McCollum	Sanchez, Linda T.	Waxman
McCotter	Slaughter	Whitfield
Miller (NC)	Stupak	Young (AK)
Pearce		

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1904

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BROWN of Ohio. Mr. Speaker, had I been present, I would have voted on rollcall Nos. 591 ''aye''; 592 ''no''; 593 ''aye''.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the conference report for H.R. 2115.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 75. Joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

CONFERENCE REPORT ON H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. TAYLOR of North Carolina. Mr. Speaker, pursuant to House Resolution 418, I call up the conference report on 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.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 418, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 28, 2003, at page H9898.)

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2691, and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, we bring to the House the conference agreement on H.R. 2691, the Interior and Related Agencies Appropriations Act for fiscal year 2004.

Let me take a moment to thank the members of the Interior subcommittees for their support and guidance this year. I want to especially and personally thank the ranking minority member, the gentleman from Washington (Mr. DICKS), for the extraordinary assistance that he has given in helping us to shape this bill.

This conference report balances many competing needs and stays within the 302(b) allocation for budget authority and outlays. It is fiscally responsible, providing $19.6 billion for our public lands, Indian programs, and critical science and energy research programs, and for cultural institutions like the Smithsonian Institution. It also provides $400 million as requested by the administration to repay partial funds borrowed from the program accounts to pay fire suppression. Also, another $289 million for wild fires and I will talk about that again.

You may hear that we are not doing enough for conservation programs in this bill. I disagree. Given the constraints allocated, we have provided over $1 billion for programs in the conservation spending category. But more to the point, there are a number of critically important conservation programs in this bill that have never been included in the conservation spending category, but are equally important. We provide increases of $65 million for national parks, $47 million for national wildlife refuges, $27 million for forest health, $10 million for hazardous fuel reduction. And I would like to argue that most of the funding of this bill is for conservation activities.

Some Members will argue that we need to buy a lot more Federal land. What we really need to do is a better job of taking care of the lands we have, and this bill does that by providing additional operation increases and funds for critically backlogged maintenance activities.

Firefighting needs are addressed in this bill as I mentioned before, $400 million in the President's requested amount and another $289 million above the enacted level for suppressing the wild fires. That is almost $700 million for the fire programs. We continue to provide support for the national fire plan with the investment of $2.5 billion. We support preparedness activities so that we have the people and the equipment in place to handle wild fires. We provide funding increases for hazardous fuel reduction, State fire assistance and forest health programs. And with the passage of that bill, I think we can stop many of the fires that we will have to contend with this past year.

We have provided substantial new resources to handle the Southern pine beetle and mountain pine beetle outbreaks in the West. I am proud of the balance we have achieved in these critical programs that are important to all Americans.

The bill ensures that energy research programs are appropriately funded and that we maintain a proper mix between research on improvements to existing technologies and longer-term higher risk on new technologies. We need to keep all of our options open and not fall into the trap of picking winners and losers.

When it comes to energy resources, ultimately the consumer, not the government, will determine what energy technologies will be successful in the marketplace.

The bill provides for the continued crux of critically needed schools and hospitals for American Indians and Alaskan natives. It also includes a 1-year limitation of funds for historical accounting.

The September 25, 2003, court order would require the Department of the Interior to spend an estimated $9 billion for an accounting that benefits attorneys and accountants. This subcommittee has maintained that this lawsuit continues to divert scarce resources away from critical programs that benefit Indian people and other programs in the bill. If we were to fund this court-required historical accounting, we would have to shut down one-third of the U.S. Department of the Interior. We would critically underfund education for Indians and health care for Indians. This is not worth the recommendation of the accountants and lawyers.

Finally, the bill takes care of our cultural agencies and provides the funding needed to ensure that the Smithsonian Institute maintains its responsibility for providing quality visitor services and world-renowned research. It provides increases above the enacted level for the National Gallery of Art and for the National Endowment for the Arts and the Humanities. The conference agreement for the interior and related agencies appropriations bill for fiscal year 2004 strikes an appropriate balance among competing funds needs, and I ask for support for this bill.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference w/ .646% cut
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	820,344	828,079	834,088	847,091	850,321	844,828
Wildland fire management:						
Preparedness	275,411	282,725	302,725	282,725	277,725	275,931
Fire suppression operations	159,309	195,310	170,310	195,310	195,310	194,048
Supplemental appropriations (P.L. 108-83)	36,000	---	---	---	---	---
Borrowing repayment (emergency)	---	---	---	---	99,000	98,360
Other operations	215,433	220,690	225,690	220,690	220,690	219,264
Other appropriations (P.L. 108-7)	189,000	---	---	---	---	---
Subtotal	875,153	698,725	698,725	698,725	792,725	787,603
Central hazardous materials fund	9,913	9,978	9,978	9,978	9,978	9,914
Construction	11,898	10,976	10,976	12,476	13,976	13,886
Land acquisition	33,233	23,686	14,000	25,600	18,600	18,480
Oregon and California grant lands	104,947	106,672	106,672	106,672	106,672	105,983
Range improvements (indefinite)	10,000	10,000	10,000	10,000	10,000	10,000
Service charges, deposits, & forfeitures (indefinite)	7,900	20,490	20,490	18,657	18,657	18,536
Offsetting fee collections	-7,900	-20,490	-20,490	-18,657	-18,657	-18,536
Miscellaneous trust funds (indefinite)	12,405	12,405	12,405	12,405	12,405	12,405
Total, Bureau of Land Management	1,877,893	1,700,521	1,696,844	1,722,947	1,814,677	1,803,099
United States Fish and Wildlife Service						
Resource management	911,464	941,526	959,901	942,244	963,352	957,129
Supplemental appropriations (P.L. 108-83)	5,000	---	---	---	---	---
Construction	54,073	35,393	52,718	53,285	60,554	60,163
Land acquisition	72,893	40,737	23,058	64,689	43,628	43,346
Landowner incentive program	39,740	40,000	40,000	40,000	30,000	29,806
Rescission	-40,000	---	---	---	---	---
Subtotal	-260	40,000	40,000	40,000	30,000	29,806
Private stewardship grants	9,935	10,000	10,000	10,000	7,500	7,452
Rescission	-10,000	---	---	---	---	---
Subtotal	-65	10,000	10,000	10,000	7,500	7,452
Cooperative endangered species conservation fund	80,473	86,614	86,614	86,614	82,614	82,080
National wildlife refuge fund	14,320	14,414	14,414	14,414	14,414	14,321
North American wetlands conservation fund	38,309	49,560	24,560	42,982	38,000	37,755
Neotropical migratory birds conservation fund	2,981	---	5,000	3,000	4,000	3,974
Multinational species conservation fund	4,768	7,000	5,000	6,000	5,600	5,564
State wildlife grants	64,577	59,983	75,000	75,000	70,000	69,548
Total, United States Fish and Wildlife Service	1,248,533	1,285,227	1,296,265	1,338,228	1,319,662	1,311,138
Appropriations	(1,298,533)	(1,285,227)	(1,296,265)	(1,338,228)	(1,319,662)	(1,311,138)
Rescission	(-50,000)	---	---	---	---	---
National Park Service						
Operation of the national park system	1,564,331	1,631,882	1,630,882	1,636,299	1,629,641	1,619,114
United States Park Police	77,921	78,859	78,859	78,349	78,859	78,350
National recreation and preservation	61,268	47,936	54,924	60,154	62,544	62,140
Urban park and recreation fund	298	305	305	305	305	303
Historic preservation fund	68,552	67,000	71,000	75,750	74,500	74,019
Construction	325,712	327,257	303,199	342,131	333,995	331,837
Land and water conservation fund (rescission of contract authority)	-30,000	-30,000	-30,000	-30,000	-30,000	-30,000
Land acquisition and state assistance	171,348	238,634	131,154	158,473	142,350	141,430
Total, National Park Service (net)	2,239,430	2,361,873	2,240,323	2,321,461	2,292,194	2,277,193
Appropriations	(2,269,430)	(2,391,873)	(2,270,323)	(2,351,461)	(2,322,194)	(2,307,193)
Rescission	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)
United States Geological Survey						
Surveys, investigations, and research	919,272	895,505	935,660	928,864	949,686	943,551
Minerals Management Service						
Royalty and offshore minerals management	264,477	264,446	264,446	266,246	265,546	263,831
Use of receipts	-100,230	-100,230	-100,230	-100,230	-100,230	-100,230
Oil spill research	6,065	7,105	7,105	7,105	7,105	7,059
Total, Minerals Management Service	170,312	171,321	171,321	173,121	172,421	170,660

