RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 241, not voting 6, as follows:

[Roll No. 250]

AYES—186

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Beauprez
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Chandler
Clay
Clyburn
Conyers
Cooper
Cox
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Evans
Farr
Fattah
Flake
Ford
Frank (MA)
Franks (AZ)
Frost
Green (WI)
Grijalva
Gutierrez
Harman
Hastings (WA)
Hayworth
Hefley
Herseth
Hill
Hinchey
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
Meehan
Meek (FL)
Menendez
Michaud
Millender-McDonald
Miller, George
Moore
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Rahall
Rangel
Renzi
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shadegg
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—241

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole
Collins
Costello
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Eshoo
Etheridge
Everett
Feeney
Ferguson
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Gutknecht
Hall
Harris
Hart
Hayes
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Hostettler
Houghton
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Ose
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ryun (KS)
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Brown (OH)
DeMint
Filner
Gephardt
Hastings (FL)
Meeks (NY)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1828

Messrs. McINTYRE, WALSH, SESSIONS and Ms. MAJETTE changed their vote from ''aye'' to ''no.''

Mr. HAYWORTH changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 250, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "aye."

Mr. TAYLOR of North Carolina. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. BIGGERT) having assumed the chair, Mr. OSE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4568) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY REGARDING DEPARTMENT OF DEFENSE INVESTIGATIONS RELATING TO ALLEGATIONS OF VIOLATIONS OF THE GENEVA CONVENTIONS AT ABU GHRAIB PRISON IN IRAQ

Mr. HUNTER, from the Committee on Armed Services, submitted a privileged report (Rept. No. 108–547) on the resolution (H. Res. 640) of inquiry requesting that the Secretary of Defense transmit to the House of Representatives before the expiration of the 14-day period beginning on the date of the adoption of this resolution any picture, photograph, video, communication, or report produced in conjunction with any completed Department of Defense investigation conducted by Major General Antonio M. Taguba relating to allegations of torture or allegations of violations of the Geneva Conventions of 1949 at Abu Ghraib prison in Iraq or any completed Department of Defense investigation relating to the abuse or alleged abuse of a prisoner of war or detainee by any civilian contractor working in Iraq who is employed on behalf of the Department of Defense, which was referred to the House Calendar and ordered to be printed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 674 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4568.

□ 1830

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4568) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. THORNBERRY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

□ 1830

The CHAIRMAN pro tempore (Mr. THORNBERRY). When the Committee of the Whole rose earlier today, the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) was disposed of.

Before the Committee resumed proceedings on unfinished business, the bill was opened from page 77, line 3, through page 139, line 22, and the Chair had queried for and entertained points of order against provisions in that portion of the bill.

Are there amendments to that portion of the bill?

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the interior appropriations bill contains a number of legislative provisions within the Committee on Government Reform's jurisdiction. I believe that in the past few days, we have established lines of communication and a good working relationship on these matters. I expect that as this bill moves forward to the other body in conference, we will continue this relationship and work together to make sure that these provisions are appropriate.

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

Mr. TOM DAVIS of Virginia. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. The gentleman is correct.

Mr. TOM DAVIS of Virginia. Reclaiming my time, I am particularly concerned with section 333 regarding the implementation of the E-Government Act. I understand the department's frustration with the funding of this initiative. I would like to work with the gentleman from North Carolina to find a way to properly implement e-government at the department rather than stopping this important program altogether.

Mr. TAYLOR of North Carolina. I look forward to working with the gentleman from Virginia to find a way to appropriately implement the E-Government Act as we move towards conference.

Mr. TOM DAVIS of Virginia. I thank the gentleman and urge my colleagues to support H.R. 4568.

POINT OF ORDER

Mr. CLAY. Mr. Chairman, I would like to raise a point of order on the section that the Chair referred to earlier. Would that be in order?

The CHAIRMAN pro tempore. The gentleman will specify the section to which he refers.

Mr. CLAY. It would be section 333, page 132.

The CHAIRMAN pro tempore. The Chair would inform the gentleman that the Chair previously queried for points of order against this portion of the bill. The Committee has now entertained an amendment to that portion, so no further points of order against that portion of the bill may be raised.

AMENDMENT OFFERED BY MR. SANDERS

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

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

Page 85, Line 3, after the dollar amount insert (''increased by $1,000,000, decreased by $1,000,000'').

Mr. SANDERS. Mr. Chairman, this is a very modest amendment and I would hope that in fact both sides could accept it. It does not add any more money to this bill. It simply shifts within the Rebuild America program $1 million dedicated to the Energy Smart Schools program which will encourage schools all over America to become more energy efficient.

Mr. Chairman, I got into this issue because a number of months ago I went to a high school in Vermont called U–32 outside of Montpelier, Vermont. They escorted me around the school after I spoke to the kids and what I discovered is that in that school they were heating that building, a large campus, with wood chips. They were heating with a virtually nonpollutant fuel, they were creating jobs within our local economy and they were saving taxpayers' money. It was a win-win-win situation. It turns out, I later discovered, that 23 schools in the State of Vermont are doing that. It seems to me that we all around our country have a lot to teach each other about energy efficiency, how we can save taxpayers' money in terms of making our schools sustainable, cost effective and energy efficient.

All that this amendment does is take $1 million from the Rebuild America program and dedicate it to the Energy Smart Schools program. The Department of Energy is running a good program. It is teaching young people about energy efficiency. It is saving taxpayers' money. I would urge support for this amendment and hopefully we could have both sides accept it.

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

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

Mr. DICKS. Mr. Chairman, I would certainly be willing to accept it if the chairman will accept it.

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in opposition to the amendment. The gentleman makes a positive argument, but the State's energy program grants have been increased above the level that we have had and the State energy programs will be making a decision on this. We have tried to stay away from earmarks. In fact, many, many people have asked for earmarks which would take the bill in a different direction and we have tried to avoid any earmarks. The State energy program grant may well take care of what the gentleman has asked for, but I oppose the amendment to have earmarked $1 million in this program.

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

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

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

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

Mr. SOUDER. Mr. Chairman, I move to strike the last word. I had intended to add an amendment later on in the bill but would not offer that in return for a colloquy with the chairman of the committee, the gentleman from North Carolina.

I understand there was some discussion in committee about the operations budget for the National Park Service. This issue is of great concern to me, and despite the committee's efforts to direct a greater proportion of the Park Service resources to the operational needs of individual parks, the bill does not go nearly far enough toward addressing the $600 million annual appropriations shortfall. As the gentleman knows, the gentleman from Washington (Mr. BAIRD) and I, along with 82 of our colleagues, requested an operations increase this year of $190 million from the Subcommittee on Interior and Related Agencies and $50 million from the homeland security bill. The committee has provided only a $76 million increase, with $55 million of that amount directed toward base operations of the parks. In light of the parks having had to absorb $170 million during the last 3 years, including additional costs for homeland security, salaries, wasteful competitive sourcing studies and other new mandatory costs, this amount clearly is not enough. I know that the gentleman from Washington (Mr. DICKS) offered an amendment in committee that would have added $45 million more for operations, but it was withdrawn. I am considering offering the same amendment on the floor. What are the committee's plans for providing additional resources for the parks during conference?

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

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

Mr. TAYLOR of North Carolina. As the gentleman knows, this committee has been extremely generous to the national parks. Over the last 10 years, we have provided an additional $515 million specifically for park-based increases. This bill includes another $55 million. That amounts to a total of $1 billion for 388 park units in fiscal year 2005.

The committee has been concerned over the last several years that OMB has required the parks to absorb pay costs, antiterrorism requirements and costs associated with catastrophic storm damage. These absorbed costs total $171 million. However, there is another side to the story. As the gentleman may be aware, the Park Service is not managing the funds we have provided. The gentleman from Washington and I have raised issues with the Service related to excessive travel, too many large conferences and meetings, and the Park Service's inability to control major new initiatives, including the 100 partnership construction

projects with a price tag of $300 million. These are projects that the Park Service has committed to without this committee or the United States Congress' knowledge or approval. Even if only a fraction of these projects went forward, they would have a devastating impact on both the backlog maintenance projects and park operations.

I will be pleased to work with the gentleman and my friend and ranking minority member the gentleman from Washington on securing additional funds to address the absorption issue as we head into conference. This will require securing funds above the current allocation and not having more amendments like the Slaughter amendment to take money out of this program, and I hope we will be able to increase that.

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

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

Mr. DICKS. I want to commend the gentleman for his amendment and I want to bring this to the attention of all the Members of the House, because I made a speech earlier today on the rule to point out the fact that the number of people that are working at the parks is going down because, in many cases, 90 percent of the operation account is personnel. Therefore, when you do not have enough of a budget increase to cover the COLAs, to cover these emergencies, then they have to eat it out of their existing budget. In fact, at Olympic National Park in my district, they 3 years ago had 130 summer employees they brought in for temporary work. This summer they have 25 because they cannot afford more. They have lost so much money. They are about $6 million short of what they need to operate the park this year.

This has got to be dealt with. This year with the increases that we gave, still 241 parks out of 388 will have less money to operate than they did in 2003. The amendment that I proposed and that the gentleman proposes, the $45 million, would have given every park, all 388, an 8 percent increase. If we could get $25 million in conference, it would be a 6 percent increase. This is the way we have got to do this. We have got to get this thing turned around. The committee has done a good job but we have got to do better because it is not good enough. That is the problem we are faced with. We are working hard. We are trying to work with the department.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana (Mr. SOUDER) has expired.

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

Mr. DICKS. The National Parks Conservation Association also has done a lot of good work on this that really lays out what the problem is. The chairman has been very tough on the director and the staff down there trying to get them to cut out wasteful expenditures, but we can only go so far with that approach. Some travel is justified, some travel is necessary because of these emergencies. It is just the foreign travel that has been basically stopped. I hope that we can continue to work with the chairman and his staff so that we can find an answer to this and maybe we can get a little more allocation. But this is a real, serious problem that must be dealt with. I congratulate the gentleman for raising it here on the floor.

Mr. SOUDER. Reclaiming my time, I want to thank the chairman and the ranking member for their leadership. We have many parks in this country that have been cut 30 percent in their staffing. In addition, we are seeing rangers transferred for homeland security reasons. There is a crisis in our national parks, the most popular institution in the country. Rangers are the most highly respected profession in the country, they are being slashed indirectly, and many Members of Congress are not even aware of that. We need to continue to raise that on the floor. I again thank the chairman and the ranking member.

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

Mr. Chairman, in times past I have come to the floor debating ways to deal with reducing the demand for water in the Klamath Basin while being able to fulfill our many obligations. The problems in the Klamath Basin are not going away this year. As we begin another summer, it looks as though there will not be enough water to go around to meet these multiple demands that fundamentally result from the Federal Government's promising more water than nature or creative plumbing can deliver.

The land management on the refuges in the basin continues to be guided by two priorities that are not just in competition but are fundamentally incompatible: The reclamation of wetlands for agriculture and the preservation of wetlands and habitat for wildlife. The situation is further complicated by the Klamath Basin tribes, four of them, which have a longstanding and unique role in the basin which predates the water allocation decisions and environmental regulations.

It is likely by the time this Congress completes the appropriations process we will have more conflicts in the basin. I hope not but I fear there may be additional fish kills and certainly another summer of dry refuges.

□ 1845

In the past I have come to the floor to discuss ways in the Klamath basin to reduce the water demands in the wildlife refuge which hosts 80 percent of the waterfowl in the Pacific flyway. They have been called The Everglades of the West. Unfortunately, they are the only refuges in the country where farming occurs purely for commercial purposes instead of including some benefit for wildlife.

But one of the problems that has taken place in the debate, and we have had exhaustive discussions, has been a fundamental lack of factual understanding. And I thought this year, Mr. Chairman, it might be possible to look more broadly at the underlying challenges facing the wildlife refuges in terms of water use and supply.

I have drafted language and shared it with committee staff to require the Fish and Wildlife Service to undertake a study of the water needs of the refuges both in terms of how much water and when during the year the water is needed. Much of the difficulty in finding common solutions has stemmed from our inability to have a comprehensive understanding of the competing demands. And I would hope that it would be possible in the course of a study to examine water deliveries, the amount of water necessary to be available to sustain the wetlands, issues that deal with providing the sufficient water for the wildlife refuges, feasibility of water storage.

I have a series of elements here in the study, but rather than offering up an amendment at this point because I realize the committee has had a very difficult time and they have a carefully balanced item, but as it works its way through the process I was wondering if it would be possible to work with the committee and the staff to see if there is some way to coax this information from the process. I would, if I could, yield to the Chair of the subcommittee to see if this would be possible.

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

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentleman for yielding to me.

I commend the gentleman for his work on this difficult situation. I will commit to working with him and the Fish and Wildlife Service to see what can be done to address his concerns.

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

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

Mr. DICKS. Mr. Chairman, I also want to thank the gentleman for his work and look forward to working with him on this issue. I realize how difficult this issue is in his area and complicating this, as he mentioned, is a drought that has affected the entire region. So I know how difficult this is. We all want to protect the wildlife, the waterfowl, the salmon, all of which are affected by this. So this is an important issue, and the gentleman deserves our cooperation on this.

Mr. BLUMENAUER. Mr. Chairman, I appreciate the expressions of support and cooperation from my two friends. It is my intention to work with them to be able to find a way to provide the information we need to avoid unduly contentious discussions here on this floor and be able to craft solutions that will protect our obligations to wildlife,

the obligations to farmers who have been lured into the basin by the Federal Government to farm there, not once but on several occasions, to meet our tribal obligations, and to avoid horrendous fish kills that we have seen in the past.

I appreciate the expressions of support and look forward to working with the committee to see if we can provide this information to guide more rational decisions in the future. Hopefully, we can protect this jewel, the Everglades of the West.

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

Mr. Chairman, I rise to engage my friend from North Carolina in a colloquy regarding the Bureau of Indian Affairs. I was planning to offer an amendment today which would limit the increased funding for the BIA in this appropriations bill totaling more than $46 million. However, I am hoping that the chairman can help me get some real answers from the BIA in connection with some local tribal issues.

There are native Americans who appear to be fully qualified for membership in the Shakopee Mdewakanton Sioux Community. Yet they are being denied rights of membership so a very small handful of members can control a very lucrative casino. Originally, the BIA rejected their membership application on two occasions. However, it was approved in 1997 although the application was ''substantially the same.'' In 2000, I requested a congressional investigation into the membership practices of the tribe. Native Americans are being denied their birthright, and the BIA acts as if it were none of their business. This is an outrage. I have followed up with correspondence with the BIA, but their response has been slow at best. I am frustrated by their lack of involvement in this issue. I am hoping that the chairman can help me navigate the BIA waters so that we can get some answers to some of my questions.

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

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentleman from Minnesota for his consideration of this issue. I would be happy to work with my friend to look into this issue with the BIA.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise tonight in support of this legislation to fund the Department of the Interior. Both the authorizing committee and Committee on Appropriations have addressed troublesome issues within the National Park Service, such as the egregious spending on foreign and domestic travel and a number of partnership construction projects that were underway without the committee's knowledge.

And I am particularly pleased that the bill implements spending restrictions on those issues without keeping the National Park Service from continuing its mission.

I applaud the Committee on Appropriations and particularly the gentleman from North Carolina (Chairman TAYLOR) and the gentleman from Washington (Mr. DICKS), ranking member, for their restoration of $15 million in funding for the National Heritage Areas.

For several years I have worked to establish a National Heritage Area along Buffalo Bayou in Houston, Texas. In 2002, Congress threw its support behind the proposed Buffalo Bayou National Heritage Area by authorizing a National Park Service study into the feasibility of establishing a Heritage Area along Buffalo Bayou. And I thank the chairman and ranking member of the subcommittee for including the language in the committee report encouraging the National Park Service to use additional funds for this study.

Make no mistake, this study is fully authorized by Congress, and is thus a prime candidate for partnership funding; and I am hopeful that the chairman and ranking member will work with me as we move forward in this process to include a hard earmark in the conference for this project not only for the Houstonians but also in particular the Nation as a whole for this worthy National Heritage Area.

AMENDMENT OFFERED BY MR. HUNTER

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

The Clerk read as follows:

Amendment offered by Mr. HUNTER:

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

Sec. . None of the funds provided under this Act may be used for the salaries and expenses of any employee for the expenditure of any fee collected under Section 315(f) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in Section 101(c) of Public Law 104–134) for the costs, in whole or in part, of the biological monitoring for a species that is included in a list published under the Endangered Species Act of 1973 (16 U.S.C. 1533(c)), or that is a candidate for inclusion in such a list.

Mr. HUNTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Chairman, if one drives out beyond the population centers in California, they will come to the great California desert that lies between the coastal range and the Colorado River and vast areas of sand dunes, and that is a place where literally hundreds of thousands of Californians go to get away from the boss, to take the family for a weekend, to have a good time and to be able to off-road with their four-wheel-drive vehicles and their sand rails and dune buggies; and we have got places out there where families have gone for generations, where under one Palos Verde tree a family may have camped for 30 or 40 or 50 years, and it is a great getaway spot for Americans.

This land is BLM land, and recently the BLM has tripled user fees for the folks that use this territory, for the families that go out there and recreate. And that amounts, Mr. Chairman, to about 30 bucks a weekend. They go out and before they can buy groceries or charcoal or anything to use for their camping, they are going to have to fork out over $30 to Uncle Sam ostensibly for improvements in this BLM recreational facility. In fact, the BLM advertises it in one of their national publications, ''The Imperial Sand Dunes Recreation Area''; and they talk about these windblown sands of an ancient lakecrest which is one of the premier off-road vehicle playgrounds in the United States.

