members the words from the environmental impact statement from the Governor of the State of Montana, who was charged with the responsibility of clean air violations.

''It is important to note that, despite public perception to the contrary,'' and the perception trying to be created on this House floor today, ''the West Yellowstone interest has not recorded any violation of State or national air quality standards during the past four winter seasons.''

There is a reason we established dude ranches in Montana, because a lot of dudes like to come out and they do not know which end of a horse to jump up on.

I spent every weekend in Yellowstone Park growing up. I can honestly tell the Members the impact on the park is minimal. It is 2.2 million acres. The snowmobiles are required to stay on the minimum amount of land available to them, which is the roads. It is ironic that the sponsor of the amendment would say the best alternative is no human interaction. Frankly, if they did not want human involvement in Yellowstone Park, they are about 100 years too late.

Snowcoaches as the preferred alternative by the Clinton administration? Have you been down there? Have you listened to the snowcoaches? They are the noisiest, loudest, smelliest way of transporting oneself around the park. In fact, they do not even make enough snowcoaches to deal with the volume of people that would like to go in. The economic impact alone is incredible, $33 million a year lost to West Yellowstone.

We have spent a lot of time studying this issue. We have spent a lot of time having hearings, letting people look us in the eye and say, ''I am going to lose my job if you phase out snowmobiles.'' This amendment does not give them that opportunity. No guts in this House.

Give these people an opportunity to look these people in the eye and say, I am the one whose family is going to lose their way of making a living, making a living that was encouraged by this Federal Government. Please establish yourself in the gateway communities around the park so that we do not have to build those facilities in the park. Allow an opportunity to create the business and an economy outside the park, and now we are going to pull the rug out from under them. It does not make any sense to me.

Visitor access, multiple use. There is a way of dealing with this. And in fact, the snowmobile industry has stepped forward. They are saying, yes, we understand. Two-stroke engines are smelly and create too much emissions. They now have four-stroke. Have you been there? Have you listened to them? One can stand next to a snowmobile and not even hear it run, and one cannot smell it. They are quiet. They have worked real hard at creating an opportunity to move the snowmobiles around.

Let me tell the Members what we are talking about here. Under our plan, there will only be 50 individual snowmobiles allowed through the north entrance, 250 through the south entrance, 100 in the east entrance, and 550 in the west entrance. That is not many individual snowmobiles. We have done everything we can to try to create the opportunity of a quality involvement in our national park system. This does nothing more than pull that consensus-building process out from under our ability to have a good economy, to have a good park experience, and understand that the park was created for enjoyment. These machines do not create the kind of damage that they are trying to blow smoke up our skirts with by putting this kind of garbage out. It is not true. Vote against this amendment.

Mr. HOLT. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. DICKS. Mr. Chairman, I yield 15 seconds to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentlemen for yielding me this time.

I want to quickly make a comment in reference to the gentleman from Montana (Mr. REHBERG) and praise him for all his efforts to deal with this issue I think in a very comprehensive, competent way.

I come to the floor on this issue from a slightly different perspective. I am from Maryland, not from out West. I have lived and worked in the Rocky Mountains. I have ridden snowmobiles in National Forest in the Rocky Mountains. I have had some experience in the wintertime in pretty cold places, spent the winter of 1966 in a tent 250 miles north of the Arctic Circle in Norwood, a number of experiences.

But what I want to do is make a comparison between the Chesapeake Bay and Yellowstone Park. The Chesapeake Bay is a beautiful estuary. We are working hard to restore it. But the Chesapeake Bay in some sense like Yellowstone is being loved to death by too many people. In the Chesapeake Bay, it is not snowmobiles. It is motorboats.

In the Chesapeake, if we want to bring back the oysters, which are 99 percent less than what they were 100 years ago; if we want to bring the crabs, which are 50 percent of what they were 50 years ago; if we want to bring back the rockfish, they need certain areas to spawn, they need certain areas to survive. And, yes, we can have motorboats in the Chesapeake Bay, but what we are trying to do is to limit those motorboat activities to certain areas where they do not have interaction with spawning areas or critical wildlife habitat.

In the Chesapeake Bay we are looking at this issue, this motorboat human activity issue, with three things: respect, responsibility, and dignity for the bounty of God's creation. And in this issue of snowmobiles in Yellowstone, there are still about I am told, and correct me if I am wrong, in the three-State area, 13,000 miles of access that will not be impacted at all from snowmobiles. What we are talking about here is about 180 miles of snowmobile access right in Yellowstone.

So it is a difference of opinion. I think people on both sides of the issue, the gentleman from Montana, the gentleman from New Jersey, both gentlemen are trying to do what they feel is right for the pristine beauty of certain wonderful places in the United States; and I will tell the Members to vote their conscience on this issue.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, the decision to ban snowmobiles from the roads of Yellowstone and Grand Teton National Parks is based on politics, not on facts and not on laws. This rule was published just 2 days after President Bush was sworn into office. Much like the roadless rule, this decision was predetermined and more about getting President Clinton in the extreme environmental hall of fame than establishing good public policy. It was one of many sad last-ditch efforts to polish the tarnished Clinton legacy.

Predetermining the outcome was an obvious violation of the National Environmental Policy Act, or NEPA, and was well-documented in the lawsuit filed by the State of Wyoming. The Babbitt administration and the Clinton administration rushed to force the snowmobile ban, leaving public tours

only to be taken by snowcoaches rather than snowmobiles.

What is a snowcoach? It sounds warm and fuzzy and friendly. A snowcoach is a modified sports utility vehicle, a bus or a van, in which the wheels and the drive line are modified to use a track system similar to those used on old Army tanks. We have one here.

Notice the bison and how apparently the bison are not bothered by interaction with man. And, by the way, the road we are looking at is the same road that snowmobiles would go on. So it is not going to answer the problem that the gentleman from Pennsylvania (Mr. HOEFFEL) mentioned about buffalo going down the road. The roads will still be there.

□ 1900

These vehicles, here is another one, get 2 to 4 miles per gallon; and believe me, I have been on them and they are noisy. They travel the exact same roads snowmobiles and cars do, and their air emissions are worse than the new generations of snowmobiles by far.

I have been in Congress a long time, but this is the first time I have had environmentalists advocate for more SUVs in Yellowstone National Park or any national parks. It is also the first time I have ever heard of environmentalists saying that the use of tank-like vehicles is good for wildlife or the environment.

Let us be honest in this debate. Let us not pretend that preventing the use of snowmobiles will remove all human-wildlife interaction. Bison jams will still happen, just as they do in the summer months, when 1.7 million cars drive through Yellowstone National Park. These bison do not seem overly concerned whether a snowcoach or a snowmobile is in the road.

In Babbitt's rush to illegally force a snowmobile ban through the regulatory process, the air emissions statistics of snowcoaches were actually trumped up to show that they were more environmentally friendly than new generation snowmobiles. In fact, the National Park Service study understated carbon monoxide emissions for snowmobiles by a factor of 50 percent, because they used emission factors for light trucks with wheels on paved roads to calculate potential air-quality impacts, rather than testing the vehicles after converted to track systems and run on a snow-covered road.

Yellowstone National Park was created in 1872, as has been stated before, with the dual purpose of conserving its unique resources and providing a recreation area ''for the benefit and enjoyment of the American people.''

No damage has ever been done to the parks by the 65,000 snowmobiles which enter the parks each winter nor the 1.7 million cars that enter in the summer months on the same roads. Snowmobiles have never caused a violation of our current environmental laws, and air quality will only improve under the guideline advanced by the National Park Service.

The new generation 4-stroke engines are much quieter and cleaner than the older models. They are wildlife friendly, and they allow for an enjoyable trip through the park for all the visitors.

The new plan put forth by the National Park Service provides a good balance for continued snowmobile and snowcoach use, while still preserving the health of our national parks and the wildlife.

Oppose the Holt anti-snowmobiling amendment. And remember, we do not want more SUVs retrofitted to look like tanks driving through our national parks.

Mr. HOLT. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in strong support of this amendment by the gentleman from New Jersey. What the bill seeks to do, as many have already stated, is to overturn two comprehensive studies about the harm that snowmobiles do to the park. The fact of the matter is that those decisions were made in an arbitrary fashion. While they identified the least environmentally damaging alternative, they chose not to take it. They chose not to take it because their intent from the very beginning was to overturn the rule and to provide access for the snowmobiles. Not only did they provide access, but they increased the level of access.

The fact of the matter is the National Park Service has made its finding that these impair and harm the parks. They cause harm to the individuals who are working in the park at that time. We ought not to overturn that.

To bring up these coaches from the 1950s is not to deal with the issue in an honest fashion. The fact is that there are new coaches that were on order, they have been put on hold because of the change in the rules, and we ought to protect the parks by bringing people in to enjoy the parks, to see the parks, to experience the parks, but do it in a manner which is environmentally compatible with the best interests of the parks.

That is the fiduciary relationship that the Secretary of the Interior has on behalf of the parks and on behalf of the American people. It is not to introduce this source of pollution in an unlimited fashion.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, as the chairman of the Committee on Small Business, it was my opportunity to hold a field hearing for the purpose of gaining the actual facts as to what would happen economically to the people of West Yellowstone, Montana. Mr. Chairman, 1,100 people in the town would suffer a $33 million hit from the snowmobile ban.

Why would there be such an effect? Yellowstone National Park is the attraction, not a nearby national forest. Some encourage snowmobilers to redirect their enthusiasm for the sport to nearby national forest land. However, most wintertime visitors at Yellowstone who come from other parts of the country could recreate much closer to home, and they choose to come to Yellowstone because of its unique features. The amendment that is offered is similar to if the Park Service still allowed people to visit the Statue of Liberty in New York Harbor, but suspended ferry service because of concern over water quality, forcing people to row, canoe, or swim to Liberty Island and still expect the same number of people to visit the Statue of Liberty.

The production and use of snowmobiles, if you are interested in an economic recovery, is a $7 billion industry in this country. It creates roughly 75,000 jobs. We are struggling with the highest national unemployment rate in nearly a decade, and if this amendment goes through, it will result in thousands of people losing their jobs in the manufacturing sector, including the people that I represent in Rockford, Illinois, who are at 11 percent unemployment because of the huge hit on manufacturing. And I wonder if the people who want to eliminate snowmobiling in West Yellowstone Park think anything about the manufacturing workers who are struggling to keep their jobs, but they keep their jobs making snowmobile parts.

I was there at West Yellowstone Park. I got on one of these machines. In fact, I asked the owner of the machine to turn it on. He said, Congressman, the machine is already on. It was a new 4-stroke machine. Extremely quiet, Mr. Chairman; and there was no smoke. I said, would you turn on a 2-stroke machine, the old snowmobile machine. He turned it on, and the smoke is belching out of there and there is blue smoke, all kinds of noise. That is old technology. That is gone forever. Because the rules say, use the 4-cycle machine because it is whisper quiet.