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference w/ .646% cut
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	104,408	106,424	106,424	106,424	106,424	105,737
Receipts from performance bond forfeitures (indefinite)	273	275	275	275	275	273
Subtotal	104,681	106,699	106,699	106,699	106,699	106,010
Abandoned mine reclamation fund (definite, trust fund)	190,498	174,469	194,469	190,893	192,969	191,722
Total, Office of Surface Mining Reclamation and Enforcement	295,179	281,168	301,168	297,592	299,668	297,732
Bureau of Indian Affairs						
Operation of Indian programs	1,845,246	1,889,735	1,902,106	1,912,178	1,916,317	1,903,938
Construction	345,988	345,154	345,154	351,154	351,154	348,886
Indian land and water claim settlements and miscellaneous payments to Indians	60,552	51,375	55,583	50,583	55,583	55,224
Indian guaranteed loan program account	5,457	6,497	6,497	6,497	6,497	6,455
(Limitation on guaranteed loans)	---	(94,568)	(94,568)	---	---	---
Total, Bureau of Indian Affairs	2,257,243	2,292,761	2,309,340	2,320,412	2,329,551	2,314,503
Departmental Offices						
Insular Affairs:						
Assistance to Territories	48,183	43,623	46,623	43,623	48,623	48,309
Northern Marianas	27,720	27,720	27,720	27,720	27,720	27,720
Subtotal	75,903	71,343	74,343	71,343	76,343	76,029
Compact of Free Association	8,926	4,125	4,354	4,434	4,434	4,405
Mandatory payments	12,000	12,000	12,000	12,000	2,000	2,000
Subtotal	20,926	16,125	16,354	16,434	6,434	6,405
Total, Insular Affairs	96,829	87,468	90,697	87,777	82,777	82,434
Departmental management	71,957	97,140	76,027	77,033	77,533	77,032
Working capital fund (cancellation)	---	---	-20,000	-11,700	-20,000	-20,000
Financial management system migration project	---	---	---	11,700	11,700	11,624
Office of the Solicitor	47,462	50,374	50,374	50,179	50,374	50,049
Office of Inspector General	36,003	39,049	39,049	37,474	38,749	38,499
Office of Special Trustee for American Indians						
Federal trust programs	140,359	274,641	219,641	219,641	189,641	188,416
Indian land consolidation	7,928	20,980	20,980	22,980	21,980	21,838
Total, Office of Special Trustee for American Indians	148,287	295,621	240,621	242,621	211,621	210,254
Natural resource damage assessment fund	5,501	5,633	5,633	5,633	5,633	5,597
Payments in lieu of taxes	218,570	200,000	225,000	230,000	227,500	226,030
Total, Departmental Offices	624,609	775,285	707,401	730,717	685,887	681,519
Total, title I, Department of the Interior:						
New budget (obligational) authority (net)	9,632,471	9,763,661	9,658,322	9,833,342	9,863,746	9,799,395
Appropriations	(9,712,471)	(9,793,661)	(9,688,322)	(9,863,342)	(9,794,746)	(9,731,035)
Emergency appropriations	---	---	---	---	(99,000)	(98,360)
Rescissions	(-80,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)
(Limitation on guaranteed loans)	---	(94,568)	(94,568)	---	---	---
TITLE II - RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest and rangeland research	250,049	252,170	267,230	266,180	269,710	267,968
State and private forestry	284,712	315,823	290,758	295,349	308,140	306,149
National forest system	1,353,444	1,369,573	1,394,792	1,370,731	1,382,916	1,373,982

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference w/ .646% cut
Wildland fire management:						
Preparedness	677,996	609,747	698,000	700,000	680,000	675,607
Fire suppression operations	351,964	604,580	520,000	514,327	604,580	600,674
Supplemental appropriations (P.L. 108-83)	283,000	---	---	---	---	---
Borrowing repayment (emergency)	---	---	---	---	301,000	299,056
Other operations	341,008	327,448	406,632	328,745	358,632	356,315
Other appropriations (P.L. 108-7)	636,000	---	---	---	---	---
Subtotal	2,289,968	1,541,775	1,624,632	1,543,072	1,944,212	1,931,652
Capital improvement and maintenance	548,450	524,571	560,473	532,406	562,154	558,522
Land acquisition	132,945	44,130	29,288	76,440	67,191	66,757
Acquisition of lands for national forests, special acts	1,062	1,069	1,069	1,069	1,069	1,062
Acquisition of lands to complete land exchanges (indefinite)	232	234	234	234	234	232
Range betterment fund (indefinite)	3,380	3,000	3,000	3,000	3,000	2,981
Gifts, donations and bequests for forest and rangeland research	91	92	92	92	92	91
Management of national forest lands for subsistence uses	5,506	5,535	5,535	5,535	5,535	5,499
Total, Forest Service	4,869,839	4,057,972	4,177,103	4,094,108	4,544,253	4,514,895
DEPARTMENT OF ENERGY						
Clean coal technology:						
Deferral	-87,000	---	-86,000	-97,000	-97,000	-97,000
Rescission	---	---	---	---	-88,000	-88,000
Fossil energy research and development	620,837	514,305	609,290	593,514	681,163	676,763
SPR petroleum account (by transfer)	---	(5,000)	---	---	---	---
Naval petroleum and oil shale reserves	17,715	16,500	20,500	17,947	18,219	18,101
Elk Hills School lands fund	---	36,000	---	---	---	---
Advance appropriations, FY 2005	36,000	---	36,000	36,000	36,000	36,000
Energy conservation	891,769	875,793	879,487	861,645	888,937	883,194
Economic regulation	1,477	1,047	1,047	1,047	1,047	1,040
Strategic petroleum reserve	171,732	175,081	175,081	173,081	173,081	171,963
SPR petroleum account	6,954	---	---	---	---	---
Rescission	-5,000	---	---	---	---	---
(Transfer out)	---	(-5,000)	---	---	---	---
Subtotal	1,954	---	---	---	---	---
Northeast home heating oil reserve	5,961	5,000	5,000	5,000	5,000	4,968
Energy Information Administration	80,087	80,111	82,111	80,111	82,111	81,581
Total, Department of Energy:						
New budget (obligational) authority (net)	1,740,532	1,703,837	1,722,516	1,671,345	1,700,558	1,688,610
Appropriations	(1,796,532)	(1,703,837)	(1,772,516)	(1,732,345)	(1,849,558)	(1,837,610)
Advance appropriations	(36,000)	---	(36,000)	(36,000)	(36,000)	(36,000)
Rescissions	(-5,000)	---	---	---	(-88,000)	(-88,000)
Deferral	(-87,000)	---	(-86,000)	(-97,000)	(-97,000)	(-97,000)
(Transfer out)	---	(-5,000)	---	---	---	---
(By transfer)	---	(5,000)	---	---	---	---
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	2,475,916	2,502,393	2,556,082	2,546,524	2,561,932	2,545,382
Indian health facilities	373,745	387,269	392,560	391,188	396,232	393,672
Total, Indian Health Service	2,849,661	2,889,662	2,948,642	2,937,712	2,958,164	2,939,054
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	14,397	13,532	13,532	13,532	13,532	13,445
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	5,454	5,250	5,250	6,250	6,250	6,210
Smithsonian Institution						
Salaries and expenses	460,196	476,553	489,748	487,989	494,748	491,552
Rescission	-14,100	---	---	---	---	---
Subtotal	446,096	476,553	489,748	487,989	494,748	491,552

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference w/ .646% cut
Repair, restoration and alteration of facilities	82,883	---	---	---	---	---
Construction	15,896	---	---	---	---	---
Facilities capital	---	89,970	93,970	89,970	108,970	108,266
Total, Smithsonian Institution	544,875	566,523	583,718	577,959	603,718	599,818
National Gallery of Art						
Salaries and expenses	76,717	88,849	88,849	85,650	87,849	87,281
Repair, restoration and renovation of buildings	16,125	11,600	11,600	11,600	11,600	11,525
Total, National Gallery of Art	92,842	100,449	100,449	97,250	99,449	98,806
John F. Kennedy Center for the Performing Arts						
Operations and maintenance	16,204	16,560	16,560	16,560	16,560	16,453
Construction	17,486	16,000	16,000	16,000	16,000	15,897
Total, John F. Kennedy Center for the Performing Arts	33,690	32,560	32,560	32,560	32,560	32,350
Woodrow Wilson International Center for Scholars						
Salaries and expenses	8,433	8,604	8,604	8,604	8,604	8,548
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration 1/	115,732	117,480	127,480	117,480	122,480	121,689
National Endowment for the Humanities						
Grants and administration	108,919	135,878	125,878	125,878	120,878	120,097
Matching grants	16,017	16,122	16,122	16,122	16,122	16,018
Total, National Endowment for the Humanities	124,936	152,000	142,000	142,000	137,000	136,115
Total, National Foundation on the Arts and the Humanities	240,668	269,480	269,480	259,480	259,480	257,804
Commission of Fine Arts						
Salaries and expenses	1,216	1,422	1,422	1,422	1,422	1,413
National Capital Arts and Cultural Affairs						
Grants	6,954	5,000	7,000	6,000	7,000	6,955
Advisory Council on Historic Preservation						
Salaries and expenses	3,643	4,100	4,100	4,000	4,000	3,974
National Capital Planning Commission						
Salaries and expenses	7,206	8,230	7,730	8,030	7,730	7,680
United States Holocaust Memorial Museum						
Holocaust Memorial Museum	38,412	39,997	39,997	39,997	39,997	39,739
Presidio Trust						
Presidio trust fund	21,188	20,700	20,700	20,700	20,700	20,566
Total, title II, related agencies:						
New budget (obligational) authority (net)	10,479,010	9,727,318	9,942,803	9,778,949	10,307,417	10,239,867
Appropriations	(10,549,110)	(9,727,318)	(9,992,803)	(9,839,949)	(10,155,417)	(10,089,811)
Emergency appropriations	---	---	---	---	(301,000)	(299,056)
Advance appropriations	(36,000)	---	(36,000)	(36,000)	(36,000)	(36,000)
Rescissions	(-19,100)	---	---	---	(-88,000)	(-88,000)
Deferral	(-87,000)	---	(-86,000)	(-97,000)	(-97,000)	(-97,000)
(Transfer out)	---	(-5,000)	---	---	---	---
(By transfer)	---	(5,000)	---	---	---	---