What this advertisement does not tell us is that the BLM has decided to use, having tripled the user fees for these off-roaders, a lot of folks having trouble coming up with that extra money to pay for a weekend, they have tripled the user fees, and they are using now almost a billion bucks of these user fees for monitoring studies which are used in an attempt by a number of groups to try to close down the dunes.

When we passed this pilot program for user fees, we never envisioned that this money would be used for monitoring studies for endangered species that would be used to try to inhibit the use of this great public land that is so valued by many Americans. It is within driving distance of about 10 percent of America's population.

So my amendment says very simply that we cannot use these user fees. We have to use them for what they were designed for and stated to be designed for, which is improving this recreational resource and not for doing biological studies which in the end are used by a number of groups in an attempt to close down the usage of this public area.

So my amendment would restrict that type of usage, and right now it is proposed by BLM that they take $1 million out of this fund, which is only about $3.8 million, and pull it way from using it to improve the resource and instead use it for monitoring; and my amendment would limit that.

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

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I agree with the gentleman, and I am not opposed to the gentleman's amendment.

Mr. HUNTER. Mr. Chairman, I thank the gentleman very much for his comments.

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

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

Mr. DICKS. Mr. Chairman, can the gentleman tell me, what is the issue here? He is saying that they are using

the recreation demo money that was collected for maintenance purposes and they are using that for enforcing the Endangered Species Act?

Mr. HUNTER. Mr. Chairman, no. For the Endangered Species Act they have the money to enforce. They are using it for monitoring studies which are used to discover the existence of endangered species which in turn has been used in public lands throughout the West.

Mr. DICKS. Mr. Chairman, so the gentleman is arguing that they should be using the money that was appropriated for listing under the Endangered Species Act for this purpose, not fee demo money?

Mr. HUNTER. Yes, Mr. Chairman. I am arguing that they should be using other money other than this demo money. The demo money is supposed to be used for the benefit of the off-road community and put into recreational areas, campgrounds, et cetera.

Mr. DICKS. Maintenance and those kinds of things.

Mr. HUNTER. Yes, Mr. Chairman.

Mr. DICKS. Mr. Chairman, I think that was clearly the understanding that the gentleman from Ohio (Mr. REGULA) and I had when we were responsible for getting this thing established some time ago. Obviously, the Endangered Species Act is still in place, and they have other money to look at these things. What the gentleman is saying is that is money they should use for this purpose.

Mr. HUNTER. Exactly.

Mr. DICKS. Mr. Chairman, I have no further questions. I appreciate the gentleman's yielding to me.

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

Mr. Chairman, I rise in support of the gentleman's amendment to prohibit the use of recreational fees to indirectly cover any costs of biological monitoring for endangered, threatened, or candidate species under the Endangered Species Act. And as the gentleman from Washington (Mr. DICKS) said, the intention when we passed the demo fee on rec fee programs was to use that money to enhance the visitor experience in the parks. I think we all agreed on that. That was something that was very popular, and it is something that the Committee on Resources is working on right now in authorizing that program to become a permanent or a long-term program. It was never our intention at the time, nor is it now, for this money to be used in this way.

I would like to point out that, as the gentleman from California said, they used almost $1 million to do this monitoring, and not only was it for going out and doing monitoring. This nice sand buggy that they have got here was purchased at the cost of $60,000 with demo fee money. That was never our intention when this was originally passed. And I believe that the gentleman's amendment is extremely important in protecting those demo fee moneys so that the money actually goes back into the facility to be used to enhance the visitors' experience in that facility. That was our intention then; that is our intention now. As the Committee on Resources moves forward with making this a more permanent demo fee project, we will make sure that that does not happen again.

I fully support the gentleman's amendment.

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

The amendment was agreed to.

□ 1900

AMENDMENT NO. 1 OFFERED BY MR. RAHALL

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

The Chairman pro tempore (Mr. THORNBERRY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. RAHALL:

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

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available by this Act may be used to adversely affect the physical integrity of Indian Sacred Sites on Federal lands (as such terms are defined in Executive Order 13007, dated May 24, 1996).

Mr. RAHALL. Mr. Chairman, throughout this Nation, sites on Federal lands held sacred for religious purposes by Native Americans are being desecrated, often needlessly, by adverse developments. In response, I have introduced the ''Native American Sacred Lands Protection Act.'' This legislation would make the protection of Indian sacred sites on Federal lands a matter of Federal law and put into place a petition system that may lead to the designation of these sites as unsuitable for development.

Tex Hall, the President of the National Congress of American Indians, described this bill as protecting ''the essence of what Indian Country is.''

Unable to have this legislation considered under regular order and considering the immensity of the threat posed to these sacred sites, I am now offering an amendment that would simply prohibit the expenditure of funds made available under the pending legislation for activities which would adversely affect the physical integrity of sacred sites.

Long before my ancestors arrived on these shores, American Indians were the first stewards of this land. They respected the Earth, the water and the air. They understood that you take only what you need and leave the rest. They demonstrated that you do not desecrate that which is sacred.

Most Americans understand the reverence for the great Sistine Chapel or the United States Capitol. Too often, non-Indians have difficulty giving that same reference we give to our sacred places to a mountain, valley, stream or rock formation.

For example, Mount Shasta in California, considered the birthplace of the Earth and sacred to several California Indian tribes, is under threat by geothermal industries.

The Zuni Salt Lake in New Mexico, where tribal medicine men gather minerals for use in sacred ceremonies, is under constant threat by mining interests, as is the Huckleberry Patch in southern Oregon, which contains plants and berries essential to the Cow Creek Tribe.

In fact, I have received a letter from Sue Shaffer, Chairman of the Cow Creek Tribe, supporting this amendment of mine, in which she states, ''Given the traditional cultural, religious and subsistence significance of the Huckleberry Patch to the Cow Creek Tribe as vital to our identity as an Indian tribe, we appreciate your efforts in proposing an amendment which would protect Native American sacred sites on Federal lands from significant damage.''

Now, some may ask why a Congressman from West Virginia should care. I care because it is morally offensive for these religious sites to be destroyed. It is not the American way.

I care because the history of Appalachia is similar to the history of our treatment of the American Indian. Back in the days of rape, ruin and run, our lands were left as moonscapes and our forests were denuded as coal and timber was extracted and shipped out-of-state. Armed mercenaries stormed the homes of our coal miners, throwing women and children out in the cold. So I understand.

But I also understand that we have worked to reclaim our land, to address the legacy of acidified streams and ravaged landscapes, to take back the land and restore our homes and communities, that the history of the past should not be the prologue of the future.

Let that be so in Indian Country.

So today I stand here in common cause with those from Indian Country who are struggling to have their voices heard in this, the Capitol of the United States of America.

Today, let their voices be heard. Let their voices be heard above the roar of mining operations which threaten to sweep away sites that are sacred to them. Let their voices be heard above the din of drilling rigs which seek to desecrate their places of religious worship. Let their voices be heard above the babble of corporate greed which would sacrifice their lands and waters on the altar of profit and wealth.

Mr. Chairman, I urge the adoption of the pending amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reluctantly rise in opposition to the amendment.

Mr. Chairman, I can sympathize, I feel, with what I hope is the intent of this motion. However, the motion is so broad. If we could sit down prior to conference and work on this, we might be able to do something. But I would have to reluctantly oppose it.

Mr. Chairman, I have the Eastern Band of the Cherokee Indians in my district. I work with them many times on burial sites, which are both outside the Reservation and in, to try to preserve those sites and do everything we can to honor those sites.

In the Smokey Mountain area now, the parks, a portion of parkland that was deeded to the park in 1946 encompasses a number of cemeteries. The government promised to put a road to those cemeteries. The government has not honored its commitment because there are many people bringing numerous complaints, environmental complaints, about building a road that will allow people to come to those cemeteries, and I am working with them to try to get the respect due for those sites.

But the Clinton executive order which addresses this issue and is tied to it in this amendment is so broad, it is almost impossible to identify what is a sacred site.

Now, we have a 1988 report submitted by the Legacy Resource Management Program to the Department of Defense, for instance, and edited by Professor Vine DeLoria of the University of Colorado. For those that are not familiar with Mr. DeLoria, he is a radical Native American historian whose books include ''Custer Died For Your Sins'' and ''Red Earth, White Lies.'' We can hardly say that he is accused of being anti-Indian.

In the report, he identifies several kinds of potential sacred sites that could have impact, for instance, on the Department of Defense, which would come under this bill also with the Federal wildlife management. Burials and ruins would be understandable. The mourning and condolence areas is vague. Ceremonial areas; linkage to ceremonial areas; creation story locations and boundaries; sacred portals recalling star migrations; universal center locations; historical migration destiny locations; places of prehistoric revelations; traditional vision quest sites; plant and animal relationship locations; historical past occupying sites; spiritual sites; recent historical event locations; plant, animal and mineral gathering sites; and sanctified ground.

As you can see, with all these categories, every acre of Federal lands could almost come under this definition, as well as military bases.

Now, if the gentleman is trying to protect those areas that he and I, I hope, would agree are sacred sites, we can sit down and try to work something out, because we certainly want to protect those sites. But we cannot pass a bill that is so broad that it may disrupt all activity in our national parks.

For instance, what does this amendment do to recreation activities on public lands? What does the amendment do to the oil and gas drilling on any Federal land? What does the amendment do to the Fish and Wildlife Service's activities on military lands? How does this amendment affect existing rights on Federal lands?

I believe that this could be a lawsuit heaven, and it should not be, because the gentleman's argument, what he would like to do and what I would like to do, is to define it in some way that we could have vital protection of sites.

So I have to disagree and oppose this amendment.

Mr. KILDEE. Mr. Chairman, I rise in strong support of the Rahall amendment, which would protect Native American sacred sites on Federal land.

Congress has enacted several laws designed to protect religious rights of Native Americans, as well as to protect the cultural and historic sites from poor management practices. These laws include the American Indian Religious Freedom Act, the American Indian Free Exercise of Religion Act, the National Preservation Historic Act and the Native American Grave and Repatriation Act.

But, Mr. Chairman, despite the enactment of these laws, many Native American sacred sites remain to this day under threat of desecration. I therefore urge my colleagues to support the Rahall amendment that would prevent Federal funds from being used to harm Native American sacred sites on Federal land.

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

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

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

Mr. Chairman, I wanted to respond to the distinguished chairman of the subcommittee, the gentleman from North Carolina (Mr. TAYLOR), in his charge that the amendment is too broadly drafted. He then referred to Executive Order 13007. That is the referenced executive order, of course, in my amendment.

In that executive order it clearly very narrowly defines what sacred site means. In Section 1, Subparagraph (b), number iii, ''Sacred site'' means any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe or Indian individual determined to be an appropriate authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriate authoritative representative of an Indian religion has informed the agency of the existence of such a site.

So I think that is a pretty narrow definition of ''sacred site,'' as opposed to the broad charge leveled by the distinguished subcommittee chairman.

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

Mr. Chairman, the amendment says that none of the funds made available by this act may be used to adversely affect the physical integrity of Indian sacred sites on Federal lands as such terms are defined in the Executive Order No. 13007, dated May 24, 1996.

This sounds pretty straightforward and innocent enough, and who could vote against protecting a sacred site? The gentleman should be commended for his efforts to safeguard areas of cultural significance for Native Americans, and the gentleman from West Virginia (Mr. RAHALL), the gentleman from Michigan (Mr. KILDEE) and myself have worked together on a lot of Native American issues over the past several years, and I appreciate their help. The gentleman should be commended for that.

The problem with this amendment is simple: It has not been the subject of a hearing in the Committee on Resources. This is because we only saw this amendment for the first time yesterday. There also has not been a process for consultation with the tribes on this amendment, in which tribes have agreed to use an appropriations bill as a vehicle for addressing this issue.

No one wants to allow Federal land managers to adversely affect a sacred site. We all wish to protect sacred sites from desecration, vandalism and abuse. But we are then asked to take it on faith alone that this amendment will result in exactly what the author intends.

But what will this amendment do? That is the question I have. I do not think any of us know. The gentleman has taken an executive order that was intended to be implemented as policy out of the administration and attached a limitation on funding.

As the gentleman from North Carolina (Mr. TAYLOR) said in his comments, none of us really knows what that means. If there are sacred sites within a national park, which we know that there are in several cases, what does that mean on a limitation of funds on this particular bill? Is the Park Service going to be able to use that park? Is the public going to be able to use that park, if it is in any way determined that that is desecration to the sacred site or could in some way upset that particular site?

The gentleman from West Virginia (Mr. RAHALL) read what it says in the executive order about defining what a sacred site is. That is an extremely broad definition that we have to work with. What does that mean to the use of those Federal lands? On BLM lands, what does it mean if we have a limitation on using funding? What does it mean to the Fish and Wildlife Service if they are called in on section 7, consultation of the Endangered Species Act, on a military base, and that is determined to be a sacred site? All of those different issues, we have no idea what the real impact of that is going to be.

I know what the gentleman's intention is on this particular amendment, and I support the gentleman wholeheartedly on what he is trying to do.

□ 1915

But to try to come in on an appropriations bill and attach a limitation

on funding on to an executive order, we have no idea what the outcome of that is going to be.

The gentleman from Michigan (Mr. KILDEE) talked about all of the different laws that we have passed as a Congress to protect Native American sacred sites. If those laws in some way do not fulfill our mission, we should sit down in the committee and work out what amendments have to be passed on those laws in order to achieve what the gentleman is trying to achieve with this particular amendment.

I think it is a big mistake to try to do this on an appropriations bill. For one thing, I have not had a chance to talk to any of the tribes about this and what the impact is going to be and how they are going to interpret that. They have been very vocal in their opposition to dealing with Native American issues with riders on appropriations bills. And I cannot imagine at this point in time that they would reverse their stance on riders on appropriations bills, even though they may support what the underlying issue is on this particular one.

I reluctantly oppose the gentleman on this particular amendment, because I know that the gentleman's heart is in the right place with what he is trying to do. But I think it would be a huge mistake for all of us. And to my colleagues on the minority side, they have to really think about what this amendment is doing. It sounds good, it is something we all want to do, but we are talking about a limitation on funding attached to an executive order that was never intended to be used that way.

None of us have any idea how this is going to be interpreted by the administration. We have no idea how it is going to be interpreted by the courts. And that is where this is ultimately going to end up, and it would be a big mistake for us to go forward with this.

I urge my colleagues to vote ''no.''

The CHAIRMAN pro tempore (Mr. THORNBERRY). The time of the gentleman from California (Mr. POMBO) has expired.

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

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

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

Mr. RAHALL. Mr. Chairman, I appreciate the gentleman yielding to me.

In response to the assertion that the Indian tribes do not like legislative riders on an appropriations bill, the respected chairman himself has been calling this an amendment throughout his remarks. So it is a matter of who is offering what here as to how we describe it. I describe it as an amendment, as the gentleman has adequately described it. A rider is something that the gentleman does not favor.

So I think it has been properly described as an amendment, and I have already described the NCAI's position on this by the words that were written to both of us in regard to the substance itself.

In regard to the feeling that the gentleman does not know how this is going to be interpreted, my amendment is clearly the language of an executive order. An executive order is pretty clear. I have already outlined how that executive order defines sacred site.

As far as what it would affect, I can give the gentleman a site in his home State of California that would be affected by my amendment, and that is that the BLM could have said no to allowing a mining operation; under my amendment, under this executive order, that the BLM could have said not approved, that is, a plan of operations for a mining operation for the Quechan Indian Pass in California. That operation was allowed to proceed because my amendment was not in place protecting this sacred Indian site.

So I think, again, in response to the amendment, it is pretty clear as to what it would do, and an executive order has been issued in this regard; and that is what my amendment is.

Mr. POMBO. Mr. Chairman, reclaiming my time, there was nothing to stop BLM from saying no to begin with. The gentleman's amendment tells them they have to say no, and that is the problem. We do not know how this is going to be interpreted. We do not know how the administration is going to take this out; we do not know how the courts are going to interpret it.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. POMBO) has again expired.

(By unanimous consent, Mr. POMBO was allowed to proceed for 1 additional minute.)

Mr. POMBO. Mr. Chairman, we have a number of sacred sites which are located on national parks, on BLM land, on Forest Service land. How is it going to be interpreted in the courts once a funding limitation is put in place that we cannot move forward with some things on those particular parks? It is not a negotiated settlement; it is not sitting down with the tribes and consulting and trying to work it out. What it is, the gentleman is demanding that no funds be used. That is what the gentleman's amendment does.

I just do not believe that because of the process that this is going through, we have had the opportunity to hear out exactly how this is going to be interpreted by the administration and by the courts and where we are ultimately going to end up. I support the gentleman in what he is trying to do, but we cannot do this on an appropriations bill because we do not know what is going to come out of that. I just think it is a mistake to do it in this way.

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

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

Mr. DICKS. Mr. Chairman, have there been hearings on this issue before the gentleman's committee?

Mr. POMBO. Yes, there have been.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. POMBO) has again expired.

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

Mr. POMBO. Mr. Chairman, I yield to the gentleman.

Mr. DICKS. Mr. Chairman, I just wanted to ask the gentleman, have there been hearings and could the gentleman describe what the status of the Rahall amendment in your committee is. I am an appropriator. I would like to see the Members deal with this issue in their committee. I think that is a much better way to do it than doing it on a rider on an appropriations bill. I agree with the gentleman.

I am a little concerned myself about an ability for this self-described sacred lands on Federal lands. I mean, the consequences, the possibilities of this are extraordinary. But I think we have to give some assurance to the gentleman from West Virginia that the gentleman is going to continue to look at this issue in the gentleman's committee.