I rode that snowmobile along with my wife, who is a biologist and who understands the environment. We came within 20 feet of an eagle and he just looked at us. We came within 10 feet of a bison; he just looked at us. And a fox came down the road just looking around. Do my colleagues know what happened? As we were in this trail of snowmobiles, as we got to those beautiful animals, the leader raised his arm, almost in reverence, as to the beautiful environment and the animals that were there so we could see them closely and firsthand.

This is new technology. There is no smoke. There is no noise. These are people who want to go to the park and examine and see nature as opposed to being in those terrible coaches that make all kinds of noise and make all kinds of tracks, and you cannot even

see. In fact, it was very quiet on that snowmobile trail until such time as one of those snowcoaches came along.

But there is more to it than that. It is that the 15 to 20 percent drop in recreation would literally destroy the school system of Vermillion, South Dakota, which is where some of these snowmobiles are made. We have to think about the economic impact of such a harsh decision just to ban something. It would put Vermillion, South Dakota, in tremendous distress. And all across the Nation, communities that depend upon taxes from the snowmobile industry would be tremendously impacted. That is what this is about.

Mr. Chairman, what this is about is a reasonable rule that the National Park Service developed for the purpose of allowing people of this country and people from around the world to come and visit the natural and pristine beauty of West Yellowstone Park. This is a ''no'' vote. It is a ''no'' vote because it will keep the people employed in West Yellowstone. It is a ''no'' vote because it will keep many people employed in the congressional district that I represent.

Mr. DICKS. Mr. Chairman, I yield my remaining time to the gentleman from New Jersey (Mr. HOLT), so that he may control and yield that time.

Mr. HOLT. Mr. Chairman, I reserve my remaining time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Chairman, I want to address the issue about what the Holt-Rahall amendment is all about, because I do not believe it is about diminishing wildlife.

As the chart shows here, since the National Park Service began grooming trails in the 1960s, the number of elk and bison have exploded, reaching the park's natural carrying capacity in the mid-1990s and remaining there ever since then. The park animals are breeding like rabbits. They are now leaving the park in search for food. There is no documented peer review science which indicates that snowmobiles are placing any species in Yellowstone at risk.

The Holt amendment is not about wildlife, and it is not about noise. The new 4-stroke machines that will be required under the National Park Service's record of decision are extremely quiet. The snowcoaches which would replace them under the Holt amendment are orders of magnitude louder and would have a noise impact on 17,000 more acres than would be the case under the National Park Service's ROD.

For those who have not had the opportunity to ride in a snowcoach, as the gentlewoman from Wyoming (Mrs. CUBAN) testified, let me assure my colleagues that it is not a pleasant experience. It is a tank, it is loud, it is noisy, and it is uncomfortable. If you ask them, most of those who ride in a snowcoach will tell you that they will not do it again.

The Holt amendment is not about lowering noise, and neither is it about lessening emissions. Compared to machines made just 4 years ago, today's snowmobiles are much cleaner, with particulate matter emissions falling over 95 percent in the past 4 years. In fact, there is no lower particulate matter benefit from banning snowmobiles from Yellowstone, as the chart suggests here.

According to the Southwest Research Institute, the SRI, a nationally recognized testing laboratory that conducts emissions tests for the California Air Resources Board, emissions from snowcoaches are six times as high as that of snowmobiles. With an average occupant load of three to four passengers on a per-occupant basis, emissions from snowcoaches exceed that of new technology snowmobiles. Even assuming a fully loaded snowcoach, emissions are likely to occur under the Holt amendment that are no better than that of six snowmobiles.

The Holt amendment is not about emissions, and neither is it about public health. Even during the days of dirty 2-stroke machines, there has never been a Clean Air Act violation in Yellowstone. With the introduction of new technology machines this winter, the issue of public health becomes a red herring. Based on the EPA's analysis, in the worst-case analysis of the air and the most impacted area of the park, the air in Yellowstone under the ROD will be 10 times cleaner than OSHA standards, 10 times cleaner than the requirements for our workers.

The Holt amendment is not about public health. If the science clearly indicates that the Holt amendment does not result in improvements in noise, emissions, wildlife propagation, or public health, then what is the Holt amendment about?

Mr. Chairman, the Holt amendment is about restricting choice, and it is about limiting public access to our national parks only to those who are able-bodied enough to hike or cross-country ski into Yellowstone National Park during the winter months.

Mr. Chairman, I urge a ''no'' vote on this amendment.

Mr. HOLT. Mr. Chairman, may I ask the Chair the time remaining.

The CHAIRMAN. The gentleman from New Jersey (Mr. HOLT) has 5¾ minutes remaining, after assuming the time of the gentleman from Washington (Mr. DICKS); and the gentleman from North Carolina (Mr. TAYLOR) has 6½ minutes remaining.

Mr. HOLT. Mr. Chairman, I yield 2½ minutes to the gentleman from West Virginia (Mr. RAHALL), the ranking member of the Committee on Appropriations Subcommittee on Interior, cosponsor of this amendment.

Mr. RAHALL. Mr. Chairman, I thank the gentleman from New Jersey for yielding me this time.

Mr. Chairman, the fight over the use of snowmobiles in Yellowstone National Park has raged on for more than a decade. In the most recent round, the National Park Service found that these machines impair park resources, a finding which required a ban on this activity.

□ 1915

Only days after taking office, President Bush shelved the ban and requested a new environmental assessment of the issue. So 2 years and 2.4 million tax dollars later, the new study came out; and, lo and behold, that study reached the same conclusions. Snowmobiles are bad for Yellowstone.

Not to be deterred by the facts, however, the Bush administration has pursued not a ban but rather increased snowmobile use in the park and is set to issue new rules to implement this policy any day now.

The fact that the administration is allowing public natural resources to be abused of course is not news. Virtually every environmental policy developed by this administration is crafted to benefit one industry or another. However, the Bush snowmobile policy is particularly devastating because it threatens not only Yellowstone's bison and bald eagles but also the entire process of environmental regulation.

To wake up one morning in the Bush White House and decide to toss this policy out the window is not just wrong, it is dangerous. Determining how best to protect the crown jewel of our National Park System is not sandlot football. You just cannot call for a ''do over'' if you do not like the way the game turned out.

Either 78 decibels worth of noise harms wildlife in the park or it does not. Either discharging gasoline and motor oil directly into ground water harms the park or it does not.

These are fundamental scientific questions that were answered through a careful and standardized policy-making process twice, twice. Deciding to change the answers or ignore them will have devastating consequences. If the Bush snowmobile policy stands, it threatens not only the park and its resources but also the public's confidence in our park system, our park service and our entire system of environmental protections.

Like the gentleman from New Jersey (Mr. HOLT) and several of our colleagues, I have visited Yellowstone. During the winter, I have experienced firsthand the devastating effect snowmobiles have on the park. I did not like what I smelled. I did not like what I heard. I did not like what I saw. Indeed, that evening I was having dreams, rather, I should say nightmares, of the Daytona Speedway as I went to bed.

If the administration is not willing to uphold and defend the law, those of us in Congress who love Yellowstone must act. We must act to preserve Yellowstone but also to preserve the faith that the American people have in our stewardship of the national parks. This is not anti-snowmobile. This is pro-Yellowstone. It is pro-protection for one of

the crown jewels of our American park system. I urge support of the amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time for closing.

Mr. HOLT. Mr. Chairman, I yield 1½ minutes to the gentleman from Connecticut (Mr. SHAYS), the co-sponsor of this amendment.

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

Mr. SHAYS. Mr. Chairman, I rise in support of this amendment. I believe protecting and preserving our environment is one of the most important duties we have as Members of Congress.

Our predecessors understood the preservation of our natural resources was a moral and patriotic obligation. It was their vision and foresight that led to the establishment of the Yellowstone National Park in 1872 owned by all Americans. The creation of our first national park was a farsighted guarantee each generation would inherent a healthy and vibrant Yellowstone.

But, today, the park's health is in jeopardy. On peak days this winter $1,600 snowmobiles entered Yellowstone, generating tremendous noise and pollution.

POINT OF ORDER

Mrs. CUBIN. Mr. Chairman, point of order.

Mr. Chairman, I believe there is a rule against allowing the pictures down there of the person at the stock car races in West Virginia staying on the floor.

The CHAIRMAN. The gentlewoman is correct. Exhibits may not remain on static display in the well.

It is now removed.

The gentleman from Connecticut (Mr. SHAYS) may resume.

Mr. SHAYS. Mr. Chairman, the harm caused by snowmobiles used in Yellowstone have been scientifically proven, studied further and proven yet again. Over the past decade the Park Service, the Environmental Protection Agency and independent experts have conducted extensive studies and always reach the same conclusion: A phaseout of snowmobiles is necessary to restore Yellowstone's health. I hope we take action today to do that.

Mr. Chairman, I rise in support of the Holt-Shays-Rahall-Johnson amendment to protect Yellowstone and Grand Tetons National Parks.

I believe protecting and preserving our environment is one of the most important duties we have as members of Congress. We simply won't have a world to live in if we continue our neglectful ways.

Our predecessors understood the preservation of our natural resources was a moral and patriotic obligation. It was their vision and foresight that led to the establishment of Yellowstone National Park in 1872.

The creation of our first national park was a far-sighted guarantee each new generation would inherit a healthy and vibrant Yellowstone, a park complete with wildlife, majestic vistas and awe-inspiring geysers.

But, today, the park's health is in jeopardy. On peak days this winter, 1,600 snowmobiles entered Yellowstone generating tremendous noise and pollution.

As a result, our park rangers are forced to wear respirators to combat the noxious cloud of blue smoke in which they work and park visitors are rarely free from the roar of snowmobiles.

And even after studying the latest generation of snowmobiles, the Environmental Protection Agency still found that a phase-out of these machines "would provide the best available protection for human health, wildlife, air quality, soundscapes, visibility and visitor experiences."

The harm caused by snowmobile use in Yellowstone has been scientifically proven, studies further, and proven yet again.

Over the past decade, the Park Service, the Environmental Protection Agency, and independent experts have conducted extensive studies and always reached the same conclusion: a phase-out of snowmobiles is necessary to restore Yellowstone's health.

By a 4-to-1 margin, Americans overwhelmingly support protecting Yellowstone by replacing snowmobile use with park-friendly, people-friendly snowcoaches.

This amendment does not restrict winter access to the Park. Rather, it requires visitors to travel in a manner that ensures the integrity of Yellowstone's precious natural resources.

This amendment seeks no more and no less than doing for Yellowstone what the National Park Service, the Environmental Protection Agency and the American people believe is necessary to protect the park.

Let's not waste another minute or another dollar of taxpayer money further studying this issue. Let's put into law a scientifically sound, environmentally safe and fiscally responsible decision that protects our nation's first treasure.

I urge my colleagues to support the Holt-Shays-Rahall-Johnson amendment to protect Yellowstone National Park.