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL - FY 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	House	Senate	Conference	Conference w/ .646% cut
TITLE IV - WILDLAND FIRE SUPPLEMENTAL						
DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Wildland fire management (contingent emergency appropriation)	---	99,000	---	75,000	---	---
DEPARTMENT OF AGRICULTURE						
Forest Service						
Wildland fire management (contingent emergency appropriation)	---	301,000	---	325,000	---	---
Total, title IV, Wildland Fire Supplemental:						
New budget (obligational) authority	---	400,000	---	400,000	---	---
Grand total:						
New budget (obligational) authority (net)	20,111,481	19,890,979	19,601,125	20,012,291	20,171,163	20,039,262
Appropriations	(20,261,581)	(19,520,979)	(19,681,125)	(19,703,291)	(19,950,163)	(19,820,846)
Emergency appropriations	---	---	---	---	(400,000)	(397,416)
Contingent emergency appropriations	---	(400,000)	---	(400,000)	---	---
Advance appropriations	(36,000)	---	(36,000)	(36,000)	(36,000)	(36,000)
Rescissions	(-99,100)	(-30,000)	(-30,000)	(-30,000)	(-118,000)	(-118,000)
Deferral	(-87,000)	---	(-86,000)	(-97,000)	(-97,000)	(-97,000)
(Transfer out)	---	(-5,000)	---	---	---	---
(By transfer)	---	(5,000)	---	---	---	---
(Limitation on guaranteed loans)	---	(94,568)	(94,568)	---	---	---

1/ Challenge America Arts Fund was requested by the President as a separate account.

Mr. DICKS. Mr. Speaker, I yield myself 3 minutes.

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

Mr. DICKS. Mr. Speaker, I want to commend the chairman and his staff. We had a very cooperative working relationship on this conference committee. I am pleased that we have very substantial funding in this bill for firefighting. I see my colleague, the gentleman from California (Mr. LEWIS), whose district has been ravaged by these forest fires recently; and I know he has been working hard to make sure that the forest service and the BLM have adequate resources to deal with these issues.

I want to also mention that we had a nice vote here on the House floor to increase funding for the National Endowment for the Arts and Humanities. Both of those increased this year, $6.7 million for the National Endowment for the Arts; and I want to thank the chairman for his efforts on that in our conference committee.

We have had questions on privatization studies, as we have been debating all afternoon. I think the provision that we worked out in this bill is a good one and will protect government workers.

As was mentioned by the chairman, we had a very low figure in the House bill for lands and water conservation for acquisition of Federal lands for our Federal agencies. That number came up in conference committee. I, of course, with the gentleman from Wisconsin (Mr. OBEY), we were two of the authors, along with the gentleman from Ohio (Mr. REGULA) of the conservation spending amendment, we are disappointed that we have not been able to keep that funding level where it should have been under the agreement that was reached in 2000. But one of our problems is with the budget resolution; our committee has gotten a very low allocation; and the strategy of the majority has been to try to take care of the Forest Service, the Park Service the Fish and Wildlife Service, the major agencies and that is understandable, though I regret that we cannot do more on the Conservation Trust Fund.

□ 1915

So I think all in all this is a good bill. We are going to have a little debate here on other matters.

Mr. Speaker, I yield 12 minutes to the gentleman from West Virginia (Mr. RAHALL), and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DICKS. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the Interior appropriations conference report contains language which represents nothing less than a gag order on some 500,000 American Indians who have waited over 100 years for an accounting of their trust funds accounts by the Federal Government.

On two occasions, we have fought similar provisions. Last year, I offered an amendment on the House floor to strip language with a similar intent from the Interior appropriations bill and it prevailed overwhelmingly. This year, our chairman, the gentleman from California (Mr. POMBO) took the same action and he was also successful.

Yet this language keeps rising from the dead in this conference report. In effect, it would destroy a Federal court's order to the Interior Department to fully account for amounts derived from royalties and other receipts from lands in Indian country. Going even further, this provision appears to shield officials of the Interior Department from judicial actions requiring compliance, such as contempt of court citations.

This is, simply put, appalling. It is an affront to the American system of government, especially our judiciary system, and it undermines the long-standing trust responsibility we have for Indian Nations and individuals. It is, in my view, unconstitutional and will most assuredly cause more litigation and more mistrust of Congress throughout Indian country.

The Committee on Resources is in the middle of hearings on a settlement process of the Cobell litigation, and this sneak attack only makes it harder for us to conduct our business with the trust of those involved.

How long will it take for the Interior Department to quit with the gimmicks and sleight of hand and legislative riders that are snuck into appropriation bills without any consultation with Indian tribes or representatives of the individual account holders or even the chairman of the appropriate committee? How long will it take for the Interior Department to step up to the plate and accept responsibility and act responsibly in fulfilling its commitment, statutory and moral commitment I might add, to these aggrieved parties? Apparently, we should not hold our breath waiting for that to happen.

I urge a vote for the motion to recommit so that this matter can be addressed, and that will be offered by the gentleman from New York (Mr. HINCHEY), and pending that, I urge defeat of the conference report.

Mr. TAYLOR of North Carolina. Mr. Speaker, 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. Speaker, I just want to express my strong support for the appropriations conference report. I think the committee's done a great job.

They have dealt with backlog maintenance which is extremely important in terms of maintaining our parks and giving the public the quality experience they expect.

I was also pleased to see they extended the fee program. We are working to pass permanent legislation authorizing the direct fee program, but I would point out that this program has produced over $1 billion in the past years. It has gone into improving the quality of the visitor experience, and the money has stayed largely in the park that has produced it. I believe the public, generally, has been very supportive because they recognize that they are the beneficiaries of the small fees for using the public lands.

Also, I was pleased to see that the Committee restored cuts in the USGS budget, restored the cuts made in the President's budget. This is an extremely important agency because it allows us to understand the science of the earth and to better manage the resources of our programs that are their responsibility.

Everglades, again, this bill continues our strong support for the restoration of the Everglades, provides $68 million toward the historic initiative, and it does have the assurance from the State of Florida that it will meet its obligations.

Energy programs, extremely important to our Nation's economy. We are a Nation of large consumers of energy, and this is essential to the quality of life that we enjoy. I am particularly interested in developing programs to develop vehicles that will use natural gas. I think this is one of the ways to save our petroleum reserves and make us less dependent on imports. It is something that we are moving toward. A lot of buses, if my colleagues notice, around the city are powered by natural gas. The technology is clearly workable. It is a matter of getting infrastructure, and I would hope that the committee that does the reform of the transportation bill will recognize that there should be some funds to develop infrastructure for the fueling of natural gas vehicles.

On balance this is a very good bill, given the limited resources available.

Mr. DICKS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Wisconsin (Mr. OBEY), the ranking Democratic member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I think this bill is a mixed bag. There is much in it to commend it, and I especially want to express my appreciation to the gentleman from North Carolina (Mr. TAYLOR) for the way that he has fairly involved the majority and minority in the fashioning of this bill, and also for the fact that he has treated Members with great fairness in my judgment.

There are two problems that I see with the bill that I find troublesome. First, there are a number of what I consider to be antienvironmental riders involving Alaska and other areas. I would say, frankly, that these are not the worst antienvironmental riders I

have seen in an Interior bill, but I guess that is damning, by faint praise, from my perspective.

I think the basic problem is that the bill falls $447 million short of measuring up to the agreement that this committee signed on to 3 years ago. At that time, a majority of the House had signed on to what was known as the CARA bill which would have created land acquisition programs and land conservation programs as an entitlement. Those of us on the Committee on Appropriations thought institutionally that was the wrong thing to do, and so we tried to work out an alternative. And we did. That alternative said that funds for those programs would be first in line in this bill for the next 6 years, and we spelled out a specific funding schedule that was supposed to be met over that time period.

Unfortunately, the committee has now, in essence, walked away from that agreement. At the time that we entered into that agreement, because I was one of the parties to it, I pledged that if the committee at any time walked away from that agreement that I would vote against any legislation that was at variance with that agreement. And so I feel constrained to have to vote against the bill today. I am sorry about that, but I believe that we are making a long-term mistake, institutionally, by not living up to that agreement.

I recognize the committee is short of resources. I think that the House should have corrected that by making more resources available so we would have not been in this jackpot. Nonetheless we are, and so that is why I, despite many of the good things in the bill, feel constrained to vote against it when the rollcall is called.

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

Mr. LEWIS of California. Mr. Speaker, I very much appreciate my colleague yielding me this time.

The gentleman from Washington (Mr. DICKS), the distinguished ranking member, has referred to the fact that I am facing a rather tremendous challenge in California with the devastation that is impacting my District directly. In talking early this morning with one of my very dear friends that has great expertise in this arena of professional work, it was from him that I first heard the reality that there are two kinds of money that involve fire money. When we are talking about protecting the forest and trying to get the dollars that are necessary to clear the brushes, make sure we do not have too many trees go through, et cetera, et cetera, that kind of money is very, very difficult to come by, and then suddenly we have a disaster, a fire, and a green light goes on. The difference is red money, green money. A green light goes on, and whatever is available or required suddenly comes forth.

The deal with the challenges in my forest in recent years was we worked very hard to try to get some money to lay the foundation for a better management of the forests. Just in the last couple of years, we have finally gotten as much as $30 million. This evening, later, we will be considering the supplemental. After the fires had begun in the West, and within that package, there is a $500 million addition to the process that will help us deal with these problems in the West now, after the fire occurred.