Mr. POMBO. Mr. Chairman, reclaiming my time, as the gentleman from West Virginia is fully well aware, I have been more than fair with his issues over the past year and a half and will continue to work with him on any issues that he deems important that have come before our committee. Obviously, I will pledge to him, because I agree with him on the substance of this amendment, I will pledge to him to continue to work with him to try to get this done through the regular order process so that we can actually know where we are going to go.

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

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

Mr. RAHALL. Mr. Chairman, the chairman is completely accurate. He has been fair. We have had a hearing on this, my introduced legislation. Several requests, however, following up to that hearing to move on the legislation, have thus far not been met with action. And I have no doubt that the chairman is sincere in what he has said, as he has been on a number of other issues on which we have worked together.

But I think the issue here is of such importance to Indian country, and it is much like going to church. This is sacred land for them. And I feel compelled to press this issue at this particular time in the form of an amendment, knowing full well that the chairman is completely honest in his words about following through at another time on my introduced legislation.

Mr. POMBO. Mr. Chairman, reclaiming my time, I would just again say that I urge my colleagues to really think about the way that this amendment is working and ask them to vote ''no.''

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

Mr. Chairman, I have been listening to the eloquence of my friend, the gentleman from West Virginia, and the concerns that have been expressed by the chairman of the Committee on Resources.

We have had on this floor in my tenure, brief though it seems, it is nonetheless 8 years, we have seen a parade of items of legislation on appropriations, and most of them that have been successful have come from the majority party. If we are going to reach the point now where we are going to change the policy and we are not going to legislate via riders and amendments on an appropriations process, I think that is interesting and well-intended, and maybe we should think about changing.

But the fact is, we have not been doing that in the past. It seems to me that we have had a parade of legislation that has come to this floor that has never gone to committee, that has been offered up by the majority party, that has not gone to the committee of jurisdiction, that there have not been substantive hearings. I can think of a wide range of things that have come from the Committee on Ways and Means, for example.

Now, with all due respect, I think the gentleman from West Virginia has identified a critical area. He spoke with great eloquence about the special obligations that we have as Members of this assembly to be sensitive to the needs of native Americans. And the history of this country brings no great credit to the government or to this body, and there has been lost opportunity after lost opportunity.

I think we ought to move forward with this amendment. It in no way precludes an opportunity for the Committee on Resources to come forward, do whatever fine-tuning they are going to do. But I think it is time for us to seize the moment and change the balance of power on this for sensitivity to Indian country.

The gentleman from West Virginia mentioned the concerns from the Cow Creeks in my State. There are issues in the Klamath Basin. He mentioned the 1,600-acre open-pit gold mine in the Quechan Tribe at Indian Pass, California, which is true, BLM could have done something about, but BLM did not do anything about, and under the gentleman's amendment, would be required to. There would be some leverage to the people who too often do not have the leverage to meet their needs.

I think we have seldom erred on the side of giving the benefit of the doubt to Native Americans. For me, as a member of this assembly and work that I have done in other government bodies, it is like that old adage in baseball, ''the tie goes to the runner.'' I have felt that if it is even a close policy question, I will give the benefit of the doubt to Native Americans who time and time and time again have been shortchanged by this government, by this Chamber; and they deserve better.

It is my intention to support the gentleman's amendment. I hope that we have people act on good faith on the other side of the aisle to refine it as it moves through, to work in the Committee on Resources, if that be the will of the body, to ultimately have the last word and do it. But in the meantime, there is no good reason not to move forward to deal with this matter.

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

I just want to go back to the executive order and read so that everybody here has an understanding of how this would work.

Sacred site means ''any specific discrete, narrowly delineated location on Federal land that is identified by an Indian tribe or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to or ceremonial use by an Indian religion, provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site.''

So in this case, the tribe or an individual—it would not even have to be a recognized tribe—it could just be an individual identified with an Indian religion who could say, ''these are our sacred lands''; and the agency then, under the Rahall amendment, would have to protect them. This is not some way of having to come in and go through a process and explain that there is some history here or something else; it is just an individual who walks in and says, ''these are our sacred sites,'' and, therefore, no money could be spent.

Now, I cannot support that. I hope that we will take time. This is why it is so bad to do riders on these appropriations bills that come right out of the wind; and in this case, I think this is going way too far. We need to have more time. The gentleman who is the ranking member of an authorization committee can get hearings on this in his committee, and that is where this should be dealt with.

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

Mr. Chairman, I rise in support of my colleague, the gentleman from West Virginia (Mr. RAHALL), and his amendment to the Interior appropriations bill. This amendment, as has been mentioned, would seek to preserve Native American sacred sites by putting in place significant protections under the law.

Today, far too many sacred places are being desecrated or threatened by development, pollution, poisons, recreational activities, looting, vandalism, and by Federal or federally authorized undertakings.

I have listened to some of my colleagues, and I certainly want to indicate that the gentleman from California (Chairman POMBO) has been a very good chairman in terms of his willingness to bring up issues and hear the concerns of the minority party and have hearings. But as was mentioned by my colleague, our ranking member, the gentleman from West Virginia (Mr. RAHALL), there have been hearings on this bill. We have dealt in the committee with this issue for a number of years, and we have not moved forward with it. So I think under the circumstances, it makes perfect sense for our ranking member to seek action here today through an amendment.

In response to what the ranking member of the Subcommittee on Interior and Related Agencies said, I would point out that what we are really trying to do here, and I guess it is obvious, is to have some enforcement of the executive order.

□ 1930

The problem with the executive order is it has been in place since 1996. It was actually a Clinton executive order but it is not being enforced. This administration simply has not enforced it. I do not think there is any problem with the definition. A definition existed under the Clinton White House for at least 4 years before the current President took office. No one questioned the definition then. No one questioned the way it was working in those 4 years. The problem though is that under this administration, and I think I clearly want to fault them for that, they have not repealed it but they have not enforced it. They simply do not do anything about it.

So the only way that we have legislatively as legislators to try to deal with this is try to put it in the statute as part of the appropriations bill. That is what we are up to. That is what we want to enforce.

Now, some may say that they think it should be redefined, but I do not think that was an issue before and I do not think it is an issue now.

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

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

Mr. DICKS. I just went through a situation like this with a tribe in my district, the Elwah Tribe up in Port Angeles, Washington. There was a major State project and it was done on an Indian burial site, and when we started the project we found out that there were actually graves there, and this was a very, very sensitive matter with the tribe. What I did was sit down with the Washington State officials, with the historic preservation people, with the tribe, the local community, the port of Port Angeles, and we worked this thing out, and we protected the tribe's interest.

Now, I think Federal agencies are going to be sensitive since you have an executive order. If the tribes feel that there is some problem in the gentleman's State or in my State or in West

Virginia, why not get together and work it out with the Forest Service, the BLM, whichever agency it is, rather than trying to do something here with a meat ax that is going to cut off the funding and we have not got a clue of who these people are that are going to come in and make these determinations about what is a sacred site.

I mean, to put this into Federal law at this point, to me it just does not make sense. Why not go through and help the people with the sites that are affected and make sure that they have an opportunity to be heard.

Mr. PALLONE. Reclaiming my time, I have a great deal of respect for the gentleman, and I know he always has been in the forefront in caring for the concerns of American Indians.

But I just believe very strongly that if there is not some kind of a hammer here, and that is why I use the term enforcement, we are never going to see any action on behalf of this administration. I am being critical. This administration has been here 4 years. They have not dealt with this subject. They have ignored it by simply acting as if the executive order was not there, and I am just fearful that unless we put something in the statute as part of the appropriations bill we simply will not see anything. The inaction will continue.

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

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

Mr. RAHALL. Mr. Chairman, I thank the gentleman from New Jersey (Mr. PALLONE) for his comments. The gentleman from Washington (Mr. DICKS) has given a perfect example of why my amendment is necessary. The gentleman worked it out in his State. I salute him. That is the way it should be. That is what the executive order is all about. But it is not being done like that everywhere else. The purpose of my amendment is to get that process working, exactly as the gentleman has said it has worked in his home State.

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

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

Mr. DICKS. Mr. Chairman, the point is the tribe should go to their Congressman or their Senators and say, there is a problem here. Would you work with us, with the BLM and the Forest Service to resolve it, rather than putting a prohibition in an appropriations bill that says no money shall be spent. I think that is just overkill in this situation.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The time of the gentleman from New Jersey (Mr. PALLONE) has again expired.

(By unanimous consent, Mr. PALLONE was allowed to proceed for 2 additional minutes.)

Mr. PALLONE. Mr. Chairman, again, I want to stress the whole enforcement aspect. I understand what the gentleman from Washington (Mr. DICKS) has said and I understand a lot of the comments that are being made here today. But the problem is, and again I am being critical of this administration, without some enforcement mechanism, without some hammer which does not exist now with the executive order, we have no guarantee that any of these Federal agencies, whether it be BLM or any of the agencies that affect Indian Country, are actually going to pay attention to this executive order. That is the problem that we face here.

Mr. Chairman, every year more and more of these sacred lands are being destroyed simply because our government has failed to enforce or enact the necessary protections to preserve them. A large number of these sites, and more of them, get destroyed every day. It is not like we can just wait around and hope something will happen because the Federal and other land managers routinely take into account the needs of developers and recreational users in making management decisions, but they are not so diligent in taking into account the often profound effect of these undertakings upon sacred and ceremonial places that are critical to Native American populations, tribes and cultures.

I just say, Mr. Chairman, the time has come that this body recognize the spiritual and cultural significance of Native American sacred sites. We must stop the bulldozing of Native American culture and begin to afford American Indians the strong legal protections necessary to preserve these lands.

I urge my colleagues on both sides of the aisle to support the Rahall amendment. I think its time has come.

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

Mr. Chairman, I rise in support of the Rahall amendment. In the last few years, Mr. Chairman, I have had the opportunity to tour this country and visit many Indian reservations and to discuss with Native Americans their concerns about the protections of sacred sites. I have talked to Native Americans who have been very taken with the gentleman from West Virginia's (Mr. RAHALL) support for their interest and particularly the work that he did to protect the Valley of Chiefs in Montana.

I want to say that what we often have here in this Congress is a collision of cultures until we understand that the broad interests of the American people are always connected with things spiritual. Our Native Americans gave to this country an understanding of the connection between the spiritual and the material world, and this discussion here today needs to reflect once again the Native American spiritual values.

There is a lot of discussions in this House about spiritual values. Let us talk about the spiritual values which connect people to the privacy of the air and the water and the protection of the land, about the sacredness of it, the essential sacredness. These discussions here which the gentleman from West Virginia (Mr. RAHALL) has continued to bring to this House is absolutely at the root of some of the most important questions facing this Nation.

Do we respect the spiritual dimensions which our Native American brothers and sisters depend upon for continuing a celebration of their cultures or are we going to auction it off to oil and gas companies and let their leases in effect desecrate sacred sites.

Now, people on both sides of the aisle have celebrated spiritual values in this House. This is not a material question here as much as it is a spiritual one. And we have to be sensitive to the spiritual values of America's natives, of those who were here before any of us; and when we forget that we pay a spiritual price, I would submit.

Literature is replete with what happens when anyone violates the spiritual space of Native Americans. We should not ignore that there are deeper themes at work here. That is why what the gentleman from West Virginia (Mr. RAHALL) has done in asking for Executive Order 13007 to be brought into more powerful effect is absolutely essential. It is not only essential with respect to protecting Native American interests, it is essential with respect to helping to heal this Nation because we have hundreds of years of neglect that have resulted in not only the expropriation of the lands of Native Americans, but also what it has done is it has demeaned this country's spiritual basis.

So I salute the gentleman from West Virginia (Mr. RAHALL) for his efforts here. This is a broader discussion that needs to be brought into this House. Essentially this becomes about the healing of America, and one step we take towards that is reconciling with our native brothers and sisters on this question of respecting their sacred sites.

Ms. HERSETH. Mr. Chairman, I rise today as a member of the Resources Committee, and South Dakota's lone Representative in this body, to commend my friend Mr. RAHALL for his efforts to protect places sacred to Native Americans.

During the course of the debate on this bill, we've heard a lot of talk about striking a balance between protecting the environment and allowing for smart development. Those balances are often tough to strike. I hope we can all agree, however, that burial sites for all people should be treated with respect.

South Dakota is home to thousands of Native Americans, and I share their deep desire to protect sites important to their heritage. This amendment does that.

Because this amendment is specific to the Interior bill, it is my understanding that it will not affect the operation of the Missouri River dams. It is important to all South Dakotans, including our tribal communities, that

the United States Army Corps of Engineers operate the dams in a way that protects Native American remains and sacred sites, and continues to provide affordable electricity, reliable drinking water supplies, and recreational opportunities to all South Dakotans.

Again, I thank Mr. RAHALL for offering this important amendment and I look forward to serving with him on the Resources Committee to continue to find ways to protect sacred sites.

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

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

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

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

AMENDMENT NO. 2 OFFERED BY MR. CHABOT

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

The Chairman pro tempore. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CHABOT:

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

SEC. ____. None of the funds made available in this Act may be used for the planning, designing, studying, or construction of forest development roads in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals.

Mr. CHABOT. Mr. Chairman, I ask unanimous consent that the time on this amendment be limited to 20 minutes, 10 minutes pro and 10 minutes con.

The CHAIRMAN pro tempore. Does the gentleman include all amendments thereto?

Mr. CHABOT. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. DICKS. Reserving the right to object, would the chairman and the ranking member have the right to strike the requisite number of words once?

Mr. CHABOT. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio limiting time for debate on this amendment to a total of 20 minutes, 10 minutes for and 10 minutes against and, in addition, the chairman and the ranking member having the ability to strike the requisite number of words once each?

There was no objection.

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

Mr. Chairman, each year the timber industry is subsidized by millions of taxpayer dollars for logging in the Tongass National Forest, approximately $750 million over the last two decades, so that is three-quarters of a billion dollars.

Each year more taxpayer subsidized logging roads are built to extract timber and each year the road maintenance backlog gets more expensive. It is about $900 million right now. That is on the existing roads which are already there.

Established in 1907 by President Theodore Roosevelt, the Tongass is our Nation's largest forest, about the size of West Virginia. Located along Alaska's southeastern coast, it is often referred to as America's rainforest. It is home to abundant wildlife, bald eagles, grizzly bears, wolves and salmon, as well as old growth trees such as the giant Sitka spruce, western hemlock and yellow cedar.

There are 3,579 miles of official Tongass forest road. That is enough road to drive across the country and part of the way back. Even the Forest Service acknowledges that existing roads are sufficient to satisfy local demand for roaded recreation, subsistence, and community connectivity needs.

I know there is some concern about the importance of logging roads to fight fires, but I want to emphasize that this is a rainforest. They receive 200 inches a year in rainfall, and, therefore, wildfires are much less likely there than perhaps in the West where it would be much dryer.

Mr. Chairman, this is a simple, straightforward amendment. It would restrict only logging roads subsidized by the American taxpayer in the Tongass. It does not prevent the timber industry from building their own roads. It does not prohibit the Forest Service from constructing roads needed to access the forest for management. It does not prohibit taxpayer-funded recreational roads and trails. I know there are some that would have you believe differently, but this amendment has nothing to do with the roadless rule. It has everything to do with good government.

This amendment is not an attempt to take away jobs from Alaska. In fact, between 1996 and 2002, Tongass-related timber jobs fell from 1,559 to just 195 jobs. That means that taxpayers are subsidizing each timber job, that is those 195, to the tune of about $178,000 per job. So a subsidy of $178,000 per job, about four times the median U.S. household income.

Alaskan timber revenues have declined by 50 percent since the mid-1990s. The two pulp mills built at taxpayer expense in the Tongass have closed. Despite massive taxpayer subsidies, Alaskan timber continues to decline. That said, this amendment does not stop timber companies from continuing to log off the roads already built at taxpayer expense.

In fact, the Forest Service has a supply of approximately 10 years worth of timber remaining off current roads if logging levels remain the same. As much as 30 percent of Tongass timber contracts go unsold annually. As many as half of the contracts that are sold only have one bidder. This means taxpayers spend millions of dollars for the Forest Service to build roads and plan sales to access timber that often they cannot sell.

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Those that they do sell, sell at below-market rates.

Mr. Chairman, I support logging in our national forests when it makes sense, when it is economically viable. I believe our forests should be actively managed so they be as healthy as possible, but while we need to be good stewards of our forests, we must also be good stewards of the American people's money.

The Forest Service put out a Question and Answers document on the Tongass on April 12 of this year. In it the Forest Service states that "profitability is a poor yardstick for evaluating the performance of the national forest timber sale program." The Forest Service then cites its belief that "timber sales also provide many benefits beyond the revenues earned." An example of these benefits, the Forest Service went on to say, is "the additional income that accrues to the individuals and businesses" involved.

Mr. Chairman, if that is not an endorsement of corporate welfare by a Federal agency, I do not know what is. It is time to restore some common sense and fiscal discipline to the Tongass timber program. I urge my colleagues to stand up for the American taxpayers and support this amendment.

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

The CHAIRMAN pro tempore (Mr. THORNBERRY). Does the gentleman from North Carolina (Mr. TAYLOR) seek to claim time in opposition to the amendment?

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

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

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

Mr. Chairman, I oppose this amendment. I appreciate the gentleman's argument. I am also a fiscal conservative, but this amendment is wrongheaded. First of all, the amendment would prevent the Forest Service from doing road maintenance on a large area of southeastern Alaska. Most of these communities have no road access to the outside world, but they need their Forest Service roads to get around on daily activities.