The CHAIRMAN. The gentleman from North Carolina (Mr. TAYLOR) has indicated he has reserved his time to close.

The gentleman from New Jersey (Mr. HOLT) has 2¼ minutes.

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

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

Mr. Chairman, I restore this picture of the park ranger with the respirator to make the point that this is not a stunt. The Park Service actually issues respirators to its rangers. It is that bad, and they use them.

Now to refer to a couple of points that were made with regard to the economic impact. That was part of these studies, and the Park Service included in the study the economic impact of this phaseout. Now it is worth noting that a few years ago, in 1995–1996, when west entrance visitations decreased by 13 percent over the previous year, resort tax collection increased by almost 10 percent. The point is that preservation of the environment is in the interest of the economy. The National Park Service has determined through extensive studies that phasing out snowmobiles and converting to snowcoaches would have a less than 1 percent effect on the five county economy, and many business owners are saying the protection of the Yellowstone is vital to their economic future.

Mr. Chairman, this has been studied over and over again. Every point that the opponents have raised here has been addressed multiple times. It is worth pointing out what the locals, the local people are saying. Let me refer to a couple of newspapers from Montana.

The Great Falls Tribune says, "Sometimes politics replaces common sense, and it is happening now at Yellowstone Park. It is literally a dirty, stinking shame."

The Helena Independent Record says, "There remains something inherently out of kilter about letting snowmobiles roar through the pristine winter silence. It is not as if the West lacks places outside of Yellowstone."

The Casper, Wyoming, Star Tribune says, "Given the scientific evidence and the data of the degrading effects of snowmobiles, allowing their use in the parks violates the mission given to the National Park Service by Congress to manage the parks in such a manner and by such means as will leave them unimpaired for the enjoyment of current and future generations."

That is what our amendment seeks to do, Mr. Chairman.

MAY 20, 2003.

Hon. GALE NORTON,
*U.S. Department of the Interior, Washington, DC.*

DEAR SECRETARY NORTON: It has been our privilege collectively to serve nine presidents as stewards of America's national parks. For each of us, this experience underscored the pride and joy that Americans feel for their common heritage and their desire to have national parks vigorously preserved for their grandchildren. In this spirit, we write to you about a final decision that is before you regarding snowmobile use in Yellowstone National Park. There can be no doubt that this decision is a defining moment for America's national parks.

The choice over snowmobile use in Yellowstone is a choice between upholding the founding principle of our national parks—stewardship on behalf of all visitors and future generations—or catering to a special interest in a manner that would damage Yellowstone's resources and threaten public health. The latter choice would set an entirely new course for America's national parks.

It is our deep hope as this issue now moves to your final review that you will ensure the highest protection for Yellowstone. To do otherwise would be a radical departure from the Interior Department's stewardship mission. Yellowstone is an irreplaceable national treasure, a symbol of our country, and a gathering place where Americans feel justifiably proud that our country led the world by establishing its first national park. A decision made on behalf of the snowmobile industry and not for Yellowstone's environment and the general public would be wrong.

On many occasions, President Bush has made laudable pledges that members of his administration will always be fully accountable to the public. In keeping with this, we are mindful of your assertions regarding snowmobile use in Yellowstone; they are as

important today as they were when you made them.

Two years ago, the Interior Department directed that a supplemental environmental study be undertaken so that additional information and wider public involvement could be brought to bear in making the best possible decision about Yellowstone's future. The Department asserted that this information would be essential to a sound decision.

On the basis of the new data, the National Park Service verified that phasing out snowmobile use would provide the best protection of Yellowstone's environment and the health of employees and visitors. The study concluded that ending snowmobile use while providing visitors access on snowcoaches:

''. . . best preserves the unique historic, cultural, and natural resources associated with Yellowstone and Grand Teton National Parks . . .'' and would ''. . . attain the widest range of beneficial uses of the environment without degradation and risk of health and safety.''—Final supplemental Environmental Impact Statement, February 2003.

We hope that you will now embrace the central conclusion of a study that your Department asserted to the American people would shape a better decision. To ignore its conclusion would clearly be to accept avoidable risks to health and safety, a narrower range of beneficial uses, and weaker preservation of Yellowstone and Grand Teton National Parks.

Your Department also called for wider public involvement and the call was unquestionably answered. More Americans submitted comments to the National Park Service than the agency has received on any singe issue in its 87-year history. While the volume of comment was unprecedented, its reflection of public opinion was consistent with previous comment periods over the past several years. By a 4-to-1 margin, Americans urged you to give Yellowstone the best possible protection and said they believe—as the National Park Service has confirmed—that this means replacing snowmobiles with snowcoaches. We hope that after calling for public comment, you will heed, not ignore, what the public has told you.

Clearly we are in economic and budgetary times that require us to be scrupulous with every tax dollar. This is another reason why we urge you to adopt a phaseout of snowmobile use. Your study demonstrated that continuing snowmobile use in Yellowstone would result not only in higher levels of air and noise pollution, harm to wildlife, and risks for employee and visitor health; it would also cost taxpayers $1.3 million more each year than replacing snowmobiles with snowcoaches. Surely you will not ask the American taxpayer to pay more for less protection, an annual transfer payment to the snowmobile industry subsidizing ongoing damage to Yellowstone.

We would be remiss if we did not emphasize one final point. Yellowstone's wintertime struggles with pollution, noise, and traffic congestion fit into a larger context. Throughout the National Park System, we have been striving for years to develop more efficient transportation systems so that the visitor's national park experience can be defined by each park's special attributes and not by negative aspects of traffic that most visitors hope to leave at home.

Zion National Park is an excellent example of the success and popularity of this strategy. Where automobile traffic had clogged Zion's once quiet canyons and the visitor's experience was being defined by noise, exhaust, and frustrations finding parking, the Park Service substituted shuttle bus access. This change boosted gateway business, earned accolades from visitors who today are enjoying a better park experience, and reduced impacts to Zion's resources.

In Yellowstone, the supplemental study that you requested has demonstrated that replacing snowmobiles with an efficient system of snowcoaches would bring similar benefits. In fact, with wildlife under stress from Yellowstone's deep snows and frigid temperatures, and employees and visitors breathing snowmobile fumes often trapped by the park's inversions, the benefits of reducing traffic and emissions would be even greater than they have been in Zion.

In summary, we join as former public stewards of America's national parks in urging you to place Yellowstone National Park back on a path that gives the highest priority to protecting its natural qualities for today's visitors and future generations. To do otherwise would ignore sound science, the public will, and responsibility to taxpayers. And worst of all, it would erode a precious gift that this country gave itself and the world, a gift that will only become more valuable to our nation as our population grows.

Sincerely,

George B. Hartzog, Jr., National Park Service Director (1964–1972); National P. Reed, Assistant Secretary of the Interior (1971–1976); Russell E. Dickenson, National Park Service Director (1980–1985); Denis P. Galvin, National Park Service Deputy Director (1985–1989 and 1998–2002); Roger G. Kennedy, National Park Service Director (1993–1997); Robert Stanton, National Park Service Director (1997–2001); Michael V. Finley, Yellowstone National Park Superintendent (1994–2001); Robert D. Barbee, Yellowstone National Park Superintendent (1983–1994).

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I thank the chairman for yielding me time.

One of the previous speakers came to the floor and gave a lengthy explanation of this amendment. One of the things that he said was this is not about snowmobiles, and I think it is probably the only thing that he said that I agreed with because I do not believe that this amendment is about snowmobiles.

Over the last several years a number of concerns have been raised over snowmobiles in Yellowstone Park. They included visitor enjoyment, visitor and employee health, safety, air quality, the natural landscape, wildlife. I believe those were very legitimate concerns that were raised. I believe that in the management of this park, that that had gotten out of hand and there were legitimate concerns that had been raised.

The administration responded to that. The industry responded to that. The industry developed quieter, safer, less noisy machines in order to meet the standards. The administration adopted policies which restrict where the snowmobiles can go. It was a balanced approach to managing one of our most important public assets. Striving to reach that balance is where we really should be in terms of policy here.

Unfortunately, there are people who want to take the extreme and say we are just going do ban them altogether. Well, if you are going to ban 65,000 snowmobiles who stay on the public roads in Yellowstone, what about the one and a half million cars? Is that next? Because that is where we are going. When you come to our public assets, our public parks, especially the crown jewels like Yellowstone, it is important that we ensure that the public has access to those crown jewels and that we have the abilities as citizens of this country to enjoy our public lands. And in order to do that we have to reach a balance.

No, we cannot pretend that allowing people into Yellowstone Park has no impact on the environment. It does. No matter how they get there they have an impact on the environment. If you were successful and you ban snowmobiles and ultimately ban cars from Yellowstone Park but you let people walk in, that would have an impact on the environment.

So how do we ensure the greatest number of people have an opportunity to see this park and enjoy it both in the summer and the wintertime with having the least possible impact on the environment? The way that we do that is by adopting a balanced rule, a balanced approach. You can take snowmobiles in, but they have to be quieter, they have to be less polluting, and we are going to restrict you to the roads. And not only that, we will require that you have a guide with you when go into the park, trying to address all of the concerns that have been brought up.

A lot of the debates that you have heard here was about the way it used to be, not about the new rules that were being adopted. This is a balanced approach between having the least possible impact we can on our environment and at the same time allowing public access. That is a reasonable, balanced approach. You cannot continue to defend the extreme. You cannot continue to defend those who want people off public lands. You cannot continue to do that. But that is what we have had over and over today.

I oppose this amendment. I think that the administration has done a fantastic job of listening to people and trying to respond to their concerns. I think it is extremely important that we allow this rule to go forward and we allow the administration to go forward with what has proven to be a very balanced approach and oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. HOLT. 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 New Jersey (Mr. HOLT) will be postponed.

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 by the gentleman from California (Mr. GALLEGLY); amendment No. 4 by the gentleman from West Virginia (Mr. RAHALL); amendment No. 9 by the gentleman from New Mexico (Mr. UDALL); and amendment No. 2 by the gentleman from New Jersey (Mr. HOLT).

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT OFFERED BY MR. GALLEGLY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GALLEGLY) 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 15-minute vote followed by three 5-minute votes.

The vote was taken by electronic device, and there were—ayes 163, noes 255, not voting 16, as follows:

[Roll No. 382]

AYES—163

Ackerman
Andrews
Bachus
Baird
Baldwin
Ballance
Bartlett (MD)
Becerra
Bell
Bereuter
Bilirakis
Bishop (NY)
Blumenauer
Bono
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Gallegly
Gonzalez
Goss
Greenwood
Grijalva
Harman
Hastings (FL)
Hefley
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (NC)
Kaptur
Kennedy (RI)
Kilpatrick
Kirk
Kleczka
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Linder
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McNulty
Meehan
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Pryce (OH)
Regula
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Shaw
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Solis
Stark
Sweeney
Tauscher
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wolf
Woolsey
Wu
Young (FL)

NOES—255

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Baker
Ballenger
Barrett (SC)
Bass
Beauprez
Berry
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Case
Chabot
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Etheridge
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Graves
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McGovern
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)

NOT VOTING—16

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Ferguson
Frost
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald
Peterson (PA)
Weldon (PA)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1951

Messrs. SOUDER, SANDLIN, MORAN of Kansas, REYES, and LINCOLN DIAZ-BALART of Florida changed their vote from ''aye'' to ''no.''

Mrs. NAPOLITANO, Ms. VELÁZQUEZ, and Messrs. PASCRELL, GONZALEZ, FARR, DOOLEY of California, LARSEN of Washington, BROWN of Ohio, and CONYERS changed their vote from ''no'' to ''aye.''

Ms. MCCOLLUM changed her vote from ''present'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. LINCOLN DIAZ-BALART. Mr. Chairman, on rollcall No. 382, due to a technical difficulty, my vote was recorded as a "no." It should have been an "aye."

AMENDMENT NO. 4 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 noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 220, not voting 15, as follows:

[Roll No. 383]

AYES—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Bass
Becerra
Bell
Bishop (NY)
Blumenauer
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gonzalez
Goode
Gordon
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey

Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Platts
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—220

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boswell
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Goss
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Davis, Jo Ann
Ferguson
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald
Weldon (PA)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 2000

Mr. MCINTYRE changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2000

AMENDMENT NO. 9 OFFERED BY MR. UDALL OF NEW MEXICO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. UDALL) 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 198, noes 222, not voting 14, as follows:

[Roll No. 384]

AYES—198

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gerlach
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—222

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Etheridge
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri

Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Barton (TX)
Bereuter
Berkley
Berman
Bonilla
Burgess
Carter
Ferguson
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 2009

Mrs. NORTHUP changed her vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. HOLT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) 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 210, noes 210, not voting 14, as follows:

[Roll No. 385]

AYES—210

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Becerra
Bell
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—210

Aderholt
Akin
Alexander
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
Everett
Feeney
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Jones (NC)
Keller
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanders
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Velazquez
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Barton (TX)
Berkley
Berman
Bonilla
Burgess
Carter
Ferguson
Gephardt
Granger
Janklow
Jefferson
Johnson, Sam
Millender-McDonald
Souder

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 2017

Mr. GIBBONS and Mr. PORTMAN changed their vote from ''aye'' to ''no.''

Mr. ROSS and Mr. TURNER of Texas changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. JOHN

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

The CHAIRMAN pro tempore (Mr. SHIMKUS). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. JOHN:

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 prosecute any individual for taking migratory birds as described in 20.21(i)(1)(i) of title 50, Code of Federal Regulations, on or over land or water where seeds or grains have been scattered solely as the result of manipulated regrowth of a harvested rice crop.

The CHAIRMAN pro tempore. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. JOHN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. JOHN).

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

First, let me thank Ranking Member DICKS and also Chairman TAYLOR for allowing me to offer this amendment. I also want to thank the United States Fish and Wildlife Service for their ongoing cooperation regarding a very important issue to many of my constituents in Louisiana and elsewhere around the country.

Growing up in the coastal marshes of Louisiana, also known as the Sportsman's Paradise, I am a very avid hunter and fisherman. It is a way of life for me and many other people in

the marshes of Louisiana. I am also a very active member of the Congressional Sportsmen's Caucus. Let me begin by clarifying that I adamantly oppose the practice of illegal waterfowl baiting. It is in the best interest of sportsmen, farmers and conservationists to maintain and support a healthy population of our Nation's waterfowl all across the Nation.

At the same time, however, we must also be careful to acknowledge and properly address shortcomings in the current interpretation and sometimes subjective nature of existing Federal regulations. Any misinterpretation of these regulations unintentionally prohibits legal hunting methods. This misunderstanding also prohibits agricultural producers from implementing normal agricultural practices that are essential in the preparation of next year's crops. These practices are in no way intended to bait waterfowl or undermine the Federal regulations.

For the past several years, hunters, farmers and landowners in Louisiana have experienced serious problems determining whether or not what they are doing is abiding by the intent of Federal law. As a result of the unique nature of the growing season in Louisiana and also the unique agricultural process of growing rice, there is a disagreement over what constitutes a harvested rice crop and over what constitutes normal agricultural practices under this Federal regulation.

The gray area that exists in Federal waterfowl baiting regulations may allow for the prosecution of law-abiding rice producers, landowners and hunters under certain conditions. In fact, this past hunting season was an excellent example of the confusion that this regulation causes. Rice producers went about their business of draining and preparing their fields for the winter crop, something we call in Louisiana water buffaloing. It is a practice that is used every year to smooth out the ruts and also to flatten the rice stubble that has been harvested. However, unbeknownst to some of the farmers, some of their normal agricultural practices, this water buffaloing, were actually considered by the U.S. Fish and Wildlife Service game agents to be illegal according to the current Federal regulations. As a result, 2 days before the duck season opened in Louisiana, rumors had spread rampantly all over my district, and I represent the town of Gueydan which is known as the Duck Capital of the World, but 2 days before, the rumors were rampant whether any of the rice fields that were buffaloed by these farmers, whether these hunters were going to be prosecuted and ticketed for hunting over baited fields. Many of the hunters responded by canceling their hunts, their leases; and many of the farmers were needlessly delayed in preparing their rice fields for next year's crop.

Hunting waterfowl in Louisiana, Mr. Chairman, is a very important industry. It is a way of life, it is very important for the local economy, and it is a very popular pastime for the people that visit the Sportsman's Paradise. As things stand right now, Mr. Chairman, many hunters are being intimidated out of leasing lands over this regulation about water buffaloing, even though there is an extremely valid argument that this practice is legal under Federal regulations. When these hunters cancel their leases, Mr. Chairman, not only do they needlessly miss out on a great opportunity of hunting ducks in south Louisiana, but they also take money out of the rural economies of south Louisiana that desperately need the support of a stable hunting industry. This can result in especially tough times for our rice farmers. As we all know, the past few years with the drought, the low prices have really cost the rice farmers a lot.

That being said, I want to withdraw my amendment because of the assurances that I have with the U.S. Fish and Wildlife and also with the staffs on both sides to work out this regulation. But this is an important amendment. I will continue to work towards that end. I want to thank the ranking member and the chairman.

The CHAIRMAN pro tempore. The gentleman's amendment is withdrawn.

AMENDMENT NO. 16 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. KING of Iowa:

At the end of the bill (before the short title), add the following:

**SEC. ___. MISSOURI RIVER MANAGEMENT.**

In order for the Corps of Engineers to select revisions to the Missouri River Master Water Control Manual that serve and balance the diverse interests of all river uses, including electric generation hydropower, flood control, navigation, recreation, and environmental protection, and in order to manage those uses under the Annual Operating Plan for the Missouri River, during the formal consultations under the Endangered Species Act of 1973 between the Corps of Engineers and the United States Fish and Wildlife Service regarding a new biological assessment for the Missouri River Master Control Manual, none of the funds made available by this Act shall be used to subject management of the Missouri River to the imposition of any regulatory action under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

The CHAIRMAN pro tempore. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I yield myself 1 minute.

We have an issue before us here in this Congress. Back in 1952, there was a large flood in the Missouri River that wiped out much of the bottomland and the farms and damaged our cities, Sioux City, Council Bluffs, Omaha, all the way down through. The Pick-Sloan program was established subsequent to that by the United States Congress for these purposes: first, flood control; second, power generation; third, agriculture production; and, fourth, barge traffic. Nothing in the record says it is set aside so that we can accommodate two birds and a fish which enter into this fray.

About 10 years ago, actually it was in October of 1993, I came out here to Washington to a Midwest flood reconstruction and cleanup conference subsequent to our 1993 devastating flood. And there, Molly Beatty, the director of Fish and Wildlife, said, ''Agriculture looks upon this flood as an economic disaster. Frankly, we here at Fish and Wildlife look upon it as habitat rehabilitation.'' That is the day I learned the names of the least tern, the piping plover, and the pallid sturgeon; and that policy is manifested today.

Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I rise in support of the King-Terry amendment. The long-term effects of reduced water flows on the Missouri River are very serious. In particular, power plants along the river rely on an adequate supply of water to operate, mostly for cooling purposes.

Nebraska's two largest providers of electric power, Omaha Public Power and Nebraska Public Power districts, are strongly opposed to any flow changes to the Corps' 2003 operating plan, and for good reason. Last year, a total of 99 percent of the public power supplied in my district was dependent upon two plants that are dependent upon the Missouri River waters. Reduced flows could cost Nebraska and Iowa power plants tens of millions of dollars and cost the constituents in my district who would have to absorb these costs. Furthermore, drastically reduced river flows could make it nearly impossible for power producers along the river to comply with Federal water laws. Adequate river flows are also necessary for other essential services along the river.

Mr. Chairman, I rise today as a cosponsor of the King-Terry amendment. We offer this legislation to bring some clarity to a confusing legal situation regarding regulation of the Missouri River. This is an important issue for Nebraska and other Missouri River Basin states. Unfortunately, it is also an issue that has pitted region against region, state against state, interest against interest.

Last weekend, a U.S. District Court judge here in Washington, D.C., ordered the U.S. Army Corps of Engineers to reduce the flow of the Missouri River in order to protect three endangered species—the least tern, piping plover and pallid sturgeon. When the Justice department asked the judge for a two-week delay on the order, so that barges could be moved off the river, the request was denied.

Since then, the Corps has determined that the D.C. district court decision is in direct conflict with a June ruling by the Eight Circuit

Court of Appeals, which ordered the Corps to maintain sufficient Missouri River flows for navigation and power generation. The Corps has also stated that its 2003 management plan is based on sound scientific and legal grounds, and has not resulted in any loss of least tern or piping plover this year. As a result, the Corps will not reduce the river's flow.

Corps officials say that reduced flows would have stranded at least 10 barges, including one near Omaha filled with 1,300 tons of fertilizer. Stranded barges pose a serious safety concern, since they could drift downstream, destroying piers, bridge supports and other infrastructure. Worse, they could spill their contents into the river.

The long-term effects of reduced flows are just as serious. In particular, power plants along the river rely on an adequate supply of water to operate—mostly for cooling purposes. Nebraska's two largest providers of electric power—Omaha Public Power and Nebraska Public Power districts—are strongly opposed to any flow changes to the Corps' 2003 Operating Plan. And for good reason. Last year, a total of 99 percent of Omaha Public Power District's generation came from Missouri River-based facilities. Nebraskans depend on these plants for reliable, low-cost electricity.

Reduced flows could cost Nebraska and Iowa power plants tens of millions of dollars. These costs would be directly passed to consumers, as downstream states would be forced to buy out-of-state electricity. Furthermore, drastically reduced river flows could make it nearly impossible for power producers along the river to comply with federal water laws.