So I have great empathy for the challenges of the people on this committee who struggle to get adequate dollars up front to make sure we are managing our forests well, and it takes the kind of challenge we are facing at this moment to really bring the point home.

I would have my colleagues know that I am very sensitive about my following remarks, and I would have the Chair be very careful with me, for it is a very unusual thing for me to do. Each of us has two U.S. Senators in each of our States. And in my case, there are two U.S. Senators and they are speaking about this general subject area, and I find great confusion here. I am going to be very careful as I refer to the other body and even Members in the other body to only use quotations from those individuals, but it makes it a very significant point as it relates to this bill.

So in an attempt to do that, I would speak of one of my Senators first. The gentlewoman speaking on the Senate floor about the healthy forest legislation currently under consideration has said, ''We have an open invitation to destroy our forests without getting anything back for it. There are no limits on old growth forest logging. Timber companies will pick the trees they want with no veto from the forest service and a complete change from what we have had before.''

My other colleague, another Senator from California, has been heard to say about this same proposal, speaking on the Senate floor and saying, ''This legislation is not a logging bill, as some would typify it, I think, falsely. This legislation would allow the brush to be cleared out, and it would also provide the first statutory protection for old growth stands and large trees ever in the history of this Nation. I want to be very clear. This is pro-environment legislation, and it seeks to reverse some of the damage we have done to our forests and restore their healthy condition.''

Two contrasting points of view that are difficult for me to understand from two Senators from the same State, but they make the point that unless we are able to recognize that there are very serious challenges here and recognize that this bill attempts to begin to deal with some of those challenges, we will never overcome the kind of tragedy that we are now experiencing in the West.

There are some 18 people who have died in southern California. Over 2,600 homes have been burned. Three-quarters of a million acres have been burned. At this very moment in regions in my District, literally thousands of families are trying to figure out what to do with the rest of their life because I think we have not in the past been able to give the kind of broadly-based support that we need to give to this subcommittee.

I think the report we have before us tonight is a reflection of very fine work between the ranking member and the chairman of our subcommittee. I very much appreciate their effort, but I want them to know from this Member's perspective, tonight's work is just another down payment. We will be making a down payment as it relates to the supplemental later. Indeed this down payment is very, very significant, and I want my colleagues to know that I appreciate the work they have done.

Mr. DICKS. Mr. Speaker, I yield myself 1 minute.

I wanted to say something to the distinguished chairman of the Subcommittee on Defense. The gentleman served as a chairman of the Subcommittee on VA, HUD and Independent Agencies, and FEMA was under my colleague's jurisdiction. When FEMA has an expenditure it gets reimbursed.

□ 1930

In our situation, with the Forest Service and the BLM, they take money from all of the accounts of the agency, go spend it fighting the fires, and then we do not reimburse it completely. It is not automatic. It has to be appropriated, and we do not do it as completely as we should. I think the FEMA example is a better way to go.

Mr. LEWIS of California. If the gentleman will continue to yield, I would like to respond that in the recent reorganization, we shifted FEMA from VA–HUD to the Subcommittee on Homeland Security. So there has been that change. And we have appropriated additional money there because in the middle of last year FEMA was running out of money. They were at least talking about the shortage. Suddenly we are going to add some money to that pool that they can draw from, and certainly that is a reflection of the challenges throughout the West.

Colorado, just today, has another new problem. But before another 6 months goes by, even FEMA is going to be stretched to the wall again, and that is why what the gentleman did last night was very important, and I appreciate my colleague's support.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), a very valued member of the Committee on Resources and one of the strongest fighters for Native Americans in this body.

Mr. KILDEE. Mr. Speaker, I rise in strong support of the motion that will be made by the gentleman from New York (Mr. HINCHEY) to recommit, because of the provision that keeps the Department of the Interior from performing its legal responsibility and

further delays justice to a half million account holders who have been waiting for an accounting of the individual Indian trust for more than 100 years.

This so-called time-out provision is objectionable because it would require that the 1994 American Indian Trust Management Reform Act not be interpreted to require the Department of the Interior to conduct a full historical accounting. This is a way to avoid an order by a Federal judge in the Cobell v. Norton case, who just last month ordered the Department of the Interior to perform a complete accounting of the individual Indian trust.

This provision provides zero incentive for the Department of the Interior to mediate or negotiate a settlement of the Cobell case; and it sends a terrible message to the Indians that when they finally get their day in court, Congress will pull the rug out from under them.

Mr. Speaker, just last year this House overwhelmingly voted to strike a similar provision from the 2003 interior appropriation bill. Furthermore, Mr. Speaker, this provision violates the House rule against legislating on appropriation bills. It also violates the House scope rule because it was not included in either the House or the Senate fiscal year 2004 interior appropriation bill.

The authorizing committee has started an important dialogue about the options to settle the Cobell case. It is critical that the committee of jurisdiction, the Committee on Resources, be permitted to continue its work without interruption. I urge my colleagues to support the motion to recommit; and if that fails, to vote against the conference report.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I first want to commend the chairman and the staff on both sides for working on what I think is a good bill and one that I think meets the needs of firefighting, an issue that has not always been treated appropriately.

I guess what a lot of people do not realize is that when we have these fires and do not fund them, the money is taken from all the other accounts. Now, think of running your business and the money for the new building you are halfway through building, money for other forest projects you are on, is suddenly snatched away from you and you just have to stop until the money comes back when it is restored. I do not think anybody realizes how we have had the bureaus managing our land working with these forest issues that have been hitting us year after year after year. So I am pleased that there has been a major effort this year, $3.2 billion, in different ways; some repayment of funds used, but money to prevent fires, money to fight fires, and money to replenish accounts.

I am also pleased to see some progress on PILT. But I want to challenge the body. Payment in lieu of taxes has been an undervalued account here. When we take millions of acres, we own a third of the country and we only spent $227 million. It is still a pittance nationwide for our payment of taxes. Because when we take all of this acreage out of the economy, it does not pay taxes. But those people living in those regions have to have roads and schools and services, and we need to continue to improve there.

I was pleased that we had a $61 million increase for national parks, $24 million for the National Wildlife Refuge, $30 million for geological survey, $29 million for the national forests, and $6 million for weatherization.

And I was really pleased to see that that fossil energy research was increased by $60 million. Now, there has been a lot of money here, not wanting to put money into fossil research, because we all want to use renewables. I want to use renewables. But the renewables have not taken the place of fossil fuels.

One final statement I would like to make. When we add up the energy used in the world today, geothermal, wind and solar are .56 of 1 percent. My colleagues, we have to have fossil fuel research.

Mr. RAHALL. Mr. Speaker, I am very happy to yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), who is cochair of the Native American Caucus.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from West Virginia for yielding me this time. At the outset, let me say my affection and admiration for my colleague from North Carolina, the chairman of this Subcommittee on Interior of the Committee on Appropriations, knows no bounds. There is much to praise in this bill; and yet as this legislation came together in conference, an indignity has been thrust upon this body and the legislative branch of government.

What we witness tonight, my colleagues, is the triumph of the unelected, where legislative staffers, along with staffers from the executive branch, presume to know more than the duly elected officials of this body. And so in a closed conference, in 15 minutes' time, a provision is added to this bill which passed neither the House nor the other body and is thrust upon us at the last nanoseconds of the 11th hour in a cynical attempt to say, Come on, we dare you. There is needed firefighting money in here. We dare you to vote against it.

Mr. Speaker, there may be some who interpret this as a turf battle. That would be a serious mistake. This is not a turf battle. This cuts to the core of our legislative branch and our system of coequal and separate branches of government.

We cannot allow the First Americans to remain the Forgotten Americans. This House has taken action time and again to reaffirm the rights of Native Americans on the trust fund accounts. I will grant every Member of this body it is a difficult issue. But, Mr. Speaker, the fact remains those of us on the Committee on Resources that have the jurisdiction, many of us will meet in my home State of Arizona Monday as I will chair a field hearing on this very topic. And now what we are seeing happen, if passage of this legislation takes place tonight, it renders those hearings a moot point. It silences the First Americans. It assures they remain the Forgotten Americans.

Vote ''no'' on this bill. It is the wrong thing to do.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman's time has expired.

If we are to keep on time, the Chair requests that Members stay within their allotted times.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I urge my colleagues to adopt this conference report on the interior appropriation bill. It is a reasonable and responsible measure to meet the natural resources, recreational, energy, and cultural needs of our citizens.

The gentleman from North Carolina (Mr. TAYLOR), chairman of this subcommittee, has done an excellent job in working with the Senate to provide a balanced conference report that sets the right priorities, is fiscally responsible, and reflects the values of the majority in the House. One of these priorities, of course, is more money and resources to combat and control wildfires. The bill includes $2.5 billion for the national fire plan, as well as an additional $400 million to repay wildfire suppression expenses from last year.

In addition to providing these historic levels for firefighting, the bill recognizes that we must do more than fight fires once they have started. It takes an integrated fire plan approach which funds wildfire suppression and preparedness, hazardous fuels reduction, and forest health and rehabilitation activities.

I am very pleased that it includes money for new forest pest management in the initiatives, including funds for the wooly hemlock adelgids in the East and the Southern pine beetle and Western mountain bark beetles.

I think we need to address the Indian issue. No one wants, more than the members of this committee, to address this issue. But it does not make any common sense to spend between $9 billion and $12 billion over a 3-year period without a single dime going to the Indians. This gives us a cooling-off period that we can get this thing done, because if we spend $9 billion to $12 billion for an accounting system that gets us no result, there will not be money for wildland fire funding, Indian education and health care, national parks, PILT, and so on.