Also, only 4 percent of the forest is suitable for commercial timber harvest, and only half of that amount is within the inventoried roadless areas. The existing forest plan allows timber harvest on only 300,000 acres, about 2 percent of more than 15 million total acres of the roadless areas on the forest; and this of course is no threat at all.

The Tongass National Forest is indeed a wonderful place; but under the existing forest management, approximately 90 percent of the 16.8 million-acre forest, over 15 million acres, is roadless and undeveloped right now.

Mr. Chairman, I oppose this amendment.

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

Mr. CHABOT. Mr. Chairman, I yield such time as he might consume to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank my friend, the gentleman from Ohio (Mr. CHABOT), and coauthor for yielding me this time; and I urge a bipartisan vote in favor of this amendment.

Mr. Chairman, I know that it is a hotly debated topic as to whether there should be logging in this forest, and irrespective of how someone feels about this question, I think they should vote in favor of this amendment. If they feel, as I do, that logging is inappropriate in Tongass, then this amendment stops building the roads that will let people exploit that logging and preserves this priceless natural asset.

But I know that there are many who believe that logging is appropriate in the Tongass forest; and, Mr. Chairman, I want to say even if they think it is appropriate, they should vote for this amendment, and they should vote for this amendment on several important fiscal grounds.

The first fiscal ground is this is one of the worst investments the United States taxpayers have ever been asked to make. In fiscal year 2002, which is the last year for which there is evidence here, the American taxpayers put up $36 million to build these roads, and our revenue, our return on our investment, was slightly over $1 million. For every $36 we put up, we got $1 back.

The second point that I would make, you say, well, look, we still need to get this logging done. The fact of the matter is there are miles and miles of roads already built in the Tongass National Forest that do give access to logging. So if we want to see the forest logged, the roads are already there that would permit the forest to be logged. We do not need to build new ones. And if we think that we should be logging in the Tongass National Forest and that roads that will give access to the logging are not accessible, there is a reason. That is because there is a $900 million backlog in road maintenance for roads that are already there to get access to the logging.

So colleagues, I want you to think about this. If you believe, as I do not, that logging the resources, exploiting the resources of this natural forest is the right thing to do and you need road access to get there, you are throwing good money after bad. If we truly believe that the right thing to do is to get access to these forests, we will deal with the $900 million backlog to the existing roads. We would not put more money into building new roads.

This amendment is favored by hunters and sportsmen who want to preserve the pristine nature of this place where they can pursue their sport. It is favored by taxpayers and budget groups across the country who well understand that at a time when our country is borrowing $30 for every $100 that we spend, offering corporate welfare to the lumber industries is the wrong way to go; and it is favored by those who just favor common sense, who understand that when the taxpayers are asked to put up a $36 investment, they should not get a $1 return. That is the simple mathematics of this amendment.

Now, for those who are moved by the environmental arguments, as I am, this is a foolish misuse of our public resources. This is America's rainforest. It is a very precious and special place, and for us to exploit those resources with these roads is just a horrible idea.

But I will submit, in closing, before I yield back to my coauthor, that the issue here really is not whether we favor exploitation of these forests for logging or not. We can have that debate some other time. The issue here is whether we favor throwing good money after bad, whether we favor building more roads when the roads we already have need repair. It is whether we favor putting $36 into an investment that will get us $1 back in return. If you are an environmentalist, you should support this amendment, as the environmental groups do. If you are a taxpayer for common sense, you should support this amendment. If you are a sportsman or a hunter, you should support this amendment.

Even if you favor the exploitation of these logging resources, you should favor this amendment because the most rational way to pursue the exploitation of those logging resources is to fix the roads that are already there, not put more money into the building and acquisition of new roads.

I would urge my Republican and Democratic friends to vote ''yes'' on this amendment. I thank my friend from Ohio for being the principal author.

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

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

Mr. POMBO. Mr. Chairman, I thank the chairman for yielding time to me, and I rise in opposition to the amendment.

There is one thing that my colleague said that I would agree with, and that is, this is not a debate about whether or not we want to log in the Tongass. This is a much deeper debate than that. Unfortunately, this is not a debate about roadless areas either, because that is not what the amendment does. What the amendment does is it stops all road activity.

According to the USDA, ''Wildlife habitat improvement projects on the Tongass often involving thinning timber stands.'' Those would be halted under this amendment.

''Fish passage restoration contracts on the Tongass, which currently involve about $2 million a year, would be eliminated'' under this amendment.

''Roads damaged by storms could not be repaired.'' That would be eliminated by this amendment.

''The ability to construct and maintain roads in campgrounds and other road-based recreation facilities, such as visitor centers, may be eliminated'' under this amendment.

''Under the Alaska National Interest Lands Conservation Act, the Forest Service is required to maintain reasonable access to national forest system lands for rural residents dependent upon subsistence.'' That would be eliminated under this amendment.

''If the elimination of funding for road construction and maintenance continues for the long term, it would significantly limit the ability of communities to develop road and utility connection that almost all other communities in the United States take for granted.'' That would be eliminated under this amendment.

Unfortunately, we get into these debates constantly, and we debate about whether to log or not to log, roadless or not to roadless, and we have great debates about the future of our country and what our values are and what we should be doing; and I think that is fantastic. We should do that, but when an amendment like this is introduced that, in my opinion, is much more far reaching than even the authors intended, then we end up with people making bad mistakes on it. I urge opposition to the amendment.

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

Mr. POMBO. I have no time.

Mr. ANDREWS. Mr. Chairman, would the chairman offer the gentleman more time to answer a question?

Mr. Chairman, I ask unanimous consent the gentleman be given another 2 minutes.

The CHAIRMAN pro tempore. Such a request is inappropriate at this time. We are operating under an agreed time limit on this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I submit this letter for the RECORD.

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, Jun. 16, 2004.

Hon. BOB GOODLATTE,
Chairman, Committee on Agriculture, House Of Representatives, Washington, DC.

DEAR MR. CHAIRMAN. This letter is in response to your request for the views of the Department of Agriculture (USDA) on the effects of a rider being considered in the FY 05 Interior Appropriations bill which would prohibit expenditure of funds for road construction and maintenance on the Tongass National Forest of Alaska.

Such a prohibition would be interpreted as eliminating all projects on the Tongass National Forest that are funded through the CMRD fund code (construction and maintenance of roads). Currently the Tongass spends about $20 million on construction and maintenance of roads through that fund.

Because of the dominance of Federal land in Southeast Alaska, communities in the region are more dependent upon national forest lands for access, recreation, economic development, and for subsistence activities than communities in the lower 48 states. Of the 32 communities in the region, 29 are unconnected to the nation's highway system. Most are surrounded by marine waters and undeveloped national forest system lands. The Forest Service is responsible for managing the roads that connect and serve many of Southeast Alaska's smaller communities.

Some of the expected impacts include the following:

The rider would prevent the administration of existing timber sale contracts that include road construction, reconstruction, or maintenance, because the expenditure of federal funds is necessary to oversee the construction and maintenance of those roads. The federal government could be subject to substantial contract claims for breach of contract on any existing contracts that could not proceed because of the prohibition.

Contracts for future timber sales could not include any road construction or road maintenance. This would effectively eliminate much of the opportunity for timber sales identified in the current forest plan. This would significantly reduce the timber sale program below what is projected in the forest plan.

Wildlife habitat improvement projects on the Tongass often involve thinning timber stands. Any wildlife habitat improvement projects that require road maintenance to access the stands to be thinned would be eliminated. Data collection and monitoring may also be affected if road access to remote areas is reduced.

Fish passage restoration contracts on the Tongass, which currently involve about $2 million a year, would be eliminated. These contracts seek to repair or reconstruct road passages across streams to remove barriers to the passage of anadromous and freshwater fish. Those fish populations are important to sport, subsistence, and commercial fishermen throughout the region.

Roads damaged by storms could not be repaired. It is common in Southeast Alaska for roads to be washed out, covered by small landslides, or obstructed by blown down trees. Work to repair or clear those roads would be eliminated. Some of those communities could be effectively isolated (from other communities or key facilities) if the ability to maintain roads was eliminated. Access to national forest system lands and other state and private land ownerships could be blocked.

The ability to construct and maintain roads in campgrounds and other road-based recreation facilities, such as visitor centers, may be eliminated.

Under the Alaska National Interest Lands Conservation Act (ANILCA), the Forest Service is required to maintain reasonable access to national forest system lands for rural residents dependent upon subsistence. Elimination of road maintenance on roads known to be used by subsistence users could be in conflict with ANILCA.

If the elimination of funding for road construction and maintenance continues for the long term, it would significantly limit the ability of communities to develop road and utility connection that almost all other communities in the United States take for granted. Many communities have long term plans for new roads and rights-of-way for utilities to develop and diversify their economies.

In addition, the timber industry in Southeast Alaska is more dependent on resource development opportunities on National Forest lands than their counterparts in other parts of the country because there are few neighboring alternative supplies of resources for Southeast Alaska.

If a forest health problem arose, such as a significant insect epidemic, the prohibition against road construction and maintenance could restrict the ability of the Forest to respond to the outbreak.

Road condition surveys and bridge inspections would be eliminated, thereby endangering health and safety of road users throughout the region.

The Forest road system is the primary access for investigation and enforcement of timber theft, fish and game related activities, occupancy and abandonment of facilities, and vandalism. Road based law enforcement efforts of all agencies would be hampered by the elimination of road maintenance.

Thank you for the opportunity to comment on this issue.

Sincerely,

MARK REY,
Under Secretary, Natural Resources and Environment.

Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I have listened with interest to the proponents of this amendment; and if we were to concentrate or perhaps somehow strike the history of so-called public lands, if we were to somehow disallow or deny the fact that so many of our western States are already in the hands of the Federal Government, if we were to somehow render null and void the fact that 78 percent of the Tongass is already slated for roadless designation under the current forest management plan, if somehow no accommodations had been made, if, in fact, it were this anti-no man environment of greed that motivated folks or perhaps, somehow rephrased, as a return on investment, perhaps the proponents would have a point; but you see, Mr. Chairman, history does not occur in a vacuum. There are already existing safeguards for Tongass. Timber harvest is available on only 4 percent of the Tongass under current conditions.

Mr. Chairman, my friend from New Jersey points to road maintenance and suggests our energies be used there. Well, it is interesting, if he is an advocate of road maintenance, why is that amendment not offered? Why is an accommodation toward road maintenance not offered? But, no, it is all or nothing; and proponents of the amendment have decided on nothing.

To deny the fact or fail to emphasize the fact that the Federal Government, in controlling lands, already maintains a substantial impact, that there already exists legislation to protect our environment, to ignore that fact and to suggest that somehow by ending this involvement we are somehow devoting ourselves to higher and truer fiscal responsibility fails to understand this fact. Life in Alaska and life in the western United States does not occur in a vacuum. Indeed, our public lands policy, our governmentally controlled lands policy should be predicated on the fact of rational use.

We have already locked away this environmental treasure. There is but 4 percent of the land available to be utilized for timber harvest. In the meantime, there are other communities even in an area as remote, even with the designation, there are others who live there, there are concerns that they have; but if my colleagues support this amendment, they turn their back on the people who live there and the underlying philosophy of governmental controlled lands. Reject the amendment

Mr. CHABOT. Mr. Chairman, how much time do we have?

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. CHABOT) has 30 seconds remaining, and the gentleman from North Carolina (Mr. TAYLOR) has 4 minutes remaining.

Mr. CHABOT. Mr. Chairman, we will reserve the balance of our time.

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

The CHAIRMAN pro tempore. The gentleman from North Carolina (Mr. TAYLOR) has the right to close on this amendment.

Mr. CHABOT. Mr. Chairman, I yield myself the balance of the time.

The allegation has been made that we could not do any of the management things on roads. The wording itself says none of the funds may be made available in this act, may be used for planning, designing, setting or construction of the forest development roads in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals.

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

Mr. CHABOT. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I just want to reaffirm that, that each one of these examples the chairman of the authorization committee used is not covered by the amendment. The fact of the matter is each one of those things that is listed is not barred by this amendment. What is barred by this amendment is to waste the taxpayers' money. People should vote ''yes.''

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

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to oppose the Chabot-Andrews roadless amendment. Thirteen million acres of the Tongass is off limits to roads; 13 million acres. And 330,000 acres are available to forest repractices, and now we are trying to lock that up. I hear all of the talk about hunters support this. I do not know how many Members hunt, but my

hunters hunt where people timber. Old growth forests do not have a lot of wildlife because there is no food there. This amendment is simply an effort by extreme environmental groups to impose their will over the objections of Alaskans. The Alaskan delegation, including the former Democratic Governor, Tony Knowles, is opposed to this lockup of the Tongass National Forest. The State of Alaska does not support blanket roadless area designations. In fact, the State took the Clinton administration to court over the issue and won. The environmentalists lost in court, and now they are trying to get Congress to do it for them.

The National Forest Management Act already outlines a process for the Forest Service to make decisions on whether to build a road. The Tongass Forest Management Plan process was locally driven, based on site-specific conditions such as wildlife risk, insects and disease outbreaks, wildlife habitat, and threatened and endangered species. This amendment ignores this process, ignores local input, science, and the experience of highly competent forest managers.

Mr. Chairman, 78 percent of the Tongass is already roadless, wilderness, or nondevelopable designation. Only 2 percent of the landbase is open for forestry. The only people who support this designation are the special interest groups who want to stop all uses of our natural resources. They lost in court, they do not have local or State support, and they want Congress to make a foolish move and get into Alaskan business that nobody wins with.

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

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

Mr. YOUNG of Alaska. Mr. Chairman, I am ashamed of my friend from Ohio. I told him earlier today that he did not even have the courtesy to talk to me about this amendment which affects my State, affects my people. You want to protect American jobs, and you have put 15,000 people out of work since 1980. We had the greatest industry in the State gone to waste because of the environmental community.

I am asking for enough timber left, and 4 percent of the total Tongass is all that is available, so I can retain three sawmills to employ about 160 people total with good-paying jobs. And this is not a subsidized forest any more. We pay for these roads. We paid for the activity in the Tongass when we had the bid. That is part of the bid. But this is an easy, cheap vote for somebody from Ohio, somebody who does not know squat about the people of Alaska, and I am disappointed. You are better than that.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman will suspend.

The Chair reminds all Members to direct their comments to the Chair.

Mr. YOUNG of Alaska. Mr. Chairman, I will do the best I can. I have been here long enough to know when I am out of line; but when I am out of line, I am right.

In 1980, most of you were not here. The gentleman from Washington (Mr. DICKS) was here. We made an agreement. We said we could have logging in the Tongass. That was an agreement made by the environmentalists, made by those who proposed it; and we lost, as I said, over the years, 15,000 jobs. Members talk about outsourcing, Members talk about losing American jobs. What we are doing on this floor by the gentleman's amendment is taking the jobs away from the American people that live in this great Nation and this great State.

I am asking my colleagues to vote ''no'' on this amendment. It is ill thought, ill conceived and wrong totally. Where it came from I know. I am ashamed that somebody got in bed with those that advocated over the years of putting us out of business, the people. This is not about big timber. They are all gone. These are local people that need that timber to maintain those jobs, to make sure we have a different economy in southeast Alaska.

So I am asking my colleagues to vote ''no'' on this ill conceived, ill thought and very rude amendment.

The CHAIRMAN pro tempore. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

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

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

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

AMENDMENT OFFERED BY MS. KAPTUR

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

The Clerk read as follows:

Amendment offered by Ms. KAPTUR:

On page 87 after line 21, insert the following provision:

ETHANOL AND BIODIESEL FUEL RESERVE

The Secretary of Energy may annually acquire and store as part of the Strategic Petroleum Reserve 300,000,000 gallons of ethanol and 100,000,000 gallons of biodiesel fuel. Such fuels shall be obtained in exchange for, or purchased with funds realized from the sale of, crude oil from the Strategic Petroleum Reserve.

Ms. KAPTUR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

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

Ms. KAPTUR. Mr. Chairman, this is a very simple amendment that would allow the Secretary of Energy the opportunity, but without requirement, to purchase ethanol and biodiesel as part of our Strategic Petroleum Reserve. I even hate to use the word ''petroleum'' because, in fact, it is not a very strategic reserve since over 92 percent of it is imported.

America has to become energy independent here at home. Every single one of us, including the instrumentalities of this government, have to be part of this great transformation inside this country to become energy independent again.

There is no cost to this amendment because any of these new fuels that would be obtained would be obtained through funds realized from the sale of crude from the strategic reserve or in exchange for that material that would be sold from the existing reserve.

Let me say, 3 years ago I offered this amendment to reduce America's severe dependency on foreign oil, and it is a small step. At that time the Congress did not have the political will to do it. So today America again is in the throes of even a greater fuel shortage with prices rising. While we let the opportunity of 3 years ago slip away from us, today the price of crude oil is nearly 50 percent higher than it was when this amendment was first offered. In fact, oil has been hovering around $40 a barrel compared with about $24.90 a barrel when I first offered it. Meanwhile, the retail price of 85 percent ethanol fuel, called E–85, is about $1.40 a gallon, now well under what we are paying for refined fuels off of crude petroleum.

This government subsidizes the petroleum-based industry, over 60 percent of which is imported, to the tune of $100 billion a year. Had we adopted this amendment when I first offered it, the American people might have saved billions of dollars in these new fuel costs they are paying. We would have helped a real, new domestic industry gain a firmer foothold here at home. Real jobs would have been created, and our strategic vulnerability which grows greater every day of addiction to imported oil would have begun its journey to finally ending.