Adequate river flows are also necessary for other essential services for river communities—including clean drinking water, proper sewage treatment, and industrial uses. I want to note that my hometown of Omaha has committed millions of dollars to new development on its riverfront. Reduced flows would dry up marinas and leave recreational boaters grounded. A vibrant, flowing river is vital for cities like Omaha and Council Bluffs, as well as every other community along the river.

The Bush Administration has announced that the Corps and the U.S. Fish and Wildlife Service will begin formal consultation next week, as they work on a new Biological Assessment under the Endangered Species Act. In the meantime, constituents in my district, and those of many of my colleagues up and down the Missouri River, need some assurances. The amendment that Mr. King and I together have offered is a temporary provision to ensure the consideration of all interests—including electrical generation, agriculture, water quality, transportation, recreation, and the environment. The legislation would also remove the legal uncertainty created by conflicting court orders, while the Corps and the Fish & Wildlife Service address the important issues.

The Administration has decided to commit an additional $42 million to help restore the Missouri River's ecosystem. I urge the House and our appropriators to work with the Administration, to ensure adequate resources are provided for this priority.

I support the basic objectives of the Endangered Species Act. But it was never intended to overshadow each and every human interest. A balanced approach to managing the Missouri River can be achieved. Rushing to satisfy special interests—without considering all the economic and public safety consequences—is neither responsible nor fair to the taxpayers or those whose livelihoods depend on the river.

Mr. Chairman, the river can be managed in a way that protects wildlife while also promoting the economy of the Midwest and the Plains states. That is the point of our amendment.

I thank the Gentleman from Iowa for yielding.

Mr. REHBERG. Mr. Chairman, I wish to claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Montana is recognized for 5 minutes.

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

I do not have a lot of love for the Endangered Species Act. I think that is well known within this Congress. I served on the Endangered Species Act reform committee. I think there are flaws. There are problems. But the difficulty is this is not the way to make changes within the system.

□ 2030

We had a hearing in Billings, Montana, not long ago with the general from the Army Corps of Engineers at which time we said, when are you going to get off the dime and do your job? We have been waiting for 13 years for you to put the master plan back in place. You were supposed to have done it 13 years ago. You have not to this time.

There are problems, and he told us at any given time there are lawsuits being filed by one State or another. At any given time 11 States care and there is a lawsuit ongoing.

I wish the gentleman from South Dakota (Mr. JANKLOW) was here. He was excused for health reasons, but I know I can speak for him. Because between his time when he was governor and governor, he was the attorney filing suit against the Federal Government because they had not gotten the master plan done.

We cannot just ignore recreation upstate, we cannot just ignore the Endangered Species Act, and that is what this amendment does. So while I am willing to work with anybody in this Chamber to change the Endangered Species Act to make it make more sense, they cannot just ignore the judge's ruling of last week saying that there are three species that are endangered. We can, in fact, save those species. We would like to help in Montana. We have got the reservoir to do it, but let us have a master plan. We tell the Corps of Engineers, get their job done. We would not need amendments like this if we had it in place.

We do not need this amendment, and I ask Members to oppose it.

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

Mr. KING of Iowa. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I rise in support of the King amendment.

Actually, there are two conflicting rulings right now that govern flows, and so it is not just one. The idea here is that we want high flows in the river in the spring, which will flood thousands of acres of farmland, and very low flows in the summer, which prevent any kind of navigation. The reason to do this is so the piping plover will build their nests high up on the banks of the river and will not get flooded out.

The best way to handle this is to manually move the nests up the bank. They do not have to flood thousands of acres. They do not have to shut off the barge traffic. That is the simple way. It is the logical way to do it. And yet we are trying to mandate this thing by managing the river all because the piping plover and the least tern are endangered species or threatened species.

So we think that this whole thing can be fixed, and we support the amendment.

Mr. REHBERG. Mr. Chairman, how much time did I have to begin with in opposition? Was it 5 minutes?

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman has 5 minutes in opposition and has 3 minutes remaining.

Mr. REHBERG. Mr. Chairman, I yield myself 1 minute.

I believe there is going to be other opposition. They asked for time. They do not seem to be in the Chamber, so I will just take 1 more minute of time.

I do not deny that there are problems that need to be fixed. This is not the mechanism to do it.

I have been to Nebraska helping my colleague deal with the endangered species issue. I agree with him on the endangered species issue. The problem is we cannot ignore the endangered species at this time until such time as we make the changes.

Again, I call upon the Corps of Engineers to please get the master plan in place. Please let us end the litigation that continues. Let us get together, establish a consensus, work out a solution that can deal with barge traffic and recreation and the Endangered Species Act and all things that are entailed with the management of the Missouri River. But we cannot do it this way.

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

Mr. KING of Iowa. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. GRAVES).

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

I rise in strong support of the King amendment. This is a very timely amendment as I held a small business hearing today in my subcommittee dealing with the Endangered Species Act and the problems arising from it.

When found in a recent court ruling, once again that ruling pushes common sense aside in favor of alleged endangered species headed toward extinction, and I refuse to sit by and watch

judges like those who wish to ban God from our Pledge of Allegiance push farmers and small businesses around. If we do nothing, we are soon going to be adding the American farmer to the list of endangered species.

This amendment inserts common sense where it is needed. Our courts act recklessly when they continue to place the concerns of animals and plants ahead of farmers and small businesses. I am taking the battle for common sense directly to the Endangered Species Act, and I welcome the gentleman from Iowa's (Mr. KING) efforts to put common sense into the management of the Missouri River.

Mr. REHBERG. Mr. Chairman, I continue to reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Montana (Mr. REHBERG) has 2 minutes remaining. The gentleman from Iowa (Mr. KING) has 1 minute remaining.

Mr. KING of Iowa. Mr. Chairman, I yield myself 1 minute to speak to that issue.

Following the gentleman from Missouri (Mr. GRAVES), the point that he raises about the real endangered species here is the Midwestern farmer. It is not the Northwest rancher. It is the Midwestern farmer that is at risk here.

I have been on every stretch of that river from Gavins Point down to Nebraska City. It is a long way. I have been on most of it twice. There is a lot of habitat up there for the least tern, the piping plover, and the pallid sturgeon, and we are creating more and more habitat as the years go by, and we are doing it based on pretty shaky science.

As I look up and down that river, and I will tell the Members that the further south one goes, the shallower the banks are and the more likely it is to flood. When they unleash their spring rise, that means that the water backs up through our drainage system at the rate of about one mile a day, 12 to 15 miles from the River, more than 1 million acres at risk here. And just that piece alone is enough to have more economic impact than this species that was created as a matter of convenience, a marriage of convenience between the fisheries and recreational interests and the environmental interests. So the habitat along the sand bar also is conducive, and they are nesting in other tributaries.

Mr. Chairman, I concede the point of order to the Chair.

The CHAIRMAN pro tempore. The point of order has yet to be made.

Mr. REHBERG. Mr. Chairman, I would like to leave enough time for the chairman to raise the point order, but I see one of my speakers is now here.

The CHAIRMAN pro tempore. The chairman can raise a point of order in its own time. He does not need the gentleman's time for that. Is the gentleman prepared to yield back his time?

Mr. REHBERG. Not to this point. I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

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

When it comes to water issues, it knows no party lines, knows nothing ideological lines. It has basically one rule, upstream versus downstream; and the problem with the amendment that would be offered is that it takes no account whatsoever of the upstream interests.

In North Dakota, when they built the Pick-Sloan projects and flooded the Missouri River, it took an area of our State the size of Rhode Island and put it under a lake bed. And now, as if that was not tough enough, they want to say, by the way, the size of this lake is going to gyrate dramatically, preventing them from making recreational development or any other use of that State of Rhode Island-size lake because we have got to keep all of the tension on downstream waterflow. We do not care about upstream. We have got to float our barges.

Time moves on, and the economic interests of upstream eclipses downstream. The only thing that does not eclipse downstream is votes in the House.

The courts have ruled on this matter, and they have ruled in inconsistent ways. It is going to the Supreme Court. It is not to be decided by an amendment before the House.

POINT OF ORDER

Mr. TAYLOR of North Carolina. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.'' The amendment proposes to state a legislative position. I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

Mr. KING of Iowa. Mr. Chairman, I will concede the point of order.

The CHAIRMAN pro tempore. The point of order is conceded and sustained.

Mr. DICKS. Mr. Chairman, I move strike the last word so that the gentleman from Texas (Mr. REYES) could enter into a colloquy with our distinguished chairman.

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding to me and giving me this opportunity.

I would like to enter into a colloquy with the gentleman from North Carolina (Mr. TAYLOR), the chairman of the subcommittee.

As the gentleman from North Carolina (Chairman TAYLOR) knows, in my congressional district of El Paso, Texas, we are fortunate to have a unit of the National Park Service, the Chamizal National Memorial. The Chamizal commemorates the peaceful 1967 settlement of a 100-year boundary dispute between the United States and Mexico.

Today, the Chamizal is dedicated to furthering the spirit of goodwill and understanding between two nations by using the visual, literary, and performing arts as a medium of cultural interchange. The Memorial maintains a 500-seat theater and presents more than, on the average, 300 performances a year. An outdoor stage is situated in the middle of the 66-acre park where the Park Service hosts the nationally recognized Border Folk Festival and many other significant cultural events. Also, the Memorial, which is located in one of the poorest ZIP codes in the country, sponsors a series of free outdoor concerts in the summer which often draw crowds of more than 10,000 people. In short, the Chamizal is the centerpiece of El Paso cultural and recreation life and is used frequently by visitors and residents alike.

Unfortunately, Mr. Chairman, the Chamizal lacks adequate parking facilities, especially for people with disabilities and the elderly, which significantly impedes their ability to enjoy our Memorial. Visitors are forced to park outside of the Memorial boundary and walk across very busy roadways to reach the facility, making access very difficult and oftentimes dangerous. It has gotten to the point that I am personally concerned that a visitor to the Memorial will be hurt, perhaps even killed, unless the situation is addressed.

A new 400-space parking lot is desperately needed at the Chamizal National Memorial in order to meet the needs of visitors, particularly the elderly and disabled, as have been identified in the Memorial's General Management Plan and, Mr. Chairman, more importantly, to rectify a very serious safety hazard to the visiting public.

In addition, the Chamizal is located at the main port of entry of El Paso between Mexico and the United States. This project would also allow our Park Service and their law enforcement rangers to better control and monitor access to the Memorial and to protect the security of visitors. The estimated cost would be approximately $1.2 million.

Do I have the chairman's assurance that he and our ranking member will work with me as the bill before us today goes to conference?

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I will work with the ranking member and the gentleman to resolve the problem.

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

Mr. DICKS. Mr. Chairman, I appreciate the gentleman's leadership on this issue, and we will certainly work with him.

AMENDMENT OFFERED BY MR. INSLEE

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

Add at the end (before the short title) the following new section:

SEC. ____. None of the funds appropriated or made available by this Act may be used to propose, finalize, or implement any change to subpart B of part 294 of title 36, Code of Federal Regulations, entitled Protection of Inventoried Roadless Areas, as added by the final rule and record of decision published in the Federal Register on January 12, 2001 (66 Fed. Reg. 3244).

The CHAIRMAN pro tempore. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 25 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise to offer this amendment to the House to preserve the most significant, probably the most significant, conservation measure for our precious national assets in the last decade, the 2001 roadless rule; and I do so by bringing to this House the spirit of Teddy Roosevelt who said, ''We want the active and zealous help of every man and woman farsighted enough to realize the importance from the standpoint of the Nation's welfare in the future of preserving the forests.'' That spirit of Teddy Roosevelt is one we have a chance to confirm and affirm today by upholding the roadless rule, the largest advance in our conservation history for several years.

I think it is appropriate in talking about this just for a moment to think about the national assets which are now at risk. This picture of the Tongass National Forest, it has beautiful cathedral Sitka spruce and western hemlock, and it is a national treasure. It is a jewel in the crown of our national forests. It does not deserve nor should it be clearcut, and the roadless rule we seek to preserve in this amendment would prevent that depredation.

□ 2045

It is for us to consider the ramifications of not passing this amendment, and those ramifications are clear. The failure to pass this amendment tonight will allow this administration to clear-cut hundreds of thousands of acres of our most precious national forests. This is the picture that we will see on the television screens that Americans repudiate. Because Americans, when we adopted this roadless rule, in the largest, most democratic rule of all time, 2.2 million Americans volunteered to render their opinions. And what did they say? Over 93 percent of them said do not render this clear-cutting to our most pristine national forests.

Now, there are four reasons, substantive reasons, to adopt this amendment. Reason number one: this administration wants to essentially exempt the very largest, the very most pristine, the very most ecologically productive rain forest in the entire Western Hemisphere, the Tongass National Forest, and turn it into 300,000 acres of clear-cut, arboreal rubble. And they intend to do this same thing in the Chugach National Forest. Alaska is a beautiful State. Many of our constituents have been there, and all of our constituents have an interest in not seeing this clear-cutting take place.

Second, this administration has made clear that it intends to infect the lower 49 with the same policy disease. Because this administration has said quite clearly that it intends to do an amendment to the roadless rule that will essentially allow decisionmaking authority to move towards governors, rather than the United States House of Representatives, the Senate, and the executive authority of the United States. I quote Mr. Mark Rey, the Under Secretary of State, who will propose a change ''that would allow States to play a greater role in land use decisions that affect them.'' The roadless rule, which blocks development of 58 million acres of Federal land remains law; and he said, but, we will leave it up to the governors to see where on a limited basis relief may be appropriate.

We know this for a fact. The stewardship responsibility belongs in this Chamber and this Chamber alone. There is already the ability for the governments to participate.

The third reason, if I may. This Nation is already interlaced with roads. There are 377,810 miles of roads in our national forest system, enough to circle the globe 15 times, 15 times. And the unmet needs of maintenance on those roads is $10 billion. If somehow, in the midst of our $450 billion deficits we can scrape up $5, the first $5 we ought to spend ought to be in protecting the roads that our people already enjoy going up to the lakes fishing, taking their kids hiking, which are now falling into disrepair and washing out. This is a fiscally sound measure.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in opposition to this amendment, and I yield myself such time as I may consume.

This amendment is bad policy. We should not stop all activities on the national level. Each national forest deserves to get decisions based on local commissions and based on specific situations.

We have four lawsuits going on this already. One Federal judge has already ruled that there are problems with the Clinton administration's roadless rule.

We need to have careful consideration before we lock up these areas and prevent multiple use. Wilderness area designations should be done site by site, not at this broad-brush national level.

It is possible that some forests and roadless areas may need some treatments to reduce hazardous fuels. We need to be careful that we do not make a national policy that could lead to dangerous conditions.

Half the areas covered by the Clinton roadless rule are at risk for catastrophic fire. The rule makes treatment of these areas a low priority when they should be a high priority. Already this year, fires that have started in roadless areas have destroyed hundreds of thousands of acres and burned several hundred homes.

I urge my colleagues to defeat this amendment.

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

Mr. INSLEE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, the argument which we just heard in opposition to the amendment is that as a matter of public safety we should not continue to follow the Clinton roadless rule.

I would like to share some facts which I think undermine that argument. Ninety-eight percent of the fires that have occurred in roadless areas have been controlled while they are small. On the other hand, the Forest Service has found that fires are twice as likely to occur in roaded and log areas. Only 14 percent of roadless areas are considered at high risk for potentially devastating wildfires. There is no public safety argument to justify not having restrictions on building roads.

What really is at stake here, as was outlined by Taxpayers for Common Sense, is that our tax dollars throughout the United States are being used to subsidize the creation of these roads and national forests not for safety purposes, but to subsidize transportation for the timber industry that is harvesting timber in these parks.

Now, those of my colleagues who represent parts of the country whose economies benefit from harvesting timber do not need to apologize to fight for those jobs, but what my colleagues are not entitled to is to ask the rest of the country to subsidize those businesses.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Florida. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, did the gentleman from Florida (Mr. DAVIS) say harvesting timber in parks? Is that what the gentleman said? Does the gentleman believe that is occurring? If so, then the gentleman is misinformed. Again, the gentleman is misinformed.

Mr. DAVIS of Florida. Mr. Chairman, reclaiming my time, I am referring to commercial logging; and I know the gentleman, who is an expert in this area, can perhaps use more appropriate terminology, but here is the final point I want to make.

The statistics suggest that there is between a $13 million and a billion-dollar backlog in terms of what we need to

do to construct and maintain roads in these parks. And instead of concentrating on that, we are going to be subsidizing commercial logging by building roads not for public safety.

For those reasons, I would urge adoption of the amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Chairman, first of all, I would like to point out to the gentleman from Florida (Mr. DAVIS), the gentleman is from Tampa, Florida. I am not even sure the gentleman has been out to the public lands. We live on the public lands out there. I am getting a little tired of some of my colleagues who have no idea of what public lands mean, who do not live out there on those public lands, who do not suffer the wrath of forest fires that we are suffering right now in the West. Instead, my colleagues stand up here gallantly and say, hey, the President, as the gentleman from Washington (Mr. INSLEE) says, the President is going to clear-cut tens of millions of acres. What a bunch of baloney. That has more fiction in it than Harry Potter.

Mr. Chairman, do my colleagues want to know where there is friction in this country? It is not between Democrats and Republicans; it is between you folks in the cities that have never experienced mountain life or life on the public lands, that do not know what fire does to us out there. Do my colleagues know what kills more endangered species than any other thing in this country? It is wildfire.

Now, I invite any of my colleagues to come out there sometime with the gentleman from Washington (Mr. INSLEE), either to the wilderness areas that he has proposed or, in effect, what we have here, de facto wilderness areas under this bill; and my colleagues can tell me what happens when they will not let us drive a fire truck up there. My colleagues can tell us what happens when they will not let us fly a helicopter and land it up there. My bet is during the fire season, I say to the gentleman from Florida (Mr. DAVIS), with all due respect, the gentleman is sitting comfortably in Tampa.

Mr. INSLEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in support of the Inslee amendment.

Passage of this amendment is critical because our pristine wilderness, which I have been to, I have been to the public lands, particularly our national forests, face an imminent threat.

In June, the Bush administration announced a revision to the National Roadless Area Conservation Rule to exclude those crown jewels of the national forest system, the Tongass and the Chugach, where I have been, which constitutes a quarter of the lands covered in this roadless rule. In addition, the administration gives State Governors the authority to opt out of the rule. This decision was made despite over 2.2 million comments and 600 public meetings and hearings on the roadless policy, 95 percent in support of protecting the Tongass and the Chugach.

Weakening landmark environmental protection was the most blatant example to date of this administration choosing special interests over the health and the safety of citizens and our environment. It is not enough that the administration refuses to recognize the dangers of global warming; not enough that they want to weaken the Clean Air Act. Now they want to decimate the world's last remaining old-growth temperate rain forest under the guise of preventing forest fires.

When it comes to the stewardship of our precious forestlands, it is abundantly clear that the administration's priorities have nothing to do with taxpayers or the environment. It is apparent that they have more concern for the timber industry than for the wilderness lands, the wildlands, and our national forests. And in this language, there is opportunity for fire apparatus to get through. My colleague who preceded me was wrong.

I am the author of the Alaska Rain Forest Conservation Act, with 115 bipartisan cosponsors. It would protect the Tongass and the Chugach by codifying previous policy from the administration. I believe it is time to permanently safeguard these areas of unparalleled ecological value. We cannot let these lands be exploited. They are something that we should hold dear for years to come. They are our national legacy. Support the Inslee amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I thank the chairman for yielding me this time. For those who have been speaking, there will be roadless areas in their districts.

The roadless rule was struck down this week for the second time. The first time it was reinstated by the appeal of the liberal ninth circuit. Like many of the actions that have been taken by the so-called Clinton administration, if it was an administration, on their way out of office this rule was found too unacceptable. Luckily, for the State of Alaska and the Forest Service, and the Bush administration has already realized, ANILCA, which most of my colleagues were not around, settled the matter of multiple use in Alaska forests. We cannot rewrite existing law. They are rightfully progressing with the removing of the Tongass and Chugach from consideration under this rule. Now, they will be able to use property management for all of America's forests, not just Alaskan ones.

Again, it always reminds me, why in the world would somebody from Connecticut and Florida come down to talk about the State of Alaska? I know that the gentleman from Washington (Mr. INSLEE) is from Washington State, but does not know anything about the Tongass, does not understand what we are talking about here. This is existing law. What my colleagues are trying to do is something that is incorrect to my people and to the forests, to the harvesting of the forest, which is a management tool.

And, by the way, the most we can cut out of 19 million acres in the Tongass, the most we can cut is less than 500,000 acres, if that is possible. And every time I hear this argument, I wonder where are you from. What are you thinking about? Are you just mimicking the words fed into your ears from the so-called environmental community? What an air-headed idea that is. I say shame on you.

Look at the facts. I listened to the gentleman from California (Mr. GEORGE MILLER) a while ago talking about science, including science. The studies on the Tongass have been made by the scientists. They said what we are trying to do is correct, and you want to ignore that because you are pandering to a group of people. Shame on you.

Mr. INSLEE. Mr. Chairman, I yield 1 minute and 40 seconds to myself.

Mr. Chairman, the gentleman from Alaska (Mr. YOUNG) has graciously suggested I know nothing about the Tongass National Forest. I do know this about the Tongass National Forest. Every single one of our constituents of every single Member of the House of Representatives is a coowner of the Tongass National Forest. And I know that that phoney settlement they had up there was a scam between people who used to work for the timber industry's lobbyists, not a judicial decision.

And I know another thing, in answer to this fire red herring. We are going to hear a lot about fire during this debate. We have the ability to deal with fire in the existing roadless area rule. We have the regulation right here which allows specifically, if I can read it: ''When a road is needed to protect public health and safety in cases of imminent threat of flood, fire, or other catastrophic event, road-building is permitted.''

***NOTICE***

***Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.***

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BONILLA (at the request of Mr. DELAY) for today from 6:00 p.m. and the balance of the week on account of accompanying the President of the United States.

## 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. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, July 24.

Mr. BURTON of Indiana, for 5 minutes, July 24.

Mr. NORWOOD, for 5 minutes, July 18.

Mr. FLETCHER, for 5 minutes, today.

Mrs. MUSGRAVE, for 5 minutes, July 18.

Mr. GUTKNECHT, for 5 minutes, July 23.

Mr. TANCREDO, for 5 minutes, July 24.

Mr. SMITH of Michigan, for 5 minutes, July 22 and 23.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 555. An act to establish the Native American Health and Wellness Foundation, and for other purposes; to the Committee on Energy and Commerce.

S. 558. An act to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes; to the Committee on Resources and the Committee on Energy and Commerce.

S. 570. An act to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools, to the Committee on Education and the Workforce.

## ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 733. An act to authorize the Secretary of the Interior to acquire the McLoughlin House in Oregon City, Oregon, for inclusion in Fort Vancouver National Historic Site, and for other purposes.

H.R. 2330. An act to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 246—An act to provide that certain Bureau of Land Management land shall be held trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

## ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 53 minutes a.m.), the House adjourned until today, Friday, July 18, 2003, at 9 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3257. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Aspergillus flavus AF36; Exemption from the Requirement of a Tolerance [OPP-2003-0138; FRL-7311-6] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3258. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Cymoxanil; Pesticide Tolerances [OPP-2003-0219; FRL-7313-6] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3259. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerances Technical Correction [OPP-2003-0103; FRL-7317-1]received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3260. A communication from the President of the United States, transmitting requests to change FY 2003 appropriations law and an FY 2004 budget amendment for the Department of Veterans Affairs; (H. Doc. No. 108—102); to the Committee on Appropriations and ordered to be printed.

3261. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emmission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills [OAR-2002-0045, FRL-7528-3] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3262. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Allowance System for Controlling HCFC Production, Import and Export [FRL-7528-4] (RIN: 2060-AH67) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

## 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. FRELINGHUYSEN: Committee on Appropriations. H.R. 2765. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–214). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 287. Resolution directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States, with amendments; adversely (Rept. 108–215). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1572. A bill to designate the historic Federal District Court Building located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow Federal Building''; with amendments (Rept. 108–216). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1668. A bill to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the ''Ed Edmondson United States Courthouse'' (Rept. 108–217). Referred to the House Calendar.

Mr. POMBO: Committee on Resources, H.R. 1038. A bill to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes; referred to the Committee on the Judiciary for a period ending not later than September 15, 2003, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(K), rule X (Rept. 108–218, Pt. 1).

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1038. Referral to the Committees on Agriculture extended for a period ending not later than September 15, 2003.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BEAUPREZ (for himself, Mr. UDALL of Colorado, and Mr. TANCREDO):

H.R. 2766. A bill to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado; to the Committee on Resources.

By Mrs. MALONEY (for herself, Mr. KING of New York, Mr. KANJORSKI, Mr. GARY G. MILLER of California, Mr. TOWNS, Mr. OWENS, and Mr. KUCINICH):

H.R. 2767. A bill to improve Federal agency oversight of contracts and assistance and to strengthen accountability of the governmentwide debarment and suspension system; to the Committee on Government Reform.

By Mr. BACHUS (for himself, Mr. LEACH, Mr. MARSHALL, Mr. MICHAUD, Mr. ISAKSON, Mr. GINGREY, Mr. FROST, Mr. BURNS, Mr. MORAN of Virginia, Ms. MAJETTE, Mr. DAVIS of Florida, Mrs. CAPITO, Mr. GERLACH, Mrs. WILSON of New Mexico, Mr. ALLEN, Mr. COOPER, Mr. DUNCAN, Mr. CULBERSON, Mr. CANTOR, Mr. MATHESON, Mr. GEPHARDT, Mr. TERRY, Mr. WILSON of South Carolina, Mr. GOODE, and Mr. JENKINS):

H.R. 2768. A bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall; to the Committee on Financial Services.

By Mrs. EMERSON:

H.R. 2769. A bill to permit commercial importation of prescription drugs from Canada, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 2770. A bill to amend part A of title IV of the Social Security Act to reauthorize and improve the operation of temporary assistance to needy families programs operated by Indian tribes, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Resources, Transportation and Infrastructure, Education and the Workforce, Agriculture, and Energy and Commerce, 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. FOSSELLA:

H.R. 2771. A bill to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program; to the Committee on Energy and Commerce.

By Mr. GIBBONS:

H.R. 2772. A bill to amend the Geothermal Steam Act of 1970 to promote the development and use of geothermal resources in the United States; to the Committee on Resources.

By Mr. HONDA (for himself, Mr. FERGUSON, Mr. PALLONE, Mr. WYNN, Mr. POMBO, Mr. PAYNE, Mr. BELL, Mr. STARK, Ms. LEE, and Mrs. CHRISTENSEN):

H.R. 2773. A bill to protect children from foods that pose a significant choking hazard; to the Committee on Energy and Commerce.

By Ms. HOOLEY of Oregon:

H.R. 2774. A bill to amend the Internal Revenue Code of 1986 to provide for the disclosure to State and local law enforcement agencies of the identity of individuals claiming tax benefits improperly using Social Security numbers of other individuals; to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 2775. A bill to amend the Hydrographic Services Improvement Act of 1998 to authorize funds to be appropriated for the Great Lakes Water Level Observation Network; to the Committee on Resources.

By Mr. OTTER (for himself, Mr. SIMPSON, Mr. BOSWELL, Mr. HEFLEY, Mr. JONES of North Carolina, Mr. HASTINGS of Washington, Mr. FLAKE, and Mr. NETHERCUTT):

H.R. 2776. A bill to help ensure general aviation aircraft access to Federal land and to the airspace over that land; to the Committee on Resources, and in addition to the Committees on Agriculture, and Transportation and Infrastructure, 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. PAUL:

H.R. 2777. A bill to prohibit the Secretary of the Treasury and the Board of Governors of the Federal Reserve System from including any information storage capability on the currency of the United States or imposing any fee or penalty on any person for the holding by such person of currency of the United States, including Federal reserve notes, for any period of time; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 2778. A bill to abolish the Board of Governors of the Federal Reserve System and the Federal reserve banks, to repeal the Federal Reserve Act, and for other purposes; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 2779. A bill to repeal section 5103 of title 31, United States Code; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 2780. A bill to sunset the Bretton Woods Agreements Act; to the Committee on Financial Services.

By Mr. PAUL:

H.R. 2781. A bill to provide greater health care freedom for seniors; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 2782. A bill to amend title 31, United States Code, to limit the use by the President and the Secretary of the Treasury of the Exchange Stabilization Fund to buy or sell gold without congressional approval, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Rules, 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. PAUL:

H.R. 2783. A bill to restore Congress' constitutional role in international transactions involving the Exchange Stabilization Fund, and to limit the amount of individual loans or credits that may be provided to a foreign entity through that fund; to the Committee on Financial Services, and in addition to the Committee on Rules, 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. PLATTS (for himself and Mr. PAUL):

H.R. 2784. A bill to amend the Internal Revenue Code of 1986 to allow certain individuals who have attained age 50 and who are unemployed to receive distributions from qualified retirement plans without incurring a 10 percent additional tax; to the Committee on Ways and Means.

By Mr. PLATTS (for himself, Mr. SOUDER, and Mr. WOLF):

H.R. 2785. A bill to amend the Internal Revenue Code of 1986 to provide for an enhanced deduction for qualified residence interest on acquisition indebtedness for heritage homes; to the Committee on Ways and Means.

By Mr. SERRANO (for himself, Mr. ENGEL, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. BOEHLERT, Mr. CROWLEY, Mr. FOSSELLA, Mr. HINCHEY, Mr. HOUGHTON, Mr. ISRAEL, Mr. KING of New York, Mrs. KELLY, Mrs. LOWEY, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MCNULTY, Mr. MEEKS of New York, Mr. NADLER, Mr. OWENS, Mr. QUINN, Mr. RANGEL, Mr. REYNOLDS, Ms. SLAUGHTER, Mr. SWEENEY, Mr. TOWNS, Ms. VELAZQUEZ, Mr. WALSH, and Mr. WEINER):

H.R. 2786. A bill to name the Department of Veterans Affairs medical center in the Bronx, New York, as the ''James J. Peters Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

By Mr. STRICKLAND (for himself and Mr. MURPHY):

H.R. 2787. A bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare Program; 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. UDALL of Colorado (for himself, Mr. FROST, Mr. ABERCROMBIE, Mr. ISSA, Mr. RUSH, Mr. ROSS, Mrs. JO ANN DAVIS of Virginia, Mr. BLUMENAUER, Ms. MILLENDER-MCDONALD, Mr. FILNER, Mr. UDALL of New Mexico, and Mr. WYNN):

H.R. 2788. A bill to direct the Administrator of the Small Business Administration to conduct a pilot program to raise awareness about telework among small business employers, and to encourage such employers to offer telework options to employees; to the Committee on Small Business.

By Mr. WILSON of South Carolina (for himself, Mr. DAVIS of Tennessee, Mr. JENKINS, Mr. BROWN of South Carolina, Mr. NORWOOD, Mr. COLLINS, Mr. MCCOTTER, Mr. CARDOZA, and Mrs. MYRICK):

H.R. 2789. A bill to protect the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and to provide for the enforcement of such right; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. LANGEVIN, and Mr. HOSTETTLER):

H. Con. Res. 247. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to promote public awareness of Down syndrome; to the Committee on Government Reform.

By Mr. PORTER (for himself, Mr. ISAKSON, Mr. QUINN, Ms. HARRIS, Mr. FROST, Mr. SESSIONS, Mr. MCHUGH, Mrs. MILLER of Michigan, Mr. ROGERS of Kentucky, Mr. SAXTON, and Ms. LEE):

H. Res. 323. A resolution supporting the goals and ideals of National Marina Day; to the Committee on Transportation and Infrastructure.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. GREEN of Wisconsin, Ms. ROS-LEHTINEN, and Mr. GRIJALVA.

H.R. 84: Ms. LEE.

H.R. 85: Ms. LEE.

H.R. 119: Mr. VAN HOLLEN.

H.R. 187: Ms. LEE.

H.R. 189: Mr. KUCINICH.

H.R. 236: Mr. LUCAS of Kentucky.

H.R. 369: Mr. RAHALL and Mr. EVANS.

H.R. 486: Mr. SMITH of New Jersey and Mr. PITTS.
H.R. 715: Ms. LINDA T. SANCHEZ of California and Mrs. JONES of Ohio.
H.R. 800: Mr. CALVERT.
H.R. 814: Mr. ORTIZ and Mr. RYAN of Ohio.
H.R. 832: Mr. RUSH.
H.R. 839: Mr. ROGERS of Kentucky, Mr. GILCHREST, Mr. ETHERIDGE, Mr. QUINN, Mr. BEAUPREZ, Mr. BURR, Mr. SHUSTER, Mr. HINCHEY, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. FRANKS of Arizona.
H.R. 850: Mr. BURNS.
H.R. 871: Mr. TERRY and Mr. PETERSON of Minnesota.
H.R. 873: Mr. WALDEN of Oregon.
H.R. 898: Mr. CRAMER.
H.R. 1008: Mr. RYUN of Kansas, Mr. SESSIONS, and Mr. SHIMKUS.
H.R. 1046: Mr. FORBES and Ms. WATSON.
H.R. 1068: Mr. SNYDER and Mr. FERGUSON.
H.R. 1078: Mr. BACHUS, Mr. FRELINGHUYSEN, Mr. AKIN, Mr. GINGREY, Mr. EHLERS, Ms. HART, Mr. FOLEY, Mr. BISHOP of Utah, Mr. BOEHLERT, Mr. DICKS, Mr. BLUNT, Mr. WHITFIELD, Mr. COSTELLO, Mr. KIND, Mr. CARDIN, Mr. HILL, Mr. BEREUTER, Mr. MCHUGH, Mr. OSBORNE, Mr. LUCAS of Kentucky, Mr. PORTMAN, Mr. KUCINICH, Mr. LATOURETTE, Mr. HULSHOF, Mrs. JOHNSON of Connecticut, Mr. UDALL of New Mexico, and Mr. UPTON.
H.R. 1097: Mr. JACKSON of Illinois and Mr. VAN HOLLEN.
H.R. 1102: Mr. DAVIS of Florida.
H.R. 1123: Mr. SCHROCK.
H.R. 1125: Mr. PORTER, Ms. SOLIS, Mr. SMITH of Washington, and Mr. DEAL of Georgia.
H.R. 1225: Mr. PORTER and Mr. OSBORNE.
H.R. 1244: Mr. SIMMONS.
H.R. 1288: Mr. ETHERIDGE, Mrs. JONES of Ohio, and Mr. HOLDEN.
H.R. 1295: Mr. COSTELLO, Mr. PAUL, Mr. WEXLER, Mr. HEFLEY, Mr. GREEN of Texas, and Mr. PALLONE.
H.R. 1305: Mrs. MYRICK, Mr. BURR, and Mr. TOOMEY.
H.R. 1310: Mr. RADANOVICH, Mr. PETERSON of Minnesota, and Mr. MICA.
H.R. 1316: Mrs. NAPOLITANO and Mr. KUCINICH.
H.R. 1322: Mr. SHERMAN and Mr. STUPAK.
H.R. 1372: Mr. LINDER, Mr. NETHERCUTT, Mr. ISAKSON, and Mr. LANTOS.
H.R. 1472: Mr. STARK.
H.R. 1605: Mr. GRIJALVA.
H.R. 1608: Mr. FOLEY.
H.R. 1633: Mr. WEXLER, Mr. FORD, and Mr. ABERCROMBIE.
H.R. 1639: Mr. VAN HOLLEN, Ms. ESHOO, and Ms. SCHAKOWSKY.
H.R. 1657: Mr. GRIJALVA.
H.R. 1684: Mr. HINOJOSA, Mr. FORD, and Mr. BISHOP of New York.
H.R. 1707: Mr. COOPER.
H.R. 1711: Mr. BOSWELL, Ms. NORTON, Mrs. TAUSCHER, Mr. NADLER, Mr. ACEVEDO-VILA, Mr. LEVIN, and Mr. KILDEE.
H.R. 1713: Mr. CUMMINGS
H.R. 1749: Mr. BRADLEY of New Hampshire, Mr. TAYLOR of Mississippi, Mr. WAXMAN, Mr. ACEVEDO-VILA, and Mr. WYNN.
H.R. 1753: Mr. KILDEE.
H.R. 1762: Mr. CALVERT and Mr. MILLER of North Carolina.
H.R. 1776: Mr. SAXTON, Mr. KNOLLENBERG, Mr. KING of Iowa, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 1815: Mr. POMEROY, Mr. OWENS, and Mr. WATT.
H.R. 1819: Mr. DAVIS of Florida.
H.R. 1828: Mr. DAVIS of Florida.
H.R. 1914: Mr. MCNULTY, Mr. CAMP, Mr. DEMINT, Mr. TOWNS, Mr. DOOLITTLE, Mr. HERGER, Mr. WALSH, Mr. OSE, and Mrs. BLACKBURN.
H.R. 1939: Mr. WALSH and Mrs. MALONEY.
H.R. 1943: Mr. WILSON of South Carolina and Mr. REGULA.
H.R. 1994: Mr. RAHALL.
H.R. 2022: Mr. TOWNS.
H.R. 2038: Mr. CROWLEY, Mr. SCHIFF, and Mr. HASTINGS of Florida.
H.R. 2052: Mr. NETHERCUTT, Mr. BURNS, Mr. REYES, and Mr. GUTIERREZ.
H.R. 2190: Mr. PICKERING.
H.R. 2208: Mr. REYES.
H.R. 2214: Mr. ROYCE and Mr. BURNS.
H.R. 2249: Mr. RYUN OF Kansas and Mr. SAXTON.
H.R. 2299: Mr. EVANS.
H.R. 2300: Mr. GRIJALVA, Mrs. CHRISTENSEN, and Mrs. JONES of Ohio.
H.R. 2313: Ms. ROYBAL-ALLARD and Ms. WATSON.
H.R. 2318: Mr. MILLER of North Carolina, Mr. NADLER, and Ms. SCHAKOWSKY.
H.R. 2327: Mr. GOODLATTE and Mr. WOLF.
H.R. 2379: Mr. OTTER, Mr. PLATTS, Mrs. MUSGRAVE, Mr. GUTKNECHT, and Mr. NORWOOD.
H.R. 2440: Ms. WOOLSEY.
H.R. 2448: Mr. UPTON and Mr. BALLENGER.
H.R. 2455: Ms. DELAURO.
H.R. 2458: Mr. COLE.
H.R. 2462: Ms. WATERS and Mr. WATT.
H.R. 2497: Mr. GRIJALVA, Ms. KAPTUR, and Mr. OBERSTAR.
H.R. 2505: Mr. CASE.
H.R. 2511: Mr. FRANK of Massachusetts.
H.R. 2512: Mrs. LOWEY and Mr. BISHOP of New York.
H.R. 2515: Mr. BAIRD, Mr. VAN HOLLEN, and Mr. WOLF.
H.R. 2527: Mr. CROWLEY, Mrs. TAUSCHER, Mr. HINCHEY, Mr. PAYNE, and Mr. GUTIERREZ.
H.R. 2546: Ms. SCHAKOWSKY.
H.R. 2553: Mr. GRIJALVA.
H.R. 2569: Mr. MOORE, Mr. JEFFERSON, Mr. BROWN of Ohio, Mr. KENNEDY of Rhode Island, and Mr. LARSEN of Connecticut.
H.R. 2572: Mr. DAVIS of Illinois.
H.R. 2575: Mr. SCOTT of Georgia.
H.R. 2581: Mr. SCHROCK.
H.R. 2582: Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mr. KENNEDY of Rhode Island, and Mr. KILDEE.
H.R. 2601: Mr. STARK.
H.R. 2603: Mr. HAYWORTH.
H.R. 2632: Mr. PRICE of North Carolina, Mr. ISAKSON, and Mr. UPTON.
H.R. 2655: Mrs. KELLY and Mr. MCHUGH.
H.R. 2656: Mr. GIBBONS.
H.R. 2665: Mr. MICHAUD.
H.R. 2705: Mr. GIBBONS.
H.R. 2706: Mr. ACEVEDO-VILA, Mr. FRANKS of Arizona, Mr. SWEENEY, Mr. MEEKS of New York, Mr. ENGLISH, and Mr. VITTER.
H.R. 2722: Mr. COBLE.
H.R. 2725: Mr. BACHUS.
H.R. 2727: Mr. CROWLEY, Mrs. TAUSCHER, and Mr. PAYNE.
H.R. 2733: Mr. PLATTS and Mr. SHIMKUS.
H.J. Res. 56: Mr. TAYLOR of Mississippi and Mr. HERGER.
H. Con. Res. 98: Mr. SULLIVAN and Mr. MEEKS of New York.
H. Con. Res. 126: Mr. FOSSELLA.
H. Con. Res. 212: Mr. CHABOT, Mr. SESSIONS, Mr. FOSSELLA, and Mr. EVANS.
H. Con. Res. 240: Mr. BROWN of Ohio, Mr. FALEOMAVAEGA, and Mr. BRADY of Pennsylvania.
H. Con. Res. 244: Ms. ROS-LEHTINEN.
H. Res. 103: Mr. RYAN of Ohio.
H. Res. 261: Mr. MORAN of Virginia, Ms. ROYBAL-ALLARD, and Mr. GRIJALVA.
H. Res. 262: Mr. OWENS and Mr. MEEHAN.
H. Res. 273: Mr. LANTOS and Mr. FRANK of Massachusetts.
H. Res. 291: Ms. SOLIS and Mrs. MALONEY.
H. Res. 322: Mr. BRADY of Texas and Mr. RAMSTAD.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1472: Mr. WELLER, Mr. PENCE, Ms. HART, and Mr. PORTMAN.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2754

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 1: 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—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting ''at least 65 percent'' for ''substantially all''; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting ''at least 65 percent'' for ''substantially all''.

H.R. 2754

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following:

SEC. ____. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $272,110,000.

H.R. 2754

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 3: Page 2, line 18, after the dollar amount insert ''(reduced by $17,788,000)''.

Page 5, line 15, after the dollar amount insert ''(increased by $17,788,000)''.

H.R. 2754

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 4: Page 5, line 15, after the dollar amount insert ''(increased by $33,981,000)''.

Page 7, line 5, after the dollar amount insert ''(reduced by $33,981,000)''.

H.R. 2765

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 1: 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—

(1) to acquire manufactured articles, materials, or supplies unless section 2 of the Buy American Act (41 U.S.C. 10a) is applied to the contract for such acquisition by substituting ''at least 65 percent'' for ''substantially all''; or

(2) to enter into a contract for the construction, alteration, or repair of any public building or public work unless section 3 of the Buy American Act (41 U.S.C. 10b) is applied to such contract by substituting ''at least 65 percent'' for ''substantially all''.