This bill should be passed. I commend Chairman TAYLOR and the ranking minority member, the gentleman from Washington (Mr. DICKS), for the outstanding job they did under tight budget constraints in meeting the stewardship responsibilities of the Congress. I urge adoption of the conference report.

Mr. RAHALL. Mr. Speaker, I am happy to yield 1 minute to the gentleman from New Jersey (Mr. PALLONE), another valued member of our Committee on Resources and truly a strong fighter for Native Americans in this body.

Mr. DICKS. Mr. Speaker, I yield the gentleman from New Jersey (Mr. PALLONE) 30 seconds.

Mr. PALLONE. Mr. Speaker, for centuries, American Indians were forced to give up their ancestral lands by this country's early settlers. It was one of the most shameful episodes in American history.

The U.S. Government subsequently placed the Indian lands in trust. But the Department of the Interior has not met its trust responsibility and American Indians were forced to sue in court to protect their rights. Now, the court has made a decision in favor of the American Indians, and this conference report would essentially delay or reverse that court's decision.

I think it is wrong for this Congress to deny justice to over 500,000 of America's first citizens. Mr. Speaker, instead, we should reaffirm our commitment to Native Americans. That process begins here and now with this vote. By voting to recommit the interior appropriation bill, the antitrust reform language has a chance to be removed from the bill and a proper solution can be reached involving the Indian tribes.

Keep in mind, the tribes were not consulted in this process. This is something that is coming from the Department of the Interior to reverse a court decision. There is no input from the Indian nations.

Mr. Speaker, justice delayed is justice denied. Let us begin to rebuild the trust relationship with American Indians so that we can put this ugly stain on American history behind us. We cannot do that by unilaterally doing this in the interior appropriation bill conference report. The only way it can be done is through the hearings that the Committee on Resources is now having. They are having them around the country, and they are allowing the Indian tribes to be involved in whatever solution we come up with.

Now, I know that the authors here are well intentioned with this provision, but the bottom line is it delays or reverses the court's decision. What kind of signal does that send to Indian country? The wrong decision. Vote to recommit. And then if it does not pass, vote to turn this bill down. Vote against the bill.

□ 1945

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

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Speaker, I rise with reluctance to oppose this bill. I have not opposed an appropriations bill for many years. I appreciate the difficulty the subcommittee chairman and the gentleman from Florida have with the Senate, with the budget, and with all of the demands from Members, but I stand with the chairman of the Committee on Resources. I believe the administration committed an egregious process, a mistake, in going around the authorizing committee at the last minute without even telling the authorizing committee, and we cannot do business that way.

I have a second problem with the bill, but it would not have caused me to vote against the bill. I believe the provision by the gentleman from North Carolina (Mr. TAYLOR) on the National Park Service should have been left in the bill. It is the most successful outsourcing organization in the country, and instead of attacking the most successful and highly-rated government organization in the country, even with the guidelines of the gentleman from North Carolina (Mr. TAYLOR) which are very well written, basically guarantee that this money will be wasted.

This is the type of thing that when President Bush has made national parks a centerpiece, his staff did him a disservice by having this in the bill that is aggressively focused at the park service when they are already over a majority, one of the only organizations in the government that is over a majority already outsourced, it is not only wrong, wasteful, but it is politically stupid. I hope we can get this fixed with the administration as we work through. I know the committee understands my concerns, and we will continue to work with them, but we have to have some kind of process where the authorizing committees are respected, and I stand with the gentleman from California (Mr. POMBO).

It is with great reluctance that I rise to oppose this appropriations bill. I rarely vote against appropriations bills because I know how hard it is to reach the compromises necessary to pass these bills.

I rise partly in opposition to the imposed language, with no participation from the authorizing committee on the Tribal funds issue. We have clear conference guidelines to protect against this very thing and this was a blatant violation that threatens the committee system.

Secondly, I deeply believe that the provisions on outsourcing in the National Park Service is a terrible policy mistake. I have been a consistent supporter of competitive bidding, outsourcing and/or privatization. But the way OMB is approaching this issue endangers the process as a whole.

Employee work in our national parks is already under 50 percent. It is a serious story. Some outsourcing has been pulled back because, for example, private contractors found that it was hard to remove waste from remote mountain ranges. Or they only wanted to do it when economic times were hard. In other cases, bids were sought and none arrived.

In other words, the National Park Service is a success model. But if OMB won't distinguish between success and failure, if money must be wasted in a never-ending hunt, not only will organizations like the National Park Service become demoralized, there will be no voluntary efforts, even more resistance and bitterness, and eventually a revolt against all outsourcing.

Relatively mindless "cookie-cutter" approaches are an abdication of responsible government. The National Park Service rangers have among the highest, if not the highest, public approval ratings of any government or private sector employee. Even if the Park Service wasn't already 50 percent contracted out, why fix something that is not broken? We have enough problem areas on which to focus.

Furthermore, President George W. Bush fully understands the importance of our national parks, to our nation, and from his personal comments, to his family.

While the President favors outsourcing, as I do, it is poor staff work to further attack the National Park Service and waste more funds on outsourcing. Instead, the funds should be used to help eliminate the national parks maintenance backlog. Or it could be used to reduce the $30 million this bill is overbudget. Instead of staff attacking the National Park Service, the President should be told of its successes, and bragging about it.

The original House language exempted the National Park Service. By friends and colleagues, Congressman TOM DAVIS and PETE SESSIONS were going to introduce an amendment to remove the provision. After discussions, during which it was apparent the amendment would likely overwhelmingly lose, they withdrew their amendment. Later in the bill, Congressman BEREUTER offered a specific exclusion amendment for the archaeological centers. He won overwhelmingly. Repeatedly this House has made it clear that the National Park Service is not like other agencies.

I do want to thank the Committee for definitive language forcing detailed guidelines on such studies. It means that, most likely, most of the outsourcing dollars being spent will be wasted money but at least it will be reasonably fair. As chairman of a subcommittee with National Parks oversight and as a member of the Resources full committee and National Parks subcommittee, I will be closely monitoring every threat to dangering our Park Service.

Mr. RAHALL. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. COLE).

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

Mr. COLE. Mr. Speaker, I rise in opposition to the conference report on H.R. 2691. I am generally supportive of the bill's thrust and appreciate the good work of both the Committee on Appropriations chairman and subcommittee chairman. However, the provision inserted into this legislation relating to the Indian trust issue makes it personally unacceptable for a variety of reasons.

It is unacceptable, first, because it amounts to legislating in an appropriation bill, and I find that unfortunate.

Second, it was not included in either the original House or Senate bill, and consequently did not receive the scrutiny and debate that it deserved.

Finally, it is an effort, I think, inappropriately, to derail a judicial process that is already in progress. It is unfortunate that we are at this particular moment, and I regret having to vote against this bill. But I think had we operated through the Committee on Resources, let the processes in place work out, we could have arrived at a solution to the problem that was fair and equitable and trusted by all sides. It is with great reluctance that I rise in opposition.

Mr. Speaker, I rise today in opposition to the Conference Report on H.R. 2691, the Department of the Interior and Related Agencies Appropriations Act for fiscal year 2004. I am supportive of the general thrust of this bill, particularly the emergency funds to help fight the wildfires in the West. Moreover, I recognize the need to finish appropriation bills on a timely basis.

I respect the Appropriations Committee chairman and subcommittee chairman who laid out the broad framework for this generally laudable appropriations measure. I want to be clear that my criticisms of the substance of one part of this bill in no way are intended to reflect on the fine work and integrity of the chairman and the members of the committee.

However, I feel compelled to vote against H.R. 2691 because of one provision in the bill concerning the Indian Trust issue. This provision was inserted in language funding the Office of the Special Trustee for American Indians and would dictate the manner in which the Department of the Interior undertakes a complete historical accounting of individual Indian Trust accounts. It is clearly the first step in a process designed to impose rather than negotiate a settlement of Indian Trust account claims and to do so for as little money as possible regardless of the merits of individual cases or the historical culpability of the Federal Government in the mismanagement and theft of Native American assets held in trust.

This provision clearly violates the House Rule against legislating in an appropriations bill. Moreover, it undermines the excellent work of the Resources Committee, which has held two hearings on the Indian Trust issue and has been in the process of building a bipartisan framework to settle the Indian Trust issue in wake of the questions arising out of the so-called Corbel litigation. If this conference report is approved in its present form it will hinder the efforts of the Resources Committee to resolve this issue fairly and honorably for all concerned.

In addition to being legislatively and procedurally unsound, the provision in question is clearly designed to limit the ability of Native Americans to pursue their legitimate claims in court. Frankly, I predict that this effort will fail. However, it will cost the litigants and the Federal Government more rather than less money in the long run. Moreover, it will further poison the historically poor relations between Indian tribes and the Federal Government.

Frankly, I am appalled that this language was included in the conference report on H.R. 2691 since it was not part of either the original House of Senate Interior appropriation bills. It was added in the dead of night in order to avoid legislative scrutiny and open debate. This is a clear violation of the spirit if not the letter of the normal rules that govern the legislative process. It discredits the legislative process and should embarrass and disappoint every member of this body regardless of their position on the issue.

In my opinion, this language delays justice for half a million individual Indian Trust beneficiaries who have waited over 100 years for a full and fair accounting of the property which the Federal Government holds in trust for them. This is both reprehensible and unacceptable. I intend to work within the framework of this institution to see that the mischief done in this appropriations bill is ultimately undone.