Today in this amendment I am not even proposing that we mandate the acquisition of these fuels, but merely allow the Secretary of Energy to use authority to figure out a way to purchase it and store it, not in existing sites, but however the Secretary may designate. We do not prescribe that.

Again, I ask the question, How strategic a reserve is it when 92.5 percent of it is imported? It is really not a lifeline at all. We are dealing with a tourniquet that actually has with each passing day less and less value to us.

Every single person in this country should be thinking about how we can change our habits in order to become independent again. We should be encouraging the development of new fuels

here at home, and we already have technology that can be brought up all over this Nation. We simply do not have the will and, sometimes I fear, the imagination to do this. The benefits of transforming this reserve as well as others over time would provide us with energy security again.

Certainly we can manufacture ethanol and biodiesel. Certainly we can bring renewable fuels online. Certainly we can use even existing petroleum infrastructure that can be transformed. We are not talking about a new probe to Mars. We are talking about doing something that we know how to do, but becoming energy independent as a national priority, and to do so immediately. It would bring us great economic security. Every year we are running over $60 billion in trade deficit in greater amounts of imported petroleum. In fact, the current reserve, 92.2 percent from foreign sources, includes nearly half from Mexico, a fifth from the OPEC nations like Saudi Arabia, look how stable that is, and about a fifth from the United Kingdom. It is not even U.S. oil in the reserve, so what kind of a strategic reserve is it? It is fool's gold.

Mr. Chairman, I would ask that perhaps the chairman of the full committee and the ranking member could find a way for us to allow this discretionary authority to the Secretary of Energy and help America find her way forward.

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from North Carolina wish to be heard on his point of order?

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

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. TAYLOR of North Carolina. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule number XXI.

The rule states in pertinent part, ''No amendment to a general appropriation bill shall be in order if changing existing law.''

The amendment imposes additional duties, and I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds this amendment includes language conferring authority. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT NO. 3 OFFERED BY MR. UDALL OF NEW MEXICO

Mr. UDALL of New Mexico. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. UDALL of New Mexico:

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

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds appropriated or made available by this Act may be used to finalize or implement the proposed revisions to subpart A of part 219 of title 36, Code of Federal Regulations, relating to National Forest System Planning for Land and Resource Management Plans, as described in the proposed rule published in the Federal Register on December 6, 2002 (67 Fed. Reg. 72770).

Mr. UDALL of New Mexico. Mr. Chairman, I rise today to offer an amendment to protect our national forests and ensure that they continue to be managed using long-standing scientific principles. My amendment will stop a radical rewrite of 27 years of bipartisan forest management policy. It will prohibit the use of funds provided in this bill for the finalization of the Bush administration's proposed changes to the National Forest Management Act of 1976. It will allow the Forest Service to spend another year developing these regulations so that new regulations follow more closely the directives of the National Forest Management Act.

The proposed regulations constitute a radical departure from the United States' history of sustainable forestry and from the current forest management policy first adopted and implemented by Congress and the Reagan administration over 20 years ago.

The proposed changes will greatly reduce the amount of environmental analysis, wildlife protection, and public involvement currently required in the development and revision of forest management plans. Many of these changes reflect the timber industry's so-called wish list. In at least eight specific instances, the proposed regulations closely mirror policies favored by the timber industry. To name just a few, the proposed recommendations eliminate ecological sustainability as a priority of the Forest Service, reduce protections for wildlife, constrict the public appeals process, ignore scientific opinions, and render meaningless most mandatory standards for forest management.

The National Forest Management Act established new duties to conserve biological diversity, to ground management decisions in sound science, and to ensure extensive public participation opportunities in the forest planning process. These measures were designed to strengthen Forest Service accountability.

The proposed regulations depart in a number of ways from sound forest management policy that has existed since Ronald Reagan's administration.

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First, the proposed regulations would effectively exempt forest management plans from the National Environmental Policy Act. Second, the administration's proposed rules would eliminate the requirements to maintain viable populations of native wildlife. Third, the changes would increase the likelihood of harmful logging projects based on multiple use values. Fourth, the administration's proposal would also reduce overall environmental standards and accountability by allowing management plans to be revised to accommodate individual projects.

Finally, these changes would drastically limit public involvement and eliminate sound science as a basis for forest management. The current 90-day time period in which a citizen can request an administrative review or file an appeal would be confined to a 30-day objection-only period during which a citizen would have to convince the Forest Service that the plan is illegal.

The proposed regulations were developed without a Committee of Scientists, a statutorily authorized body that has informed the development of every other change in NFMA regulations since their inception.

The administration's dismissal of the principles of sound science and NEPA highlights its contempt for public involvement and scientific input. The recommendations of the independent Committee of Scientists have guided the rewrite of every NFMA regulation since 1979. Ronald Reagan used a team of scientists to write the original regulations. Four years ago, Bill Clinton revised the regulations with significant input from scientists. If it was good enough for President Reagan and good enough for President Clinton, why does President Bush insist on throwing science out the window? Because the scientists will not give him the answers his timber industry friends want.

These proposed regulations were developed with maximum input from the timber industry and minimum input from the American public and the scientific community. The proposed regulations received nearly 200,000 public comments, almost all in opposition. A near-final draft leaked by the Forest Service in September 2003 showed that practically none of these comments were incorporated. These regulations were also strongly opposed by the environmental community, sportsmen's clubs, Republicans for Environmental Protections and members of the Committee of Scientists.

In public comment, 325 scientists from across the Nation are urging the Forest Service to withdraw the proposed regulations. Given the administration's refusal to adequately consult the scientific community, let alone listen to its comments, Congress must intervene and stop this flawed and environmentally damaging rulemaking.

I urge my colleagues to support this amendment.

Mr. WALDEN of Oregon. Mr. Chairman, I move to strike the last word. I rise in opposition to the Udall amendment.

I appreciate the gentleman's comments, though, about the need to have

science involved in these decisions. Perhaps he will want to support my Sound Science for Endangered Species Act provisions that require precisely that, independent, National Academy of Science panel review of decisions to list or de-list endangered species because I think science does play a role and we ought to get it right.

We ought to get it right here, too. I am glad that he has gone back 20 years and looked at the regulations from then, but they do not work now. They do not work because in a 15-year planning process under the Federal Forest Management Land Act, it takes 7 years of that 15 to come up with a plan on how to manage the forest. So you spend nearly half the time coming up with a plan.

And then those who are concerned about costs, and we heard about it in the prior amendment, $7.5 million on average to do these plans. Seven years, $7.5 million and all the while if you look over here, this is what is happening to your forests. They are getting overgrown, you are getting windthrow, blowdown, disease. As we wait and fiddle and plan for 7 years or longer and spend millions and millions of dollars pushing paper through the appeals process and everything else, Mother Nature eventually acts and this is what you get: catastrophic fire that kills firefighters, destroys homes and if you like this for habitat, you got another think coming. This is what you get.

We have to change these rules and regulations. The administration did receive 195,000 comments and they looked at them. They revised their draft plans. These regulations actually protect a wider range of species and are designed to promote action by Forest Service managers well before any need to list species under the ESA. The draft regulations provide for public involvement at every step of the way. They preserve appeal opportunities like those in the 2000 regulations proposed by President Clinton and go well beyond the minimum requirements of NEPA, the National Environmental Policy Act. More timely and transparent planning will further facilitate effective public participation. That is really the key, effective public participation.

Mr. Chairman, this is what the Society of American Foresters says about this amendment by my colleague:

''The Society of American Foresters is opposed to efforts to circumvent, through funding elimination or other means, the USDA Forest Service's effort to implement new planning regulations.'' That is Michael Goergen, Executive Vice President, Society of American Foresters.

Here is what the labor unions say about this. Mr. Mike Draper, Vice President, Western District, United Brotherhood of Carpenters and Joiners of America:

''If Mr. Udall's rider passes, the Forest Service will be forced to rely on outdated rules written in 1982 or to implement a flawed series of regulations from 2000.''

Professional foresters say this rider is not the way to go. Labor says this rider is not the way to go. Taxpayer groups ought to be saying this rider on an appropriations bill is the wrong way to go. If you care about the cost to the taxpayer, here is a vote that you ought to make as a no; $7.5 million per plan, 7 years to plan what to do in a national forest. In the Black Hills National Forest in South Dakota, $7.5 million and 7 years. The Arapaho-Roosevelt National Forest in Colorado, $5.5 million and 7 years. The Tongass that we were all so concerned about in the last vote and remain concerned about in Alaska, $13 million and 9 years to do the plan. We can do better than that, and we should. We owe it to our forests and our future to do better than that, to spend the money not in the planning process that goes on forever, that results in no action except catastrophic fire in many cases, but rather a planning process that produces results and actions that will help bring forests help, that will help protect species and the environment for generations to come.

Let us spend the money on the ground, in the forests, fixing fish passage, fixing culverts and roads that now block this fish passage. Let us do the healthy forest things we all agreed in this Congress to do when we passed the Healthy Forests Restoration Act. Let us get out there and do the thinning so that we do not end up with forests that are so clogged with overgrown trees, that suffer from blowdown of forest that you cannot get in and do anything about it. Because when we put off the action because we are too busy planning, the result can be, not always, but can certainly be catastrophic.

I urge a no vote on the Udall amendment.

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

I rise in support of the gentleman from New Mexico's amendment. I listened to my good friend and colleague from Oregon talk about concerns about how long the process takes and I think there is something here that strikes me as being slightly disingenuous, because we have seen, for example, Senator CRAIG in the late nineties added a provision in an appropriations process that forbid money to be used to finalize forest plans. In some of these cases, that doubled the time that was involved with finishing the planning process. There may well have been some problems that are involved here, but I would suggest looking at the struggle where we have some of our friends on the other side of the aisle who have actually been impeding this process.

Forest management plans are long-term blueprints for broad land management issues that do not specify individual projects. Fire management plans deal with fire planning. I think that we ought to take a step back and deal with the reimplementation that my colleague has talked about. It, in fact, has functioned well under both Democratic and Republican administrations if Congress funds it and allows it to move forward. It is talking about an impact on over 8 percent of our landscape. These national forests are key in terms of housing threatened and endangered species. There are critical monitoring requirements of the current forest management act that are vital to prevent further extinction.

I think as we have looked at the approaches that have been taken by our friends in the administration where the process in agency after agency has been dominated by the very industries from which they are supposed to be regulating, the forest products industry, in terms of mining, livestock, we have had examples after example that the media has filleted out where we have not had a dispassionate process, where we have not had independent actors, where we have found that the scientific experts and the panels within agencies have been dismissed, have been suppressed, have been overridden.

I do not think there is any particular cause for excitement on the part of either the environmental community or the vast majority of the American public to short-circuit this process. And as my colleague from New Mexico pointed out, we find out not in an open process but because people in the inside are so frustrated by what they see, career civil servants are allowing the public to see via leaked documents that in fact the vast majority of these comments are not taken into account, that the public needs and interests are circumvented.

I think that it is important for us to step forward today to reinstate these protections and to enter into the reasoned discussion that people are talking about, adequately fund the studies, do it in an up-front, aboveboard fashion, have the administration stop twisting what is happening in terms of the process. Whether it is dealing with natural resources or it is dealing with mercury emissions from power plants, I think we ought to let daylight shine in. Starting today with the enactment of the amendment from the gentleman from New Mexico is a step towards reestablishing a little balance, build some confidence and have the protections of the system.

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

Mr. Chairman, I rise in opposition to this amendment. I listened with great interest to our colleague from Oregon. Unlike my colleague from Oregon, I will impugn no one's motives. I believe that my friend from New Mexico is sincere in his wish for healthy forests. But, Mr. Chairman, if we pass this amendment, in my opinion we will take the Healthy Forests Initiative and subject it to a great big dose of bureaucratic flu. It is bad enough that the

bark beetle is ravaging forests in the West. It is bad enough that my colleague's home State of New Mexico has been subjected to fire. It is bad enough that my home State of Arizona has been subjected to fire. It is bad enough that here we are in the midst of the worst fire season in history and yet, with noble intent perhaps, the net result is to increase paralysis by analysis. It may not be the intent of my colleagues, but that is the net result.

Mr. Chairman, the chairman of the Subcommittee on Forests and Forest Health pointed this out as we take an average look at the plans, the current average, 7 years, $7.5 million. This amendment, though well-intentioned, I am sure, the net result would increase these costs and time requirements by an additional 30 percent.

Mr. Chairman, at the very time we should be moving to implement the Healthy Forests Initiative, at the very time our forests are in such jeopardy, at the very time we need to move literally to put out the fires, we instead are going to fan the flames of bureaucratic inertia. Again the chairman of the subcommittee asked our friends on the other side, join with us, with peer review, sound scientific principles. But all too often, pseudo science is employed. All too often the mythology that the preceding speaker offered, more political in nature than practical in criticism, is offered, not to debate but to demonize.

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The facts simply are this: the regulations that have been outlined are outlined in a way to address the current crisis in the forests. Is it not interesting, Mr. Chairman, that the path and the road to a certain place where fire reigns is paved with good intentions? Maybe that is one roadless policy we could live with, to eliminate the intent and look at the result.

The fact is the world has changed since 1982. The fact is that the new prohibitionists who have gone and gotten court order after court order to gum up the process and prevent effective management of the forests have achieved the paralysis by the analysis.

And, again, I do not doubt the sincerity of my New Mexico neighbor; but the net result will be if one loves the story of Nero, if one loves to hear of ancient Rome, watch what happens if we pass this amendment and watch the forests burn. We hope it will not happen, but the drought continues. We know it is not the intent of our friends on either side to do that. We appreciate the instant revisionism of history. But changing circumstances dictate that we should change policies in a way that we can address the current crisis. When one's house is burning down, they do not need to have a committee show up to draft a report that can be issued 7 years later with a $7 million cost. And the very species of animals that so many of my friends passionately want to preserve, they do not have a home if it is incinerated. Air quality is not improved by the emissions of the pyrocumulus clouds.

Vote ''no'' on this amendment. Vote ''yes'' for rational, sound science and forest policy.

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

Mr. Chairman, we appreciate my friend from Arizona's impassioned interest in trying to improve the performance of our fuel reduction program to reduce the fuel loading on our forests. But the question I have is, where were the Republicans an hour ago when we wanted to add money to the account on the Hooley amendment that would have added millions of dollars to get this job done and they defeated this amendment?

The reason this job is not getting done is very simple. You have refused to appropriate the necessary money to get the job done. And instead of appropriating the dollars, you want to appropriate rhetoric attacking science. Where were you an hour ago when we tried to put more money in this account?

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

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

Mr. HAYWORTH. Mr. Chairman, I was pleased to vote for the Hooley amendment.

Mr. INSLEE. I wish more of the gentleman's friends would have followed his admonition.

Mr. HAYWORTH. Mr. Chairman, will the gentleman continue to yield? Does the gentleman have the vote total, or does he expect that solely the opposition came on one side of the aisle? Because facts are stubborn things.

Mr. INSLEE. Mr. Chairman, reclaiming my time, the facts as I know them is that the Republican Party is in the majority in the House of Representatives. I regret that situation, but it is a fact. And the majority party refused to put more money in the fuels reduction account to get this job done 60 minutes ago, and now you are on the floor of the House trying to have some rhetorical argument that the reason this job is not getting done is because the law simply requires that we listen to science. But you do not want to listen to science. You want to listen to some other force of nature.

Let me suggest that one of the problems of the pickle we have gotten into in our forests with this dense situation in underbrush is because the Federal Government ignored science for decades, and now today you want to perpetuate the history of the Federal Government of ignoring sound science. You want to continue a situation that you started with 2 years ago of doing in our water and allowing arsenic in our water, doing in our air where you want to allow mercury in our air, you want to now have lawless logging. You want to have logging that is not constrained by science or law.

Let me suggest to my colleagues that the conservative approach on this issue is the approach that demands accountability of our government. The conservative approach demands that government respond to citizens by following the law. The conservative approach distrusts government; and when we have some innate suspicion of government, we make bureaucracies follow the law. But unless you pass this amendment, you are giving carte blanche to bureaucrats to ignore the science when it comes to conservation science, to ignore the science when it comes to ecosystems, to ignore the science when it is the right time to do underbrush thinning and when it is the right place to do underbrush thinning, and you want to give carte blanche to the bureaucrats.

This whole national forest management plan came out of the idea of reform, to reform bureaucracies so they will not ignore taxpayers. We stand for taxpayers who say that taxpayers who pay their money are entitled to make sure the bureaucracies follow the law and the science. But you want to shortcut the science. Science is not good enough for you. Science is not good enough on arsenic. Science is not good enough on mercury, and science is not good enough in logging our national forests.

We just have a simple proposition on this side of the aisle: follow the science and follow the law. That is why 325 scientists of the Society for Conservation Biology wrote a letter that urged the Forest Service, and by extension Congress, to not gut the National Forest Management Act, which you are gutting today. And we are simply here to say let us make sure that science rules in our forests. Let us make sure that the law rules on forests. Let us pass the Udall amendment.

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

Mr. Chairman, it is always interesting to get into these debates, and sometimes I wish we could all live in a perfect world.

We are in the middle of a very serious crisis on our national forests and on our public lands. The Udall amendment is designed to prevent new regulations from being implemented for our national forests. Those new regulations were proposed for a reason; and contrary to what some of the rhetoric is that we have heard tonight, the reason that those new regulations were proposed was because of this crisis that we are in with catastrophic fire, with our rural communities economically hurt because of policies that have been adopted by this Federal Government.