Mr. Speaker, it is tragic that this provision was added to this otherwise praiseworthy and essential piece of legislation. Its inclusion makes it impossible for me or any other member who cares about the rights of Native Americans to support this bill. However, I take comfort in the fact that this issue will be dealt with again, both in the courts and in the halls of the Congress of this great republic.

Mr. RAHALL. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. POMBO), the chairman of the Committee on Resources who I have had the pleasure to work with, and who is very capable and fair.

Mr. POMBO. Mr. Speaker, I thank the gentleman for yielding me this time.

It is with regret and a certain reluctance that I come to the floor tonight in opposition to the Interior appropriations bill. I think that the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Washington (Mr. DICKS) have done an excellent job with this bill, and it is probably one of the best Interior appropriation bills that I have seen during my time in Congress.

But having said that, the addition of language dealing with the Indian trust issue, the Cobell v. Norton decision has forced me to rise in opposition to the bill. I will say to my friends, my colleagues, this is the wrong thing to do. It is wrong to put this into an Interior appropriations bill. When the Interior appropriations was moving through the House of Representatives, there was a provision that dealt with Cobell. It was a different provision, very different than what is in this bill, and I want to make that clear. However, that provision was struck and part of the debate, part of the discussion that went on on this floor was that the authorizing committee would have the opportunity to sit down and work our way through a hundred year old problem, and we are doing it.

We have held a number of hearings in our committee. We have held a number of field hearings. As the gentleman from Arizona (Mr. HAYWORTH) said, he is holding a hearing on Monday dealing with this issue. The only way we are going to solve this problem is if we have the opportunity to sit down, to consult, to negotiate, and to ultimately reach a settlement. We are not going to do it by some rider put on in an appropriations bill. The only way we are going to solve this problem is if the authorizing committee, if the gentleman from West Virginia (Mr. RAHALL), myself, the members of my committee, have the opportunity to sit down with those that are impacted by this and do what is the best thing possible for the American taxpayer and for the Native American community in this country. That is how we are going to solve this problem.

We are not going to do it on a rider. This is the wrong way to settle this problem. I appreciate that this is only good for a year and it is a cooling-off period as some of my colleagues have said. I am sorry, we do not do it on an appropriations bill, and I do not care who wants it. The only way we can solve this problem is to sit down and consult, negotiate, and ultimately lead to a settlement. That is what we are in the middle of doing, and I will pledge along with the ranking member, the gentleman from West Virginia (Mr. RAHALL), that we will continue to work on that and we will get it done. But, Mr. Speaker, do not do it on an appropriations bill.

Mr. RAHALL. Mr. Speaker, I yield the remainder of my time to a member of the Cherokee Indian Nation, the gentleman from Oklahoma (Mr. CARSON).

(Mr. CARSON of Oklahoma asked and was given permission to revise and extend his remarks.)

Mr. CARSON of Oklahoma. Mr. Speaker, I am here to voice my strong objections to the language included in the fiscal year 2004 Interior appropriations bill. This language, as has been discussed, delays justice to over 500,000 individual Indian money account holders.

I represent a district with the most heavily Native American population in the entire country. And as a member of the Committee on Resources, the committee with jurisdiction over this important matter, I had no opportunity nor ability to participate in discussion on this language's effect on my constituents.

For this reason, although I am a strong supporter of a number of provisions in this bill, I cannot in good conscience vote for it. I respectfully request that my colleagues vote yes on the motion to recommit and no on final passage.

Mr. DICKS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY), a distinguished member of the subcommittee.

Mr. HINCHEY. Mr. Speaker, I want to express my appreciation to the gentleman from North Carolina (Mr. TAYLOR), and I also want to express my respect for the work the gentleman has done on this bill and the way it has been done. But unfortunately, for reasons that are largely beyond his control, there are serious defects and deficiencies in this bill, so at the appropriate time I intend to offer a motion to recommit.

This conference report breaks the promise to maintain the fully funded Interior portion of the Conservation Trust Fund, and that would be at $1.56 billion. The Conservation Trust Fund was groundbreaking, bipartisan conservation legislation designed to protect the Nation's threatened natural resources. To abandon it after only a few years violates a commitment that this House and this Congress made to the American people. Instead of the promised $1.56 billion, the bill contains just over $1 billion, $447 million below the authorized level and $87 million even below that appropriated last year.

This funding level is an assault on the ability of the Nation to conserve lands and protect sensitive forests and parks. This funding is important because the American people value the programs in the Conservation Trust Fund for protecting open space and historic sites, conserving wildlife and wildlands, and creating opportunities for recreation for both body and soul. Because of these cuts, some threatened lands that would have otherwise been protected will now be lost forever.

Within the Conservation Trust Fund, the Land and Water Conservation Fund which funds land acquisition is especially hard hit with deep cuts. Land acquisition is funded at only $176 million, that is $137 million below last year. It is a 60 percent cut below 2002. So this conference report willfully walks away from our responsibilities to protect and conserve our precious land. And if we approve it, I predict next year we will be fighting even deeper cuts than we are experiencing this year.

And then there are a series of antienvironmental riders. This conference report includes damaging riders. Some of them, for example, would strike at the heart of the protection of the coastal lands. One Senate rider, for example, removes Alaska's Bristol Bay from protection, even though the House bill and the President's budget renewed the moratorium that put that protection in place.

Mr. Speaker, it could be our coastline next. Another Senate rider sets a dangerous precedent for interfering with the independence of the Federal judiciary by severely limiting the amount of time that the public has to challenge harmful logging projects in the Tongass National Forest in Alaska, and limiting the amount of time a Federal district court has to rule on those cases. People will be denied their time in court. There are a host of our damaging antienvironmental riders in this bill, and for those and other reasons, I will offer a motion to recommit.

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

I want to end the debate on our side by saying I strongly support the conference agreement, and I hope Members will vote for the conference agreement. I appreciate the comments made here tonight. We are going to work hard to resolve the problems on the trust account issues. We will work with the authorizers. The chairman and Mr. RAHALL are acting in very good faith. I know there has been a hearing, and they are going to have another hearing.

We need a solution to this problem, and I pledge tonight to my constituents back in the State of Washington that I will work tirelessly for a solution to this problem, so we can do justice to the holders of these accounts.

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

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I rise first to support this conference report, but I also want to address another issue, especially to my fiscally conservative friends. They received in their offices today a publication that would appear to be coming from the Committee on Appropriations because it says Appropriations Update in the big headline. The actual author of the paper is shown in small print, which indicates that the author is the Committee on the Budget. It says that this bill exceeds by $30 million the 302(b) suballocation issued by the Committee on Appropriations.

The problem is, at least I guess what it is, the Committee on the Budget has one budget resolution to pass in the House, then that resolution goes to Senate, and then the House and Senate go to conference on that one resolution. Then they bring a conference agreement back, and we barely pass the budget resolution.

The Committee on Appropriations has 13 regular fiscal year bills and, this year, three supplementals. So when we start to go to conference with the other body on all these bills, we have got to have the ability to negotiate the 302(b) allocations with the other body so we end up with the same 302(b)s in the House and in the Senate for each bill.

In fact, if Members are concerned about this publication that was distributed today, let me say there should be no confusion. The Interior conference report is within the 302(b) allocation that was agreed to by myself and Senator STEVENS. We provided this 302(b) allocation for the conference.

□ 2000

So, in fact, this bill is within the 302(b) allocations set for the conference, and, in fact, is below last year's level. For those who might be misled by this publication, understand our process of 302(b) allocations as we go to conference, and understand that we are within the bill's 302(b) allocation. We are not over it, despite what this report says.

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

I share the frustration of many of those who have spoken on the Indian trust issue. I represent the eastern band of the Cherokee Indians. I have been taught and seen it over and over again, the old adage that government will mess up a one-car funeral.

The committee spent $20 million of the taxpayers' money to do a transaction-by-transaction accounting of five named plaintiffs in the Cobell v. Norton litigation and found that one check for $60 went to the wrong person; $20 million to find a $60 error. Can anyone argue that this is a good use of the American taxpayers' money? A Federal court ruling on September 25, 2003, in the class action lawsuit ordered an expanded transaction-by-transaction historical accounting from 1887 to the present. Initial estimates indicate that the accounting ordered by the court would cost between $9 billion and $12 billion. Nobody ever envisioned that we would be spending $12 billion on an accounting that does not provide one dollar to Indian country. We have included language that limits funds available to the Department of the Interior for historical accounting to those activities that need to be accomplished and can be accomplished in the short term. Beyond the funding limitation, language has been included protecting the Department from further court action during this 1-year time-out period. This gives the authorizing committees time to address the issue. The appropriations committee is not addressing this. We are putting this with the authorizing committee.

Without this language in our bill, the court would likely hold the Secretary in contempt and find for the plaintiffs' accounting that the government owes $176 billion in this matter without any further negotiation or findings. For the past 3 fiscal years, the Committee on Appropriations has stated that it will not appropriate hundreds of millions of dollars, now billions of dollars, for a historical accounting. There was no other option but to include the time-out provision in this bill. There is only one source of money available to the committee; and an accounting of this magnitude, $12 billion, would require that vast sums be diverted away from other programs in the bill. Without the time-out language, we would have to divert vast amounts of money from Indian education, health care, the National Park Service, as well as critical fire fighting funding; and that is just to name a few. There will be further court proceedings in this case based upon the government's appeal of this court ruling. We should not expend hundreds of millions of dollars while this case is under appeal.

We fully agree with the gentleman from California (Mr. POMBO) that the authorizing committees should address this issue, and we are not trying to do that. All the interior bill does is provide for a 1-year time-out, basically the remaining term of this Congress, to allow the Congress to provide, hopefully, a comprehensive solution to the Indian trust issue, or at least address

the scope of the historical accounting so the Congress will not be put in the position of cutting programs in this bill to fund a $12 billion accounting. If the language is struck from the bill without providing full funding for the court-mandated accounting, some $3 billion in 2004, the court will likely hold the Secretary of the Interior in contempt and find summary judgment for the plaintiffs' accounting which purports to show that the government owes $176 billion.

The gentleman from Wisconsin (Mr. OBEY) pointed out that we were $400 million short in this bill. If we have to pay $3 billion just for an accounting next year or we are asked to pay $176 billion in the next year, or $12 billion maybe in a short period of time, imagine what will happen to this bill and the Department of the Interior, Forest Service, Energy and the critical funds that we provide for Indian health, education and other needs.

Mr. Speaker, I urge the adoption of this conference report.

Mr. ISSA. Mr. Speaker, I rise this evening to speak on the FY 2004 Interior appropriations bill. I wish to thank the House Appropriations Committee for providing the much needed increases in funding for the fire-fighting and fire prevention accounts within the Department of Interior. As my constituents and the constituents of my other colleagues representing the counties of San Diego, San Bernardino, Los Angeles, Riverside and Ventura have discovered first hand over the last week, it is imperative that Congress fund the necessary resources needed to prevent fires and fight fires.

Though I do plan on voting in support of this bill because of this funding and the funding of other important programs, I am concerned about the inclusion of a provision in this bill to halt a historical accounting of errors in the Indian trust fund accounts. While I recognize the need to address this issue quickly, the Interior appropriations bill is not the appropriate vehicle. An issue of this magnitude is better addressed through the normal legislative process. The House Resources Committee, chaired by Representative RICHARD POMBO, has already held numerous hearings on this issue, developing the necessary legislative history. Mr. POMBO is committed in working towards a more complete solution. I strongly disagree with the decision to include language in this bill that preempts the Resources Committee's thoughtful work on the trust fund issue.

Mr. UDALL of Colorado. Mr. Speaker, I regret that I cannot vote for this conference report.

The annual appropriations bill for the Interior Department and related agencies is important for the whole country, but particularly for Colorado and other states that include extensive tracts of Federal lands.

It benefits all Coloradans for the Interior Department and the Forest Service to have the funding they need to do their jobs. I also support many other things that are funded in this bill, such as energy conservation programs of the Department of Energy, the Smithsonian Institution, and the National Endowments for the Arts and the Humanities.

However, when the House first considered this bill, I found it so flawed that I could not support it. I voted against it in hopes that after the Senate acted and the bill came back to the House from conference it would be improved enough so that I could vote to send it to the President for signing into law.

To a degree, that hope has been realized. The conference report does include some definite improvements on the House-passed bill.

Perhaps most importantly, the bill would provide $400 million to repay the accounts from which the Forest Service, Bureau of Land Management, and other agencies had to take funds in order to fight forest fires. This is a very great improvement over the House-passed bill, as is the fact that the conference report restores $70 million for Forest Service wildfire preparedness to keep firefighter readiness at the 2003 level, and also would provide $2.5 billion for the National Fire Plan—$1.8 billion for the Forest Service and $694 million for the Department of the Interior—which is $126 million above the President's request and includes an increase of $289 million for wildfire suppression, $11 million for hazardous fuels reduction, and $9 million for State and community fire assistance.

Those are good provisions that deserve support. And, in addition the conference report also includes some items of special value to Colorado.

For example, I am particularly glad that the conference report—unlike the House-passed bill—includes $2.5 million to enable the Forest Service to continue its acquisition of lands in the Beaver Brook watershed, in Clear Creek County, now owned by the city of Golden. Together with others in the Colorado delegation, I have been working to complete this multi-year project, and am pleased that the conference report would enable it to go forward.

Similarly, the conference report improves on the House-passed bill by providing $9 million for the acquisition of lands in the San Luis Valley—$7 million for the portion of the lands that will become a new National Wildlife Refuge and $2 million to round out the Great Sand Dunes National Park.

I strongly support this, as I also do the provisions of the conference report that would provide the Forest Service with $1 million for acquiring lands in an elk corridor in the White River National Forest and the same amount of needed work on the Continental Divide Trail, the National Park Service with funds for planning for a new curatorial facility at Mesa Verde cultural center, and the Bureau of Land Management with money for acquisitions in the Canyon of the Ancients National Monument.

But in other respects the conference report not only fails to improve on the House-passed bill, but actually is even more flawed—so flawed that I think it deserves to be rejected.

Two aspects of the conference report are particularly bad, in my opinion—one involving language that is included, and one involving a provision of the House bill that has been dropped.

The conference report includes a remarkable legislative rider that says—

nothing in the American Indian Trust Management Reform Act of 1994, Public Law 103–412, or in any other statute, and no principle of common law, shall be construed or applied to require the Department of Interior to commence or continue historical accounting activities with respect to the individual Indian Money Trust until the earlier of the following shall have occurred:

(a) Congress shall have amended the American Indian Trust Management Reform Act of 1994 to delineate the specific historical accounting obligations of the Department of the Interior with respect to the Individual Indian Money Trust; or

(b) December 31, 2004.

I am not a lawyer, but it seems clear that this provision is intended to at least temporarily allow the Department of the Interior to refuse to comply with a recent decision in the pending Cobell v. Norton litigation dealing with the management of Indian trust accounts.

Whatever might be said in its favor, it is not the kind of thing that should be included in an appropriations bill. In fact, it would be subject to a point of order under the rules of the House except for the decision of the Republican leadership to waive the normal rules.

The subject matter of this provision is squarely within the jurisdiction of the Resources Committee. As a member of that committee, I share the view of Chairman POMBO that the inclusion of this language—which was not in either the House or Senate bill—in the conference report is ''an affront'' to our committee. I also share the Chairman's view that its enactment could make it even harder for our committee to play a constructive role in trying to resolve a situation that is a serious problem for both Native Americans and the Interior Department as well.

And at the same time this was being put into the conference report, section 337 of the House-passed bill was being deleted. That section was added when the House adopted a revised version of an amendment I had offered to protect not just Federal lands but also private property and the public interest.

It would have done that by preventing the Interior Department from going ahead with secret negotiations leading to back-room land deals under which the Interior Department would issue ''disclaimers of interest'' that would give away the government's claim to an interest in land.

For decades, the Interior Department issued such disclaimers to people who were on record as owning the lands involved. It was a legal technicality—important for the people involved but not a tool for changing the management of sensitive Federal lands or creating problems for private land owners. But that has changed because the Interior Department has changed its regulations. It has adopted new rules to claim broad authority to issue ''disclaimers'' to parties that wouldn't have been eligible under the old rules—and it has announced it is ready to give those ''disclaimers'' to parties seeking them in order to clear the way for building roads.

This involves the lingering ghost of the Mining Law of 1866. That was one of the 19th-century laws to promote settlement and development in the West. Among other things, it granted rights-of-way ''for the construction of highways'' on Federal lands. That provision later became section 2477 of the Revised Statutes—or RS 2477.

In 1976, RS 2477 was repealed. But the repealing law did not affect existing rights under RS 2477, and did not set a deadline for claiming those rights. So, there is no way of telling how many claims might be made or exactly what lands are affected.

But we do know that RS 2477 claims can involve not just Federal lands—lands that currently belong to the American people—but also lands that once were Federal but that now belong to other owners. That includes the

lands that were homesteaded, as well as patented mining claims and the lands that the Federal government gave to the states, the railroad companies, and other entities during the 19th and 20th Centuries.

Millions of acres of those lands now are ranches or farms, or residential subdivisions, or single-family homes, or private cabins in the mountains like ones owned by some of my constituents. And millions of acres of those lands now belong to the Native Corporations established under the Alaska Native Claims Settlement Act.

Also at risk are millions of acres that are still owned by the American people—including National Parks, National Forests, National Wildlife Refuges, National Monuments, Wild and Scenic Rivers, as well as wilderness areas and areas that deserve protection as wilderness areas. This problem is not new, but it is very serious. It needs to be resolved—but not the way the Interior Department wants to resolve it. What the Interior Department wants is to negotiate in secret and then issue ''disclaimers.'' They have already started that process with the State of Utah. And other parties—including the current state Administration in Colorado—are starting to ask for deals of their own. These backroom talks need to stop. Instead of making deals, the Bush administration needs to come to Congress for new legislation.

That was what Congress told the Clinton administration when Secretary Bruce Babbitt moved to change the Interior Department's RS 2477 regulations. To make sure that Secretary Babbitt got the message, Congress passed a law that says any new RS 2477 rules must be authorized by Congress. That law is still on the books. But the Bush administration says that is irrelevant because the new ''disclaimer'' regulations are not covered, even though they intend to use their new rules for RS 2477 claims. It's an interesting argument—but, frankly, it reminds me of the argument about defining the meaning of the word ''is.'' In other words, it may be clever, but it fails the test of common sense.