It currently takes more than 7 years to adopt a 15-year plan. I do not care where one is on the issue. That is ludicrous. So they are trying to fix that. It currently costs in excess of $7.5 million to adopt that plan.

I hear people talk about the conservative thing to do. Supporting that is

ludicrous. Cost studies demonstrate that these costs increase 30 percent under the Clinton-Gore administration regulations that the Udall amendment would implement. Another study indicated that these 2000 regulations cannot be implemented due to overly complex and detailed procedures, extraordinary data requirements, and scarcity of required technical skills.

Increasing cost and complexity would divert scarce resources away from critical management activities. We all come down here, and we fight about where the money should go. And the more complex this is, the worse it is going to be. And yet the amendment would lock that in place.

The Bush administration regulations are designed to reduce the time and cost of planning while maintaining sustainability, public participation, and the use of the best available scientific information.

We have to really pay attention to what these amendments do. I hear people come down here and say we are going to log without laws. There is nothing in the regulations that removes the Endangered Species Act or the forest management plans or any of the other environmental laws that have been adopted to protect wildlife and to protect our clean water and clean air. There is nothing that removes those. They are trying to make the system work better. A lot of times the rhetoric does not actually match what is actually in the regulations.

I would urge my colleagues to take a serious look at this, because we have gone round and round on this. We all want clean air. We all want clean water. We all want to protect endangered species and wildlife. We all want to be good stewards of our public lands. What the administration is trying to do is fix a problem.

When California was burning last year, a lot of people saw the light and said, well, maybe we ought to do something about our forests; and we passed the Healthy Forests initiative. This year the fires have started, and many think that this year is going to be worse than last year. We do need to get out front. We do need to do everything that we can to get into our forests and clean them out and have them become sustainable. This amendment takes away the tools that are necessary to speed up that process.

This bill that the gentleman from North Carolina (Mr. TAYLOR) has brought out increases the money on the thinning projects by $58 million. It increases by $1 billion the money for firefighting. If my colleagues vote against the overall bill, where are they going to be 2 hours from now when all of that money that is supposed to go to the things they are talking about, are they going to support it? Because that is the good work that has been done by this subcommittee and by my friends on the Committee on Appropriations, because they have recognized that this is a serious problem.

I know that the gentleman from New Mexico (Mr. UDALL) deeply cares about the environment and the forests, and that is something that he has been consistent on. But I do believe that this is a mistake to adopt this amendment in the way it is written, and I urge a ''no'' vote.

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

I rise in support of the amendment that has been offered by the gentleman from New Mexico because I share his concern on the extent to which the proposed regulations would revise the system of forest planning put in place during the Reagan administration. There are many reasons to support this amendment, but I want to focus for a couple of minutes on the reduction of public involvement that I believe would result from this amendment not being passed.

The National Forest Management Act was landmark legislation that greatly increased the extent to which the public could hold the Forest Service accountable. It included a mandate for the agency to base its management decisions on sound science on one hand and, on the other hand, to ensure extensive public participation in the forest planning process.

If we truly look at these new regulations, they would downgrade forest plans and effectively exempt them from review under the National Environmental Policy Act, NEPA, and would thus limit opportunities for public involvement.

This amendment, if we really look at it, would just simply impose a moratorium on the proposed new regulations. And I think that makes good sense because whatever the problems with the current planning regulations, I do not think they should be just swept away without more intensive oversight by this body and by the other body; and that has occurred so far.

This is particularly important because these new regulations were developed without any input from a committee of scientists; and this is a stark departure, a stark departure, from the process that has been used in connection to the development of any other changes in the National Forest Management Act regulations.

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In fact, during the public comment process, many of the scientists on whom we depend asked for the withdrawal of these proposed new regulations.

So, in short, this amendment just simply maintains the public involvement that I think we all value and we all acknowledge has been important, because, as my colleague from Washington (Mr. INSLEE) pointed out, it gives the taxpayers, who, by the way, own this land, a chance to be involved, and if we pass this amendment, we maintain that public involvement while we in the Congress take time to look further at these proposed changes.

There has been a lot of talk here about forests and forest management as we move into a new fire season. This amendment would not change the work that is under way in managing our forests more effectively, given the 100 years that we have faced of suppressing wildfire, not understanding the ecological processes in our forests. This does not prevent that planning from proceeding, it does not prevent us from responding.

My colleague from Washington also talked about the need for more resources so we can do the requisite thinning and fight the fires when they start.

So, in sum, this amendment ought to be supported. We ought to maintain public involvement in this important process. The past has proven that this process works. I urge adoption of the Udall amendment.

Mr. UDALL of New Mexico. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Chairman, the key issue here is independent science in good forest management. President Reagan used a committee of scientists, independent scientists, to promulgate his regulations. President Clinton did the same thing, through a 3-year period, to develop them.

When the Bush administration got in, they swept aside that 3 years of effort, did not use any independent scientists, had a 2-day workshop with internal scientists, and that is it. And that is what the key here is, is they do not care about the science. They have an agenda and they are moving it down the road.

Forest planning can be preventive in terms of fire, can be preventive if you let it work. But, as we know, many of these forest plans where speakers have talked, where they have been delayed, it has been because Congress has put in amendments delaying forest planning. So you cannot attribute all of that delay necessarily to the Executive Branch.

But the key here today is President Bush, through his administration and his Forest Service chief, now seeking to promote forest planning rules without independent scientific review. That is really what we are talking about here today.

Mr. UDALL of Colorado. Mr. Chairman, reclaiming my time, I want to underline the point that independent scientific review has led us to make many of the right decisions so our forests are protected and our lands are managed in a way for the long-term interests of future generations.

Mr. Chairman, I urge adoption of the Udall amendment.

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

Mr. Chairman, I want to commend the gentleman from North Carolina (Chairman TAYLOR) for bringing forth an outstanding bill.

I rise in opposition to this amendment. Before I speak on that, I would like to address the concerns raised by the gentleman from Washington earlier about sufficiency of funding. That is just an absolutely false charge. As the gentleman from California (Chairman POMBO) pointed out, this includes an increase of $58 million for the hazardous fuels program, but, furthermore, it is a $70 million increase for fire plan funding above the administration request and an increase of $183 million above the non-emergency funding level for fiscal year 2004.

If you look at the track record of this administration and this Congress over the last several years, the amount of money available for Federal hazardous fuels funding is several times what it was in any of the years of the Clinton administration.

Now, turning to the Udall amendment, once again we are debating whether the administration should be allowed to complete a long overdue revision to the NFMA planning regulations. This amendment failed last year, and it should be defeated again this year. It would be highly irresponsible to prevent the Forest Service from finishing the revision to the planning regulations now.

The Forest Service is drowning in paperwork and red tape. The previous administration proposed rules which would have made the situation worse. Those are the rules referred to by the gentleman from New Mexico. Both the forest industry and the environmental groups sued to block the implementation of those rules.

Already, the Forest Service estimates that it spends more than 40 percent of its budget and personnel hours on planning and fighting court battles, rather than in the forests. The previous administration's revisions to the planning rules would have increased this by an additional 30 percent.

The current administration withdrew these unworkable regulations and proposed new ones in 2002 which would allow land managers to get more accomplished on the ground. This is especially critical right now, as our public lands are currently in a grave forest health crisis and are in need of active management to restore them.

The 2002 proposal protects wildlife and public involvement, the 2002 proposal provides opportunities for public input at every step in the planning process, and the 2002 proposal is intended to encourage early public involvement, rather than focusing on last minute appeals and objections.

The new regulations will assure clean air, clean water and abundant wildlife for future generations. This will allow the Forest Service to respond more quickly to changing conditions, like catastrophic wildfires and new scientific information. They require the use of an adaptive management framework, as recommended by scientists and international organizations. They make the planning process easier to understand and easier to participate in.

Completing the 2002 regulations should be a priority. Halting the revision process would significantly delay the efforts to implement improvements on the old regulations. It currently takes 5 to 10 years to complete a forest plan under the old planning regulations, which is outrageous and irresponsible.

Recent experience with the 1982 regulations has underlined the need to proceed with a revision due to the time and cost involved in planning. The plan revision for the Black Hills National Forest in South Dakota cost $7.5 million and took 7 years to complete. Similarly, the plan revision for the Arapahoe-Roosevelt National Forest in Colorado cost $5.5 million and took 7 years to complete. Seven years to revise a 15-year plan is unreasonable.

Under the 2002 proposed revised rules, the time for preparing 15-year plans will be cut from the current average of 5 to 7 years to about 2 to 3 years, with corresponding cost savings.

Mr. Chairman, this was a bad idea last year, and it is even worse now. Please join me in defeating this amendment and allow the forest management professionals to complete the effort they have been working on for so long.

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

Mr. Chairman, this is the second year in a row, particularly this year since I have hardly any voice due to a cold, that I have come to the floor to debate this issue, not intending to come to the floor.

My concern is that we have an extraordinary problem in the west. We are confronted with potentially the most catastrophic fire year in history. The committee has recognized that by appropriating an additional $500 million to fight those fires. I appreciate that. Unfortunately, the Senate at this point does not feel that sense of urgency. But that is not the issue before us right now.

The issue before us at the moment is whether the public will participate in the plans for our public lands in the western United States. I am pretty sensitive to this, as are the people in my district. We live next to or in the middle of those forests, and we want to participate in the plans for the future.

Now, the administration has proposed that we would totally exempt future forest plans from NEPA and we would allow plans to be amended with no notice or public comment. I do not think that that really meets the concerns and the very diverse views in my congressional district about forests, forest planning and multiple use.

Some people want to oppose the Udall amendment by saying that this is about fuel reduction. It is not about fuel reduction. Remember, we had a vigorous debate last year and in the Congress before that about healthy forests and fuel reduction. In fact, we passed a very ambitious piece of legislation, which I voted for, H.R. 1904, the Healthy Forest Restoration Act, which, if properly implemented, would go after the backlog, would go after the fuels accumulation, would reduce the risk of catastrophic fire and would manage our forests back toward a presettlement and healthy state.

Unfortunately, the administration, having signed the bill with much fanfare, abandoned it when it came time to ask for the funds. Yes, the committee has increased the funding by $58 million, and I appreciate that. Unfortunately, we are still a couple of hundred million dollars shy. Nobody is talking about that.

We are well short of the promise that the President made when he signed the bill with fanfare, that he was going to put people to work, protect our communities, he was going to protect the resources and we were going to put this debate behind us once and for all. And that bill contained significant changes and amendments to the processes that delay this work. Now, if we will only fund it, it will get done.

But now you want to go off into another part of the forest plan which has nothing to do with fire, fire planning or fuel reduction, and say we should wipe out all protections and public participation. That is not right. Sure, some of this stuff could be streamlined. I get pretty upset with the bureaucracy. But I live in a forest, actually part of my land is forest, and the backyard is a forest. I am pretty concerned about these issues, and I am sensitive to other people who live in that situation.

But we are not putting out the Federal investment, we are not putting our money where our mouth is, and we have a lot of mouths around here, but not enough money, that is for darn sure. That is where we are at tonight with this debate.

As much as the committee has tried, they were not given an adequate amount of money to address these problems. Yes, they have done better by fire fighters, yes, a little better by fuel reduction, but nowhere near the promise of the legislation passed last year, because the administration did not ask for the money to deliver on that promise, pretty much the same as No Child Left Behind. Everybody here agrees with the concept of No Child Left Behind, but if you do not put the money behind the promise, it is a new unfunded mandate.

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

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

Mr. DICKS. Mr. Chairman, I want to commend the gentleman for his statement here tonight. I was thinking of the same thing. There is a gap of several billion dollars in education. The same thing is true here. There is a significant gap in the amount of money necessary to go in and go do the thinning and the pruning, to do the adaptive management to reduce the fire risk. It is because the administration has given all the money away in

incredibly large tax cuts, and now they cannot fund these bills.

We are not funding the parks, and we are not funding this area either. It has nothing to do with fire fighting. It has everything to do with the fact that the deficit is big and they do not want to spend the money.

They have all kinds of accounts in this bill that are underfunded because of that fact, and it is because we have a lousy allocation. We are $200 million below the President's budget request, which was totally inadequate in the first place.

So I commend the gentleman. I also believe one thing, and we learned this the hard way in the Pacific Northwest. ''Scientifically credible, legally defensible.'' When you start walking away from the scientists, when the scientists start saying this does not hunt and you cannot change these rules and do it this way, you had better wake up, because you are going to go into court, they are going to testify and have that biologist up there, and he is going to say you have not done these regulations properly. This will not protect the species and the wildlife in the area.

And we did not meet the scientific standard. It was not met out in the Northwest until the President's plan came into place. It was not perfect, but at least then we started protecting the species and we started taking care of some of the remaining old growth.

In my judgment, the reason I support the Udall amendment is because I do not trust this administration and the way they have approached these regulations.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, we need more money, not more rhetoric.

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

Mr. Chairman, I love to hunt. I have hunted in Oregon, I have hunted in Washington State, I have trout fished up there, gotten some beautiful fish, and I want to protect those streams and forests. But let me tell where I think things have gone astray.

In our district in San Diego we lost 3,000 homes this last fire season and 22 firefighters were killed. I look back, and the gentleman says that we want the money to clear the forests. Well, 12 years ago, many of us fought to have the bark beetles cleaned up. I was up in the area of the gentleman from Washington (Mr. DICKS). I was in Oregon and Washington and Northern California, because I was hunting deer. The beetles had eaten a lot of the wood and created a hazard, and they were going to destroy the forests.

□ 2100

We wanted to cut those, because the bark beetles were not there where the dead wood is. They were in just a little bit further, and that is what we wanted to cut; but many of the folks, the environmental groups, said, no, you cannot do that; you want to log indiscriminately

No, we did not. We wanted to stop the bark beetles, a reasonable conservative approach; but we were stopped doing that.

Pine Valley, the whole town burnt down. You know how many homes and lives we lost up there because the bark beetles had cut through most all of the timber? And when you have a Santa Ana in California, which is the wind coming from the desert in at 40 to 50 knots and you have that kind of kindling of dead trees, you cannot stop it. It burnt Pine Valley down.

Twelve years ago we fought to be able to clear brush, because it was so thick. We had nine farmers, ranchers, that asked to cut, to disk around their property because of the fire season. They were told no, they could not because of the endangered species, a bird called gnat catcher. Three of the farmers went anyway, and they got fined, but the other six that did not, guess what? All six of their ranches burnt down. That is not conservative; it is dumb. And we are trying to offer a conservative approach.

Firemen came to us and said, can we cut access roads into our forest? Oh, no new roads from the environmental groups; no new roads in our forest. They not only wanted access so they could get to the fire; they wanted to get out safely. We lost 22 firemen. Now, whose fault is that because they did not have access?

Now, some of that is not true, because they could not come down the backside of a mountain fast enough, and they were not close to a road, and they could not put a road in there, to be fair; but we are asking for conservative real things, to be able to thin the brush.

Up in my area, if you have a place out in the woods, you are able to clear an area around that that will keep your house from burning down.

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

Mr. CUNNINGHAM. I am happy to yield to my friend, the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the gentleman from California (Mr. CUNNINGHAM) and I work very closely on defense issues. Here is one issue that bothers me in this discussion. I know I had a study done of Region 6, which is Washington and Oregon. I do not think Northern California is in Region 6.

Mr. CUNNINGHAM. I have minimum time.

Mr. DICKS. Here is the problem. We do not have the money in the budget to do the thinning that our foresters say we should do to deal with this problem, and it has not been there for a number of years.

Mr. CUNNINGHAM. Taking back my time, that is the initial point that I made. Twelve years ago, and I went, we had the money and we had a limited forest. Take a look at all of California when you have 3 decades of brush that is built up, when you have the number of trees that have been eaten by the beetles. You have not got enough money in the world to meet that need, and we were stopped from doing that when it was manageable.

I have limited time. If I have time, I will yield.

Mr. DICKS. But the problem is that it is not the forest regulations that are stopping us from doing it. The forest regulations are not saying you cannot go in there and thin.

Mr. CUNNINGHAM. Taking back my time, it has been this body, and mostly the other side of the aisle, that has objected to us putting in new roads, that have objected to us clearing brush because of the endangered species, that have objected to us doing these things that I think are conservative, reasonable approaches.

As far as good science, take a look at the farmers and the ranchers and the folks that want to protect their land. They are the best stewards of the lands that we have. The science that I see most of the time coming from the other side is agenda-oriented, private science funded by environmental groups that have an agenda, and I think that is wrong.

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

Mr. Chairman, I find myself very frustrated tonight. I feel like I am in Forestry Theology 1A. I am not a forest manager. I have a district with one of the largest national forests in the eastern region of the United States, and I have firsthand dealing with how the public and the Forest Service and the various legitimate interest groups that use forests have to work with each other, and I am going to vote for this amendment. But I want to get some things off my chest, because frankly, both sides frustrate me.

I am going to vote for the Udall amendment, because I think what it does is to stop a process which has in certain ways excluded the public from full participation in the public comment period.

What the agency has done with public opinions expressed in a variety of ways are not going to count when final decisions are made. I have heard from conservation groups, and I have heard from their opponents, both who have objected to the way that public comment is being restricted. I think they have a point. So I am going to vote for this.

But I just want to say one thing. I get very frustrated being whipsawed between the users of forests who want to use it for economic purposes and the recreational users of forests, the environmentalists on the other side. The only way that you can get rational public policy in an area like the forest is to sit down and work out compromises.

Now, I have seen environmental groups who are willing to challenge every blessed timber sale that comes up. I think that is nuts. I think there is a legitimate reason to cut timber in

forests. But I also see some people on the other side who have never met an environmentalist that they could tolerate, and they think the forest is there simply for economic exploitation. And I just want to say to both sides, it makes no sense to have one administration go in one direction and have another administration come in and go in another direction, depending upon what the electorate decides every 4 years. We get a yinging and a yanging in forest policy, and nobody knows what the rules are going to be more than a year ahead of time. Now, that drives everybody nuts. It should.

So it seems to me that rather than both sides being engaged in a theological debate every blessed year on this issue, sooner or later, for each and every forest in the country, the interested groups need to sit down with each other and work out reasonable compromises. I am so damned sick of theology on this floor, political theology invading every issue. And that goes for both sides on this issue, in my view. So I am not criticizing Members, because regardless of what party you are in, you are caught in this whipsaw.

But I have seen intractable differences on forestry matters in my own area resolve themselves in 6 weeks when people are legitimately willing to sit down, deal with each other in an honorable fashion, and recognize that each side has legitimate interests. And I think we have a right as legislators to go to groups on both sides of this issue and say, we have had it, fellows. Get together. Work it out.

Nine times out of ten, the only public policy that can be sustained over a significant period of time is policy which is first worked out in the private sector so that the public representatives can ratify those agreements. Now, once in a while that cannot happen. But these days, we have polarization, polarization, and polarization on every blessed issue that comes before this House. And that is in part the fault of people who occupy this House, but it is also in part a problem related to the fact that both sides of these issues like to make a living and like to generate their public support; and so they use us to drive their points across, and they never behave like adults and try to resolve their arguments.

Mr. Chairman, as I said, I am going to vote for this amendment because I think the policy that has been followed by the Bush administration has been needlessly dismissive of the public's right to participate. But for God's sake, people, tell whoever you are talking to before you give your speeches to sit down and work these things out. That is the only thing that serves the interests of the country.

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

Mr. Chairman, do we need to change this policy? We talk about the resistance to the Bush changes to the current policy. I happen to represent the Allegheny National Forest. It is about a 600,000-acre forest, the finest hardwood forest in America, it was, but it will not be for long if we do not soon manage it, because we have not been managing it.

The current process of rewriting the forest plan on the ANF has been going on for years and years and years, and we cannot get there. The current plan does not work. The process of managing a forest for multiple use should not be complicated. It should not take decades. It should take a year or two to sit down and figure out where we are, what should happen there, and how do we manage part of it for forestry.

That happens to be one of the most mature hardwood forests in the world and has some of the most valuable cherry, and that is a forest that only lives about 100 years; and it is about reaching that age and it is going to die. We had a big blow-down last year. We cannot even get the blow-down trees harvested because the process does not work.

We need a new process.

Let us look at what the current plan brings us. We had a big gypsy moth defoliation a few years ago; we had that for 2 or 3 years. And then we had other insects a few years later. So they designed the East Side Sale to salvage dead and dying and diseased timber and clear up these oak areas so they could regenerate, because they will. The hardwood forest in the east does not even have to be planted. If it is pruned properly and cut properly and managed properly, there will be a good forest there for our children, our grandchildren, forever. It grows from seed, it grows from sprouts, it comes back naturally if it is properly maintained. It is a renewable resource.

Do we want to cut it off? We manage a very small portion of it. The Allegheny allows a cut of 90 million board feet. Some years we do not cut any, and some years we cut 5 or 10 million board feet. Almost nothing.

But what happens? We planned the East Side Sale and a student sues who has a religion about trees should not be cut down. Not a soil scientist, not a forester, not a biologist. A student gets a free lawyer from a university, goes to court, and wins. We redesigned, redid it, totally reworked it over a couple of years, put back out again, and another student sues. Three years, this time they win. Not the student, but the Forest Service wins, after 3 years. Now we have 5 years, and we finally have a result. The student sues again, just thrown into a Philadelphia court, and we do not know whether it will ever come out of there.

Folks, the process does not work.

Now, I heard a lot about scientists. I do not think our Forest Service gets enough credit, because the Allegheny Forest has foresters, fish biologists, game biologists, soil scientists, archeologists, hydrologists, entomologists and ornithologists, all who play a role in everything we do there, whether we are going to do recreation or whether we are going to do forestry. They sign off. These are experts. Now, the people who sue and win usually have no credentials. They are someone with a religious philosophy that you should not cut down trees.

I want to tell my colleagues, the unmanaged forest in the east is going to die. It is going to be very prone to wind storms, and it is going to blow over. It is not a habitat for wildlife, an old forest. And all of us, those of my colleagues who are concerned about CO_2, a forest that you do not prune and manage becomes a CO_2 emitter, just the same as a plant, just the same as us when we breath out. A forest that is managed is the most successful carbon sink in America. Active agricultural land and actively managed forest land absorbs tons and tons of CO_2 and puts it into logs, locks it up; and we are averting that process on all the public land in this country.

Mr. Chairman, our foresters and our scientists are leaving our system because they are disgusted with this Congress's involvement, because they cannot manage. All the science they have, all the experience they have, we have Congressmen who think they know better; and they are wrong.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The question is on the amendment offered by the gentleman from New Mexico (Mr. UDALL).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico (Mr. UDALL) will be postponed.

The point of no quorum is considered withdrawn.

□ 2115

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that I be allowed to offer an amendment on page 47, line 8.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Arizona to go back in the reading to offer an amendment?

Mr. OBEY. Mr. Chairman, would the gentleman repeat the request?

Mr. FLAKE. I ask unanimous consent that I be allowed to offer an amendment on page 47, line 8.

Our amendment was changed. At the time the relevant section came and went, and by the time we had finished it, it had gone.

Mr. OBEY. Mr. Chairman, I ask the gentleman to withhold that request at this time. I do not want to object, but I would be constrained to at this time.

The CHAIRMAN pro tempore. Will the gentleman withdraw his request?

Mr. FLAKE. Mr. Chairman, yes.

The CHAIRMAN pro tempore. The request is withdrawn.

AMENDMENT OFFERED BY MR. HENSARLING

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

The Clerk read as follows:

Amendment offered by Mr. HENSARLING:

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

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. Of the funds made available to the Department of the Interior by this Act—

(1) not more than $50,000,000 shall be available for the purposes of managing and maintaining Internet websites; and

(2) none may be used to manage and maintain more than one Internet website for every 10 employees of the Department of the Interior.

Mr. HENSARLING (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered read and printed in the RECORD.

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

There was no objection.

Mr. HENSARLING. Mr. Chairman, for only the fourth time in the history of our Nation, the Federal Government is now spending over $20,000 per family. This figure is up from $16,000 per family just 5 years ago, representing the largest expansion of the Federal Government in 50 years. Almost every government department has grown over some large multiple over inflation. We are experiencing an explosion of the Federal budget at the expense of the family budget.

Unfortunately, too often this government spending equates to waste, fraud, abuse and duplication and has for decades. Mr. Chairman, I belong to a group known as the Washington Waste Watchers, a Republican working group dedicated to rooting out waste, fraud, abuse and duplication in the Federal Government, and it is not an easy task, because what has accumulated in the Federal city over many decades is now 10,000 different Federal programs spread across 600 different Federal agencies, accountable to almost no one, with little transparency and poor knowledge of their activities.

Mr. Chairman, I know that President Bush and Secretary Norton are serious about this effort to root out waste in government. The President's management agenda is working. For example, the number of Federal agencies with verifiable financial data has now increased up to 20. That is up from 10 agencies under the Clinton administration. Mr. Chairman, this is a major accomplishment, 100 percent improvement, but why has it taken decades just to get a set of books that can be audited?

Recently, the gentleman from North Carolina (Mr. TAYLOR) and the ranking member, the gentleman from Washington (Mr. DICKS) exposed wasteful foreign travel by employees of the National Park Service and for that I know the taxpayers and I are grateful. This is progress.

Today we have another opportunity to take a small step to protect the American taxpayer from more wasteful Washington spending. The Inspector General at the Department of Interior has discovered last year that the department has over 31,000 different websites on the Internet. That is right, Mr. Chairman, over 31,000 different websites. They contain between three and five million pages of information. No one knows for sure the exact number.

What we do know is that the Interior Department now has one website for roughly every two employees. One website for every two employees. Mr. Chairman, these numbers are staggering. I mean, they do not pass the smell test, the look test, the touch test, the laugh test or any other test, especially when you compare it to the private sector.

Bank of America, the most visited financial services web presence in the world, and in the top 10 most visited web services in America, has 80 percent fewer websites and yet they have over 3 times as many employees. The difference between government and the private sector is stark. In addition, the Inspector General has added that the department does not have a comprehensive inventory of its websites or of other components of its web presence. In addition, the Inspector General has found that the department had ''an excessive amount of duplicated, inconsistent, outdated and redundant information on its websites.''

The Inspector General estimates that taxpayers are forced at a minimum to pay between $110 and $220 million annually to maintain and operate this web presence, 31,000 websites, again which contains inconsistent, outdated and redundant information.

My amendment will limit the amount of taxpayer funding to operate the department's web presence to $50 million and limits funding to manage and maintain more than one site for every 10 Department of Interior employees. I think this is more than reasonable, Mr. Chairman.

During the time of war and unparalleled Federal spending at the expense of the family budget, can we ask our families to pay up to $200 million each year to fund an out of control and poorly managed web presence at just one Federal agency. This funding could be put to better use at the Department of Interior or other important priorities. If we use the most conservative estimate on what this amendment would save taxpayers, about $50 million, we could take those savings and buy over 31,000 Kevlar vests for our soldiers in Iraq or 1,600 Humvees with armor plating.

In conclusion, Mr. Chairman, I know the Department of Interior does a lot of good work and performs a lot of valuable services, but we as a body have a responsibility to strike out at waste wherever we find it. Mr. Chairman, we have certainly found it here. I urge my colleagues to pass this amendment. We must protect the family budget from the Federal budget.

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

Mr. Chairman, to the gentleman, since I have listened often to the Washington Waste Watchers it is interesting to me when one party controls the House and the Senate and has controlled the White House and the administrative branch for more than 3 years now, that he keeps rooting out this administrative waste. And I guess I have got to wonder at the dedication of the Bush administration or the Republican House or the Republican Senate in rooting out waste that he has to come and give speeches everyone night on the floor about it but seems to be able to do little about it.

I guess if one party were in charge, the Republican Party, they would root these things out, but I guess they are not.

I would ask the gentleman, I do have a question for the gentleman, since he referenced the Pentagon, if he could tell me, there is one agency and only one of the Federal Government which has been deemed to be inauditable. It cannot be audited. It cannot account for a large majority of expenditures. Is the gentleman familiar and can the gentleman name that one agency?

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

Mr. DEFAZIO. I yield to the gentleman from Texas.

Mr. HENSARLING. Well, frankly, Mr. Chairman, there are many agencies.

Mr. DEFAZIO. No, can the gentleman name it? There is only one that has never been audited.

Mr. HENSARLING. I disagree with the gentleman's factual assertion, and the gentleman's party has been in control for the years that created this.

Mr. DEFAZIO. Reclaiming my time, the Pentagon cannot be audited. It in fact cannot account for a large majority of its expenditures, and the fact is that one party runs this government. They run it with an iron fist here in the House where substantive amendments are often not allowed. One party runs the United States Senate as much as the Senate can be run. And one party runs the White House that will never admit it was wrong.

I wonder why it is that the Washington Waste Watchers here cannot make a little more mileage with their people downtown and why they have to give speeches on the floor as opposed to taking real action to root out waste and abuse. His amendment may have merit, and I will take a look at it, but the point is I have heard many of his other speeches about things that could be accomplished administratively. I believe the administration, the Bush administration, which runs the Interior Department, could take action internally to eliminate this apparent plethora of excess websites.

Why should it take an act of Congress? If we have such a responsible administration downtown, why will they not take administrative action? Why

do they not limit the number of websites out there? Why do they not limit the expenditure?

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

I assume the gentleman's amendment is prompted by the Inspector General's report that they are spending $100 million to $200 million annually on websites, and I share the concern he has. I was alarmed when I saw the report. The subcommittee has been working with the department to understand the costs of web technology and to ensure that technology is used only for appropriate purposes and used in the most economic and efficient way.

There are good websites and bad websites and this has been complicated by court action that is underway right now.

My concern with the gentleman's amendment, and I commend him for always trying to save taxpayers' money because I certainly try to do that and I encourage him throughout his career to do that, but my concern is that the department uses the web to conduct business both internally and with industry. The use of the web is consistent with the best practices both in government and industry. Limiting web spending to $50 million will prevent the department from fully using web technology to save both itself and public industry.

For instance, the Minerals Management Service is implementing a web based system to communicate with oil and gas industry that will allow industry to obtain information and provide necessary filings electronically. Now, there are many other positive things with the websites. We are also, as I say, we have court action that is confusing. A lot of the work we are trying to do to get the department to eliminate those websites that are unnecessary, save the taxpayers' money and keep those websites that are necessary for communication.

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

Mr. TAYLOR of North Carolina. I yield to the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, hearing of the chairman's concern and knowing of his good work in this area, I ask unanimous consent to withdraw the amendment.

I would also like to answer an earlier question posed. I think it is very interesting that the gentleman earlier had indicated an interest in finding waste, fraud, and abuse but fought the amendment that would cut 1 percent, a mere 1 percent of waste, fraud and abuse from the Federal budget. Also, those gentlemen on the other side of the aisle voted to increase Federal spending over a trillion dollars in our last budget.

Mr. TAYLOR of North Carolina. Reclaiming my time, I commend the gentleman's action to bringing this to our attention.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas to withdraw the amendment?

There was no objection.

AMENDMENT OFFERED BY MR. HINCHEY

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

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

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

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used to kill, or assist other persons in killing, any bison in the Yellowstone National Park herd.

Mr. HINCHEY. Mr. Chairman, I have been advised that there is a plan that has been agreed upon to do one more amendment this evening. I understand that the gentleman from Arizona (Mr. FLAKE) has a need and a desire to have his amendment considered before we stop our deliberations here this evening, and that the amendment that I was about to offer will be allowed to be offered first tomorrow morning.

Under those considerations, I ask unanimous consent to withdraw the amendment and bring it back tomorrow morning.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. The gentleman's amendment is withdrawn without prejudice to his ability to offer the amendment again later in the bill.

□ 2130

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that I be allowed to offer an amendment on page 47, line 8.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Arizona?

Mr. OBEY. Mr. Chairman, reserving the right to object, I will not object because the majority extended a similar unanimous consent request to a Member of the minority earlier this evening, and I think it is only fair to reciprocate, but before I withdraw my objection I just would like to ask a question.

I referred earlier this evening to the fact that we had reached 4 years ago an agreement in this House to a certain funding schedule for a variety of conservation programs, and then the committee had walked away from that agreement. As I understand the gentleman's amendment, it is an effort to reduce some accounts in the bill in order to add some funding to PILT; is that correct?

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

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

Mr. FLAKE. That is correct.

Mr. OBEY. Mr. Chairman, further reserving the right to object, I happen to agree with the desire to add more money for PILT, but the problem is there are a wide variety of other programs which are not being assisted because the budget resolution and the action of the committee has effectively wiped out almost $800 million in funding for other, equally deserving programs.

Federal land acquisition is being cut by $170 million. State wildlife is being cut by $11 million; forestry legacy, cut by $57 million. We are seeing historic preservation in urban parks both cut significantly and hugely in comparison to the scheduled funding.

So, even though I personally would like to see more money in PILT, I feel that it is not fair to try to provide additional funding for one program while the others are continuing to be put in the closet. I will not object procedurally, but I really question the fairness of trying to restore funding for only one of the six major programs involved.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Without objection, the gentleman from Arizona will be allowed to offer his amendment at this point in the bill.

There was no objection.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, line 8, after the first dollar amount insert ''(increased by $15,000,000)''.

Page 99, line 10, after the dollar amount insert ''(reduced by $13,000,000)''.

Page 104, line 5, after the dollar amount insert ''(reduced by $2,000,000)''.

Mr. FLAKE. Mr. Chairman, I thank the gentleman from Wisconsin for the point he raised.

He mentioned that several other areas of the bill had been cut. I am aware of that, precisely because I recommended some of those cuts. In fact, I testified both before the Committee on the Budget and before the Committee on Appropriations to reduce the money available for land acquisition, Federal land acquisition, because we keep adding Federal land, and it just adds to the PILT problem.

PILT, as we all know, is short for payment in lieu of taxes. This is a program whereby counties in rural areas, in particular I am from Arizona, 87 percent of Arizona is publicly owned. Some 50 percent, 60 percent of the State is federally owned, and counties find it difficult to provide the services that other counties with more private land are able to provide, and when we continue to add Federal land, we exacerbate the problem of these counties being able to fund services.

I come from a rural area of the State and I have seen these problems firsthand. So what we need to do is fully fund PILT. We do not need to add more land for the Federal Government. That is why I made those recommendations, and I think it is fitting and proper that we can find the money in other accounts to actually fund this.

What we have recommended is that we find savings of $13 million in the facilities capital account of the Smithsonian and $2 million from the grants and administration account of the National Endowment for the Humanities. Both of these accounts were increased by that same amount or more in this past year. So we are simply slowing the rate of growth in these areas and fully funding PILT.

The PILT program has been authorized at $340 million; yet it has only received $226 million in this bill. That is $1 million more than last year's level and woefully short of what is needed. It is important to note that this year's budget resolution stated that the budget resolution can accommodate funding for the PILT at a fully authorized level; however, it was only increased by $1.3 million.

As I mentioned, we are not advocating an increase in PILT overall. That is important to all fiscal conservatives. What we are saying is that we should move some of the funding and increases in areas that have increased over the past year and move them into this area where we all recognize, and the gentleman from Wisconsin said it well, that we ought to increase the funding in this area.

I should note that this amendment is supported by the Western Caucus, and I know a few of these Members will be speaking on it shortly.

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

While this may be a worthy area to consider for an increase, I cannot accept the offsets. I hope that we will be able to increase this as we go through conference. The gentleman raised an important point. As we have more and more government land, it takes money away from the ad valorem tax, as we continue to cut less and less in forest service. Twenty-five percent in our area used to go to schools. They lose even more money, and so the gentleman raises a good point, but I will have to object to this and oppose the amendment.

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

I have to rise in very strong opposition to this. The Smithsonian Institute is one of the most popular agencies of government in the United States. Here we are, coming up on the summer season and at a time when people are going to come in and visit the Smithsonian, and I just wonder, this is cutting construction but construction goes across the board and affects every one of these.

Do we really want to cut out money for the Anacostia Museum and Center for African American History and Culture; the Archives of American Art; the Arthur M. Sackler Gallery, the Freer Gallery of Art; the Center for Folklife and Cultural Heritage; the Cooper-Hewitt National Design Museum; the Hirshhorn Museum and Sculpture Garden; the National Air and Space Museum; the National Museum of African American History and Culture; the National Museum of African Art; the Smithsonian American Art Museum; the National Museum of American History; the National Museum of the American Indian; the National Museum of Natural History; the National Portrait Gallery; the National Zoological Park; the Astrophysical Observatory; the Center for Materials Research and Education? I mean, the Smithsonian is important.

This is a bad amendment. Let us defeat it and let us send the young man home this evening with his tail between his legs.

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

Mr. Chairman, the date October 21, 1976, is the date that may go down in history, maybe in infamy, because it was the date in which the Federal Government changed its attitudes toward public lands. The State of Utah enabling act said that lands would be given to the Federal Government until such time as they shall dispose of that land. In fact, the BLM was established 70 years ago to facilitate that.

But in 1976, we changed our attitude towards Federal land, and it is not insignificant that that was the same year we established PILT, the payment in lieu of taxes program. It was in some ways to prohibit the double whammy that goes on in many Western counties, specifically rural counties who no longer can develop their land for a tax base but still must provide the benefits that urban counties and eastern counties still provide.

Since our attitude is to keep the land, to mandate the use of the land, mandate the services that have to be required, it is in essence nothing more than the government's saying we have rent that is due to this land that needs to go to those particular counties, and if we as a Federal Government do not pay that rent who are being hurt by it?

In Kane County in my State only 4 percent of the land is private, and yet that county wanted to continue on with the hospital so the people in Kanab did not have to drive 70 miles to the nearest hospital so they created a special service district. The PILT funds help run that hospital for Kane County.

Daggett County has only 2 percent of its land that is not Federally owned, and the 730 people of Daggett County in my State have to provide for 2.5 million people who come from my colleagues' States and their districts in there, that have to provide services and access for that, and because the population is so low, the funding source that we have within this bill even does not allow them to get the full force of the PILT money that we are actually allowing to them.

Emery County in my State has only 7 percent of its land privately owned, and yet a travelogue that was published said Black Box in Emery County was a wonderful place to go rafting. Indeed, it is not. It is a dangerous place with deep water, the water going wall to wall. Two years ago, within a 6-month period of time, two people coming back from the East who decided to go tubing down that river in Emery County died, which meant that the sheriff's posse in Emery County had to go a half a mile into wilderness study area land, rappel down a dangerous cliff and risk their lives to bring those bodies back, and they had to fully fund the cost of all that program.

That County of Emery, if they simply allowed greenbelt laws for the tax structure of that land, the cheapest type of property taxes we have, would generate $900,000 if we fully funded PILT. The appropriation we have in here will give them $300,000, even though they are still required to have the same kind of services as if the money was fully funded of that.

It is interesting to note that the 10 States with the slowest growth in their education funding all have 50 percent or more of their land owned by the Federal Government.

Who are we hurting when this government is not fully paying the rent that is due? We are hurting the elderly, we are hurting the people who need medical aid, we are hurting kids in the West. This is what this particular program is doing.

I support this amendment with a heavy heart because indeed the Smithsonian is something I admire. I belong to it, I give to it, but what we did is we allowed them to find alternate sources to come up with some of their revenue. We have not allowed the counties in the West, especially rural counties, alternate forms of coming up with the revenue that they desperately need.

PILT is essential for us to pay the rent that is due, and I am hopeful that if we would actually approve this amendment we would allow them to go into conference committee where they could do right by the Smithsonian but also do right by the counties that need that PILT funding. We are underfunding our rural counties, we are underfunding our western counties, and all it is is the rent that they are due, and we should have the courage to stand up and pay for that.

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

I rise in support of the amendment. The PILT program was created in the mid-1970s. At the time it was created, it was created in a bipartisan way. People recognized all of the issues about what is fair and what is equitable. As we have heard from the previous speaker, it is about the lack of an ability to collect property tax on the Federal land and the services that are provided by the counties.

What has happened since the mid-1970s is our Federal lands are being used more and more and more. The pressures, the uses, the demands for county services have increased more and more and more; yet PILT funding has just not been maintained.

Again, as the previous speaker said, I have great fondness for the Smithsonian as well, and anytime we have got to find an offset, it is a tough one, but in this case I think it is very important that this $20 million, which may not sound like a lot of money relative to the total cost of this appropriations bill, but it is a big deal for the local counties in States like mine, where so much land is federally owned. It makes a big difference to those county budgets. It makes a big difference in providing those services to people who use those public lands.

I encourage people to support this amendment.

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

The hour is late. I would like to begin just by associating myself with the comments by the gentleman from Arizona (Mr. FLAKE) about where he spoke about the additional lands that we are acquiring and why we do not need that until we can take care of the lands that we have.

I would also like to associate myself with the comments by the gentleman from Utah (Mr. BISHOP), who was speaking about counties that I have represented in the past, and I personally know the problems that those counties have.

I would also like to associate myself with the words of the gentleman from Utah (Mr. MATHESON) who spoke eloquently about some of these issues.

I want to also thank the gentleman from North Carolina (Mr. TAYLOR). I recognize the need for him to oppose this on the basis of what the offsets are. I think the gentleman from Utah (Mr. BISHOP) was fairly articulate about how we can solve that problem in conference. I urge the Members of this body to do so.

I must say I was really offended by the personal attack of the gentleman from Washington (Mr. DICKS) on the gentleman from Arizona (Mr. FLAKE) here. This is not a personal matter. This is a matter that relates intensely to the needs of our people.

Let me just point out that if we look at the West, we have done a study in the State of Utah, Marty Stephens is the Speaker of our House, and he has taken a massive amount of statistical data and shown that we in the public lands area of the United States tax more.

□ 2145

Mr. Chairman, this is a matter of fairness. In the West, we tax more than we tax in the East. We still pay a lower amount per student in educational expenses because and only because we are dominated by Federal ownership of land. That means California and every west coast State, every intermountain State, all of us, tax more and spend less. It is not fair, and this body needs to redress that.

I hope that the Members of this body will vote in favor of the increase in PILT; and as a big fan of the Smithsonian myself, let us hope we can solve the problem in conference. But we need to give more money to our western counties who are fighting fires because of the negligence of the Federal Government who are suffering with educational costs that we cannot meet because the Federal Government owns our land and we are not getting any of the other benefits that should come from that public land. We have an obligation, and I urge this body to meet that obligation by voting for the Flake amendment to increase PILT.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

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

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

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

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment offered by the gentleman from Vermont (Mr. SANDERS); amendment No. 1 printed in the RECORD of June 15 by the gentleman from West Virginia (Mr. RAHALL); amendment No. 2 offered by the gentleman from Ohio (Mr. CHABOT); amendment No. 3 offered by the gentleman from New Mexico (Mr. UDALL); and amendment offered by the gentleman from Arizona (Mr. FLAKE).

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

AMENDMENT OFFERED BY MR. SANDERS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 227, not voting 7, as follows:

[Roll No. 251]

AYES—199

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

NOES—227

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra

Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
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
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

DeMint
Filner
Gephardt
Granger
Hastings (FL)
Kingston
LaTourette

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded that 2 minutes remain in this vote.

□ 2211

Messrs. TERRY, NUNES and BURTON of Indiana changed their vote from ''aye'' to ''no.''

Messrs. JOHN, HOYER and JEFFERSON changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 251, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "aye."

AMENDMENT NO. 1 OFFERED BY MR. RAHALL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia (Mr. RAHALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 209, noes 215, not voting 9, as follows:

[Roll No. 252]

AYES—209

Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Camp
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Forbes
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
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
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—215

Abercrombie
Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

DeMint
Filner
Gephardt
Granger
Hastings (FL)
Kingston
LaTourette
Oxley
Weller

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are reminded that 2 minutes remain in this vote.

□ 2222

Mr. SKELTON changed his vote from ''aye'' to ''no.''

Mr. BISHOP of Georgia changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 252, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "aye."

AMENDMENT NO. 2 OFFERED BY MR. CHABOT

The CHAIRMAN pro tempore (Mr. THORNBERRY). The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Ohio (Mr. CHABOT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 205, not voting 6, as follows:

[Roll No. 253]

AYES—222

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berman
Biggert
Bilirakis
Bishop (NY)
Blumenauer
Boehlert
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Buyer
Capito
Capps
Cardin
Cardoza
Carson (IN)
Case
Castle
Chabot
Chandler
Clay
Clyburn
Conyers
Cooper
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Ford
Frank (MA)
Frost
Garrett (NJ)
Gerlach
Gonzalez
Gordon
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Harman
Hart
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Rodriguez
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Woolsey
Wu
Wynn

NOES—205

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Berry
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capuano
Carson (OK)
Carter
Chocola
Coble
Cole
Collins
Costello
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, M.
Dicks
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pombo
Porter
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Ryun (KS)
Schrock
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Toomey
Turner (OH)
Turner (TX)
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

DeMint
Filner
Gephardt
Granger
Hastings (FL)
LaTourette

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised they have 2 minutes remaining in this vote.

□ 2230

Mr. TAYLOR of Mississippi and Mr. COSTELLO changed their vote from ''aye'' to ''no.''

Mr. SAXTON and Mr. LINCOLN DIAZ-BALART of Florida changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. FILNER. Mr. Chairman, on rollcall No. 253, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "aye."

AMENDMENT NO. 3 OFFERED BY MR. UDALL OF NEW MEXICO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 3 by the gentleman from New Mexico (Mr. UDALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 195, noes 230, not voting 8, as follows:

[Roll No. 254]

AYES—195

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Ferguson
Ford
Frank (MA)
Frost
Gerlach
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—230

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Boehner
Bonilla

Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Etheridge
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Blunt
DeMint
Filner
Gephardt
Granger
Hastings (FL)
LaTourette
Terry

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY) (during the vote). Members are advised 2 minutes remain in this vote.

□ 2237

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 254, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "aye."

Stated against:

Mr. TERRY. Mr. Chairman, on rollcall No. 254 I was inadvertently detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 94, noes 332, not voting 7, as follows:

[Roll No. 255]

AYES—94

Bachus
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Berkley
Bishop (UT)
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Cannon
Cantor
Carter
Chabot
Cox
Davis, Jo Ann
Deal (GA)
Doolittle
Dunn
Emerson
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Goodlatte
Graves
Green (WI)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hostettler
Hulshof
Hunter
Issa
John
Jones (NC)
Kelly
King (IA)
Kingston
Lewis (KY)
Linder
Matheson
McCrery
McInnis
McKeon
Miller (FL)
Moran (KS)
Musgrave
Myrick
Nethercutt
Norwood
Otter
Paul
Pearce
Pence
Petri
Pickering
Pombo
Pomeroy
Porter
Radanovich
Rehberg
Renzi
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Souder
Stearns
Strickland
Stupak
Tancredo
Tanner
Thornberry
Toomey
Turner (TX)
Vitter
Walden (OR)
Whitfield
Wicker
Wilson (NM)

NOES—332

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barton (TX)
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Boehner
Bonilla
Bonner
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burns
Burr
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Goode
Gordon
Goss
Green (TX)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pitts
Platts
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Sullivan
Sweeney
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Blunt
DeMint
Filner
Gephardt
Granger
Hastings (FL)
LaTourette

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 2245

Ms. DUNN changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chairman, on rollcall No. 255, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "no."

Mr. TAYLOR of North Carolina. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GARRETT of New Jersey) having assumed the chair, Mr. THORNBERRY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4568) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

THE JOURNAL

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

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

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

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING JUNETEENTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER. Mr. Speaker, I rise today in honor of Juneteenth, a day of celebration for all Americans. Juneteenth or June 19, 1865, marks the day that Major General Gordon Granger landed in Galveston, Texas to inform slaves that the Civil War was over and they were now free men and women.

Juneteenth is a day honoring President Abraham Lincoln's Emancipation Proclamation. It was a Juneteenth that Lincoln's proclamation was finally enforced nationwide, 2½ years after he issued the decree. President Lincoln should be honored for his tremendous efforts on freeing all of the slaves, and we must recognize this important day in our Nation's history.

Since then, Juneteenth has been a day of celebration largely in the African American culture and especially for African Americans in Texas. Many communities celebrated in churches or in far off rural areas. But as times have changed and more African Americans began to own land and to experience freedom, sites were dedicated specifically for celebrations and more people began to participate.

In 1872, Reverend Jack Yates raised $1,000 to purchase a park in Houston named Emancipation Park in honor of the Juneteenth holiday. With public land acquisitions such as this, more Americans have become aware of this event and began to celebrate its heritage.

Mr. Speaker, I would like to take the time to commend President Abraham Lincoln. Not only was President Lincoln a great Republican abolitionist in history, he was a great leader from my home State of Illinois. His vision and dream of freeing slaves was finally a reality on June 19th, 1865, the day we now know as Juneteenth. His efforts freed thousands, hundreds of thousands of slaves across our Nation.

Another person that I must note is Owen Lovejoy from Princeton, Illinois. Lovejoy is a former Republican Congressman from Bureau County and was a pioneer in the abolitionist movement in Congress. In 1863, he introduced the Emancipation Proclamation in legislative form to the Congress. With the support and leadership of President Lincoln, it was passed and became Public Law. He is yet another example of a fighter for freedom and liberty. Mr. Speaker, I am proud to serve the 11th District of Illinois, the home of former Congressman Owen Lovejoy.

Today, Juneteenth is not only celebrated by Americans, but by people all over the world. More and more communities continue to coordinate celebrations, whether it is in the workplace, school, or at home.

Mr. Speaker, I encourage this Congress to mark Juneteenth as the day in history that forever changed the lives of thousands of Americans in 1865 and continues to have an impact on current future generations.

Mr. Speaker, as this celebration of heritage continues to grow, I would like to honor this day of celebration we know as Juneteenth, June 19, 1865, and encourage all Americans to observe this day of emancipation and strength.

SMART SECURITY AND BUSH ADMINISTRATION CONDONING OF TORTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, American troops are being court-martialed daily for their role in the heinous crimes that took place in Abu Ghraib, the prison in Iraq. For sure, their role in these incidents is embarrassing and shameful.

But if we are searching for the true culprits for these abuses, which include the sexual assault, forced sodomy, and death of Iraqi prisoners, we need look no further than August 1, 2002.

That is the day the Justice Department advised the White House in a memo to Alberto Gonzalez, President Bush's top counsel, that torturing al Qaeda terrorists in captivity "may be justified." The memo also stated that "necessity and self-defense could provide justifications that would eliminate any criminal liability" for the use of torture.

It is not just the physical abuses that took place in Iraqi prisons that is appalling. The thing that is just as appalling is that legal abuses took place here at home too within our own government, when high-ranking officials in the Department of Defense and the Department of Justice affirmed the use of torture as a war tactic.

The White House and the Pentagon approval of torture is not only shameful, it also flies in the face of America's human rights standards. And what happened to the United States setting a positive example for the rest of the world?

That is not what Secretary of Defense Donald Rumsfeld would have us believe. Rumsfeld wants the American public to think that the use of torture was isolated to Abu Ghraib; that by merely court-martialing those directly responsible for inflicting the abuse who he called "a few bad apples," well, now we have gotten to the bottom of it.

But the fact that torture occurred in separate places and under the command of different interrogators leads many to believe that a more systematic failure took place. And I believe that the discovery of the Justice Department's appalling sanctioning of torture confirms that belief.

Furthermore, an investigation by the New Yorker Magazine detailed a Pentagon operation that encouraged the physical coercion, otherwise known as torture, of Iraqi prisoners in an attempt to produce intelligence about the post-war insurgency in Iraq.

This information was also substantiated by Newsweek Magazine, and do not forget about the memo that called the use of torture "justified." What more evidence does one need to understand that this administration condoned and approved the use of torture?

There is an eerie pattern at work here. First Guantanamo Bay, then Abu Ghraib. Now we are learning that prisoners in Afghanistan have been subjected to torture by American soldiers. It is becoming very clear that the really "bad apples" are at the top of the barrel. They are, in fact, in the White House.

There has to be a better way, Mr. Speaker, a more intelligent way, a way rooted in the values that we hold dear in the United States, and there is. I have introduced H. Con. Res. 392, legislation to create smart security for the 21st century. SMART stands for Sensible, Multilateral, American Response to Terrorism.

SMART treats war as an absolute last resort. It fights terrorism with stronger intelligence and multilateral partnerships. It controls the spread of weapons of mass destruction with a renewed commitment to nonproliferation; and it aggressively invests in the development of impoverished nations,