Of course, the administration also says they will only make deals that are in the public interest, so Congress doesn't need to get involved. But the best way to promote the public interest is to involve the public—not to make secret deals. And the best way to resolve this issue is by enacting new legislation, after public hearings and open debate. That's why I have introduced a bill—H.R. 1639—to do just that. My bill would set a deadline—four more years—for filing RS 2477 claims. It would establish a fair, open administrative process for handling those claims and would set another deadline for any lawsuit challenging the result of that administrative process. Maybe my bill could be improved, and some of our colleagues may want to propose their own ideas—that is the legislative process. And that is how this issue should be resolved, not by backroom deals or clever maneuvers to try to side-step Congress.

That is why I offered my amendment—to block the administration from trying to circumvent Congress. And while my original amendment was not adopted, the House did adopt a narrower version proposed by Chairman TAYLOR himself.

That part of the House bill would have barred implementation of the new ''disclaimer'' regulations with regard to any lands within a designated National Monument, Wilderness Study Area, National Park System unit, National Wildlife Refuge System unit, or lands within the National Wilderness Preservation System.

This did not go nearly far enough, in my opinion. It did not address and would not protect all lands that could be affected by the new regulations. However, it would have protected some of the most sensitive parts of America's public lands.

That was why last week more than 100 of our colleagues joined the gentleman from Michigan, Mr. EHLERS, and me in sending a letter urging the conferees to at least include the House language in the conference report. We thought that was a very reasonable request, especially since that part of the House bill had been written by the chairman of the relevant appropriations subcommittee and that the administration had not expressed any opposition to it during the debate on the House floor.

However, our request was not granted, and the House's provision on this subject was omitted from the conference report. As a result, nothing in the conference report will restrain the Interior Department from implementing its new ''disclaimer'' regulations in ways that could have serious consequences for the National Parks, National Monuments, National Wildlife Refuges, or the wilderness and wilderness-study areas.

Of course, I hope that won't happen. I hope that the administration will recognize that proceeding in that way will yield only unnecessary controversy and protracted litigation. I do have hope—but, frankly, I have little confidence. The administration seems determined to press ahead, and I expect that they are headed straight for the courts.

There are other things I dislike about this conference report—for example, the fact that it includes a provision to extend the recreation fee demonstration program for 15 months, which is another instance of a violation of the House's rule against including legislation in an appropriations measure. Even so, if the Indian trust provisions had been omitted and the House-passed restrictions on the new ''disclaimer'' rules had been included, I might still have been able to support it. However, I have concluded that I cannot vote for the conference report as it now stands.

Mr. SHAYS. Mr. Speaker, protecting our environment is one of the most important jobs I have as a Congressman. Unfortunately, the conference report before us today weakens several significant land and water protections.

Language in this conference report will roll back our moratorium on offshore drilling by allowing new oil and gas drilling in Bristol Bay. It will reduce judicial review on Tongass timber sales by placing a 30-day statute of limitations on challenging those sales in court. It will remove language included in the House bill that would have reduced the scope of an environmentally-destructive rights-of-way rule published by the Department of the Interior in January.

In addition, the conference report waives National Environmental Policy Act (NEPA) review for expiring grazing permits, which will further discourage agencies from complying with environmental laws and could lead to continued degradation of sensitive public lands.

Finally, H.R. 2691 reduces funding for valuable Land and Water Conservation Fund acquisition programs by $142 million.

I urge my colleagues to oppose this legislation. Congress can and must do a better job protecting our environment. We simply will not have a world to live in if we continue our neglectful ways.

Mr. DINGELL. Mr. Speaker, Ranking Member DICKS, I would like to draw the managers' attention to the Detroit River International Wildlife Refuge.

In Fiscal year 2003, the Committee appropriated $3.5 million for land acquisition in the Detroit Rive Refuge. For this I was grateful.

Mr. Speaker, the Trust for Public Land, recently acquired an ecologically significant tract of land known as Humbug Marsh and Island. This is a tract I have been working to acquire for many years. This funding in FY 03 made this acquisition possible. And this year I was seeking addition funds to complete this acquisition. The Humbug project is wired and ready to go.

Unfortunately, the conference report includes language, inserted by the other body, indicating that further appropriations for the Refuge have been delayed because additional funds could not be obligated in 2004. It also states that there are outstanding issues related to contaminants. In point of fact, Mr. Speaker, neither of these statements has any basis in fact.

I would ask, at this time, for unanimous consent to insert into the RECORD a letter from Mr. Eric Alvarez, Chief of the Reality Division of the Fish and Wildlife Service. Mr. Alverez writes to me, ''With adequate funding and no unforeseen problems...we anticipate a February or March 2004 closing date 'for the Humbug property.''

I would also note to the Chairman and the committee that Secretary of the Interior Gale Norton was at the Detroit River Refuge for a centennial celbration event in September. I would like unanimous consent to insert into the RECORD a letter I have just received from Secretary Norton demonstrating her commitment to the conservation values of the Detroit River Rufuge.

Mr. Speaker, I would hope that we can work together to address this issue as the process moves forward.

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Washington, DC.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, DC.

DEAR MR. DINGELL: The Fish and Wildlife Service's Division of Realty has been working on the Detroit River International Wildlife Refuge since December 2001. Since that time we have been evaluating a number of properties for inclusion into the refuge while developing our land protection plan. Recently, a key tract, known as the Humbug Marsh tract, was acquired by the Trust for Public Lands. Until this acquisition the Service did not have many viable tracts where the existing funds would have been obligated.

Preliminary information indicates that the tract may be worth around $4.9 million. The Service is currently working on the contaminant survey and the appraisal that will indicate the actual purchase price.

The contaminant survey has yet to be completed, therefore we do not want to speculate on the presence or absence of contaminants. conversations with TPL representatives indicate that they believe that there

should not be significant contaminant issues.

An appraisal will indicate the purchase price and the service has $3.4 million available for the acquisition. The difference between the remaining amount and the original appropriation ($3.5 million) has been used to pay for the contaminant survey and the appraisal.

With adequate funding and no unforeseen problems, with title or contaminants issues, we would anticipate a February or March, 2004 closing date.

Please feel free to contact me at 703–358–1713 if you or your staff require more information.

Sincerely,

ERIC ALVAREZ,
Chief, Division of Realty.

Hon. JOHN DINGELL,
House of Representatives,
Washington, DC.

DEAR MR. DINGELL: Thank you very much for including me in the celebration of the Detroit River International Wildlife Refuge. It was a pleasure to be on hand with you to celebrate the Refuge System Centennial.

I also appreciated the opportunity to hear more about the spirit of cooperation and partnerships that made the Detroit River Refuge possible. An unprecedented partnership between Federal, State, Canadian, county and local governments, private industry, conservation groups, and local citizens resulted in a unique home for waterfowl, fish, and migratory birds. This refuge is truly something of which you can be very proud.

Again, many thanks for your kind and generous hospitality. Please pass on my best to Debbie. I had a wonderful time with the two of you at lunch afterwards.

Sincerely,

GALE A. NORTON.

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

The SPEAKER pro tempore (Mr. GILLMOR). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. HINCHEY. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HINCHEY moves to recommit the conference report on the bill H.R. 2691 to the committee of conference.

The SPEAKER pro tempore. The motion is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. HINCHEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair announces that this vote will be followed by votes on the adoption of the conference report and on the motion to suspend the rules and agree to House Concurrent Resolution 302. Both of those votes will be 5-minute votes.

The vote was taken by electronic device, and there were—yeas 190, nays 229, not voting 15, as follows:

[Roll No. 594]

YEAS—190

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boswell
Boucher
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Green (TX)
Grijalva
Hall
Harman
Hastings (FL)
Hayworth
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—229

Aderholt
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Janklow
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Marshall
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
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)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Akin
Blumenauer
Bradley (NH)
Case
Emerson
Fletcher
Gephardt
Gutierrez
McCollum
McCotter
Miller (NC)
Pearce
Sanchez, Linda T.
Smith (TX)
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR) (during the vote). Members are advised there are 2 minutes remaining to vote.

□ 2028

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

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

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 216, nays 205, not voting 13, as follows:

[Roll No. 595]

YEAS—216

Aderholt
Alexander
Allen
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bereuter
Berkley
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Clyburn
Coble
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Emerson
English
Everett
Fattah
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Keller
Kelly
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Manzullo
Marshall
McCarthy (NY)
McCrery
McHugh
McKeon
Meehan
Mica
Michaud
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Ose
Otter
Oxley
Pastor
Pence
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Regula
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryun (KS)
Sandlin
Saxton
Schrock
Serrano
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Spratt
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Turner (OH)
Turner (TX)
Upton
Visclosky
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—205

Abercrombie
Ackerman
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Beauprez
Becerra
Bell
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Boswell
Boucher
Brown (OH)
Brown, Corrine
Buyer
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chabot
Chocola
Clay
Cole
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Duncan
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Feeney
Ferguson
Filner
Flake
Ford
Frank (MA)
Franks (AZ)
Frost
Gibbons
Gonzalez
Graves
Green (TX)
Green (WI)
Grijalva
Harman
Hastings (FL)
Hayworth
Hefley
Hensarling
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jones (NC)
Jones (OH)
Kaptur
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kline
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (OK)
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McDermott
McGovern
McInnis
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Moore
Musgrave
Nadler
Napolitano
Neugebauer
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pitts
Pombo
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Sabo
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Stark
Stearns
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Akin
Blumenauer
Bradley (NH)
Case
Fletcher
Gephardt
Gutierrez
McCollum
McCotter
Miller (NC)
Pearce
Sanchez, Linda T.
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2037

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

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WELCOMING PRESIDENT CHEN SHUI-BIAN OF TAIWAN TO THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 302.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 302, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 596]

YEAS—416

Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer