United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, WEDNESDAY, JUNE 16, 2004 No. 83

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 16, 2004.

I hereby appoint the Honorable DOUG BEREUTER to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Les Burleson, Southeast Director, Hockey Ministries International, Wake Forest, North Carolina, offered the following prayer:

The world is complex, thorny, and often unrewarding to those that would step out and change things for the better. God, if anyone here today has lost that sense of idealism that brought them here, or that sense of wonder associated with being part of the grand experiment of democracy, please renew their spirits this day.

Give their hearts a new measure of hope, and give them a renewed vision of where their ideals can take a great Nation. Give them a spirit of adventure to carry us through today and into a new and broadening horizon.

Though ''we, the people'' can sometimes be fickle in our demands, please remind them that they are loved and respected for what they do and that we appreciate every day of their service. Whether through the mire of a war, the grief at the loss of a former President, or the briars and brambles of daily decisionmaking, these men and women are yet the leaders of the greatest Nation on Earth. God bless them, and God bless America. Amen.

THE JOURNAL

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

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

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

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

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

Mr. GILLMOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. GILLMOR led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2238. An act to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made.

S. 2362. An act to authorize construction of a Smithsonian Astrophysical Observatory instrumentation support control building and associated site development on Kitt Peak, Arizona, and for other purposes.

The message also announced that pursuant to sections 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senator as a member of the Senate Delegation to the Canada-United States Interparliamentary Group during the Second Session of the One Hundred Eighth Congress: The Senator from Hawaii (Mr. AKAKA).

WELCOMING THE REVEREND LESTER BURLESON

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

Mr. MILLER of North Carolina. Mr. Speaker, I rise today to welcome our guest chaplain, Lester Burleson. I am proud to represent Reverend Burleson in this Chamber. Reverend Burleson is the youth minister at Wake Forest Baptist Church in Wake Forest, North Carolina, a very important congregation in my home county.

Before arriving at that position, he served 8 years as pastor of Wake Union Baptist Church in Wake Forest, North Carolina, where he saw his ministry grow from a working congregation of about 38 to 150 folks regularly attending Sunday worship services.

Reverend Burleson's ministry has also taken him into the world of sport. As chapel coordinator for the Anshultz Entertainment Group in North America and Europe, he has helped many pro athletes grow in their faith. He also serves as the director of the chapel program for the Carolina Hurricanes, our local NHL team.

Just as Reverend Burleson has served his parish and his ministry with great

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distinction, he has also served our country with great distinction. As a 10-year Army reservist, Reverend Burleson served as commander of the 139th Tactical Operations Center. During Operation Desert Storm, he was elevated to company commander and served 10 months of active duty.

His wife, Pamela, and children, Mandy and Matthew, are watching today proudly.

Mr. Speaker, I want to thank Reverend Burleson for his distinguished service, and I am honored to welcome Reverend Burleson to the House floor today.

ESTABLISHING AN ENERGY POLICY

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

Mr. RYUN of Kansas. Mr. Speaker, establishing a sound energy policy for America's future includes reducing our dependency on foreign oil and preserving the environment. While many argue that these two goals conflict with each other, I do not believe this to be true. That is why I am calling for the increased production and availability of ethanol.

The increased use of ethanol would clearly reduce America's dependency on foreign oil, and it would also provide consumers with a fuel that burns much cleaner than traditional gasoline. Another benefit of ethanol is the economic potential it holds for corn-producing States like Kansas. Increased ethanol use would provide additional market capacity for farmers.

However, the economic impact is not limited to Midwestern States. Supplementing the gasoline supply with ethanol has the potential to provide much-needed relief for prices at the pump across this Nation.

In short, increased use of ethanol would bolster our national security, bolster our economy, and benefit our environment.

CONGRATULATING DETROIT PISTONS

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

Mr. CONYERS. Mr. Speaker, I am here to announce the celebration of the Detroit Pistons in their sweep last night and offer my condolences to those Members of the House, in particular from the Los Angeles area. I will not mention any names, but one, M.W., comes to mind. I wanted Members to know how wonderful it feels after some 14 years to come back as strong as they did. It has a lot to do with the teamwork and the spirit of basketball.

By the way, there were no incidents in Detroit. The gentlewoman from Michigan (Ms. KILPATRICK) has some additional comments to make. We have a resolution we would like Members to join on.

COMPREHENSIVE ENERGY POLICY

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

Mr. GILLMOR. Mr. Speaker, I rise today in support of a comprehensive energy policy. America needs comprehensive energy legislation to fill the country's critical and growing energy needs. It is vital to our national security, will generate new jobs, and make America more competitive.

The House has continued to focus our attention on this important issue with the passage of H.R. 4503, the Energy Policy Act, yesterday afternoon. I am glad that the House has again presented yet another opportunity to the other body to finally deal with energy policy that is so important to our constituents.

With gas over $2 a gallon in many areas, it is clear Americans are paying for legislative inaction. It is not just gasoline; it is also high natural gas prices that are hurting both our Nation's agriculture and manufacturing.

Mr. Speaker, I would urge my colleagues to support a strong, pro-growth comprehensive energy policy that will allow the United States to remain competitive and create jobs at home.

HONORING DETROIT PISTONS

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

Ms. KILPATRICK. Mr. Speaker, how about those National Basketball Association World Champion Detroit Pistons? Congratulations. We applaud and appreciate their fine work as they swept the Los Angeles Lakers. To Mr. Davidson, Coach Brown, and the entire Piston organization, job well done.

Mr. Speaker, I say a special thanks to Ben Wallace, Tayshaun Prince, Rasheed Wallace, Rip Hamilton, and the Most Valuable Player of the series, Chauncey Billups.

On behalf of Mayor Kilpatrick, the people of Detroit, and the entire State of Michigan, we congratulate the Pistons. A team effort—which is what life is all about.

Mr. Speaker, as the gentleman from Michigan (Mr. CONYERS) mentioned, we have a resolution and invite all of our colleagues to cosponsor. You go, Pistons. We appreciate and love you very much.

ANNE FRANK'S 75TH BIRTHDAY

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

Mr. BURNS. Mr. Speaker, on Saturday, June 12, 2004, we celebrated what would have been Anne Frank's 75th birthday. Anne Frank documented her life during the Nazi occupation of Amsterdam in a diary that she called Kitty. The diary became her confidant in which she wrote about her family's horrific experiences.

Anne has come to be a girl we all feel we know, a personification of good in the face of hatred, murder, and genocide. Sadly, Anne died in a Nazi concentration camp at the age of 15.

''Anne Frank: The Diary of a Young Girl'' has been translated into 67 languages and has sold more than 31 million copies. For many students, this book is their first experience to the horror of the Holocaust. Anne Frank is an inspiration to people of all faiths and is a symbol of children throughout the world who suffer in war and oppression.

Anne's own words are still as meaningful today as when she wrote them. The Anne Frank Exhibit is on permanent display at Kennesaw State University in Kennesaw, Georgia.

Mr. Speaker, I would just say, happy birthday, Anne. She and her message will never be forgotten.

CELEBRATING THE LIFE OF CHRIS SEMOS

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

Mr. FROST. Mr. Speaker, I rise today to celebrate the life of my good friend and neighbor, Chris Semos, who died Monday morning at age 68. He was an even-tempered gentleman who provided leadership to his community and to his church. A long-time resident of the Oak Cliffs section of Dallas, Chris served eight terms as a Democratic member of the Texas legislature from 1966 to 1982.

Following that, he served 12 years as a member of the Dallas County Commissioner's Court. He was a thoughtful public servant who worked cordially with members of both parties to benefit his beloved Oak Cliff, his county, and his State.

Additionally, he was a nationally recognized leader of the Greek Orthodox Church. In fact, he met his wife of 37 years, Tassie, at a church conference in North Carolina.

For many years, Chris operated a popular restaurant in Oak Cliff, The Torch, where we shared baklava on many occasions. The victory party for my first successful race for Congress in 1978 was in the back room of The Torch.

Chris quietly made his influence felt in many ways. He introduced the current mayor of Dallas, Laura Miller, to her husband, Steve Wolens, who succeeded Chris in the State legislature. He was recently recognized by the Oak Cliff Lions Club as its Humanitarian of the Year. We will all miss a great community leader, Chris Semos.

COMMENDING JIMMY FRANKLIN

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

Mr. ISAKSON. Mr. Speaker, I am pleased today to rise and pay tribute to a great Georgian, Mr. Jimmy Franklin of Statesboro, Georgia.

This week in Orlando, Florida, Mr. Franklin will receive from the Georgia Bar Association the Distinguished Service Scrolls Award recognizing his outstanding achievement in his profession.

Mr. Franklin is a respected member of the bar, a leader in his city and county and his church. This award recognizes his long contribution to Georgia. Also, I am proud to acknowledge his long and trusted advice to me, to other Members of Congress, and to Governors of Georgia. His knowledge of policy and his love of this country is unsurpassed.

Mr. Speaker, it is a privilege and a pleasure for me today to pay tribute to a great Georgian, Jimmy Franklin, and a warm and trusted friend of whom I have the greatest respect.

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UPDATING VICE PRESIDENT ON EVENTS IN REAL WORLD

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

Mr. EMANUEL. Mr. Speaker, yesterday in Florida, the Vice President reasserted that there were connections between Saddam Hussein, he said, long established ties between Saddam Hussein and al Qaeda. This has been proven wrong, and woefully wrong, many times. But as recently as this morning, the 9/11 Commission issued a breaking story saying it is now clear there is no connection between Saddam Hussein and al Qaeda as it relates to 9/11.

I do not know how the Vice President of the United States of America can be so sorrowfully misinformed or has decided to misinform the public. Neither quality is worthy of the Vice President of the United States of America.

Now, I do not know what it is going to take to help the Vice President shake him of this delusion. I know in this town in Washington some people are firm in their opinions and flexible on their principles, but it is now time for us to acknowledge there is no connection between al Qaeda and Saddam Hussein. The war in Iraq was a war of choice.

CONTINUE TO SAY NO TO EMBRYONIC STEM CELL RESEARCH

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

Mr. PENCE. Mr. Speaker, as the debate begins over the proper way to pay tribute the 40th President of the United States, some argue that the best way to honor the memory of Ronald Reagan would be to permit the destruction of human embryos for scientific research on diseases like that which claimed his life, and while I would never criticize grieving family members who advocate this, anyone else who would use the memory of Ronald Reagan to erode the sanctity of human life would do more to desecrate his legacy than by any other means.

Reaffirming his pro-life views on the 10th anniversary of Roe v. Wade, President Reagan said, ''There is no cause more important for preserving freedom than affirming the transcendent right to life to all human beings.'' He said, ''We cannot diminish the value of one category of human life, the unborn, without diminishing the value of all human life.'' Let us choose life. Let us honor Reagan. Let us honor his pro-life values by continuing to say no to embryonic stem cell research.

GOVERNMENT KEEPING AMERICANS ADDICTED TO HIGH-PRICED OIL

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

Mr. DEFAZIO. Mr. Speaker, reasonably priced gasoline has become a distant memory for most Americans, yet gasoline can still be had for 5 cents a gallon. Where? Well, in Baghdad. How? Because the American taxpayers are subsidizing gasoline for the Iraqis at the cost of $167 million a month. Even at that we are being ripped off by Halliburton, we are told. We are paying too much for it.

So while Americans are curtailing their summer vacations because they cannot afford to fill their tanks, they are backing up the trucks in Baghdad and filling up 20 to 30 gallon tanks for $1 to $1.50. That is a lot less than the price of a gallon here.

Yet the Republicans would tell us that their lame energy bill would do something about this. Well, we passed their lame energy bill two or three times before on the floor of the House. We are voting on all the same provisions again. The $18 billion subsidy to the oil and gas industry, yes, that will really help. That is going to help Americans get more affordable gasoline and help make this country more energy independent and efficient.

They actually do not want us to be more energy independent and efficient. They want us to be addicted to the high price oil, to continue to shovel money into these multinational oil companies.

FLYING FIRST CLASS AT THE PENTAGON

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

Mr. DUNCAN. Mr. Speaker, almost every Member of this body is pro-military. But we also should be pro-taxpayer too. So all of us should be shocked that the Defense Department lost $100 million on unused airplane tickets over the 6 years between 1997 and 2003. In addition, the Pentagon bought 68,000 first class or business class tickets over this same period.

Members of Congress fly coach class unless they use frequent flier miles to upgrade. Public officials, including those in the military, are supposed to be public servants, not rulers or some elite, special, privileged class.

The Defense Department gets almost everything it asks for, so it just does not seem to care about wasteful spending. But if any high-level officials at the Pentagon have even the slightest concern for the taxpayer, they should immediately eliminate this unused ticket business so we do not lose $100 million or more over the next 6 years.

Also, all members of the military should fly coach, like almost all Members of Congress and almost all our constituents do, instead of buying 11,000 or more first class tickets each year.

COMPENSATING IRAQI PRISONERS AT THE EXPENSE OF AMERICAN POWS

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

Mr. STRICKLAND. Mr. Speaker, according to The Hill newspaper, former American prisoners tortured by Saddam Hussein's regime in the first Gulf War are criticizing the Bush administration for fighting their compensation claims while planning to compensate the Iraqi victims of abuse at the Abu Ghraib prison.

Rumsfeld told the Senate Committee on Armed Services last week that he is seeking a way to provide appropriate compensation to those detainees who suffered such grievous and brutal abuse at the hands of American Armed Forces. And yet this administration, this President, went to court to keep American POWs, those who were tortured by Saddam Hussein, from getting the compensation that was given to them by a lower court.

Why would this administration, why would this President, why would this Secretary of Defense, want to compensate Iraqi prisoners who had been tortured, and fight the compensation of American prisoners who had been tortured? Whose side is this administration on?

A SAFER, STRONGER AMERICA

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

Mr. STEARNS. Mr. Speaker, after 4 years of leadership by President Bush,

I believe our Nation is safer, stronger and better. We are fighting and winning a war on terror on many fronts, including Iraq and Afghanistan; Afghanistan is free; Libya is disarmed; and Iraq is well on its way to becoming a free country in the heart of the Middle East. The spread of democracy in this part of the world will help ensure our safety here in the United States.

Recent economic data is a powerful confirmation that the President's pro-growth economic policies are working. Home ownership rates are up, and minority home ownership is at its highest level ever. Real GDP has grown at its fastest rate in almost 20 years over the last three quarters. Productivity has grown at its fastest 3-year rate in 40 years during the past 12 quarters.

Mr. Speaker, we have overcome the triple shock of terrorist attacks, corporate scandals and recession, and we are a stronger country on many fronts, thanks to the leadership of President George Bush.

SOARING GAS PRICES

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

Mr. ROSS. Mr. Speaker, after months of record-breaking gasoline prices, the pocketbooks of America's working families are hurting. Rising gas prices mean working families have less money to spend on important items, such as clothing and groceries, a factor that hurts our overall economy as well as individual families. Family vacations are being canceled.

Today, the average price of a gallon of gas in the United States is $2.10, but in Iraq the cost of one gallon of gasoline is only 5 cents. It only costs $1.10 to fill up a 22-gallon tank in Baghdad.

Americans deserve to know why their gas prices are soaring out of control, and, just as importantly, Americans need a solution. It is time to pass a real, meaningful, common sense, comprehensive energy policy and bring down the high cost of gasoline for America's working families.

RESTORING AND PROTECTING LOUISIANA WETLANDS

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

Mr. TAUZIN. Mr. Speaker, my State, Louisiana, is suffering the worst national ecological disaster in the history of this country. Every year we lose up to 35 square miles of the most precious wetlands in America. The comprehensive energy bill we passed yesterday on this House floor and sent to the other body contains money, for the first time, billions of dollars, to address that national economic disaster.

Louisiana contributes over $5 billion a year from offshore development. We get less than 1 percent back. That bill we sent to the other body contains billions to begin to restore and protect those vanishing wetlands, the biggest environmental program, bigger than the Chesapeake Bay, bigger than the Everglades.

I cannot speak about the other body and how they vote, but let me issue a warning: No one in this Congress who votes against that comprehensive energy bill and that environmental package, no one in this Congress better show their face in south Louisiana if they vote against that comprehensive energy bill.

MAKING AMERICA MORE ENERGY EFFICIENT

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

Mr. BLUMENAUER. Mr. Speaker, I listened to my colleague from Louisiana's impassioned point, and I happen to agree that there are things we need to do with this devastating coastal erosion in Louisiana. But the way that we go about that and the way we deal with some of our significant energy problems is not simply ritually repassing an inadequate and failed energy policy that has already stalled in the other body.

It does not have to be this hard. We do not have to hold good ideas hostage. The wind energy production tax credit would pass in a heartbeat; energy grid reliability would be massively supported; increased fuel efficiency standards are long overdue; and, yes, maybe even some assistance for the coastal erosion.

Hopefully, after we get past this week's ritual repassage and the beating of our gums, I hope the House will return to enact simple, common sense proposals that will make America more energy efficient without compromising the environment, and make our families safer, healthier and more economically secure.

NEW MEDICARE PRESCRIPTION DRUG BILL WORKS

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

Mr. BONNER. Mr. Speaker, I rise today to make a simple observation based on large part from the results of two town meetings we had in my district last week, one in Fairhope and one in Mobile: The new Medicare prescription drug law that we passed and which has been enacted is working.

Since the changes to the Medicare program began to take effect on June 1, millions of Americans have taken advantage of the toll-free Medicare helpline as well as the Internet web site. In fact, during the first 4 days of May, 1.6 million men and women, nearly 10 times the normal call volume, called that helpline for further information. During the same time period, 7 million people visited the Medicare web site.

After just 2 weeks of competition between the drug manufacturers of this country, prices on name brand drugs have dropped nearly 12 percent, and the cost for generics have dropped nearly 13 percent.

Some would have us believe that the new and improved Medicare program is not working, that it will be too costly and seniors will not take the time to show interest in this. The facts speak just the opposite.

FTC SHOULD INVESTIGATE INCREASE IN GASOLINE PRICES

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

Mr. PALLONE. Mr. Speaker, House Republicans are playing games here on the House floor this week. America's consumers should not be fooled into believing that the energy bills on the floor will do anything to lower gas prices in the immediate future.

Back in 2001, the FTC concluded that during the summer of 2000 price spike certain suppliers had pursued a profit-maximizing strategy, intentionally withholding gasoline supplies or delaying shipping as a tactic to drive up prices. Such collusion would be easier today, with the top 10 refiners now controlling 78 percent of the supply. That is a 22 percent increase over a decade ago.

Today, 48 of my Democratic colleagues joined me in sending a letter to the FTC asking that it begin a thorough investigation into whether or not gas companies are colluding to artificially increase prices.

We cannot let the Bush administration's cozy relationship with big oil companies hold Americans hostage at the pump. If Congressional Republicans were really interested in doing something today, they would call on the Bush administration to launch an investigation to determine whether oil companies are purposefully inflating prices at the pump.

UNITED STATES REFINERY REVITALIZATION ACT OF 2004

Mr. BARTON of Texas. Mr. Speaker, pursuant to House Resolution 671, I call up the bill (H.R. 4517) to provide incentives to increase refinery capacity in the United States, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 4517 is as follows:

H.R. 4517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Refinery Revitalization Act of 2004''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) It serves the national interest to increase refinery capacity for gasoline, heating oil, diesel fuel, and jet fuel wherever located within the United States, to bring more supply to the markets for use by the American people. Forty-eight percent of the crude oil in the United States is used for the production of gasoline. Production and use of refined petroleum products has a significant impact on interstate commerce.

(2) United States demand for refined petroleum products, such as gasoline and heating oil, currently exceeds our domestic capacity to produce them. By 2025, United States gasoline consumption is projected to rise from 8,900,000 barrels per day to 13,300,000 barrels per day. Diesel fuel and home heating oil are becoming larger components of an increasing demand for refined petroleum supply. With the increase in air travel, jet fuel consumption is projected to be 760,000 barrels per day higher in 2025 than today.

(3) The refinery industry is operating at nearly 100 percent of capacity during the peak gasoline consumption season and is producing record levels of needed products at other times. The excess demand has recently been met by increased imports. The United States currently is importing 7 percent of its refined petroleum products but few foreign refiners can produce the clean fuels required in the United States.

(4) Refiners are subject to significant environmental and other regulations and face several new Clean Air Act requirements over the next decade. Today 153 refineries operate in the United States, down from 324 in 1981. Almost 25 percent of our Nation's refining capacity is controlled by foreign ownership. Easily restored capacity at idled refineries amounted to 539,000 barrels a day in 2002, or 3.3 percent of the total operating capacity. No new refineries have been built in the United States since 1976. Most refineries are located on century-old sites. New Clean Air Act requirements will benefit the environment but will also require substantial capital investment and additional government permits.

(5) Refiners have met growing demand by increasing the use of existing equipment and increasing the efficiency and capacity of existing plants. But refining capacity has begun to lag behind peak summer demand.

(6) Heavy industry and manufacturing jobs have closed or relocated due to barriers to investment, burdensome regulation, and high costs of operation, among other reasons.

(7) More regulatory certainty for refinery owners is needed to stimulate investment in increased refinery capacity.

(8) Required procedures for Federal, State, and local regulatory approvals need to be streamlined to ensure that increased refinery capacity can be developed and operated in a safe, timely, and cost-effective manner.

SEC. 3. DESIGNATION OF REFINERY REVITALIZATION ZONES.

The Secretary of Energy shall designate as a Refinery Revitalization Zone any area—

(1) that—

(A) has experienced mass layoffs at manufacturing facilities, as determined by the Secretary of Labor; or

(B) contains an idle refinery; and

(2) that has an unemployment rate of at least 20 percent above the national average, as set forth by the Department of Labor, Bureau of Labor Statistics, at the time of designation as a Refinery Revitalization Zone.

SEC. 4. COMPLIANCE WITH ALL ENVIRONMENTAL REGULATIONS REQUIRED.

The best available control technology, as appropriate, shall be employed on all refineries located within a Refinery Revitalization Zone to comply with all applicable Federal, State, and local environmental regulations. Nothing in this Act shall be construed to waive or diminish in any manner the applicability to any refinery facility located within a Refinery Revitalization Zone existing or future environmental regulations.

SEC. 5. COORDINATION AND EXPEDITIOUS REVIEW OF PERMITTING PROCESS.

(a) DEPARTMENT OF ENERGY LEAD AGENCY.—Upon request of an applicant for a Federal authorization related to the siting and operation of a refinery facility within a Refinery Revitalization Zone, the Department of Energy shall be the lead agency for coordinating all applicable Federal authorizations and related environmental reviews of the facility. To the maximum extent practicable under applicable Federal law, the Secretary of Energy shall coordinate this Federal authorization and review process with any Indian Tribes and State and local agencies responsible for conducting any separate permitting and environmental reviews of the facility, to ensure timely and efficient review and approval of any permit decisions.

(b) AUTHORITY TO SET DEADLINES.—As lead agency, the Department of Energy, in consultation with agencies responsible for Federal authorizations and, as appropriate, with Indian Tribes and State or local agencies willing to coordinate their own separate permitting and environmental reviews with the Federal authorization and environmental reviews, shall establish prompt and binding intermediate and ultimate deadlines for the review of, and Federal authorization decisions relating to, the refinery facility. The Secretary of Energy shall ensure that once an application has been submitted with such data as the Secretary considers necessary, all permit decisions and related environmental reviews under all applicable Federal laws shall be completed within 6 months or, where circumstances require otherwise, as soon thereafter as is practicable. The Secretary of Energy also shall provide an expeditious preapplication mechanism for prospective applicants to confer with the agencies involved to have each such agency determine and communicate to the prospective applicant within 60 days after the prospective applicant submits a request for the information concerning—

(1) the likelihood of approval for a potential facility; and

(2) key issues of concern to the agencies and public.

(c) CONSOLIDATED ENVIRONMENTAL REVIEW AND RECORD OF DECISION.—As lead agency, the Department of Energy, in consultation with the affected agencies, shall prepare a single environmental review document, which shall be used as the basis for all decisions on the proposed project under Federal law. The document may be an environmental assessment or environmental impact statement under the National Environmental Policy Act of 1969 if warranted, or such other form of analysis as may be warranted, in the discretion of the Secretary. Such document shall include consideration by the relevant agencies of any applicable criteria or other matters as required under applicable laws.

(d) APPEALS.—In the event any agency has denied a Federal authorization required for a refinery facility within a Refinery Revitalization Zone, or has failed to act by the deadline established by the Secretary pursuant to this section for deciding whether to issue the authorization, the applicant or any State in which the facility would be located may file an appeal with the Secretary. Based on the overall record and in consultation with the affected agency, the Secretary may then either issue the necessary authorization with appropriate conditions, or deny the application. The Secretary shall issue a decision within 60 days after the filing of the appeal. In making a decision under this subsection, the Secretary shall comply with applicable requirements of Federal law, including any requirements of the Clean Air Act, the Federal Water Pollution Control Act, the Safe Drinking Water Act, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Solid Waste Disposal Act, the Toxic Substances Control Act, the National Historic Preservation Act, and the National Environmental Policy Act of 1969. Any judicial appeal of the Secretary's decision shall be to the United States Court of Appeals for the District of Columbia.

(e) CONFORMING REGULATIONS AND MEMORANDA OF UNDERSTANDING.—Not later than 6 months after the date of enactment of this Act, the Secretary of Energy shall issue any regulations necessary to implement this section. Not later than 6 months after the date of enactment of this Act, the Secretary and the heads of all Federal agencies with authority to issue Federal authorizations shall enter into Memoranda of Understanding to ensure the timely and coordinated review and permitting of refinery facilities within a Refinery Revitalization Zone. The head of each Federal agency with authority to issue a Federal authorization shall designate a senior official responsible for, and dedicate sufficient other staff and resources to ensure, full implementation of the Department of Energy regulations and any Memoranda under this subsection. Interested Indian Tribes and State and local agencies may enter such Memoranda of Understanding.

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) the term ''Federal authorization'' means any authorization required under Federal law (including the Clean Air Act, the Federal Water Pollution Control Act, the Safe Drinking Water Act, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Solid Waste Disposal Act, the Toxic Substances Control Act, the National Historic Preservation Act, and the National Environmental Policy Act of 1969) in order to site, construct, upgrade, or operate a refinery facility within a Refinery Revitalization Zone, including such permits, special use authorizations, certifications, opinions, or other approvals as may be required, whether issued by a Federal, State or local agency;

(2) the term ''idle refinery'' means any intact refinery facility that has not been in operation after June 1, 2004; and

(3) the term ''refinery facility'' means any facility designed and operated to refine raw crude oil into gasoline, heating oil, diesel fuel, or jet fuel by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof.

The SPEAKER pro tempore (Mr. BEREUTER). Pursuant to House Resolution 671, the gentleman from Texas (Mr. BARTON) and the gentlewoman from California (Mrs. CAPPS) will each control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

□ 1030

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill.

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

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the demand for gasoline and other refined fuels in the United States currently exceeds our domestic capacity to produce them. Domestic gasoline consumption is expected to rise by an increase of over 4 million barrels per day by the year 2025. Refineries are already operating at nearly 100 percent of their designed capacity. This excess demand is being met, unfortunately, by an ever-increasing thirst for imports. We are currently importing about 7 percent of our refined product needs.

H.R. 4517 seeks to reverse the trend of relying on refined imports to make up the shortfall. The bill would authorize the Secretary of Energy to designate as a refinery revitalization zone any area that has experienced mass layoffs at manufacturing facilities or contains an idle refinery and has an unemployment rate of at least 20 percent above the national average.

Upon the request of an applicant that seeks Federal authorization related to siting and operation of a refinery within a refinery revitalization zone, the Department of Energy will be the lead agency for coordinating all applicable Federal authorizations and related environmental renewals of the facility. The Secretary of Energy and the heads of all Federal agencies of relevant jurisdiction are required to enter into a memorandum of understanding for the purpose of ensuring timely and coordinated review of the application throughout the process.

The bill would require that the best available control technology, or BACT, would be used on all refineries so that there would be full compliance with all applicable Federal, State, and local environmental regulations. I want to repeat that. The best available control technology would be used at all refineries so that there would be compliance with all applicable Federal, State, and local environmental regulations. We are not changing any existing environmental law, nor do we waive any existing environmental law.

The bill would simply encourage the opening of previously closed refineries and the construction of new refineries in order to increase the domestic supply of gasoline which should, in turn, help bring down the price. I would point out that since the mid-1970s, we have not built a new refinery in the United States, and we have closed over 50 percent of the existing refineries in the United States.

Mr. Speaker, I would urge my colleagues to vote in favor of H.R. 4517, and I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. WAXMAN).

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

Mr. WAXMAN. Mr. Speaker, I rise in opposition to H.R. 4517.

This country has a real energy problem that we should be addressing. The Nations' dependence on oil is increasing. Our energy markets have been ravaged by corporate greed and left vulnerable to blackouts, and the country still has no plan to fight global warming.

Unfortunately, the House Republican's Energy Week is simply a publicity stunt. They aim to highlight bills that do not address our energy problems and that will not be enacted this Congress.

Over the past 2 days, the Republican leadership has brought two types of bills to the floor. First, we are repassing bills that will not make it into law, such as the President's energy policy; and, second, we have taken up legislation that the Republican leadership dreamed up in secret without hearings or markups or expert testimony or consultation with other Members of Congress.

Yesterday, we debated the Gasoline Price Reduction Act, which has nothing to do with reducing gasoline prices; and today we consider H.R. 4517, the so-called Refinery Revitalization Act. So it is no surprise to find this bill is a marketing gimmick and not a serious piece of legislation. The bill is poorly drafted and unworkable, and we had no committee hearings on it and no committee markup.

While some specifics are vague, the bill's fundamental purpose is clear. It aims to weaken public health and environmental regulations that apply to oil refineries. The idea seems to be if refiners are allowed to pollute more, they might save money and they might invest any such savings in refining capacity. Of course, there is nothing in the bill to stop oil companies from simply pocketing any savings for higher profits. There is also no evidence that pollution control requirements have had any negative effect on refinery capacity. Given recent record profits, the oil industry already has plenty of cash to invest in refinery capacity if it wants to do so.

Many States may disagree with this approach, so H.R. 4517 allows the Department of Energy to simply override the State decisions. And when a large polluting facility such as a refinery is built or increases its emissions, the facility generally must obtain permits governing its releases of air and water pollution. A State usually grants a permit after hearing from the public and after working with a company to select appropriate pollution controls. But under this bill, the Department of Energy, not the State or even EPA, would set a time limit for granting a permit. This is a bizarre approach, as DOE has no experience issuing permits.

Under this bill, even if a State wanted more information from a refiner, DOE could overrule the State and grant the permit. If a refiner refused to install pollution controls requested by a State, DOE could overrule the State and grant the permit.

As a result, this bill is opposed by the National Conference of State Legislatures, the Environmental Council of the States, the State and Territorial Air Pollution Program Administrators, and the Association of Local Pollution Control Officials. I will introduce letters of opposition from these organizations into the RECORD.

Mr. Speaker, I urge my colleagues to oppose this bill.

NATIONAL CONFERENCE OF STATE LEGISLATURES,
Washington, DC, June 14, 2004.

Re: H.R. 4517, the United States Refinery Revitalization Act of 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, Capitol Building, Washington, DC.

Hon. JOE BARTON,
Chairman, House Energy and Commerce Committee, Rayburn House Office Building, Washington, DC.

Hon. NANCY PELOSI,
House Democratic Leader, Capitol Building, Washington, DC.

Hon. JOHN DINGELL,
Ranking Member, House Energy and Commerce Committee, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVES: The National Conference of State Legislatures opposes H.R. 4517, legislation the House of Representatives will consider this week that would establish an expedited Department of Energy-led permitting process for facilities located in Refinery Revitalization Zones (RRZ). This legislation comes to the House floor without the benefit of public hearings and scrutiny of the current state of domestic refinery permitting. States have authority over the permitting of domestic refineries and a state-federal partnership already is in place regarding permitting and operation of these refineries. H.R. 4517 circumvents and preempts both this authority and the existing state-federal partnership. NCSL urges you to oppose H.R. 4517 and recommit it to committee so that it can undergo the kind of legislative review and discussion needed to determine whether this legislation is warranted.

H.R. 4517 appears to give the Secretary of the Department of Energy authority to override the decision of a state agency or official that results in the denial of a permit. It also transfers appeals of the Secretary's new permitting authority to federal court. This revamping of existing permitting and related activities preempts state authority and, to the extent NCSL can determine without the benefit of public hearings and reviews, is unnecessary.

Thank you for consideration of our concerns. Please have you staff contact Michael Bird (202–624–8686; *michael.bird@ncsl.org*) or Gerri Madrid Davis (202–624–8670; *gerri.madridloose@ncsl.org*) for additional information.

Sincerely,

Representative JACK BARRACLOUGH,
Idaho House of Representatives,
Chair, NCSL, Environment and Natural Resources Committee.

THE ENVIRONMENTAL COUNCIL OF THE STATES,
Washington, DC, June 14, 2004.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

Hon. JOHN D. DINGELL,
Ranking Member, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BARTON AND REPRESENTATIVE DINGELL: The Environmental Council of the States (ECOS) is concerned about H.R. 4517, the United States Refinery Revitalization Act of 2004. This legislation could seriously impede state environmental permitting authority. ECOS also urges that a proposed change of this magnitude be considered in committee prior to being taken up on the House floor.

Specifically the legislation appears to weaken state authority by transferring much of the environmental permitting responsibilities to the Department of Energy, an agency with expertise on energy production, not environmental regulations.

The states are also concerned about the impact this legislation will have on State Implementation Plans (SIPs). ECOS' analysis of the legislation indicates that H.R. 4517 could acutely impact the ability of states to complete their SIPs. If refineries in revitalization zones are not held to the same standards as other industries in the same area, which is conceivable under this proposal, states will be forced to have others make up the difference in terms of pollution impact. This will result in making it more difficult for states to complete their SIPs.

It is important to note that States are co-regulators and partners with the federal government in protecting the environment, providing for more than two thirds of the funding. States implement most of the nation's major environmental laws and operate their own innovative programs. The biggest load is carried by the States, which are responsible for 90% of the enforcement. States also collect 94% of environmental data, manage 75% of the delegated programs including all of the air permitting programs, and issue most of the permits overall.

It is critical that states ability to issue permits and provide vital environmental protection services are not hindered. ECOS urges the U.S. House of Representatives to not adopt H.R. 4517, which would dramatically alter environmental protection in this country.

Please contact me at 202–624–3667 should you have any questions. Thank you for considering our position.

Sincerely,

R. STEVEN BROWN,
Executive Director.

Washington, DC, June 14, 2004.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

Hon. JOHN D. DINGELL,
Ranking Member, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BARTON and REPRESENTATIVE DINGELL: On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), the national associations of state and local air pollution control officials in 53 states and territories and more than 165 major metropolitan areas across the country, we write to you today to express our associations' opposition to H.R. 4517, the United States Refinery Revitalization Act of 2004. Our concerns with this bill are two-fold: First, we do not believe such legislation is warranted. Second, the bill preempts state and local environmental agencies' permitting authority and weakens control technology requirements, likely jeopardizing public health and air quality.

Premised on the notion that ''refiners are subject to significant environmental and other regulations and face several new Clean Air Act requirements over the next decade'' and that ''more regulatory certainty for refinery owners is needed to stimulate investment in increased refinery capacity,'' H.R. 4517 contends that ''required procedures for Federal, State, and local regulatory approvals need to be streamlined to ensure that increased refinery capacity can be developed and operated in a safe, timely, and cost-effective manner.'' Lacking from these assertions and conclusion, however, is any evidence that environmental requirements, particularly those related to air pollution, have prevented or impeded the construction of new, or the major modification of existing, refineries. In fact, what experience shows is that when regulated sources comply with federal, state and local permitting requirements in a timely manner, state and local agencies are able to act expeditiously to approve permits.

In addition to being unnecessary, H.R. 4517 inappropriately supercedes state and local air agencies' authority to permit sources of air pollution by transferring authority for permitting refineries located in areas designated as ''Refinery Revitalization Zones'' to the U.S. Department of Energy (DOE). As the ''lead agency,'' DOE would assume responsibility for ''coordinating all applicable Federal authorizations and related environmental reviews of the facility.'' As such, DOE would be authorized to ''prepare a single environmental review document, which shall be used as the basis for all decisions on the proposed project under Federal law'' and ''ensure that once an application has been submitted with such data as the Secretary considers necessary, all permit decisions and related environmental reviews under all applicable Federal laws shall be completed within 6 months.'' Further, ''in the event any agency has denied a Federal authorization required for a refinery facility within a Refinery Revitalization Zone, or has failed to act by the deadline established by the Secretary,'' the DOE Secretary may grant the permit even if the state or local permitting authority has determined that the application fails to comply with environmental protection requirements or if the applicant has not submitted, or did not submit in a timely fashion, adequate information upon which to base a decision that is appropriately protective of public health and air quality.

H.R. 4517 also weakens emission control technology requirements for refineries in ''Refinery Revitalization Zones.'' Although the Clean Air Act requires new and modifying refineries in nonattainment areas to install technology reflecting the Lowest Achievable Emission Rate and achieve emission offsets, and those in attainment areas to install the Best Available Control Technology (BACT) and protect Air Quality Related Values, the bill would require BACT only ''as appropriate'' at all refineries located in a Refinery Revitalization Zone.

In conclusion, our associations believe H.R. 4517 is unwarranted; moreover, we are concerned that this bill will obstruct state and local efforts to achieve and maintain clean, healthful air. Accordingly, STAPPA and ALAPCO oppose H.R. 4517.

Sincerely,

JAMES A. JOY, III,
President of STAPPA.

DENNIS J. MCLERRAN,
President of ALAPCO.

Mr. BARTON of Texas. Mr. Speaker, I yield 4½ minutes to the gentleman from Louisiana (Mr. TAUZIN), the Bayou State and the Pelican State, and the former honorable and distinguished chairman of the Committee on Energy and Commerce.

Mr. TAUZIN. Mr. Speaker, I thank the chairman for yielding me this time. I want to congratulate the gentleman on the great job he is doing in heading the Committee on Energy and Commerce and on bringing this bill to the floor.

I rise in strong support of this bill.

Mr. Speaker, 178 Members of this body yesterday voted against a comprehensive energy bill that would provide conservation, fuels, and incredible new incentives to produce energy for our country. Mr. Speaker, 186 Members of this House yesterday voted against a bill to do nothing more than incentivize clean, green, renewable energy plants for America. It is amazing.

I want to put that in perspective for those Members who voted yesterday against these energy initiatives and who are probably going to vote against this bill today.

Twenty-five years ago, the last refinery that we built in America was built in my district, the Marathon Refinery. Twenty-five years ago, we stopped building refineries in America. Refineries are what make gasoline. Refineries are what make diesel fuel. They make jet fuel. They make home heating fuel to keep homes warm in the winter. They make the fuel to drive the cars and the trucks across the roads of America and to heat and warm the homes of our country and to provide, in many cases, electricity for those homes. They provide the jet fuel for the airlines to fly the airways of our country.

Now, in 25 years we have not stopped building airplanes, we have not stopped building roads, we have not stopped building houses, we have not stopped building factories that need this energy. In fact, we built 751 million new vehicles in America, just built in this country, not counting imports. And what do we do to build plants to supply them with the energy they need? Zero. We have shut down half of the refineries that were built previous to 25 years ago, and we have stopped building refineries.

So guess what is happening to America? We are not only importing now twice as much oil as we used to import at the Arab oil embargo when 30 percent of our oil came from foreign sources, now 60 percent comes from foreign sources; but more and more, we are importing refined products like gasoline, diesel, jet fuel, and home heating oil. So more and more we are becoming dependent, not just on oil, but now we are becoming more and more dependent on unreliable sources for gasoline, diesel fuel, heating oil, and jet fuel.

So more and more, we have to think about sending our sons and daughters in uniform to go defend some refinery in some other country that we cannot really depend upon anymore. More and more, we are saying the lives of our young folks are less valuable to us than building a new refinery in America. Now, there is something illogical about that; there is something crazy about that. We need to change that logic.

This bill says, let us think about building a few new refineries in this country.

When the gasoline prices started skyrocketing in America, do we know what the response of those who are voting against these energy bills was? Let us open up a Strategic Oil Program. Let us get some oil out of the ground that we are saving for the time we get embargoed again. Where would you refine that oil? The refineries in America are operating at near 100 percent. If you took some oil out of the Strategic Petroleum Reserve, you would have to ship it overseas to get it refined into gasoline for us.

That is how ridiculous the energy policy of this country has been and remains to this date. We need to change that policy.

We need to finally pass a comprehensive energy bill that we have now sent to the other body twice this Congress, and we need to literally put it on the President's desk for signature, and we need to pass this bill.

This bill does not change any environmental laws. It simply encourages, through coordination of effort, through all the processes of getting a new refinery permitted and built in America. To do what? To make some diesel fuel, to make some gasoline, to make some heating oil, to make some jet fuel, so airline prices are not as high, so heating oil prices are not so terrible that people freeze to death in the winter in this country, so gasoline can be affordable again, so diesel fuel can be affordable again, so we can fill the tanks of the 751 million new cars we built without building a new refinery, so we do not have a crisis in California, so we do not have blackouts, brownouts, and disasters for the American consumer.

Look, we cannot do much for the American consumer before the election date rolls around in November. Time is short. You can do this. You can help them build a refinery to bring down prices. We ought to do this today.

Mrs. CAPPS. Mr. Speaker I yield myself such time as I may consume.

(Mrs. CAPPS asked and was given permission to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise in opposition to H.R. 4517, the Refinery Revitalization Act. This bill would give the Department of Energy unprecedented authority over all environmental permitting of refineries, with serious environmental consequences, creating yet another governmental bureaucracy. This bill has not been examined by any committee with jurisdiction over these laws and would create serious conflicts between the Department of Energy and State and Federal agencies charged with protecting our environment. I urge my colleagues to oppose this bill.

The premise of this bill is that environmental regulation is hindering refinery expansion. There is no basis for this conclusion. Refining capacity has actually increased in recent years, and environmental requirements have not prevented that increase.

While there has been a decrease in the number of refineries, not the capacity, but the number, this is due to increasing market concentration resulting from refinery mergers. Thus, Big Oil, and not environmental laws, are to blame for fewer, but bigger, refineries.

Even if environmental permitting requirements were not the problem, this bill would make the situation worse, not better, by wreaking havoc with the well-established system partnership in place today. Under this bill, the Department of Energy would be given lead authority over environmental permits and would be given the ability to overrule permit denials by other State and Federal agencies. DOE lacks the experience or the ability in interpreting or implementing our environmental laws, because DOE's mission is not focused on environmental protection.

I am surprised at my colleagues' support for this bill, which would actually remove power from the States, from local control, and transfer it to a centralized bureaucracy in Washington, D.C. This runs counter to the themes of anti-big government that the majority professes to champion.

While this bill is no doubt supported by the refineries, it is not supported by anyone with a stake in environmental protection. All of the major environmental organizations oppose this bill, and the list of State organizations that have opposed the bill includes the Environmental Commissioners of the States, the National Conference of State Legislatures, the State and Local Air Directors, and many other groups.

This bill is also opposed by the League of United Latin American Citizens, LULAC, and the National Hispanic Environmental Council, because of the environmental justice issues that it raises.

Mr. Speaker, I will enter into the RECORD letters from both of these organizations.

□ 1045

In addition to giving the Department of Energy the ability to override Federal and State permitting agencies, this bill also creates a special consultation process for industry. Before any other parties would even know that a permit is being planned, H.R. 4517 would require that DOE provide any permit applicant with a chance to meet with the permitting agencies, an inside track if you will, and obtain an informal reading regarding the agency's plan for granting the permit.

So much for competitive processes. This would give the inside track to the permit applicant over the public, which has overriding environmental and public health concerns.

Finally, DOE would also be given the ability to shape the record and the timing and procedure for the granting of permits. That power in itself is highly significant since a major part of permit evaluation is whether the permittee has supplied sufficient information and, in many cases, the environmental statutes and regulations specified, precise permit content. Under this bill, the Department of Energy would be allowed to determine that ''such data as the Secretary consider necessary had been submitted,'' centralized power, and move to permit issuance in 6 months or less. That would allow DOE to move a permit forward even where a permit applicant had clearly failed to meet the fundamental requirements for basic information.

The bill has not had any benefit of review by anyone except its sponsors. No hearings have been held, no agencies, not even DOE or EPA have testified to its effect. In essence, it makes a mockery of the legislative process that we are all committed to in this body.

Before we move to place an overlapping and inconsistent permitting scheme on top of already complex Federal laws that govern environmental permitting by State and Federal agencies, we should at least undertake a basic analysis of the bill's impact and validity. If the Congress is serious about examining refineries, we should do the work that would let us understand the effect and meaning of such a bill.

That has not been done, and in urging my colleagues to oppose this bill, I remind us all that the passage of this bill is going to ensure that disadvantaged communities are going to rise up in strong opposition to being dumped on, yet another time, by the government. And it also will open up serious discussion of what big government is really about.

LEAGUE OF UNITED
LATIN AMERICAN CITIZENS,
Washington, DC, June 14, 2004.

Chairman JOE BARTON,
Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIRMAN BARTON: On behalf of the League of United Latin American Citizens (LULAC), the oldest Latino civil rights organization in the United States, I am writing to express deep concern with the introduction of HR 4517 directing the Secretary of Energy to designate ''Refinery Revitalization Zones'' in areas of the country with high levels of unemployment. Although we strongly support revitalizing areas of the country with high unemployment and the stabilization of oil workers is a LULAC priority, unfortunately LULAC feels that HR 4517, as it stands today, fails to reach this threshold in a number of ways. LULAC believes that HR 4517 is structured so as to continue a race to the bottom in labor and environmental standards and will encourage members to reject this legislation.

LULAC is concerned about the stability of oil prices and its impact on oil workers, many of whom are Hispanic. LULAC supports state and federal efforts to stabilize the price of oil and prevent the displacement of Hispanic oil field workers and federal tax incentives to domestic oil producers to reduce dependency on foreign oil. Therefore, LULAC is in support of a federal energy policy that encourages the development of alternative fossil fuels and other environmentally friendly energy sources. However, the devil is in the details. We support efforts that contain the rules necessary to ensure balanced and equitable sustainable development, stable economies and a healthy environment but do not feel H.R. 4517 meets those standards.

LULAC believes that the efforts to create Refinery Revitalization Zones in areas with unemployment rates more than 20% unfairly targets area that are heavily minority populated and already disproportionately impacted by refineries and other industries. The environmental and public health impacts of refineries that are required to meet all existing environmental laws, including those state regulations that may be more stringent than federal, are still disproportionately felt by underprivileged communities. This legislation would exacerbate these problems.

Lastly, the legislation places the power to designate a revitalization zone with the Secretary of Energy with little, if any review from other agencies. If we are to grow jobs, it is critical that this be done in a substantive and sustainable manner—over the long-term—and not with a short-term vision that merely places a band-aid on real development needs.

Sincerely,

HECTOR FLORES,
LULAC National President.

NATIONAL HISPANIC
ENVIRONMENTAL COUNCIL,
Alexandria, VA, June 15, 2004.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BARTON: On behalf of the National Hispanic Environmental Council (NHEC) we are writing to convey our deep concern over H.R. 4517, the ''Refinery Revitalization Act of 2004''. This bill would, among other things, direct the Secretary of Energy to designate ''refinery revitalization zones'' in areas of the country with an unemployment rate of at least 20%.

H.R. 4517 has a number of serious flaws, and the potential for a substantial, negative impact on people of color. NHEC opposes H.R. 4517 for the following reasons.

First and foremost, we believe H.R. 4517 raises serious environmental justice concerns. As you know, many highly industrialized areas are already located in or near minority and low income communities. It is well documented that people of color suffer disproportionately from the many health impacts resulting from close proximity to industrial sites, especially facilities such as refineries. Refineries produce many tons of toxic chemicals and other harmful pollutants, and are a major source of environmental justice issues and litigation, as evidenced by the oil refinery area known infamously in Louisiana as ''Cancer Alley''. Environmental injustice is a major cause of health problems—including higher rates of cancer, tumors, and lung disease—for Latino and other minority communities. We believe H.R. 4517 will greatly exacerbate the present and future environmental justice problems confronting Latinos and others.

Indeed, the ''areas'' H.R. 4517 proposes to target—urban, industrial/manufacturing sites with high unemployment rates—is also an accurate description of many minority communities. In short, *we* are the ones who will be most impacted. Should H.R. 4517 pass, it will be Latinos and other minorities who will have to live disproportionately with its adverse health, safety, and environmental consequences.

This is the classic definition of environmental injustice, and we strongly oppose any congressional efforts that might create new environmental justice burdens on our community. Indeed, we believe H.R. 4517 violates Executive Order 12898, ''Environmental Justice for All Americans'', the pre-eminent federal environmental justice requirement, which mandates that all federal agencies address and mitigate environmental justice concerns, not create new ones.

As drafted, H.R. 4517 not only targets minority communities but strips them of their ability to protect themselves. For example, it puts the U.S. Department of Energy (DOE) in charge of final decision-making, regardless of the concerns of other agencies. DOE is responsible for preparing the environmental review/impact statement that will be used as the basis for all future decisions, and it has the final say over all regulations governing siting of power plants, including the Clean Air Act, the Safe Drinking Water Act, Superfund, and the National Historic Preservation Act.

Specifically, it allows the Secretary of Energy to override all federal agencies permitting decisions, to overrule EPA and its vital regulatory functions, and to pre-empt and override state laws and regulations where those laws are stronger than federal environmental laws.

Indeed, given DOE's checkered past in adequately protecting the health and safety of Americans, including minorities, we have grave doubts as to the wisdom and effectiveness of putting DOE in sole charge of the environmental decision-making and implementation functions of this bill.

Please know that NHEC supports responsible revisions to our nation's energy policy, and balanced sustainable, well-crafted economic development and environmental jobs programs. Certainly these are much needed in Latino and other minority communities. However, we do not believe that H.R. 4517 meets this criteria.

NHEC is the only national Hispanic environmental organization in the country. Founded in 1996, and with over 5,000 members nationwide, we seek to educate, unite, and engage Latinos on environmental and sustainable development issues; provide a national voice for Latinos before federal, state, and non-profit environmental decision-makers; and encourage Hispanics to actively work to preserve and protect our environment and natural resources. We operate under the credo: ''because it's our environment too''.

We would be happy to address these concerns in more detail, and would welcome a dialogue with your office. We can be reached at 703–683–3956.

Sincerely,

ROGER RIVERA,
President, NHEC.
MANUEL HERNANDEZ,
Chairman, NHEC.

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

Mr. BARTON of Texas. Mr. Speaker, I yield 30 seconds to myself. I want to respond to one of the things that the gentlewoman from California (Mrs. CAPPS) just said.

This bill simply says if an area has unemployment of at least 20 percent higher than the national average, we have set up an expedited procedure to hopefully refurbish an existing refinery or perhaps build a new one. That creates jobs. Creating jobs is not dumping on anybody. It is creating jobs.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD), a member of the committee and the subcommittee.

Mr. NORWOOD. Mr. Speaker, I rise today in strong support of H.R. 4517, the Refinery Revitalization Act of 2004. I would like to thank the gentleman from Texas (Mr. BARTON) for his leadership on this very important issue.

Mr. Speaker, I find this whole discussion absolutely amazing. We go home and all of us hear from our constituents that gasoline prices are too high. Why does Congress not do anything about it? Whether Democrat or Republican, the answer is, boy, I am working on it.

Well, I have never heard so many pitiful Democratic excuses to not vote for a bill that would simply increase gasoline and diesel fuel in this country and bring down the price. Now, if you do not want to bring down the price, just vote no on this bill because that is the design of it. And the American people are not interested in all the nitpicking, little excuses that you are coming up with.

Mr. Speaker, the citizens of the Ninth District of Georgia, and I am certain along with other citizens across the country, want to know what we in Congress are doing to help lower the gas prices. That is a legitimate question to ask your Member of Congress. I wish there was a quick fix. The facts are clear that there is not one. Tapping into our national oil resources, such as the one in the Arctic National Wildlife Refuge, which we certainly should do, will not guarantee a lower gas price unless, unless we improve our refinery capabilities as well. What we must do is work to improve the situation in the future by opening up refineries for more production.

I remind you, we have not opened one in 25 years in this country. Little wonder there is such a high demand for gasoline. That is exactly what this act wishes to do.

H.R. 4517 would streamline the regulatory approval process, my goodness, streamline the regulatory approval process, for the restart of the idle refineries, which there are many, or the construction of new refineries, which there have been none in 25 years in areas of this country that desperately need more than just lower gas prices.

The same people who are complaining about jobs will not vote for a bill that will improve our job situation in these areas that have an unemployment rate 20 percent higher than the national average, and they have either experienced massive layoffs in the manufacturing industry or have a closed refinery plant in that area. While we do our best to combat high gas prices in the present, we must be prepared for demand in the future.

U.S. gasoline consumption is projected to rise to 13.3 million barrels per day by 2025. I want you to compare that to the 8.9 million barrels per day today. Where is it coming from? Are we going to be dependent on the Middle East for refineries?

Vote for this bill and let us do something about lowering the price of gasoline and diesel fuel in this country.

Mrs. CAPPS. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, this bill is part of a continuing pattern where the Republican majority shuts out the Democratic Party. But more importantly, they shut out, yes, the American public. No hearings on this bill. No discussion on this bill. No involvement of the American public in discussing a bill which could have profound impact on the environment and the health of Americans all across our country. It is a continuing pattern of disrespect for the American public that they are not able to have hearings on issues that are so central to their families' environmental and health care well-being.

They bring it out here to the floor and what do they say to the Democratic Party and, yes, to the American people? There are no amendments that can be made to this bill. We have conceived it in secret and we are going to pass it without amendment or without discussion, and that is the height of political arrogance because it leaves out the American people from the discussion. It assumes that a small number of oil company executives working with members of the Republican Party can decide what is best for our country, when obviously it is pretty evident from all of the higher gas prices and the mess that we have got in the country that that is not the best way to go, that the American people should be involved.

What do they say? They say we need this bill, quote/unquote, to revitalize the refining industry. Well, today the biggest oil refiners in the United States are Exxon-Mobil, Conoco-Phillips, BP, Valero and Royal Dutch Shell. Together they comprise 50 percent of domestic refinery capacity in the United States. Ten years ago they only controlled about a third of domestic refinery capacity.

So how are they doing with this incredible increase that they have had over the last few years? Well, Valero Energy Corporation reported record earnings in its April 2004 quarterly report. Here is what they said. ''With respect to refined product fundamentals, gasoline margins remain at record levels. As we look at the balance of 2004, it is obvious that this is going to be another year of record earnings for us,'' the Valero Refining Company.

That is great news if you are a Valero Energy shareholder. What about all the American gasoline consumers? Why has it not been great for them? What about other refiners? Perhaps they are hurting as well. Let us find out.

Let us look at Exxon-Mobil's May 2004 quarterly report. Here is what they have to say about themselves. U.S. downstream earnings were $393 million, up $218 million mainly due to higher refining margins.

Great news for Exxon-Mobil shareholders. Their investment does not seem like it needs to be revitalized much if they have had more than a doubling of their revenues.

Well, how about Conoco-Phillips, how are they doing? Guess what? There is good news again. Here is what Conoco-Phillips had to report in their April 2004 quarterly report. Refining and marketing income from continuing operations was up $464 million, up from $202 million in the previous quarter and $389 million in the first quarter of 2003. Improvements over the fourth quarter of 2003 were primarily driven by higher refining margins. These improvements were partially offset by lower U.S. retail and wholesale marketing margins. The improved results from the first quarter of 2003 were attributable to higher U.S. refining margins and volumes, partially offset by lower U.S. retail and wholesale marketing margins.

Now, I could go through BP, which once again makes the same point. How about Royal Dutch Shell? Again, they are making the same point. Shell, Shell says that they are watching increased margins.

Not so great news for the consumer but great news for each one of those oil companies.

So your question, I guess, is why do they not take all these profits and expand their refining capacity? Why do they not just, rather than blaming it on the environment and the health care laws of the United States, just take all these huge profits that they get from tipping the American consumer upside down and shaking money out of their pockets and improve them?

I will tell you why they do not do that. They do not do that because they do not want to call upon the Justice Department. They do not want to call upon the Federal Trade Commission to look at the incredible consolidation that has occurred in the refining industry over the last 10 years. They do not want to look at what happens when fewer and fewer companies control the refining industry and you wind up with a conscious or unconscious parallelism of interest, which essentially means they all have a stake in raising prices because there are so few of them and there are no other competitors out there who can act on behalf of consumers by lowering prices.

But for crying out loud, do not blame the health care laws that protect the American public. Do not blame the environmental laws. Blame these companies with record profits which do not want to expand the refining industry themselves.

Please, please, do not exclude the American public from the debate on this bill, have no questions asked, and then blame the laws that have been passed to protect their health and environment for what the refiners are doing in hurting the American consumer.

Mr. BARTON of Texas. Mr. Speaker, I yield 30 seconds to myself. I want to briefly respond to the gentleman from Massachusetts (Mr. MARKEY).

First on his point that there have been no hearings on the bill and it is out of regular order, he is exactly right, and the gentlewoman from California (Mrs. CAPPS) is right and the gentleman from Michigan (Mr. DINGELL) is going to be right when he says that. I apologize for that. That is an exception to the rule.

We try to do everything in the Committee on Energy and Commerce by regular orders. This is one of those rare exceptions, and I will stipulate that they are totally right to complain about the process. So in the spirit of comity, I want to get that on the record.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Texas (Mr. HALL), the subcommittee chairman.

Mr. HALL. Mr. Speaker, I do thank the chairman for yielding me time.

Mr. Speaker, I even thank my friend, the gentleman from Massachusetts (Mr. MARKEY), for his remarks that this is a continued assault on the price of a gallon of gasoline. That is exactly what it is. It is a continuation of the assault of the Committee on Energy and Commerce and the gentleman from Texas (Mr. BARTON) and those that believe that if we lower the price of gasoline we are raising the opportunity for youngsters to decide what branch of the service they will go into, instead to choose what field of education do I want to enter.

This is a battle against war. A Congressman's major duty is to prevent a war, and you prevent a war by removing the causes of war. So this is for the youngsters. This is for this generation that we are talking about and generations to follow. This is not a bill that costs a lot of money. As a matter of fact, we are not throwing money at it. We are not pouring money into it. We are streamlining the system. I do not really know why anybody complains about that.

It is tied to high unemployment areas, to distressed areas or where there is a closed refinery. We have got to have refineries. We have almost frightened all the refineries offshore up to this time or they have shut down.

□ 1100

As a matter of fact, let me see what the facts are on shutting down those refineries. I think in 1981 we had 324 refineries shut down here. This has been cut back to 153. If my math's correct, that is 171 of them that have gone offline, that have either gone offshore or are not productive here; and this bill simply urges people to restart those refineries to where we can grind out what

we need to have to fight the rising cost of gasoline. It is just that simple. We are not pouring money into it. We are streamlining the system.

The Secretary can identify the area, similar to their depressed area legislation. It was on the books when Kennedy was elected. President Kennedy, one of the first steps he took was to take the lid off the depressed area legislation. There was a 500,000 lid on it. He took it off to really avail ourselves of it, but that was pouring money into it; and even that helped in that day and time.

Today we are not pouring money into it. We are streamlining it. We are making it a little easier to start those back up and start them back up where they are now, where people are existing now, where people do not have any objection to them because they think it is better than high unemployment.

Back in 1962 when I went into the Texas Senate, John Connally was elected Governor. He was ahead of other Governors in that he tried to have an EPA for the State of Texas, early for EPA. He appointed a fine young man from Houston, Texas, who had a business on the canal. The canal was badly polluted at that time. He came before us to be confirmed, and there were five of us who had to accept or reject him. He was rejected because he answered one of the questions wrong.

Senator Schwartz, a friend of mine, wanted to know, how do you feel about pollution, and the guy said, well, I do not want to give you a short answer, but I will quote a President who answered how do you feel about sin. He said, I am against it. One of our senators thought that was an affront to him, and he said, no, I mean, how do you really feel about pollution? His answer was one of the great answers I have ever heard. He said it tastes better than poverty.

That is what I am saying today. Put opportunity into the hands of these people where these plants have been. Open them up and give us an opportunity to save this generation from having to cross an ocean and fight for some energy when we have plenty right here at home.

Mrs. CAPPS. May I inquire of the Speaker, please, the time remaining on each side.

The SPEAKER pro tempore (Mr. LINDER). Both Members have 15 minutes remaining.

Mrs. CAPPS. Mr. Speaker, it is with pleasure I yield 4 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today in opposition to the U.S. Refinery Revitalization Act, as it is called; but I did want to say it is a pleasure to have our friend, the gentleman from Louisiana (Mr. TAUZIN), back on the floor today. I did want to respond to one of his comments.

He said that he could not believe that the energy bill that we passed before and passed again yesterday had so much opposition. I might remind him that every single New England Senator, five Republicans and seven Democrats, every single New England Senator voted against that bill. In the United States House, 20 of 22 Members of the House from New England voted against that bill. The bill is flawed. That is why it has not gone anywhere yet in the Senate.

Also, my friend from Georgia talked about pitiful Democratic excuses. He was tired of pitiful Democratic excuses that he has heard on this legislation that we are considering today. Well, if a person has asthma, and there is an asthma epidemic in this country, if a person has asthma, clean air is not a pitiful excuse. It is a real thing that affects a person's life and how they get along in the world. The fact is, the truth about this legislation is that it could allow more. It could allow polluting facilities to emit more pollution than the health-based standards of the Clean Air Act can do today.

Refineries are significant emitters of volatile organic compounds which form tropospheric ozones. The facilities pose a threat to human health and are regulated today under the Clean Air Act.

H.R. 4517 undermines Clean Air Act standards at these facilities. Here is what this bill says: ''The best available control technology, as appropriate, shall be employed on all refineries located within a refinery revitalization zone.''

But in places where the air already contains unhealthy levels of pollution, the Clean Air Act holds new and modified refineries to an even higher standard described as the ''lowest achievable emissions rate.'' The act also demands offsets for new sources of pollution so that the air does not get dirtier. A weaker standard and no offsets would lead to more pollution than the health-based standards permit. In short, this bill lays out a path to more pollution.

Furthermore, the bill requires refineries to use best available control technology only as appropriate. What does that mean? Well, no hearings, no conversation. We do not know. Does this legislation authorize the Secretary of Energy to label best available control technology inappropriate in certain circumstances? If so, this legislation would permit the Secretary to authorize even less pollution control than he so desired.

Finally, H.R. 4517 would make it harder for EPA to assess the health impacts of new refineries. The legislation would place the Secretary of Energy in charge of the permitting process, the official record and the only environmental review document. Even if EPA's experts conclude that a proposed refinery project fails to comply with the substantive standards set forth in the Clean Air Act, the Secretary of Energy may issue the necessary authorization anyway. Under the law, EPA's 3 decades of expertise would be supplanted by an agency with no experience enforcing the Clean Air Act.

My friend from Texas a few moments ago told a story and said pollution tastes better than poverty. Well, it all depends. This legislation does not give the power to decide whether a refinery is built in an area of high unemployment to the unemployed. It gives it to the Secretary of Energy.

If a person has asthma, pollution is a very big deal to them. We can find a better balance.

I urge my colleagues to reject this act.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Texas (Mr. BARTON), the distinguished chairman of the Committee on Energy and Commerce, for yielding me the time, and I thank him for the great leadership he has provided for many years in this Congress.

Mr. Speaker, NPR News a couple of weeks ago had a report about why gas prices are now over $2 a gallon in some States and very high everywhere. The reporter explained that while demand has gone way up, as everyone has known it would for many years, capacity has gone way down. He said due to environmental restrictions, no new refineries have been built in this country for more than 20 years and the number of refineries in California has decreased from 37 to 13.

The gentleman from Texas (Mr. HALL) mentioned that 170 refineries have closed since 1981. A previous speaker said some refineries are making record profits. Well, if we decrease the number of refineries even more, they will make even higher profits.

Also, radical environmentalists have successfully fought and stopped oil production in the frozen tundra of Alaska and most other places where it can be safely and environmentally and economically done in the U.S.

Environmental extremists almost always come from wealthy or at least very upper-income families, but they are really hurting the poor and lower-income and working people of this country and even our national security by shutting down so much oil production and refining here and making us overly dependent on foreign oil that is being sold at rip-off prices. Some environmental groups want gas prices to go to $3 or $4 a gallon so people will drive less, but that would be another nail in the coffin of small towns and rural areas where people often have to drive long distances to get to work.

We need to support this and other pro-consumer energy legislation so we can bring gas prices down or at least hold them stable. I urge support for this legislation.

Mrs. CAPPS. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Energy and Commerce, my colleague.

(Mr. DINGELL asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentlewoman from California for the fine way in which she is handling this legislation and for her gracious recognition of me.

I want to say a word of kindness about my friend, the chairman of the committee, and the chairman of the subcommittee. They are fine people, and I am very fond of them and respect them.

I do not respect the output, however, of the committee on this matter. Where are the hearings? Where is the record? Where are the facts to support this? Where is there anything other than supposition? Where are the statistics? Where is the testimony of the Department of Energy? Where are the comments of the Environmental Protection Administration? Where are the requests of the industry that this matter be considered or that this legislation should be brought up or that it is good legislation in the public interest?

None of this is available. This is not the way in which the House should legislate on an important matter. This is the way that perhaps a high school class in emulating the way the Congress should function would be conducted. Even at that time, I think it would be a significant embarrassment.

Now, there are some facts here available. First of all, domestic refining capacity has been increasing; although the number of refining establishments has declined. This is a very interesting thing, but there is no information in the hearing record. Indeed, there is no hearing record on this matter. The bill which we have before us today has not been subject to even the most basic congressional review. There have been, as I have said, no hearings on the matter either in the committee or the subcommittee, and we certainly have no idea of what this bill will do, whether it will do anything or whether it will do nothing.

In point of fact, there are substantive changes in the legislation of the Clean Air Act. There are substantive changes of other statutes which are under the jurisdiction of the Committee on Energy and Commerce and the Committee on Transportation and Infrastructure.

It is fair to note something else should be observed about this legislation. The bill will change the form. Instead of having the matter considered by EPA, where traditionally it has been done and where the procedures have been fair and have been based on the expertise of the agency, all of the sudden it is going to be moved to the Department of Energy. This leaves, in my mind, an inference that those who are so anxious to have this movement take place are deliberately seeking to stack the form, to change the form from one which has been honest and fair and which has served the public interest to perhaps a more slippery and dishonest form in which the matter can be considered in a way which best suits a preconceived intention.

So we have, first of all, no record; but we have a very curious change in procedure and form which raises questions as to the integrity, not just of the process here, but the process which will be taking place as the matter goes forward.

Now, one of the interesting things is H.R. 4517 turns the Secretary of Energy into an environmental czar. It does this. It usurps the authority of State officials who are charged with protecting public health. The Secretary of Energy controls the procedures for obtaining State and Federal environmental permits, controls the timelines for reviewing and granting permit applications, controls the creation of environmental review documents that are the basis of the decisions which will be made. The Department of Energy is given the authority to override a State Governor's decision to deny permits for public health reasons.

My good friends, the State writers over here, are diligently stomping on the rights of the States to protect their citizens and to make judgments which might be best in conformity with the wishes and attitude of the people in the area and the elected officials of the State. It deliberately tramples upon a longstanding and successful way whereby the Federal Government has delegated responsibilities to these matters to the States and that the States were to carry forward these activities of permitting under the rules and traditions which we have long understood and which the people of the States not only understand but which they know is closest to the people.

The proposal then would move the principal responsibility to a new form on the basis of no record, and it should be noted that the National Conference of State Legislatures, the Environmental Council of States, and the Association of Local Air Pollution Control Officials, among others, oppose this legislation.

One nice and comforting thing about it is that the red faces on the other side of the aisle about a bad piece of legislation will probably be of short duration because the Senate will never consider a piece of legislation as outrageous as this.

Mr. Speaker, I will include for the RECORD at this point some letters I have on this subject.

THE ENVIRONMENTAL COUNCIL OF THE STATES,
Washington, DC, June 14, 2004.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

Hon. JOHN D. DINGELL,
Ranking Member, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BARTON AND REPRESENTATIVE DINGELL: The Environmental Council of the States* (ECOS) is concerned about H.R. 4517, the United States Refinery Revitalization Act of 2004. This legislation could seriously impede state environmental permitting authority. ECOS also urges that a proposed change of this magnitude be considered in committee prior to being taken up on the House floor.

Specifically the legislation appears to weaken state authority by transferring much of the environmental permitting responsibilities to the Department of Energy, an agency with expertise on energy production, not environmental regulations.

The states are also concerned about the impact this legislation will have on State Implementation Plans (SIPs), ECOS' analysis of the legislation indicates that H.R. 4517 could acutely impact the ability of states to complete their SIPs. If refineries in revitalization zones are not held to the same standards as other industries in the same area, which is conceivable under this proposal, states will be forced to have others make up the difference in terms of pollution impact. This will result in making it more difficult for states to complete their SIPs.

It is important to note that States are co-regulators and partners with the federal government in protecting the environment, providing for more than two thirds of the funding. States implement most of the nation's major environmental laws and operate their own innovative programs. The biggest load is carried by the States, which are responsible for 90% of the enforcement. States also collect 94% of environmental data, manage 75% of the delegated programs including all of the air permitting programs, and issue most of the permits overall.

It is critical that states ability to issue permits and provide vital environmental protection services are not hindered. ECOS urges the U.S. House of Representatives to not adopt H.R. 4517, which would dramatically alter environmental protection in this country.

Please contact me at 202–624–3667 should you have any questions. Thank you for considering our position.

Sincerely,

R. STEVEN BROWN,
Executive Director.

NATIONAL CONFERENCE OF STATE LEGISLATURES,
Washington, DC, June 14, 2004.

Re H.R. 4517, the United States Refinery Revitalization Act of 2004.

Hon. DENNIS HASTERT,
Speaker of the House, Capitol Building, Washington, DC.

Hon. JOE BARTON,
Chairman, House Energy and Commerce Committee, Rayburn House Office Building, Washington, DC.

Hon. NANCY PELOSI,
House Democratic Leader, Capitol Building, Washington, DC.

Hon. JOHN DINGELL,
Ranking Member, House Energy and Commerce Committee, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVES: The National Conference of State Legislatures opposes H.R. 4517, legislation the House of Representatives will consider this week that would establish an expedited Department of Energy-led permitting process for facilities located in Refinery Revitalization Zones (RRZ). This legislation comes to the House floor without the benefit of public hearings and scrutiny of the current state of domestic refinery permitting. States have authority over the permitting of domestic refineries and a state-federal partnership already is in place regarding permitting and operation of these refineries. H.R. 4517 circumvents and preempts both this authority and the existing state-

federal partnership. NCSL urges you to oppose H.R. 4517 and recommit it to committee so that it can undergo the kind of legislative review and discussion needed to determine whether this legislation is warranted.

H.R. 4517 appears to give the Secretary of the Department of Energy authority to override the decision of a state agency or official that results in the denial of a permit. It also transfers appeals of the Secretary's new permitting authority to federal court. This revamping of existing permitting and related activities preempts state authority and, to the extent NCSL can determine without the benefit of public hearings and reviews, is unnecessary.

Thank you for consideration of our concerns. Please have our staff contact Michael Bird (202–624–8686; michael.bird@ncsl.org) or Gerri Madrid Davis (202–624–8670; gerri.madrid@ncsl.org) for additional information.

Sincerely,

Representative JACK BARRACLOUGH,
Idaho House of Representatives,
Chair, NCSL, Environment and Natural Resources Committee.

STATE AND TERRITORIAL AIR POLLUTION PROGRAM ADMINISTRATORS, ASSOCIATION OF LOCAL AIR POLLUTION CONTROL OFFICIALS,
Washington, DC, June 14, 2004.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

Hon. JOHN D. DINGELL,
Ranking Member, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BARTON AND REPRESENTATIVE DINGELL: On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), the national associations of state and local air pollution control officials in 53 states and territories and more than 165 major metropolitan areas across the country, we write to you today to express our associations' opposition to H.R. 4517, the United States Refinery Revitalization Act of 2004. Our concerns with this bill are two-fold: First, we do not believe such legislation is warranted. Second, the bill preempts state and local environmental agencies' permitting authority and weakens control technology requirements, likely jeopardizing public health and air quality.

Premised on the notion that ''refiners are subject to significant environmental and other regulations and face several new Clean Air Act requirements over the next decade'' and that ''more regulatory certainty for refinery owners is needed to stimulate investment in increased refinery capacity,'' H.R. 4517 contends that ''required procedures for Federal, State, and local regulatory approvals need to be streamlined to ensure that increased refinery capacity can be developed and operated in a safe, timely, and cost-effective manner.'' Lacking from these assertions and conclusion, however, is any evidence that environmental requirements, particularly those related to air pollution, have prevented or impeded the construction of new, or the major modification of existing, refineries. In fact, what experience shows is that when regulated sources comply with federal, state and local permitting requirements in a timely manner, state and local agencies are able to act expeditiously to approve permits.

In addition to being unnecessary, H.R. 4517 inappropriately supercedes state and local air agencies' authority to permit sources of air pollution by transferring authority for permitting refineries located in areas designated as ''Refinery Revitalization Zones'' to the U.S. Department of Energy (DOE). As the ''lead agency,'' DOE would assume responsibility for ''coordinating all applicable Federal authorizations and related environmental reviews of the facility.'' As such, DOE would be authorized to ''prepare a single environmental review document, which shall be used as the basis for all decisions on the proposed project under Federal law'' and ''ensure that once an application has been submitted with such data as the Secretary considers necessary, all permit decisions and related environmental reviews under all applicable Federal laws shall be completed within 6 months.'' Further, ''in the event any agency has denied a Federal authorization required for a refinery facility within a Refinery Revitalization Zone, or has failed to act by the deadline established by the Secretary,'' the DOE Secretary may grant the permit even if the state or local permitting authority has determined that the application fails to comply with environmental protection requirements or if the applicant has not submitted, or did not submit in a timely fashion, adequate information upon which to base a decision that is appropriately protective of public health and air quality.

H.R. 4517 also weakens emission control technology requirements for refineries in ''Refinery Revitalization Zones.'' Although the Clean Air Act requires new and modifying refineries in nonattainment areas to install technology reflecting the Lowest Achievable Emission Rate and achieve emission offsets, and those in attainment areas to install the Best Available Control Technology (BACT) and protect Air Quality Related Values, the bill would require BACT only ''as appropriate'' at all refineries located in a Refinery Revitalization Zone.

In conclusion, our associations believe H.R. 4517 is unwarranted; moreover, we are concerned that this bill will obstruct state and local efforts to achieve and maintain clean, healthful air. Accordingly, STAPPA and ALAPCO oppose H.R. 4517.

Sincerely,

JAMES A. JOY III,
President of STAPPA.
DENNIS J. MCLERRAN,
President of ALAPCO.

JUNE 14, 2004.

DEAR REPRESENTATIVE: On behalf of the undersigned organizations, we are writing to urge your opposition to the ''United States Refinery and Revitalization Act of 2004'' (H.R. 4517) recently introduced by Congressman Joe Barton.

The premise of H.R. 4517 is that public health regulations are to blame for the country's shortage of refinery capacity. This premise is absolutely false. As of 2000, EPA had received only one application for a permit to build a new refinery in the preceding 25 years. Valero's Senior Vice President recently acknowledged that it was ''the poor margins that had the biggest impact [on new refinery construction], not the environmental rules.'' Yet, H.R. 4517 would allow oil companies to skirt public health laws when they build new refineries and expand old ones, increasing air and water pollution and harming public health. Indeed, the bill would take ultimate authority for environmental permitting in so-called ''Refinery Revitalization Zones'' away from the EPA and the states and hand it to the Department of Energy, an agency whose primary mission and expertise is the promotion of energy production.

Attachled is an analysis of the bill detailing the harmful effects that, if enacted, this measure would pose to the health and well-being of our communities. We strongly urge you to vote against the bill.

Sincerely,

John Walke, Clean Air Program Director, Natural Resources Defense Council.

Emily Figdor, Clean Air Advocate, U.S. Public Interest Research Group (PIRG).

Paul Billings, Vice President for National Policy and Advocacy, American Lung Association.

Eric Schaeffer, Director, Environmental Integrity Project.

Jill Stephens, Program Analyst, National Parks Conservation Association.

Mark Wenzler, Director of Energy Programs, National Environmental Trust.

Michele Boyd, Legislative Representative, Critical Mass Energy and Environment, Public Citizen.

Nat Mund, Washington Representative, Sierra Club.

Elizabeth Thompson, Legislative Director, Environmental Defense.

Matthew Niemerski, Government Relations Associate, Defenders of Wildlife.

Dave Alberswerth, The Wilderness Society.

Kathy Andria, President, American Bottom Conservancy.

David Monk, Executive Director, Oregon Toxics Alliance.

Jacky Grimshaw, Vice President for Policy, Transportation & Community Development, Center for Neighborhood Technology.

Cynthia Sarthou, Executive Director, Gulf Restoration Network.

DeeVon Quirolo, Executive Director, Reef Relief.

Tom Z. Collina, Executive Director, 20/20 Vision.

Sarah Peisch, Environmental Action Center.

Joan Marie Silke, President, The Good Neighbor Committee of South Cook County.

CONGRESSMAN BARTON'S H.R. 4517: WEAKENING PUBLIC HEALTH AND ENVIRONMENTAL PROTECTIONS ON BEHALF OF OIL COMPANIES

Congressman Joe Barton of Texas has introduced a bill that would make it easier for oil companies to skirt public health laws when they build new refineries and expand old ones. Entitled the ''United States Refinery Revitalization Act of 2004'' (H.R. 4517), the bill would take ultimate authority for environmental permitting in so-called ''Refinery Revitalization Zones'' away from the Environmental Protection Agency (EPA) and the states hand it to the Department of Energy (DOE), which has neither expertise nor interest in controlling the harmful pollution that refineries emit.

The Bill Falsely Blames Public Health Protections for the Country's Refining Shortage. The preamble to the Barton bill states that ''[m]ore regulatory certainty'' and ''streamlined'' regulatory approvals are needed to ''stimulate investment in increased refinery capacity.'' The bill assumes that public health regulations are to blame for the country's shortage of refining capacity; however, that assumption is false. As of 2000, EPA had received only one application for a permit to build a new refinery in the preceding twenty-five years. Refiners acknowledge that market forces unrelated to environmental regulations explain industry's failure to propose new refineries. For example, Valero's senior vice president has stated that it was ''the poor margins that had the biggest impact, not the environmental rules.'' Indeed, DOE's Energy Information Administration has determined that environmental requirements have accounted for only a very small share of the refining industry's decline in profitability over the years. More specifically, EPA has found that one of the Barton bill's primary targets—the Clean

Air Act preconstruction requirement known as ''new source review''—has ''not significantly impeded investment in new power plants or refineries.''

The Bill Neutralizes the Agencies With Interest and Expertise in Protecting Public Health. EPA and its partners in state governments are the agencies devoted to protecting communities from the harm that can result from the construction and expansion of large pollution sources such as refineries. They employ the experts who can tell whether increased pollution from a new or expanded refinery would negatively impact public health. DOE, in contrast, has no responsibility for—or expertise in—protecting the public from the pollution that refineries emit. The agency's overarching missions are expanding domestic energy production and leaning up nuclear waste. The Barton bill nevertheless declares that with respect to a new or modified refinery, ''the Department of Energy shall be the lead agency for coordinating all applicable Federal authorizations and related environmental reviews of the facility.'' This provision has no precedent in environmental permitting and violates cooperative federalism, a principle that is fundamental to state and federal environmental laws in the U.S.

What is more, the Barton bill declares that even if EPA and state experts conclude that a proposed refinery project would fail to comply with the public health safeguards contained in the nation's environmental laws, the Secretary of Energy may ''issue the necessary authorization'' anyway. This provision turns the environmental review process into a sham: If an oil company does not like the decision reached by government experts on the basis of science and their experience implementing our public health and environmental laws, then the company can appeal directly to the head of an agency whose devotion to maximizing energy production is not tempered by any experience implementing public health status or any expertise in the effects or refinery pollution. If the Secretary of Energy reverses the government experts and issues a permit, then an affected citizen's only recourse under the terms of the bill is to a federal appeals court that lacks the ability to undertake the fact-finding that has been crucial and, until now, available in National Environmental Policy Act cases.

The Bill Eliminates Important Public Health Protections. National environmental laws, such as the Clean Air Act and the Clean Water Act, require industry to implement the best available pollution control technology at any new refinery and at any existing refinery that undergoes a change that otherwise would increase harmful emissions. By contrast, the Barton bill declares that best available control technology shall be employed only ''as appropriate.'' This term is undefined, leaving to the ultimate discretion of DOE all determinations of appropriateness, and allowing those determinations to be dictated by non-public health considerations.

With respect to new and modified refineries, the Clean Air and Water Acts impose several requirements above and beyond the installation of best available control technology. For example, the new source review provisions of the Clean Air Act require a company to demonstrate that any increased air pollution resulting from refinery construction or modification will not have an adverse impact on air quality, national parks, or public health. The Clean Water Act requires all facilities to not only be held to technology-based limits, but also to reduce their water discharges further in order to ensure that ambient water quality standards are achieved. In contrast with these statutes, the Barton bill suggests that the installation of best available control technology will, on its own, suffice ''to comply with all applicable Federal, State, and local environmental regulations.'' In areas where the air already contains unhealthy levels of pollution, so as not to exacerbate air quality and public health, the Clean Air Act holds new and modified refineries to an even more protective standard than best available control technology, namely, lowest achievable emissions rate. Those provisions further require refineries to offset any emissions increases with decreases of the same or greater magnitude elsewhere in the area. The Barton bill weakens these safeguards, allowing air quality to worsen in already polluted areas, by suggesting that installation of best available control technology, on its own, will satisfy all environmental regulations.

The Bill Deprives Government Experts and Concerned Citizens of the Tools They Need to Protect Our Communities. In order to judge accurately the impact that a new or expanded industrial facility will have on neighboring communities, environmental agencies and concerned citizens must carefully review essential information concerning the proposed project. In the past, companies have filed incomplete permit applications, withheld critical information until after deadlines for public comment have passed, and demanded a final permit notwithstanding the lack of real public participation and the inadequate opportunity for careful review by government experts. Ignoring this history, the Barton bill declares that the Secretary of Energy shall ensure that ''all permit decisions and related environmental reviews under all applicable Federal laws shall be completed within 6 months'' of the date on which the applicant submits ''such data as the Secretary''—as opposed to the government experts who must evaluate the data—''considers necessary.'' What is more, the bill required EPA and the states to tell a refiner ''the likelihood of approval for a potential facility'' before the refiner has filed any application at all. The obligation to engage in premature guesswork at the refiners' behest is without precedent in environmental law and threatens to prejudice the outcomes of the ultimate permit application reviews.

If Expanded Refineries Escape Careful Review, Already Disadvantaged Communities Will Suffer the Most. In thirty-six states and 125 U.S. cities, more than sixty-seven million people breathe air polluted by refineries. That pollution causes cancer and childhood development problems, in addition to inducing asthma attacks, headaches, and nausea. Many existing refineries are located next to low-income communities with large minority populations. The Barton bill targets these disadvantaged communities by directing the loosening of public health protections at ''any area * * * that has an unemployment rate of at least 20 percent above the national average.'' The American public—and especially disadvantaged families living next to existing refineries—need stronger, more effective public health protections. The Barton bill would instead weaken existing protections, without addressing any of the true causes of the country's refining shortage.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oklahoma (Mr. COLE).

□ 1115

Mr. COLE. Mr. Speaker, I am proud to come to the floor today to support H.R. 4517, the Refinery Revitalization Act of 2004, which will provide incentives to increase the Nation's refinery capacity.

I have several major refineries in my district. I also have several refineries that have gone out of business in recent years, largely in small rural communities where their loss has created significant unemployment problems. Those areas could benefit enormously from this particular piece of legislation.

As all speakers on both sides of this issue have agreed, the number of refineries in this country has been reduced significantly in recent decades. Indeed, since 1981 the number of refineries has been reduced by 52 percent. In that time, total refining capacity has declined by 9.8 percent. Recent increases in the refinery are due simply to some efficiencies as opposed to the adding of additional capacity.

Mr. Speaker, while our production is declining, demand for refined products is projected to increase substantially between now and 2025. We will meet the demand for additional refined products either by producing that product here in the United States or importing it from abroad. This bill is needed to restore manufacturing jobs and capacity in this country. Counties where oil refineries have closed in the last 20 years have an average unemployment rate of 6.8 percent, significantly higher than the national average. I am amazed that those who complain about the exporting of American jobs oppose this bill, for without it, its passage, we will surely export thousands of refining jobs in the coming years.

Mr. Speaker, by passing this bill, we can decrease our reliance on foreign sources of energy, create new good jobs here at home, and improve our energy independence.

Mrs. CAPPS. Mr. Speaker, I reserve my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to another distinguished Member, the gentleman from Oklahoma (Mr. SULLIVAN), a member of the subcommittee and the full committee.

Mr. SULLIVAN. Mr. Speaker, as we continue to discuss the state of America's energy industry, we need to take a hard look at our ability to add value to oil through refinement. Our refining situation in the energy industry is dismal. We have not built a new refinery in 25 years. Experts will tell you that U.S. refineries are unlikely to spend capital on expansion because they have already earmarked $20 billion to comply with burdensome government regulations. There just is not enough money left over to expand.

We are maxed out. Our refineries are operating at 95 percent. Even if we recover more oil, even if we spur domestic production and reduce our dependency on foreign oil, we cannot refine it. We actually, if we do refine some extra oil, we have to send it to a foreign country to add value to it, and we have to buy it back like a Third World country.

Due to our shortage in refining capacity, simple disruption can lead to wild price swings. For example, as refineries switch from winter to summer gasoline blends, prices in California increased by 40 cents a gallon. In 2000, gas prices in Chicago shot up by 50 cents a gallon due to refining problems.

We are neglecting the state of our refining ability, but today we can do something about it. The Refinery Revitalization Act will streamline the regulatory and approval process for the restarting of refineries and construction of new refineries. It is just unbelievable we have not modernized our refineries.

Mr. Speaker, could you imagine if we did not build a microchip processing plant or an auto assembly line for the next 25 years? Where would those industries be? By passing this legislation, we will update our ability to add value to our oil, reduce the cost of gasoline, and stabilize our energy economy.

This is a smart solution for a Nation suffering from sky-high prices at the gasoline stations.

I am looking forward to going home so I can tell my constituents that I did what I could to ease the high cost of gasoline. I hope that my colleagues will join me.

Mrs. CAPPS. Mr. Speaker, I continue to reserve my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. SHIMKUS), vice chairman of the Subcommittee on Energy and Air Quality.

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

Mr. SHIMKUS. Mr. Speaker, 28 years ago we built the last refinery in the United States, 28 years ago. We import 7 percent of our refined product in this country. We import gasoline. We hear all the problems of the crises of imported crude oil. What many people do not understand, or they believe, is that we import refined product, the gasoline that goes into people's tanks. Seven percent is imported from foreign countries. We must and we can do better.

These countries that are importing refined product, they get the value-added benefit of refining the crude oil. They get the jobs of refining that product. They get the jobs of building those refineries. They also get the tax benefits from the national government and the local level. We can and we must do better. That is why I applaud my colleague for bringing this bill to the floor.

In Illinois over the past year we have lost 220,000 barrels per day of refined capacity with the closure of three refineries. With the number of boutique fuels in Illinois, this has led to large price spikes when problems occur in other refineries. The most recent refinery closure resulted in the loss of 300 jobs. The number of refineries in the United States has gone from 324 in 1981 to 153 today. In Illinois alone, we have decreased from 11 refineries to four.

This bill protects existing environmental regulations on clean air, and what better place than to address the siting issues than to put them on old, abandoned refinery sites. So people who know and have lived and now have these abandoned refineries, it is brilliant to say let us get these sites that are abandoned back into use.

Mr. Speaker, this is a critical issue at a time of not just high demand for crude oil but demand for product. It is unconscionable that we import refined product. In fact, the Governor of Illinois recognized that when he ordered the reopening of a closed refinery outside of my district to help ease the supply of refined product. This specifically will help Lawrenceville with a closed facility and Wood River, Illinois. We have to get these refineries back into refining product, and then we need to address our crude oil shortages. I applaud the gentleman from Texas (Chairman BARTON) and look forward to the vote on this bill.

Mrs. CAPPS. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I rise in opposition to the Refinery Revitalization Act, which is nothing less than a direct assault on the ability of qualified State and Federal officials to protect human health, protect the environment, and to protect the economy. In the name of increased refinery capacity, this bill puts the interest of the oil industry above all other interests.

It would allow the Secretary of Energy to be the final decisionmaker under Federal law for the Clean Water Act. The Department of Energy would make those decisions without having any of the expertise implementing those laws which are outside of its jurisdiction. The Secretary of Energy could overrule decisions of the EPA and the Corps of Engineers, as well as State decisions, that a refinery might harm public health or harm the environment.

This bill would give the Secretary of Energy the final say in protecting human health and environment. If a State agency denies approval for a refinery facility under Federal law, the applicant can appeal to the Secretary of Energy who can issue the approval over the objection of Federal or State interests. That is a clear shot right at our Nation's environmental laws.

It specifically lists the Federal Water Pollution Control Act, which is a predecessor to the Clean Water Act. It specifically lists the Clean Air Act, the Safe Drinking Water Act, the Superfund Act, the Solid Waste Disposal Act, the Toxic Substances Control Act, National Historic Preservation Act, National Environmental Policy Act as laws that the Secretary of Energy can simply overrule.

This makes the Department of Energy the environmental czar in America. States would see their capacity to protect public health and public safety through the clean water permitting program significantly diminished. States would in fact be denied the opportunity to implement their own programs to achieve water quality improvements through the total maximum daily load program. States would be denied opportunity to protect water quality under section 401 of the Clean Water Act which ensures that federally permitted actions are consistent with State water quality goals.

I do not understand how it makes any sense to have a Federal entity permit a program to have negative effect on State water quality; yet this bill specifically allows it. Permitting decisions of EPA and the Corps of Engineers, including protection of wetlands or protections of obstructions to navigation, all those could be overturned.

While the authors of the bill may be targeting environmental laws, they have gone way beyond any reasonableness. There ought to be some way of bringing the Department of Energy into a coordination or discussion with the EPA, but not to make the Department of Energy the final arbiter to overturn our existing Federal laws. For 100 years, the Corps of Engineers has been charged with regulating activities that could have adverse effect on the Nation's waterways for commerce.

Private parties without that protection could locate wharves, docks, and other structures in the water to obstruct free flow of navigation. That century of regulatory authority could be thrown out by the Secretary of Energy if a refinery says we have been denied a permit by the Corps of Engineers, and the Secretary of Energy comes in and overrules them.

Refineries often are located near navigable waterways to facilitate barge traffic and so on. If a refiner wanted to extend the docking area into the navigation channel and the corps said no, the Secretary of Energy could say the Corps of Engineers does not count.

Mr. Speaker, this is unsound policy. This mega-authority for the Secretary of Energy to overrule air quality safety, water quality safety, and navigation safety is unprecedented, unnecessary, unwise, unsound; and we ought to defeat this bill.

Mr. BARTON of Texas. Mr. Speaker, I reserve the balance of my time.

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

In closing, I would observe to the chairman of the Committee on Energy and Commerce that on our side we have needed to roll into this 1 hour of discussion all of the customary hearings and studies which should have been undertaken. I know the gentleman has made apologies for it, but it is clear to me in listening to the debate that this bill before us is based on such a faulty premise, an unproven, untested premise, that public health and environmental protection laws are to blame for the shutdown of refineries. There is no evidence to support it, and there is no documentation that passage of this bill would increase the number of refineries reopened or produced.

We are being asked to support this legislation with no knowledge base on which to make our actions. As I have said earlier, to me this is a mockery of the system we are about, particularly for the committee which is such an important, prestigious committee within the House of Representatives and which I am so honored to be a part of.

□ 1130

The solution that I understand is being offered is to let the Secretary of Energy, a czar is what my colleagues have called him, we will have to build him a special throne because he is going to be able to override the Environmental Protection Agency, one whole agency that will just be emasculated, never mind State houses emasculated, to have a say in the environmental and public health regulations that their State has authority over. That will all be set aside in favor of this hope that by giving the power to the energy czar, we will see oil refineries opened. We do not know for sure but we hope so. The gentleman from Massachusetts (Mr. MARKEY) eloquently noted for us that oil companies are awash in profits and could if they wished today build new refineries.

In sum, this is a bad bill. We can consider the topic but we certainly should not support this legislation. I urge my colleagues to oppose it. If this bill goes into law and is signed into law, we will begin a strong conversation with the American people about environmental justice issues and about the engorgement of big government here in Washington, D.C.

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

Mr. BARTON of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to start out my closing with just reading a few of the facts that have been sadly not reported during this debate. The number of refineries in the United States of America has been reduced from 324 in 1981 to 153 today. That is over half the refineries have been closed in the United States since 1981. That is fact number one.

Fact number two, refining capacity in millions of barrels per day luckily has not gone down quite that much but it has gone down about 10 percent, from 18.5 million barrels a day in 1981 to a little over 16 million barrels per day today. So number of refineries down, capacity to refine down.

However, the demand for refined products has gone up. In 2001 it was a little under 20 million barrels a day. It is expected to grow to over 26 million barrels a day in 2025. Number of refineries down, capacity down, demand up. That is a fact. It may be an unpleasant fact but it is a fact.

So what are we to do about it? I guess we could just stick our head in the sand and say no big deal. Maybe we ought to do something to increase refinery capacity. I will grant, and I have already granted several times in this debate, this particular bill has not been the subject of hearings and the normal regular order, subcommittee markup, full committee markup. I have apologized for that. I will apologize for it again.

Having said that, is it a bad concept to say let's go into areas where they have an existing refinery, perhaps it is opened, perhaps it is closed and they have high unemployment. The bill says 20 percent. Maybe that is not the right number. Maybe it ought to be 10 percent. Maybe it ought to be 30 percent above the national average. But at least we say we have an existing refinery or a closed refinery, it has a high unemployment average, high above the national average, let's set an expedited procedure. Let's say that an applicant can ask the Secretary of Energy to designate that as a refinery revitalization area and then try to get some decisions about reopening or improving that refinery. We do not waive one environmental law. We do not waive any State control. We simply say you have got to make a decision on the existing laws.

I have some pending permits in my congressional district, not on refineries, on cement plants. One permit has been pending for 3 years, the other for 2 years. It costs millions of dollars to make those permit applications. This bill says don't waive the law, just say that you have to make a decision within a certain time frame. Maybe the time frame is wrong. Again, hearings would say if we need a little bit more time. But the concept is not wrong. The concept. In terms if you decide to reopen a refinery, what do we say, what kind of technology? Best available control technology. Best available. Not worst. Not none. Best available. Existing refineries that are still operating are going to spend $20 billion in the next few years just to comply in those refineries with existing law. $20 billion. We say if somebody wants to open a new refinery, expand one, reopen a closed one, they have to use the best available control technology.

Let us now talk about outsourcing of jobs. There has been a lot of debate about jobs going overseas. This keeps jobs in the United States. Most of these jobs would be high-paying jobs. Most of them would be union jobs. Is that a good thing or a bad thing? Again, maybe those that oppose this bill have an alternative. It is fair to say since we did not hold a hearing that they may have one. But is their alternative never build a refinery in the United States of America again? In the Carter years under the Fuel Use Act, they said never use natural gas again. We repealed that fortunately when Reagan came into office. But maybe that is the position of my friends on the minority side, they never want a refinery to ever be built again in the United States of America.

If that is their position, put the bill up on the floor and we will have a debate on it. But if they think that it is okay to build some new refineries and to reopen some old ones to meet this demand that is going to go to 26 million barrels a day, this is a way to do it.

It may not be the perfect way, I will grant you that. But it is a way. If you think the United States of America should be a manufacturing society, should maintain these jobs, vote for this bill. We will hold all the hearings in the world. We are going to have plenty of opportunity with the Senate, the other body. So I would hope that we can vote for this bill and at least send a signal to people that live in high unemployment areas, there is some hope and some opportunity that they may get one of these high-paying jobs.

Mr. SMITH of Michigan. Mr. Speaker, I rise before you today in favor of H.R. 4517, the U.S. Refinery Revitalization Act of 2004.

Existing U.S. refineries are already operating at or near full capacity because this country hasn't added new refineries in almost three decades. As Director of Energy at USDA during the 1970s Arab oil embargo, I find that not only hard to believe, but unacceptable.

EPA implemented tougher Clean Air Act regulations, including a program that requires refiners to take expensive steps to cut factory emissions when they expand capacity or build new plants. Many refiners couldn't meet the requirements and have gone out of business.

Now, we only have the capacity to meet about 90 percent of our gasoline needs. This is especially significant in Michigan where we have just one refinery left—the Marathon Ashland plant in Detroit. In addition to federal law, the state of Michigan also needs to consider changes in state law and regulation that will encourage the building of more refineries in Michigan.

U.S. laws requiring dozens of different regional gasoline formulations have created unusual fuel requirements that are not easily met by foreign refiners. Each formulation requires different pipelines and trucks for different parts of the country that increase the cost. A shortage of clean tankers available to ship gasoline from overseas is yet another bottleneck. This adds to the cost at the pump, and leads to regional price shocks when refineries experience interruptions in their production.

Under this bill, many areas in Michigan would be eligible as a Refinery Revitalization Zone, including Wayne County, where Michigan's last remaining refinery is located.

I stand in favor of H.R. 4517 because this will help the Midwest region lower its 6 percent gasoline supply deficit and reduce some of the highest pump prices in the nation.

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

The SPEAKER pro tempore (Mr. LINDER). All time having been yielded, pursuant to House Resolution 671, the bill is considered read for amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 38 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1315

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOSSELLA) at 1 o'clock and 15 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 4568, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 674 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 674

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: in title I, the sixth proviso under the heading ''Wildland Fire Management,'' the final proviso under the heading ''United States Geological Survey, Administrative Provisions,'' and section 113; in title II, the fourteenth proviso under the heading ''Wildland Fire Management'' and the final sentence of the sixth paragraph under the heading ''Administrative Provisions, Forest Service''; in title III, section 317, the proviso in section 319, and sections 324, 328, 331, and 333. Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee on the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 674 is an open rule waiving all points of order against consideration of H.R. 4568, the Department of Interior and Related Agencies Appropriations Act of 2005.

The rule provides for one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The resolution provides, per the rules of the House, that the bill shall be read for amendments by paragraph. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in an appropriations bill, are waived except as specified in the resolution.

The rule authorizes the Chair to accord priority recognition to Members who have preprinted amendments in the CONGRESSIONAL RECORD.

The rule also provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 4568, the Department of Interior and Related Agencies Appropriations Act of 2005, sets clear priorities in a year of tight budgets.

The chairman of the Subcommittee on Interior and Related Agencies faced a difficult challenge and has written a solid bill that focuses on meeting the Federal Government's core responsibilities in the agencies under the subcommittee's jurisdiction.

Priority was given to essential functions and duties of these agencies, rather than on launching new initiatives and expanding government's reach.

One of the highest priorities must be preventing wildfires on our national lands. This bill provides $2.6 billion for wildland firefighting in the National Fire Plan. This is a significant increase over fiscal year 2004, and it is a much-needed increase.

Wildfires have a dramatic impact on our public lands, on private property and, even tragically, on human life. We must maintain the commitment to working to prevent such blazes and combating them aggressively when they do strike.

Another priority must be providing for our existing parks and public lands. This bill increases funding for our national parks, a total of $1.7 billion. For example, the bill includes $471 million to address the backlog in maintenance at our national parks and places restrictions on travel expenses for Park Service officials, a common-sense policy during a time when our parks have serious maintenance needs. Addressing these maintenance needs is something that I have long supported.

The bill also includes increased funding over the fiscal year 2004 level for the Indian Health Service, the National Forest System, BIA Education and Operations of Indian Programs and the U.S. Geological Survey.

Funding is limited for Federal land acquisition, a decision on priorities that I strongly support. In a year of fiscal constraints, it certainly is appropriate to focus first on maintaining the Federal Government's existing lands.

Land acquisition is not a necessity. Indeed, it costs local governments through decreased tax revenue and has real impact on local governments' abilities to provide essential services.

Mr. Speaker, I commend the gentleman from North Carolina (Chairman TAYLOR) for his leadership in writing H.R. 4568, especially in this challenging year. The gentleman from North Carolina (Chairman TAYLOR) has guided this bill in a reasonable and responsible manner, which is especially appreciated in all areas of the West like the district I represent that are heavily impacted by the work of Federal agencies under his jurisdiction.

I also want to recognize the role that I know the ranking minority member of the subcommittee, my colleague from Washington State (Mr. DICKS), played in the preparation of this bill. I value highly our ability to work together on matters of importance to Washington State, and this is a good example of that. I know my colleague's dedication to solving challenges and bettering our Nation are traits he brings to all of his responsibilities here in the House.

So, Mr. Speaker, I encourage my colleagues to support this open rule, H. Res. 674, and the underlying Interior Appropriations bill.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, the appropriations process for the coming

fiscal year has just begun, and much is being said about how tight the budget numbers are this year. And while this is a statement of fact, it is no excuse for our current fiscal situation.

At the turn of the 21st century, the Federal Government had an historic budget surplus of $3 trillion. In just 3 years, the government is facing historic deficits, upwards of $7 trillion. Bad fiscal policy has greatly diminished the Federal Government's ability to invest in the Nation's resources and the Nation's people. The tight budget numbers are the result of tax giveaways to people who least need it, the people that the Oracle of Omaha, Warren Buffett, has said owe the most to the country and pay for far too little.

Much is lacking in this appropriations bill. Overall spending levels are down. Federal land acquisition funds have been significantly cut, even the projects requested by President Bush. Once again the bill fails to meet the obligations of the so-called CARA light agreement. Operating funds for the National Park Service are only modestly increased. The modest spending boost is barely enough to keep pace with expenses and fails to tackle the $5 billion maintenance backlog at the Nation's parks. The National Endowment for the Arts and the National Endowment for the Humanities are again underfunded. The bill shortchanges investments in the American people and our country's natural resources. Former President Theodore Roosevelt, one of the fathers of the American conservation movement, warned that in utilizing and conserving the natural resources of this Nation, the one characteristic more essential than any other is foresight. We are lacking that, Mr. Speaker.

Back in 1992, funding for the NEH and the NEA reached their funding zenith, $176 million for each agency. Over the years their budgets have been slashed again and again. Recently this body has voted to increase the funding for the arts and the humanities and I urge my colleagues to continue this trend to support an amendment to increase funding for both of these agencies. The gentleman from Washington (Mr. DICKS) and I will offer an amendment later to do so. As Pulitzer prize-winning former Librarian of Congress Daniel Boorstin said, ''Planning for the future without a sense of history is like planting cut flowers.''

Investing in the arts is smart business. The $232 million the Federal Government invested in the NEH and NEA in 2002 had an economic impact of $132 billion and generated billions in Federal, State and local tax revenues. Every dollar they invest in local theater groups, orchestras or exhibitions generates $7 for the arts organization by attracting other grants, private donations and ticket sales. In my district alone, 1,215 arts-related businesses employ almost 20,000 people. Buffalo, New York, I am pleased to say, was just recently designated as the number four destination in the United States for top art events and venues. We are very proud of that. Nationwide, creative industry businesses employ almost 3 million people, 2.2 percent of all who are employed.

Investing in the arts is also smart for our children. Over and over arts education has proven to increase academic performance, regardless of socioeconomic background. The NEA provides grants for local arts activities in every State and every congressional district. Small grants make a big difference.

The National Endowment for the Humanities is at the forefront in preserving our American culture and history. Democracy will not flourish without an understanding of its past. The NEA and NEH preserve and promote the understanding of where we have been and where we are today that our democracy needs to endure. Democracy dies in a cultural vacuum. This bill even guts funding for the President's We the People initiative, which supports exploration of the significant events and themes in American history.

Bruce Cole, the Chair of the National Endowment for the Humanities, warns, ''We face a serious challenge to our country that lies within our borders and even within our schools, the threat of American amnesia. We are in danger of having our view of the future obscured by our ignorance of the past. We cannot see clearly ahead if we are blind to history. And a Nation that does not know why it exists, or what it stands for, cannot be expected to long endure.'' Very wise words from Mr. Cole.

Mr. Speaker, I yield 7 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time and thank her for managing this rule every year so very effectively. I look forward to our joint efforts today to try to help the National Endowment for the Arts and Humanities.

Like her State, the State of Washington, Seattle, Bremerton, Tacoma, the tri-cities, have all benefited by this funding. I just think it is one of the most important things that we do. I remember those great days when we were at $176 million before the Reagan Revolution came to town. I would also like to compliment the gentleman from Washington (Mr. HASTINGS) from the Fourth Congressional District. We work together. I just want him to know we were over in the Energy and Water appropriations full committee markup today. I think the tri-cities did as well as they have ever done and even our joint project we worked on, Hammer, $8 million is very, very generous. Our delegation has always worked very effectively together.

There are some things, though, that concern me about this bill. First of all, I wish we could have done more for the operation of the national parks. The administration asked for a $22 million increase. Our committee increased that by $33 million for a total of $55 million. But that simply is not enough. We need more money for the operation of our parks. I think part of the problem, as the gentleman from North Carolina (Mr. TAYLOR), chairman of the Subcommittee on Interior and Related Agencies, has said, we have got a problem with the management of the Park Service and we have got to get priorities straightened out at the Park Service.

I love Fran Manella. She is a wonderful person. But she has got to realize that it is the operation, the day-to-day operation and availability of those parks that the American people count on. Let me give my colleagues the numbers. The Olympic National Park is either third or fourth in the Nation in visitation. Two years ago we had 130 summer workers at that park.

□ 1330

That is now down to 25. And we have 202 authorized FTEs for the Olympic National Park. It is down to 120. It was 146 a couple of years ago. Why is that? Because the administration in their budget request is not covering the cost of the COLA, the increase that we give in pay every year, and also there are other fixed costs that have to be paid that are not being covered in the budget request, the increase in the budget request.

So what do they have? The only choice they have is to reduce the number of personnel, not to fill slots. So when people go to the park this summer, they are not going to have the same quality of a visit. There is not going to be a ranger out on the trail to tell them about the important cultural and historic areas within the Olympic National Park. They do not have people to take care of cultural assets, to take care of the buildings and infrastructure. And this is not just Olympic; this is across the country.

This year even with this increase of $55 million from last year's level, we have 388 parks; 241 of them will be funded at below the 2003 level. That is a prescription for disaster; and it is coming down, down, down. And we have got to step up. We, the Congress, cannot allow this to happen on our watch. And, yes, a big part of the problem is the inadequacy of the Presidential budget request. This is not just this administration. This goes back to 1994. This has been going on for a 10-year period of time, and that is why it is even more devastating, the consequences of this. And we have to continue to work together to come up with the resources.

I think this is a top priority within this bill that has not been properly met. We have made a modest increase here, but not adequate to the task. In fact, if my amendment that I brought up in committee had been accepted, we could have increased it by $45 million, and that would have meant that every

park in the country would have gotten an 8 percent increase. We are talking about $45 million in the operating account would have done that. Each park would have gotten an 8 percent increase.

So this is the one major thing that upsets me in this bill. Yes, we do not have money in here for land and water conservation, which I regret. I regret the lack of funding on the conservation amendment. But the thing we tried to do is protect our core agencies, the Park Service, the Forest Service, the Bureau of Land Management, the Department of Interior, the Fish and Wildlife Service. And yet they have these same problems.

One very good thing that we did in this bill was to deal with firefighting in a much better way. There is money in here, $500 million in 2004. When this bill is signed, it would be immediately available for the firefighting season. Another $500 million for 2005, $500 million for 2004, and I think a $167 million increase in the bill for firefighting itself. So we are trying to face up to that reality. We have got a drought out in the West. This is going to be a very serious problem.

We are also working, of course, on other important issues. In my own area, Hood Canal, we are working with the USGS on dealing with this oxygenation problem. We have a problem with too much nitrogen in the saltwater, which is having a devastating effect on all the fish and creatures there, and we have got to deal with this problem; and the USGS, which is part of this bill, is helping in that respect, and it is a very important priority of mine.

We are also working on the restoration of salmon runs, and we are doing a new process of mass marking with these fish so we can tell the wild fish from the hatchery fish. It is another important priority in our State. So overall, I think this bill, even though it is very deficient, below last year's level in terms of overall funding, below the President's budget request, we have tried to fund the things that are most crucially important; and I intend to vote for this bill on final passage. I hope we can improve it with several of the amendments that will be offered today.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy in permitting me to speak on the rule, and I appreciate her leadership dealing with the critical issues of arts funding and for the National Endowment for the Humanities.

I look forward later today to being part of debate, and I hope amendment approval that will move us back in the direction that we need to go. But I too am a little frustrated in the context of billions of dollars that we are hemorrhaging with red ink where we seem to be able to find all sorts of resources for things that are suboptimal in some cases, to say the least, but certainly not the highest of priorities, that we are scrambling here for less than $14 million that has such a vital connection to our communities.

I would hope that as our Members come to the floor to deal with the debate on this amendment and the final vote that they have a chance to look back at the records in their own offices of the dedicated men and women who are part of the arts councils, who are part of the local councils for the humanities. To consider the incredible mileage that is extracted from a few small dollars that benefit primarily the rural and outlying areas of our State, not necessarily the large cities like Seattle, New York City or even Portland, Oregon. Larger cities have a higher level of programming. It is the smaller communities that benefit. It is a tragedy that we are not meeting even what the President had requested.

I also am pleased to follow my good friend from Washington who has worked so hard for so many years to keep our eye on the ball on the investment we need for critical parks infrastructure. Our national parks are part of the infrastructure every bit as much as our highways and our airports. I appreciated what he did with the gentleman from Ohio (Mr. REGULA) fighting in tough difficult budget times. I am hopeful that we will be able to honor the hard work here to see if there is something in the course of the amendment process and as the budget is working its way through the process here this year that we not turn our back on America's treasures.

Last, but by no means least, I must acknowledge the hard work that the gentleman from Washington (Mr. DICKS) did with the gentleman from Wisconsin (Mr. OBEY), the gentleman from California (Mr. GEORGE MILLER), the gentleman from Alaska (Mr. YOUNG), to deal with the land and water conservation fund. This has been an area that had been ignored for decades. It had been, frankly, a bipartisan shame that we did not fully fund the land and water conservation fund. These were resources that have such an important impact on States and localities. We reached a deal, as the ''little CARA'' was set aside. We have an opportunity to keep faith with the spirit of that agreement, and I am hopeful in the course of the budget process that we are able to do so.

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

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

Mr. DICKS. Mr. Speaker, I appreciate the gentleman's comments on the conservation amendment, but I also want to underline one other thing he said that I forgot to say, and that is that the President's budget requested an $18 million increase for the National Endowment for the Arts and for the National Endowment for the Humanities, and neither one of those has been accomplished. I think we have increased Humanities by $3 million, but this is below the President's budget request; and Mrs. Bush, who I think is a very thoughtful first lady, has been a proponent of these two increases. So I was somewhat surprised that it was decided to take out the money for these important programs, especially since they were requested by the first lady.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's underlining that.

And I would just conclude by saying that I hope in the spirit of bipartisan accommodation that has accompanied much of the work with the arts, with the parks infrastructure, and with CARA that we are able to give our affirmative vote to preserving the integrity of them in the course of this budget process.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the resolution.

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 4567, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 675 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 675

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: the proviso under the heading ''United States Visitor and Immigrant Status Indicator

Technology''; the proviso under the heading ''Customs and Border Protection, Automation Modernization''; the proviso under the heading ''Immigration and Customs Enforcement, Automation Modernization''; the final proviso under the heading ''Transportation Security Administration, Aviation Security''; the words ''notwithstanding any other provision of law'' under the heading ''State and Local Programs''; the second proviso under the heading ''National Pre-Disaster Mitigation Fund''; section 512; the final proviso in section 513; sections 514, 515, 519, and 520; all after the word ''met'' in section 524; section 525, and subsection 526(b). Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1345

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 675 is an open rule that provides for the consideration of H.R. 4567, the Fiscal Year 2005 Department of Homeland Security Appropriations Act. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

I would like to take a moment to reiterate that we bring this rule forward under a fair and open rule. Appropriations legislation has historically been brought forth with open rules, and we continue to do so in order to allow each and every Member the opportunity to submit their amendments for consideration, as long as they are germane under the rules of this House.

Nearly one year ago, Mr. Speaker, I stood on this floor and proudly brought forward a rule for the very first Homeland Security Appropriations bill. We have accomplished so much in that one year to protect our homeland and further establish this important department. We continue that work in coordination with the underlying legislation.

In my remarks last year, I spoke about our ability to fund first-responders and ensure that they are always equipped on a State and local level to protect the Nation. This year, we provide $4.1 billion for first-responders, including high threat areas, firefighters and emergency management. This brings the total appropriated by Congress for first-responders since September 11, 2001, to $26.7 billion.

I also indicated last year the productive start to the Container Security Initiative. I am proud to report that in the underlying bill we have more than doubled funding to $126 million. That is as part of this increase in funding, the United States will be expanding this initiative throughout the world to stop terrorism before it reaches our shores. As a Member from a district whose daily well-being, including our economy, depends on large ports, I continue to strongly endorse this program.

While continuing important programs, this legislation begins new efforts to strengthen homeland defense. It is well-known that the Coast Guard must receive funding to upgrade its infrastructure while addressing emerging challenges. The underlying legislation provides $679 to the Deepwater Program, designed to allow capital acquisition for the future strength of the Coast Guard, on the frontline of homeland defense.

The Coast Guard Integrated Support Command in Miami is essential to the safety and security of residents. The Coast Guard in south Florida coordinates regional plans aimed at hurricane safety, recreational boater safety, and, most importantly, protection of our coastline from terrorism and drug trafficking.

While I am extremely pleased with the end result we have before us today, I also believe in the future we have to somehow find additional funding for the In-Line Explosive Device Security, or EDS. The legislation before us includes $269 million for the project, a good start, but the Federal cost share for this important technology at Miami International Airport alone, which is in my Congressional district, will top $200 million.

In-line systems will allow for more screeners to be redeployed at passenger checkpoints. In-line EDS systems increase efficiencies and reduce costs associated with baggage screening. This next generation of security technology for our Nation's airports will yield great results.

H.R. 4567 is a good bill, Mr. Speaker. It is a testament to our changing world that Congress is able to respond to security concerns abroad while ensuring that the homeland remains secure. The first responsibility of government is to protect its citizenry, and we are able to respond with priority funding for this important Department of Homeland Security.

We bring this legislation forth under a fair and open rule, as I have stated before, and I would like to reiterate.

I would like to thank the gentleman from Florida (Chairman YOUNG) and the gentleman from Kentucky (Chairman ROGERS) for their extraordinary leadership on this very important issue. I urge my colleagues to support both the rule and the underlying legislation.

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

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

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes.

Mr. Speaker, much is being said about how tight fiscal restraints are this year. We know that is so, but it is not an excuse for our current budget constraints. Just a few years ago, the Federal Government had a budget surplus of $3 trillion. Today, the government is facing historic deficits upward of $7 trillion. Bad fiscal policy has hamstrung the Federal Government's abilities to invest the sums necessary to protect the Nation from terrorism. The tight budget numbers are the result of tax giveaways to people who least need it, the people that the ''Oracle of Omaha,'' Warren Buffett, has said owe the most to the country and pay far too little.

It is good for the Nation that overall funding for the Department of Homeland Security has increased. However, the increase is not enough. The cost of securing the Nation is high, but throwing dollars at the threat is not the solution. We must spend homeland security funds wisely, and all homeland security activities must be coordinated within the department itself and with State and local governments.

But well into its second year, the department is still underachieving. Several years into our own war on terrorism, the department has not developed a comprehensive threat vulnerability assessment. How can we protect the people of this country when we act blindly without this basic information necessary to develop and implement a comprehensive homeland security plan?

Recent reports have shown that airports are not any safer despite the creation of Transportation Security Administration. There is no coordination of homeland security functions along the southern or along the northern border.

I represent the second busiest gateway between the United States and Canada, and the need to increase the resources along the over 4,000-mile border between the U.S. and Canada is great. For years, little attention was paid to our northern border. But if we are to maintain the $1 billion a day trade between the United States and

Canada while maintaining U.S. safety and security, we have to provide the resources to do it. We must create a northern border coordinator to ensure our dollars are invested prudently and that Federal, State and local authorities are working together.

I am extremely troubled by the $300 million cut to funding for our first-responders, the people on the ground valiantly protecting our communities with too few resources and lots of overtime. How can we justify cutting funding for police officers, firefighters and EMTs, who are the first people on the scene to respond to a terrorist attack? Money has been awarded to States and localities, but the process is so cumbersome and lengthy that local governments have difficulty actually spending the first-responder grant money.

It is also imperative that we take threat, vulnerability, and strategic importance into account when we allocate the first-responder dollars. High threat areas with high population densities certainly deserve attention and dollars. Areas of strategic importance need and deserve Federal assistance. And, as I mentioned, the border crossings at Buffalo and Niagara Falls are the second busiest portals between the United States and Canada. This entry port is tactically important to the security of the United States. Terrorists could use this entrance to gain access to the country or use the bridges as a means to slip weapons into the country. Western New York's strategic position and role are vital to national safety. Such areas need the resources to secure the northern border without disrupting the important commerce between the United States and Canada.

Mr. Speaker, another issue that greatly bothers me, and is an insult to every taxpayer in this country, are the corporate expatriates, American companies that incorporate abroad in order to skip out on their tax obligations to this country. These corporations earn millions of dollars from the Federal Government. According to the General Accounting Office, corporate expatriates cost this country an estimated $5 billion in lost tax dollars, and yet they continue to receive $2.7 billion in government contracts. That is a disgrace.

Accenture, the scion of Arthur Andersen of infamous Enron fame, recently received a $10 billion contract to build a foreign traveler tracking system known as US-VISIT. During committee consideration of the homeland security appropriations, the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Arkansas (Mr. BERRY) offered an amendment to ensure that companies incorporated outside the United States for tax purposes could not enter into contracts with the Department of Homeland Security. It makes sense. The DeLauro-Berry amendment would void the Accenture contract by barring any contracts with corporate expatriates before, on or after the date of enactment.

H. Res. 675 protects the first part of the DeLauro-Berry amendment, which will probably disappear in conference, but it specifically refuses to protect the second provision in the amendment that would invalidate the $10 billion contract with Accenture.

Bloomberg News reported that Accenture posted increases in American earnings from $247.3 billion in 2002 to $566.9 billion in 2003, doubled in one year, while the company reduced its tax liability to $143 million from $382 million. During that same time period, Federal procurement records show that in 2002 Accenture benefited from Federal contracts worth $450 million, of which $250 million were related to military or homeland security functions, another disgrace.

At this time, when unemployment levels have remained consistent since December 2003, it is important that we as public servants and as agents of the Federal Government do everything we can to keep jobs in this country. We should not reward companies that incorporate outside the United States in order to avoid Federal taxes.

Think of the advantage it gives them in bidding against American companies. Expatriate corporations like Accenture have a huge structural advantage over companies that stay in America, employ Americans and pay their fair share of taxes. It is our duty to support the American companies. Giving the largest contract yet awarded by the Department of Homeland Security to an expatriate company contradicts the principles and ideals that I was sent here to uphold.

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

Mr. DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to this rule. Last night the Committee on Rules issued a rule that even experts in this House on House rules could not initially decipher. On the one hand, they finally acted to close loopholes in the Homeland Security Act which allowed corporate expatriates to continue to receive government contracts, after the House voted 318 to 100 in July 2002 to prohibit those contracts. But, on the other hand, and it seems there is always another hand these days, they specifically left open a provision that would have prevented just such a contract from going through.

Under this rule, it is almost certain that Accenture will be able to retain a massive $10 billion contract with the Homeland Security Department. This runs directly counter to the will of the Committee on Appropriations. Last week, on a strong bipartisan vote of 35 to 17, the Committee on Appropriations voted in favor of an amendment which I offered along with the gentleman from Arkansas (Mr. BERRY) to close loopholes in the Homeland Security Corporate Expatriate Contracting Ban and to stop the department from moving forward on this $10 billion contract to Accenture.

□ 1400

This is a company which reported that its American earnings increased by over $319 million in 2003 while, at the same time, its U.S. tax liability decreased by $239 million. Yet, today, the Republican leadership is hiding behind technicalities to reward a company which has shunned its American citizenship in order to reduce their tax liability. It is wrong. It is shameful. You ask any American worker or a responsible corporation that pays their taxes, and yet they go overseas so that they will not have to pay their taxes, and whether they are a Democrat or a Republican, they will tell you that going offshore, not to pay your taxes and coming back for a $10 billion contract from the Federal Government, it is an outrage.

This company set up a shell corporation overseas and put two tax-paying American companies, companies which employ thousands of Americans in many of our districts, at a competitive disadvantage. This sends a terrible message to every good corporate citizen in America. We cannot afford to reward companies who shun American citizenship at the expense of loyal American businesses and contractors. It offends our values as Americans.

Mr. Speaker, I urge my colleagues to oppose this rule.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, I rise to oppose this rule for a very simple reason: my citizenship in the United States of America is not for sale.

In the State of Arkansas, when they began to call up the National Guard and Reserves to serve, they went willingly. They are still there. They are doing their job. In Arkansas, we have some really wonderful companies. One of those companies is Wal-Mart. What Wal-Mart did was this: they said the employees that we have that are in the National Guard and Reserves that are going to have to take a pay cut to serve, we are going to make up the difference. We are going to give them out of our pockets that money, and they did. And those men and women in uniform today who are on the battlefield are having to pay taxes on that generous contribution that Wal-Mart is making to them.

That is an honorable and proper thing to do.

But now, we have the Committee on Rules determined to make it possible for a company of questionable reputation at best, called Accenture, that chose to renounce their American citizenship and renounce any obligation

that they might have to our men and women on the battlefield and say to the whole world, money is the most important thing to us. That is what we care about, money. We will give up our American citizenship. That is what they said, and that is what they did.

But this rule makes it possible for them to get by with it and get a $10 billion contract from the Department of Homeland Security. I cannot imagine why in the world the Department ever agreed to give them that contract in the first place. It is absolutely irresponsible. I do not understand why the leadership on the Republican side decided to take this out of the bill. I do not understand that. I know that people work hard to develop a good Department of Homeland Security bill, and the American people deserve better, and if we allow this company to thumb their nose at being an American and turn around and give them a $10 billion contract paid for by hard-working Americans that pay their taxes and do not complain about it, we have done the wrong thing.

I urge this House to reject this rule and have the Committee on Rules come back to us with a good rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, two companies decide to compete for a government contract. This happens, in fact, with dozens of companies, hundreds of companies all over America seeking different government contracts and wanting business that is funded by the taxpayers. Of these two companies, however, one of them has chosen to denounce its American citizenship when it is time to pay its taxes, by moving overseas and declaring that it is a company organized in Hamilton, Bermuda.

The other company is an American company, not only when it comes time to put their hand out to get a government contract, but also when it comes time to put their hand out to pay the taxes that they earned on their American business.

Now, which one of those companies has the competitive advantage? The one that stayed home and was patriotic to America, or the one that dodged its taxes and has lower overhead because it has lower taxes? I think the answer is rather obvious.

Yet this Republican leadership has defended a practice that encourages corporations to dodge their taxes and to head off to Bermuda or Barbados or somewhere else. Then, to add insult to injury, the same tax-dodging corporation that wants the protection of American troops when it comes to national security, and of our law enforcement here at home when it comes to homeland security, these same corporations that have dodged their fair share of our homeland security and national security expenses, recognizing the permissiveness of this House Republican leadership and of the Bush administration, come back to the American taxpayer and say, not only do we not want to pay our fair share of the taxes; we also want your share of the taxes. We want government business. We want what other taxpayers, including our competitors, have paid for; we want their tax monies so we can earn more money that we can dodge taxes on while we are staying in Bermuda.

Mr. Speaker, I oppose this rule, because that is exactly what the Committee on Rules, with the encouragement of the Committee on Homeland Security, has approved. It gives the competitive advantage to the corporation that dodges its taxes.

Just the night before last in the Committee on Ways and Means, we heard an official from the Treasury Department again oppose corporate expatriation proposals that have been approved in the other body with wide bipartisan support, because they really do not want to stop this trend of these corporations dodging their responsibilities by going to Bermuda.

Now, with Accenture, the accent has been on tax avoidance. They have now been awarded a $10 billion contract that a bipartisan vote in the full House Appropriations Committee would have put a stop to. But the House Republican leadership, with its typical permissive attitude, has blessed that.

So now Accenture, ahead of the pack, will get $10 billion in a government contract while it avoids taxes.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

(Mr. OBEY asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. OBEY. Mr. Speaker, we have now gone about 1,000 days since the attack on this country on 9/11, and this bill is supposed to deal with our efforts to protect the homeland. I think that to evaluate how good those efforts are, we need to compare the challenges with the resources that we are applying to meet those challenges. And if we do, I think there will be no doubt that we are mistakenly trying to do this job on the cheap.

Let me give my colleagues some examples of inadequacies in this appropriations bill.

Air cargo. Air cargo is a huge threat to the safety of the flying public. If the public understood what a tiny percentage of cargo that is shipped on passenger planes is actually inspected, they would be shocked. It is a tiny percentage. We ought to do something about that. This bill prevents us from doing that.

The gentleman from Florida discussed correctly the need for more inline explosive detection devices at airports. We wanted to try to do that in the bill; but, again, we are precluded from doing that by the budget ceiling. The chairman of the committee himself has indicated how important that is. Yet we are not going to be able to make any significant advances on that front under this bill.

If we take a look at the problem that we have with military pilots being able to communicate with commercial pilots, if you have a terrorist incident or a potential terrorist incident and a military aircraft is trying to track a civilian aircraft, it would be kind of nice if those two pilots could talk directly to each other and to the ground. But right now, we do not have the software system in place that will enable that to happen. That is a dumb omission.

We also have some problems with respect to ports.

Now, the new idea in protecting our ports is to establish inspectors at foreign ports so that they can review what goes into those cargo container boxes before they ever leave that port on their way to the United States. But we have a big problem. There are only 20 ports out of the 45 major ports that we need to cover where we have that kind of inspection activity going on; we have none going on in China, and China imports three times as much through cargo shipping as does Hong Kong, for instance.

Worse yet, the inspectors on the job in those foreign ports are assigned temporary duty for about 6 months apiece. They cannot get to know the territory; they cannot get to know the people they work with in those ports during that time. They should be long-term assignments, but we do not have the money in the bill to do that.

The northern border. The PATRIOT Act, with all of its problems, the PATRIOT Act required that we have a specific number of inspectors on the northern border. We are 2,000 short of the number that was supposedly guaranteed by the PATRIOT Act. First responders, those are the policemen, the firemen who deal with the incidents where they occur in the local community, on the ground, we have been told by the Rudman-Hart Commission that there is about $90 billion worth of need that we need to address. We have only met about 15 percent of that need.

We have fewer firefighters in this country today than we had on 9/11. Do you call that progress?

And then, we have the massive problems in the Homeland Security Agency. Of the 500 career slots in that agency, or roughly 500 career slots, 171 of them are vacant. Twenty-five percent of the slots in that agency are filled by political appointees. Is it any wonder that there is considerable chaos?

More than a year after the reorganization, that agency still does not have a phone directory. I was talking to a fellow 2 days ago who was trying to talk to the Homeland Security Agency about getting a contract, to meet a need that they were advertising; he did not even know who to call or how to find out because they do not have a phone directory.

□ 1415

It does not make a lot of sense.

General Zinni has made the point that when it comes to dealing with this terrorist threat that we have a lot of tactical activities going on but not very many strategic. I just think we need to face the fact this bill is not adequate.

And then, as has already been mentioned by several other Members, it has this weird feature which allows the Homeland Security Agency to give a contract that would be valued up to $10 billion to a company for the purpose of tracking who crosses our borders, they want to give that contract to a company that has already jumped our borders and decided they will locate for tax purposes in Bermuda. That means they duck their taxes, and your constituents and mine get the privilege of making up the difference.

Great deal. Great deal. That is why I would urge every Member of this House to vote against the previous question on the rule so we can offer amendments to correct these problems and to vote against the rule if we cannot bring down the previous question.

Mr. Speaker, I am inserting in the RECORD at this point the text of the comments I made in the report accompanying the Homeland Security Appropriation bill made in order by this rule.

ADDITIONAL VIEWS OF DAVID OBEY

It has been a thousand days since al Qaeda launched its first successful attack within U.S. borders. Since that time many changes have taken place inside our country and in the way we deal with other nations around the world. Most of those changes have been justified as steps that were necessary to insure that nothing like September 11th ever happens again. But how much progress have we really made? How far have we come in reducing the likelihood that it will happen again?

One thousand days has often been viewed as a period of time for communities and even whole nations to stop and take stock. What have we done right? What have we done wrong? What are our largest remaining areas of vulnerability? What are our prospects of getting hit again?

I think our efforts to prevent future terrorist attacks can be divided into three stages. The first step was to hit al Qaeda and hit them hard. Take the battle to them. Destroy their leadership; their ability to communicate; their ability to raise and transfer funds; their ability to obtain weapons and to move members between countries and most importantly, their capacity to organize attacks against the United States.

The second step was to understand the factors in the Arab and Muslim worlds that feed this kind of senseless anger and why that anger has been directed toward the United States. Why did so many ordinary people in the Muslim world cheer on September 11th and what does it take to reduce or at least redirect the anger that is now so focused on us.

Thirdly, what are we doing to upgrade our defenses here at home? What goals have we set? Do they make sense? How well have we performed in reaching those goals?

ATTACK AGAINST AL QAEDA

With respect to the first goal, I think the United States has for the most part performed well particularly if we look at the early stages of our effort and if we view al Qaeda as an organization, rather than an idea or a cause. The organization's leadership has been significantly diminished. While a number of its most senior leaders have survived, the best evidence indicates that they have grave difficulty communicating with others in the organization or playing any kind of day-to-day leadership role. Significant numbers of lesser figures in the organization are still at large and they are very dangerous. But they face much greater challenges moving about the world, receiving the training necessary to successfully execute large scale attacks and getting the materials and support necessary to launch such attacks.

The initial phases of our attack against al Qaeda were highly successful. The planning and execution of the overthrow of the Taliban in Afghanistan was a high-water mark in our efforts against terrorism. The initial cooperation that we received in the wake of September 11th—from our traditional allies in Europe and also from nations across the globe that have at times been less than friendly to U.S. interests was also impressive.

LOSING FOCUS IN AFGHANISTAN

But somehow, we lost our focus. Having destroyed the Taliban's capability to rule Afghanistan we did not move aggressively to insure that the government that we support in its stead could fill the void. We did not invest anything like the level of resources for Afghanistan that was needed to make rapid, noticeable changes in the quality of life. Because of that, in a large portion of the country, we did not have the leverage to strengthen the hand of central government, extend the rule of law, and deny terrorists safe haven. We also did not sufficiently exert our influence to insure that the Afghan army that we were attempting to build was representative enough of the various ethnic and tribal groups across the country to become a credible force for stability and unification.

But the attack on al Qaeda began to loose steam outside of Afghanistan as well. Talented intelligence operatives with highly specialized knowledge of Arab culture, language and political behavior were diverted from the listening posts and operations centers across the Arab world where al Qaeda activity was most likely to surface to undertake a quite different mission. Financial resources, talented administrators and trainers who might have helped our allies in the Arab world improve their own military and intelligence capabilities against indigenous terrorist organizations were also diverted. The striking momentum that characterized the early phases of our efforts against Al Qaeda has greatly dissipated. The organization has lost much of its backbone, but many of its pieces are still out there attempting to reorganize and regenerate the segments that have been lost. We no longer have the focus to our effort to insure that that does not happen.

Still, you would have to say that our efforts against al Qaeda have been a success—at least if al Qaeda is viewed simply as an organization. The problem is that al Qaeda is as much as idea as it is an organization and ideas are hard to kill. Bullets can kill organizations—they sometimes only strengthen ideas.

As General Anthony Zinni said recently in a lecture before the Center for Strategic and International Studies, while we may be winning the war on terrorism on a tactical level, on the strategic level we don't appear to even have a plan.

Osama bin Laden never intended al Qaeda to be the command structure for the jihad against the United States. The term ''al Qaeda'' means simply, ''the base.'' Bin Laden wanted to create a network to support and encourage jihad. He wanted to attack and overthrow the Arab governments around the world that he viewed as corrupt and out of sync with his views on the teachings of the Koran and he wanted to attack the foreign power that stood behind most of those governments—the United States. Bin Laden's challenge was to create a blueprint that could be used for such attacks and to inspire large numbers of disgruntled members of the Arab and Muslim world to follow that blueprint. He wanted to create a movement that represented more than a small army of terrorists—a movement that could bring down moderate Arab governments and, with the overwhelming support of Arab peoples, drive the United States from the Middle East.

AMERICAN IMAGE IN ARAB WORLD

While bin Laden has suffered huge organizational setbacks over the past thousand days, he has been enormously successful in progress made toward his one strategic objective. He has captured the attention of the Arab world and much of the Muslim world. To a remarkable degree he has even won their sympathies, and in some instances, their commitment. If we wish to reverse that, we must begin to think strategically as well as tactically. We must succeed in our efforts to take the second step, to reshape the image of the United States in the Arab and Muslim worlds. We must not only strengthen the determination of our friends in the region to resist terrorism but also encourage them to address the underlying problems that feed it. Even for many of the brightest and most industrious young people in many Arab countries, hope is in short supply. While the energy resources of the region have brought great wealth to a few, a chance has largely been missed for many governments to use those resources to build opportunity economies.

How we change our image in the Arab world and what policies we should pursue to accomplish it is an issue that will spark debate and some division in this country. That debate needs to begin and it is the responsibility of leaders in both the executive and legislative branches to begin it.

UPGRADING OUR DEFENSES AT HOME

Given how poorly we have done over the past thousand days in stemming the anti-American passions in the Middle East, it is even more important that we do a good job in the third step required for a successful strategy: upgrading our defenses here at home.

In evaluating our performance on that front, it is important that we distinguish motion from movement. I am afraid that in many respects we have had more activity than we have had progress.

On September 11th, we had more than 130 agencies and activities of the federal government engaged in some aspect of homeland security. Those pieces of the bureaucracy were spread across most of the Departments of the federal government. There was no central capacity to oversee or monitor how well they worked together. Many of these agencies had only a fraction of the resources necessary to accomplish the security tasks that experts in the field believed could prevent future attacks.

So, after a thousand days, what has changed?

HOMELAND SECURITY ON THE CHEAP

Well, we are certainly spending more money. The government is spending about $5 billion a year more just on airport baggage and passenger screening. We have expanded the size of the customs service and the immigration service. We have bought new equipment in our ports to screen cargo coming into the United States from international shipping and we have had a significant

growth in law enforcement activities. But if you compare the challenge we face with the resources we are using to meet those challenges, it is clear we are trying to do this on the cheap. We are like someone with a good paying job who must get to work on time every day in order to keep that job. But instead of building the most reliable car he can find, he gets a fifteen year old model—one that will get him there most of the time but will eventually cost him his good paying job.

Failure in establishing our defenses against terrorism places lives at risk. It also puts at risk our capacity as a society to generate wealth. Although the greatest loss would most certainly be measured in human life, penny pinching on necessary security is foolhardy from a simple economic perspective.

THIS LEGISLATION CONTINUES FUNDING FAILURES

Many in government, including the President and the Attorney General, have warned that we are likely to be attacked by terrorists on our homeland within the next nine months. Given this information, you would think that we would be doing everything humanly possible to improve the security of our homeland. The legislation accompanying this report is the prime vehicle to provide the resources to do that. Unfortunately, it represents a stark failure to improve protection of our citizens in any meaningful way against the wide-ranging scope of the threat facing us today.

The fact is that we are not doing all we can to protect Americans from another terrorist attack. The legislation accompanying this report provides an increase of $2.8 billion or 9.4 percent over the previous year. Yet excluding Project Bioshield and user fees, the bill is only $1.1 billion or 5 percent above the previous year. Despite the Department's huge security responsibilities, this is only slightly above inflation.

This legislation provides a resource level equal to only slightly more than inflation for our customs and border protection and enforcement operations and for port security. Worse, this legislation cuts funding for programs designed to improve the response capabilities of our local police, firefighters and emergency responders by $327 million or seven percent from 2004.

OMB'S HOMELAND SECURITY SPENDING ANALYSIS

OMB has prepared an analysis of homeland security spending which is seriously flawed. Programs that were not counted as homeland security a few years ago have now suddenly been shifted into the homeland security category in order to convey the impression of a greater increase in effort than has actually taken place. Nonetheless, the OMB exercise is instructive for getting a big picture sense of what we are doing to address critical security issues. In total, OMB argues that we have gone from spending $20 billion a year—or about two tenths of one percent of GDP in fiscal 2000—to $46 billion a year, or less then four-tenths of one percent today. That means that, even based on OMB accounting, our increase in homeland security spending has been less than two tenths of one percent. To provide some perspective on that number, the share of GDP paid in federal taxes has dropped from 20.8% to 16.4% during that same period—a decline of 4.4% or twenty two times the size of the increase in spending to protect against terrorism.

Another perspective on the level of effort we have made thus far is the oft-used analogy of Pearl Harbor. Pearl Harbor led us to the creation of the concept of Gross Domestic Product. The Roosevelt Administration believed that it might require 50% of our total output to take on the Germans and the Japanese simultaneously. They asked the Commerce Department to develop a method of measuring national output. They not only produced the concept that is now used around the world to measure economic activity, but they were also actually able to reach that goal of spending nearly half of the nation's output on the war effort.

We do not need to put 50% of our output into this war or even 5%. Whether you think that our war effort in Iraq is associated with the war on terror or is a separate and competing activity, expenditures related to that activity account for more than 1% of GDP—more than twice as much as we are spending on activities directly related to protecting the homeland. Given that fact, it is blatantly ridiculous to pretend that we cannot afford what we need to protect against terrorist attacks.

Another major attack could erase a trillion or two trillion dollars from the total valuation of the New York Stock Exchange. It could substantially slow the pace of economic growth for a year or more. Again, the most important consequence of a terrorist attack is the loss of human life, but penny pinching on homeland security makes no sense. Even if we consider only the economics of the issue, the Institute for the Analysis of Global Security found that the cost of the 9/11 attack was nearly 2 trillion dollars, including the loss in stock market wealth, lower corporate profits and higher discount rates for economic volatility.

Now it should be noted that the Administration's FY 2005 budget attempts to make a case that in future years we can reduce the size of federal deficits from the current record levels and still afford additional tax cuts. In making that case their projections for future year spending levels in various categories of the budget are revealing. Homeland Security spending is essentially locked into place at current levels. In fact, what OMB is telling us is that unless the American people or the Congress force a change in priorities, what we have now for securing the nation is all that we are going to get and could decline by as much as $900 million.

But the question we should be asking is: Are we really doing enough? Are there things that we really ought to be doing that the resource levels we have allocated to the problem prevent us from doing?

AVIATION SECURITY GAPS REMAIN

One lesson from September 11th that virtually no one could miss is the need to secure our airlines and our airways. We have spent considerably more on this objective than on any area of homeland security. But there are a surprising number of resource issues still unaddressed with respect to protecting our airways.

For example, we still do not have an effective system of explosive detection. Put more directly, it is still much too easy to get explosive materials onto passenger airlines.

The Transportation Security Administration has identified equipment that could have provided us with that capability. It's expensive, (it would have cost close to $3 billion to install the equipment nationwide) but it would have dramatically improved our capacity to detect explosive materials. It also would have significantly reduced the number of screeners required in airports around the country. In fact, the savings in TSA personnel costs from the use of this equipment was estimated to be large enough to offset the entire cost of the equipment.

The Transportation Security Administration proposed to OMB that the agency purchase much of the needed equipment when it was preparing its plans to meet the 2002 explosive detection requirement set in law. But OMB decided that the expense could not be accommodated within the tight, arbitrary limits for homeland security spending which the President and the Director of OMB had decided to impose. Republicans in Congress then adopted a budget resolution that did not provide the Appropriations Committee with the latitude to move forward with the purchase. As a result we do not have an effective system of detecting explosive materials and that failure is due entirely to artificial constraints on resources and incompetent budgeting. TSA has recently acknowledged that the more expensive machines would pay for themselves within 3 to 5 years.

Following September 11th there was broad recognition of the fact that we needed to restart the sky marshals program and insure that there were enough marshals on domestic and international passenger flights so that potential highjackers would always have to think twice about the likelihood that a sky marshal might be present on a targeted flight.

Now the exact number of marshals that the President and the Congress agreed were necessary has remained classified. But few people realize that we are no longer operating at that level. No one has come forward with convincing arguments that the level was too high or that adequate safety can be assured at a lower level. We have simply once again allowed arbitrary budget limits, applied to one small portion of the budget, to drive a decision that may unnecessarily put a great many Americans at risk. Under the President's budget submission for Fiscal 2005, we will have 20% fewer sky marshals than the President and the Congress agreed that we needed just two years ago. That is in spite of the fact that there has been a significant increase during that period in the number of domestic and international flights and in the number of passenger miles flown.

We have had—and continue to have—serious communications problems between military pilots who have the ultimate responsibility to insure that commercial aircraft are not used to crash into buildings (and the commercial aircraft and the FAA system that controls them). Quite simply, military and commercial flight systems cannot easily and quickly talk to one another and the potential that leaves for miscalculation and mistakes it horrific.

Despite the fact that this problem could be solved for relatively little money, the military felt the commercial system should foot the problem and the FAA and the airlines felt it should be addressed in the military budget. OMB decided the cheapest solution was not to decide.

Finally, last fall, I decided for them. The $10 million that was needed was earmarked in the Defense Appropriation bill. I suppose that's a good ending to the story, except that the delay in funding means that the system will not be operative until 2006. That gives you one more thing to think about when you board a plane. It also provides more than a little insight into how decisions about homeland security are being sorted out within the executive branch.

RAIL VULNERABILITIES

These examples of inaction with respect to airway security are serious, but they do not begin to compare with the nearly total abdication of our responsibility to assure the safety of rail transportation. As the recent attacks in Spain have demonstrated, our enemy is not wedded to attacks on any single transportation mode. He will watch and wait until he finds a vulnerability that can be exploited.

Rail is vulnerable in two ways. One is from attacks against our freight rail system that handles a huge portion of the materials,

products and chemicals that allow our economy to function. The second is from attacks (like those in Spain) against the roughly 13 million Americans who use passenger rail systems each day.

Luckily, the Department of Transportation and other agencies in the executive branch began a process of sharing classified threat information with the nation's rail freight carriers in the late 1990s. The plans developed as a result of that process are in place and provide a foundation for significant security upgrades. But the plans are dependent upon the federal government meeting certain obligations it accepted during the planning process. Under those plans federal security forces are specifically required to monitor tracks and facilities. Not only have we failed to do that but we have not even designated the agency or department that will supply the forces or establish a means of training them.

As disquieting as the lack of progress in securing our heavy freight and passenger rail systems may be, the security efforts on behalf of transit systems is even worse.

LACK OF PROGRESS IN TRANSIT SECURITY

The White House has failed to mediate the dispute between the Departments of Homeland Security and Transportation over who is actually in charge of transit security. A General Accounting Agency report recommending a resolution of the issue has been rejected by both departments. The impasse continues despite the fact that it is halting any significant progress in securing the systems and despite the fact that transit systems have been the most frequent worldwide targets of terrorist attacks.

Neither Department is willing to spend even a small fraction of the security related costs most experts feel is necessary. Department of Transportation security funding for transit systems totals $37 million in the current year and the Department of Homeland Security has allocated only $115 million over the past two years. This legislation contains only $111 million for rail and transit security needs. In contrast, the transit industry estimates that $6 billion is needed for security training, radio communications systems, security cameras and limiting access to sensitive facilities.

What is the Department of Homeland Security's answer to these unmet needs?

They testified this spring that more funds are not necessary until they have had a better opportunity to define the problem. Now, that is an orderly approach, which we should applaud as long as the Department can guarantee al Qaeda's cooperation with their schedule. My concern is that the Department is likely to get some help they have not asked for in developing a definition of the transit security problem.

The Department has clearly become aware of how vulnerable they are to criticism about their lack of serious attention to transit issues. Only two weeks ago, in a classic move to cover their bureaucratic backsides, they issued a directive to transit systems ordering them to take a series of actions that the Department's own data collection system indicates have already been completed by the vast majority of transit authorities across the country.

CARGO CONTAINER VULNERABILITIES

Since September 11 the vulnerability that has most troubled many experts has been maritime cargo and the exposure of our ports to a nuclear, chemical or biological attack from a weapon placed in a shipping container. As the president of the U.S. Chamber of Commerce, Tom Donohue, has pointed out, such an event could cause death and destruction on a scale far beyond the attacks launched on September 11. It could virtually shut down our global trading system for an extended period of time. The economic consequences would be almost incalculable. Terms like ''economic downturn'' or ''recession'' would not begin to describe the aftermath.

The Bush Administration has spent billions looking for new technologies with the capacity to knock a nuclear warhead out of the sky if it were launched in the nose cone of an intercontinental ballistic missile. It has invested heavily in the development of other technologies that are intended to serve that purpose but probably cannot. But they seem unresponsive to the fact that a rogue or a terrorist organization can simply place such a weapon in a shipping container and explode it upon arrival in New York Harbor or in Los Angeles, San Francisco, New Orleans or Boston. A ship can bring into this country a far less complicated weapon than one which could be placed on an ICBM. It can be massive in size and its does not need to even be thermonuclear in order to cause massive numbers of casualties, destruction and economic chaos.

So what have we done to protect ourselves? Protecting our ports is not unlike protecting our airports. We need to have multiple security perimeters. The first should be overseas. That requires a whole new approach to cargo inspection. It requires that our inspectors leave the United States, establish cooperative relationships with port security officials in countries around the world that ship to the United States. It requires that they establish a system of certification and best practices with major exporters around the world.

This is not a Democratic proposal. This is roughly the proposal that George Bush's own appointed head of the Customs Service, Bob Bonner, took to the White House in months immediately following September 11th. It is the proposal that the Council on Foreign Relations Task Force, headed by former Senators Rudman and Hart had endorsed. It is the proposal that the U.S. Chamber of Commerce has written editorials to support.

But the White House waited until last year to request the first dime for this effort. Whatever presence the United States has had in foreign ports over the past one thousand days has been entirely as a result of Congressional increases to homeland security spending—increases that were opposed by the White House, increases that the White House threatened at various stages in the legislative process to veto, and increases which on one occasion the White House did veto.

Last year, the White House reversed themselves and finally requested a portion of the funds that were needed for container security. Their position changed from, ''we can't afford it'' to ''we needed to wait.'' That is a turnaround and I suppose we should welcome it. But the $126 million that the president has proposed for FY2005, and is contained in this legislation, will not adequately fund the program. It will not even allow us to fully staff the 45 foreign ports where DHS had planned to inspect all manifest documents. It will not permit our current foreign inspection programs to become permanent. We are currently in only 17 ports. We currently have no container security presence in China, the biggest U.S. trading partner in terms of cargo containers. The number of cargo containers arriving to the U.S. from China is more than three times those arriving from Hong Kong.

More troubling than the mere question of resources is the lack of political or bureaucratic clout behind this critical initiative. If having inspection agents working with foreign customs officials is to be a truly effective means of understanding what is in foreign ships before they leave for U.S. ports, it requires developing long term relationships between our agents and those who control the foreign ports we wish to monitor.

This involves a new level of training and expertise for our customs agents. It involves establishing continuity in the relationship we have with host governments in terms of what we expect to get and what incentives we can provide to those who cooperate. Nothing could be more destructive to this effort than to rotate in and out of foreign ports agents with only a few months of experience based on a deliberate system of staffing through temporary assignment. But that is precisely what we have done. In the few foreign ports where we do have a presence, that presence is a U.S. customs officer detailed there on a six-month temporary duty assignment. Those agents don't even know what the problems were between the U.S. and the host government when the program was initiated. They are certainly not people that officials of the host government would want to invest much time in getting to know—they will be gone before there is any pay off from developing a relationship.

PORT VULNERABILITIES

If the overseas effort to identify the contents of cargo containers is the outer perimeter for protecting our ports, the ability of the Coast Guard to interdict, board and inspect U.S. bound shipping at sea is the next perimeter. Yet the Coast Guard's capacity to perform that function has also been restrained by lack of resources. The Administration frequently states that the Coast Guard is now boarding all vessels that are deemed to be ''high interest.'' That means 80% of all other vessels are not boarded.

Observing, tracking and controlling ships as they approach and enter into American waters is the next perimeter in securing our ports. Systems have been developed that are very similar to the systems by which air traffic control directs airplanes entering into U.S. airspace and approaching U.S. airports. These systems, however, are available in only nine ports, leaving 45 major ports without such a system. Again, this is penny wise and pound foolish. It is also a bad decision in terms of long-term cost effectiveness. More automated systems permit more rapid detection of ships that are not following control directives; they can be operated by fewer people and are long-term cost savers.

And, inside our ports, there are numerous critical issues. One is preventing unauthorized persons from having access to ships, containers or post storage areas. A second is protecting hazardous chemicals and materials from attack. The Coast Guard estimated that the 185 commercial seaports in the United States would need about $7 billion to assess vulnerabilities and take necessary action to correct those vulnerabilities. These port authorities do not, in most instances, have the revenue raising authority to pay any significant portion of these costs. This year was the first time the Administration requested any money whatsoever for this purpose, and it only requested $46 million. The Congress has been able to appropriate only $587 million or less than 10% of the money needed to do the job. This legislation includes an additional $125 million for port security, which will keep us on the slow-moving path to addressing all of our port vulnerabilities.

SECURING OUR LAND BORDERS

Another major priority has been securing our land borders—in particular, the 3000 mile U.S. border with Canada or 5000 miles if we include Alaska. Despite our continuing strong economic and political ties to Canada, the situation of the two nations with respect to potential terrorist attacks is quite different. Canada's smaller role in world affairs and the image of Canada in the eyes of

the international community make it a much less likely target of attack than the U.S. At the same time, Canada's vast geography and relatively small population have led to far more lenient immigration policies than those in place in the United States.

As a result there will continue to be significant differences between the two countries on how external security concerns are managed. That means that the question of how to control our border and the movement of people and cargo across that border is suddenly a matter of much greater concern.

Recognizing that concern, the Congress included language in the Patriot Act calling for the tripling of the number of border agents and inspectors on the Canadian border above the levels we maintain on September 11th. As of October 2003, we were still more than 2000 people short of this goal. In addition, there was a clear need for significant additional equipment on the Canadian border to insure that those new people would be efficiently put to work: equipment like air stations, radiation monitors, and surveillance equipment.

To date we have fewer than 4000 agents and inspectors on the border. In other words, about one third of the positions promised in the Patriot Act are still unfilled. The FY 2005 budget promises no increases from current levels. And the President' out-year budget projection provides a strong indication that personnel strength at the border will actually decline rather than increase over the next five years. With respect to equipment, we have provided the first air station (again one not requested by the Administration) and some radiation monitors, but have made no critical investments in things such as surveillance equipment.

PREPARING THOSE WHO RESPOND TO TERRORIST ATTACKS

The events of September 11th made clear that the brave men and women serving in the police, fire and emergency medical units in New York, New Jersey, Virginia, District of Columbia and Maryland needed a significant amount of additional equipment and training to more effectively respond to the types of attacks that occurred on that day. It was also apparent that first responder units across the nation did not have most of the equipment they would need to deal with a nuclear, chemical or biological attack.

The needs of local first responders were spelled out in considerable detail in the Rudman-Hart reports. But the federal government has already allowed most of the burden to fall on local governments. Since the capacity of those local governments to support such investments in the tough economic times is limited, progress in equipping first responders has been minimal.

Of the $98 billion in first responder needs identified by the Rudman-Hart report, the Feds have provided less than $14.5 billion, or 15%. As a result only 13% of fire departments can effectively respond to a hazmat incident. An estimated 57,000 firefighter's lack the personal protective clothing needed in a chem-bio attack. An estimated ⅓ of firefighters per shift are not equipped with self-contained breathing apparatus and nearly half of the available units are 10 years old. Only half of all emergency responders on shift have portable radios. And we still have massive needs for interoperable communications equipment. On site emergency personnel working for different agencies need to be able to talk to each other. We will probably never know how many victims in the World Trade Centers could have been saved if they had known that they needed to evacuate the buildings. We know that was a communication problem of disastrous proportions.

This legislation cuts funding for programs designed to improve the response capabilities of our local police, firefighters and emergency responders by $327 million or seven percent from 2004. These professionals are put on the front line risking their lives every day. They are especially put at risk when terrorists attack our homeland, as we saw from the number who died at the World Trade Center. These professionals need to be prepared for the various types of attacks we may face and they are not fully prepared today. It is disgraceful that this legislation provides less funding in this area, not more.

These are only a few examples of where corners have been cut in establishing the line of defense here at home.

INADEQUATE HOMELAND SECURITY LEADERSHIP

But there is more to the story than simply talking about resources. In many instances, we have not had the leadership necessary to organize available resources in effective ways.

Prior to the creation of the Department of Homeland Security, the White House identified 133 separate agencies and activities within the federal government that played a role with respect to homeland security. The creation of a Department was the Administration's answer as to how to better manage and coordinate those disparate activities. The problem, however, is that only 22 of those 133 activities became part of the new department. A total of 111 agencies and activities, including the FBI, the CIA, the Defense Department and many other key components of the overall effort remained on the outside.

But for whatever reason, the effort to have centralized control and coordination of all of those activities within the White House was diminished. When Tom Ridge went to DHS his replacement within the White House was not given the same clout to knock heads together and insure that Departments and agencies are working together toward a common mission. Too frequently, we have had 112 units of government headed off on their own with no central coordination, as Attorney General Ashcroft's press conference and the reaction within the administration to that press conference last week so clearly demonstrated.

And even within the new department there have been serious problems. In its first year of operation, DHS has disappointed even those with low expectations. Bureaucratic snarls have been so intense that on its first anniversary the Department still did not have a working phone directory. My staff has been asking for one for more than six months and has yet to receive it. It has also been reported that when callers phone the Department's hotline number, it just rings and rings. Members of Congress from the President's own party have expressed grave concerns about the inability of the Department to respond to requests for information in any kind of a reasonable time frame.

One possible cause of the rampant chaos at the department has been the injection of a huge number of political appointees. Since the creation of the Department more than one quarter of all personnel who have been hired for departmental operations have been political appointees. These individuals often appear more fixated on positioning themselves politically than on the nuts and bolts security problems, which the Department must address. We have seen a huge number of press releases promoting the Departments efforts but we have few concrete efforts worthy of such self-promotion. We, for instance, still do not have regulations regarding the licensing and registration of hazardous material truckers nor do we the detailed guidance for flight and cabin crew training to prepare for potential threat conditions which was mandated by the Aviation and Transportation Security Act more than two years ago.

Typically, political appointees remain in their appointed positions for less than 24 months. At that point, they are off to some other part of the administration or headed back into the private sector. That means building true long-term competency within any Department is heavily dependent on recruiting a committed professional career staff. But the 114 political appointees now swarming the halls at DHS have—if anything—impeded that process. Of the 500 career positions needed to run the department, 171 remain vacant. One of the most critical positions in any Department is that of Budget Director. In only 14 months DHS has had three budget directors.

Ironically, this legislation provides funding that is sixty-two percent higher than this year for Departmental Operations. Even though we were told that formation of the Department of Homeland Security would not cost us a dime, it now appears that the Administration has realized that this was not true: $65 million is provided in this legislation for the Department's headquarters and $70 million is provided for the ''security-critical'' new personnel system. I do not question the need for this funding. But I do think that it is instructive that these are higher priorities for the Administration and the Committee majority than are protecting our border, ports, transit, and aviation system.

Instead, this $135 million could have been used to purchase and install hundreds of additional radiation portal monitors at our borders and ports. The Committee majority admits that it is, and I quote this report, ''aware of a need for over 1,000 more'' radiation portal monitors than are funded by the Committee.

Instead, this $135 million could have been used to inspect a much greater percentage of air cargo for explosives than we do today. While the Committee report calls for a doubling of the screening for explosives of cargo carried on passenger airplanes, this ''doubling'' still leaves a large percentage of such cargo at risk.

Instead, this $135 million could have been used to secure additional critical infrastructure, like chemical facilities, transit systems and ports. The Committee majority agreed with the Administration's plan to have only thirty-five percent of protective actions that it recommends actually implemented for ''first tier priority critical infrastructure components''. What this means is that sixty-five percent of the actions the Department recommends to protect the public will not be implemented next year.

The Administration and the Committee majority seem to be very patient when it comes to protecting our citizens on our homeland. Unlike them, I remain unconvinced that terrorists will wait a decade for their next attack.

CONGRESS SHOULD NOT ABDICATE ITS ROLE

About a year and a half ago I spoke to a group of reporters at the National Press Club about where the country stood at that time in protecting itself against terrorist attacks. I feel that the coverage of that event was fair and I think we exposed some problems that, as a result of that coverage, have been fixed. But I also think that the press and the public have a presumption that this is such a complex issue that we simply have to trust the President and his advisors in the Executive Branch to do what is right. I think many of my colleagues in Congress have felt the same way. While I understand people's tendency to leave this complex calculus to the ''experts,'' I think this town is currently awash in new information about the decision making process within this administration which indicates that is a bad idea!

First of all, that is not the approach to decision making that the Constitution requires of us. It is our job to second-guess. When so much is at stake, the Congress, the press and the public have the clearest possible obligation to insure that the decision making within the Executive Branch is measured, deliberate, based on the best available information, and consistent with the quality of judgment befitting the seriousness of the risks to which we are exposed. Had that happened in the wake of 9/11 or even a year and a half ago there are many points in this statement that I might have been able to leave out.

One problem in all of this, frankly, is that it was hard for the press and the public to believe much of what I reported a year and a half ago. While the facts presented in that statement were well documented they presented a picture of executive branch decision-making that was wholly inconsistent with what the nation or the press corps wanted to believe. It was hard to accept the idea that in this moment of great national crisis we did not have systematic methods of screening information, examining policy choices, debating the pluses and minuses of each alternative, and making strategic choices based on an exhaustive effort to find the best possible alternative. But in recent months we have learned time and time again that this was not the nature of decision-making within this administration.

Ron Suskind, using the exhaustive notes and papers of Treasury Secretary Paul O'Neill, tells of an extraordinary decision making process in which information is collected on the basis of decisions that preceded them. Richard Clarke describes a process both before and after 9/11 that was quite similar. So does Bob Woodward.

My own experience with the President himself, demonstrates that this President has listened as infrequently to those in the Congress who know something about homeland security as he did to our allies or the career American military before rushing into Iraq.

But any one who has been listening these last few months is pretty well aware of the fact that we were not vigilant and were not picking up on clear information of elevated threat levels prior to 9/11. We did not respond in the summer of 2001 to that threat in the same manner that we responded 18 months earlier when similar threat information triggered a massive response to the millennium threat. We did not have an orderly or honest process to measure the pluses and minuses of invading Iraq. People at the highest levels silenced, dissent and criticism and irreversible actions were taken based on flawed information.

We based our plans for security and reconstruction of Iraq on intelligence from a single organization outside of this government which both the State Department and the CIA said was unreliable. Unfortunately, that is all spilt milk. Even if we understand those mistakes, we can't go back and try it again.

What I am talking about today is not spilt milk. We can correct these policy mistakes and we can possibly correct them in a time frame that will prevent the next attack. It all depends on whether we are ready to get real.

Now, I am not optimistic by nature. Perhaps it is merely my nature that leads me to believe that the cauldron that is today boiling in Southwest Asia, North Africa and the Middle East will likely spill over once more onto the shores of North America. If we are not ready, I do not want to look myself in the mirror for the rest of my life and wonder why I didn't ask tougher questions or insist on more responsible and responsive policies. I think the overall performance of our government to date in the area of homeland security merits a greater sense of skepticism and urgency on the part of the press and the general public as well.

We lived in a more dangerous world prior to September 11th than most Americans realized. Our efforts to making the world safer have met with mixed results and the numbers of persons who wish us harm and will go to great lengths to inflict harm have grown steadily during the past thousand days. Clearly some of our efforts have done little more than fed the flames of discontent and hatred.

That places even greater pressure on our last lines of defense, protecting our borders, our transportation systems and our capacity to respond to terrorist acts in this country if, God forbid, they are again committed. But as the facts I have today outlined well document, those efforts remain under funded and poorly managed. The President proposed that we have 20% fewer sky marshals than we had a little more than a year ago. We have hired only two-thirds the people that the Patriot Act mandated for protecting our Northern Border. We have invested one-tenth what is needed to protect our ports. We have only just begun to take the steps needed to protect our rail and transit systems. Our first responders have only a fraction of the tools they need. And worse still, the agencies that have been entrusted with the responsibilities are still wallowing in bureaucratic chaos.

As we saw last week the Justice Department and the Homeland Security Department are still in the business of surprising each other. Simply hoping that these problems will somehow work out is not unlike the wishful thinking that many engaged in as they prepared to invade Iraq. Misinformation and bad planning can lead to excruciatingly painful results. The time to reexamine our security, our security budgets and our whole thinking in this area is now. The Congress must act to put a stop to this mindless, non-information based approach to policy and national strategy. It is as likely to prove catastrophic in the defense of our homeland as it has been in installing democracy in Iraq.

Congress may control nothing more than the purse strings—but that is enough. The Congress has all the power it needs to reopen this discussion, insure that assumptions are well founded, the information is the best available, the management is sound and the resources are adequate. What it will take to significantly improve the systems that protect this nation is small in the relative scheme of things—a few tenths of a percent of GDP may be no more than we are now spending on Iraqi reconstruction and one-twentieth of what we have handed out in tax breaks. Given the stakes, we cannot afford to do less.

AMENDMENT OFFERED IN COMMITTEE TO PROVIDE $3 BILLION MORE

That is why I offered an amendment in Committee to provide $3 billion to fix some of the most critical security holes.

Our homeland security agencies could do more with this additional funding—

They could put more radiation and surveillance monitors at our borders and ports;

They could increase surveillance on our transit systems;

They could increase surveillance by local police of critical infrastructure facilities;

They could improve the ability of our police and firefighters to communicate with each other and be suited properly;

They could inspect additional containers coming into the United States;

They could put more air marshals on flights;

They could increase our stockpile of antibiotics;

They could increase air patrols of our borders; and

They could fix some holes in our current aviation security screening system.

This $3 billion, however, would have only been available to do this if the President agreed. It is disappointing and shortsighted that the Committee voted along party lines not even to give him that choice.

The Chairman of the Committee said during markup that he would probably support my amendment if he had additional budget allocation. The budget allocations are severely restricted because the Administration has decided that tax cuts and the costs of a war should go hand-in-hand. This squeezes spending on virtually everything else.

We need to stop being penny-wise and pound-foolish. We need to push the Department of Homeland Security to make needed security investment now, so that we can be protected tomorrow. If we do not make those investments until tomorrow, our protection may come too late.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Arizona (Mr. KOLBE).

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

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me time. I do rise in support of this rule and against the argument that has been made by the gentlewoman from Connecticut and to some extent by the gentleman from Wisconsin, which is that we should defeat the previous question in order to amend the rule because the Committee on Rules did not make in order an amendment which was added in the committee by the gentlewoman from Connecticut.

That amendment should not be made in order. It is not in order on this bill. It is a sweeping amendment that would change the entire tax laws of the United States. It would change all of our rules and regulations that we are required to adhere to under the World Trade Organization, and it ought to be thoroughly debated and vetted in the proper venue, in the Committee on Appropriations, and not on the floor of this House as an amendment. So it is indeed correct that it is not made in order and should be stricken. But let me talk just a moment about the substance of this.

The idea here is that somehow that Accenture should not be allowed to bid on the US–VISIT program. The idea is that Accenture is avoiding paying U.S. taxes and has some sort of unfair competitive advantage, but that is simply not true. Neither the employees of Accenture are avoiding paying taxes, nor is the company avoiding paying any taxes on any of its obligations or any of its profits that are made here in the United States. The company pays its taxes on all of its U.S.-generated income. In fact, its effective tax rate for the year 2004 is 34.8 percent.

Now, the national average for all corporations is 19 percent. The tax rate for its two major competitors for this bid were Lockheed Martin and Computer

Sciences Corporation and their tax rates were 31.3 percent and 28 percent respectively. That is based on their last 10–K filing. So it is simply false to say that this is a company that is not paying its taxes. It does not receive any tax advantage by having its ultimate parent incorporated in Bermuda. So here we have a company that is actually paying higher taxes than its competitors who bid on this. It is paying much higher taxes than the average corporate rate.

So it is simply not true to say that Accenture is trying to avoid paying taxes.

The second assumption that is wrong in this argument is that Accenture has done a corporate inversion. That is that they incorporated, they went to Bermuda in order to avoid paying this taxes. It is not a corporate inversion. It did not move its place of incorporation from the U.S. to Bermuda with the intent of avoiding paying U.S. taxes. If has never been a U.S.-based corporation and it has never operated under a U.S. parent corporation. In fact, the General Accounting Office in the report that it did in October 2002 about corporate inversions did not even list Accenture as a government contractor that undertook a corporate inversion.

Finally, there is the faulty assumption that only the U.S. companies should provide products and services to the Federal Government.

Nothing, Mr. Speaker, nothing could be further, more wrong-headed than that. We rely, we are a service based economy, and we rely very heavily on being able to bid and open up contracts in other countries. We have worked in the World Trade Organizations in all the trade negotiations in order to try to make sure that we had good provisions in there for procurement, government procurement contracts. This would just invite the kind of retaliation that would say that our corporations, our major contractors cannot bid on an airport being built in Tokyo or a major oil contract in Saudi Arabia. It invites that kind of retaliation because it says that we are not going to abide by our own World Trade Organizations rules.

I would say in closing, Mr. Chairman, this amendment that was added in the Committee on Appropriations is the simply paying politics application with the award of this contract. It is based on faulty assumptions to score some political points. Any delay in implementing contracts puts the American people at risk. It would further delay a vitally important contract to us, and I urge that we approve the previous question and approve this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. SABO), the ranking member of the Subcommittee on Homeland Security of the Committee on Appropriations.

Mr. SABO. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me time.

I rise in opposition to the rule on the fiscal year 2005 Homeland Security appropriations bill. The President's 2005 Homeland Security budget request falls short. This bill represents an improvement; however, I have serious concerns about some of the program funding levels and the policy decisions which a rule would prevent us from addressing.

The rule fails to waive points of order against the Obey amendment. The bill contains deep cuts in first responder funding, which is $327 million below 2004 enacted levels. The House-passed budget resolution and the resulting Homeland Security allocation restricts this bill from doing more to protect our borders and ports and other critical infrastructure.

To address some of the most critical needs, the gentleman from Wisconsin (Mr. OBEY) offered an amendment in the Committee on Appropriations to provide a contingent Homeland Security emergency reserve of $3 billion available to the President upon request. The amendment is common sense, yet Members cannot vote on it because this rule fails to waive points of order against it.

The Committee on Rules also failed to make in order an amendment that I offered the Committee on Appropriations on chemical plant security. My amendment would direct the Department of Homeland Security to require both vulnerability assessments and security plans for chemical facilities and to provide oversight of the action taken by these facilities to improve security. The decisions on which chemical facilities must comply would be left to the department based on risk.

It is widely known that chemical facilities are clear terrorist threats and there are about 3,000 such U.S. facilities where a release would affect over 10,000 Americans.

Despite years of such warnings from many experts, the General Accounting Office reported in 2003 that no comprehensive information exists on the security vulnerabilities facing the chemical industry, and many facilities have neither assessed their vulnerability nor their security. We should not wait any longer to protect this glaring problem, but this rule prevents us from taking prudent action.

As Warren Rudman recently said, ''You have to only look at television footage from Bhopal in India when an accident occurred to recognize how serious a disaster this would be. If you were terrorists and you decided to cause a major disaster, why would you not go to a plant that, if you could penetrate it and blow a part of it up, would cause fumes to waft over the entire area to kill who knows how many people?''

Last, I am disappointed that this rule leaves unprotected the most critical element of the CAPPS II passenger prescreening provision. This bill language mandates that the GAO review the methodology used by TSA to determine which passengers may be terrorists.

This is the most sensitive aspect of the CAPPS II, with broad implications for Americans' privacy and civil liberties, and GAO has not yet been able to review it.

In closing, I believe this rule prevents the House from addressing some of the most critical Homeland Security funding and policy issues. I urge Members to defeat the previous question and, if that is defeated, to defeat the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. FLAKE). The gentlewoman from New York (Ms. SLAUGHTER) has 4½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER of Texas. Mr. Speaker, I rise today to oppose this rule because I felt very strongly that this House should be given the opportunities to provide what I believe to be the essential additional funding to protect the homeland.

This Congress and this House has had a long tradition of supporting national defense in a bipartisan way. If you look at the additions that we have made in spending in the area of national defense, particularly in light of the conflict in Afghanistan and Iraq, we have spent in the neighborhood of an additional $150 billion or so in the defense of this effort.

The truth of the matter is, our additional spending on homeland security dwarfs by way of comparison and yet in both instances we are at war. We are at war against an enemy who desires to destroy us, an enemy who will exploit our vulnerabilities, and what we should be doing is debating in an open way whether or not we believe we should be prepared to deal effectively with these threats.

We need to install radiation portal devices immediately in our ports. We need to provide sufficient security funding for our rail and public transits. We need to provide the Coast Guard with additional funds to protect our ports. We need to be sure that we install explosive detection equipment in our airports. We need to have inspectors and personnel at our northern and southern borders sufficient to do the job. We need to fund adequately our first responders. The list goes on. But I frankly believe, Mr. Speaker, that this House if given the choice would provide additional dollars for homeland security. I regret that this rule denies us this opportunity.

Ms. SLAUGHTER. Mr. Speaker, does the gentleman have any further speakers?

Mr. LINCOLN DIAZ-BALART of Florida. No, Mr. Speaker, we do not.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, when the previous question is called I will ask for a no vote. It seems that hardly a day goes by that we do not turn on television and hear some new report on a terrorist plot around the world. Some of the most recent reports have indicated terrorists may be planning attacks in the United States this summer. Just the other day authorities arrested a man in Ohio allegedly planning to blow up a shopping mall.

With news like this it is little wonder that the security of our Nation weighs heavily on the minds of our constituents. Unfortunately, the bill before us today does not provide an adequate level of funding to give our communities the resources that they need to keep America and its people safe. Excluding Project BioShield, the Homeland Security appropriations bill barely keeps up with inflation, and it even cuts funding for programs to help our police, firefighters and emergency personnel 7 percent.

How do we expect to keep our Nation secure when we are cutting funding for the very people tasked with keeping our constituents safe.

It does not have to be this way, Mr. Speaker. Last night at the Committee on Rules, the gentleman from Wisconsin (Mr. OBEY) brought forth a very important and responsible amendment that would have provided an additional $3 billion to the Department of Homeland Security in a contingent emergency reserve. As the gentleman from Wisconsin (Mr. OBEY) pointed out in his testimony, this money could be used to increase the number of air marshals on planes or to address the problems in our current aviation security screening system.

□ 1430

It could provide for more radiation and surveillance monitors at our borders and ports and allow for increased inspection of shipping containers coming into the country. It could be used to increase surveillance in our transit systems and to improve communications between police, firefighters and other first responders.

Unfortunately, Mr. Speaker, we will not get a chance to vote on more money for security at our borders or on our transit systems or for our first responders because the amendment by the gentleman from Wisconsin (Mr. OBEY) was defeated on a straight party line vote.

So today, Mr. Speaker, I urge Members to vote no on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will make in order the amendment of the gentleman from Wisconsin (Mr. OBEY). This fund represents a tiny fraction of the money that has gone towards rebuilding Iraq. I do not think it is asking too much to make sure that our own Nation is fully protected and that emergency monies are available should they be needed.

In the 2 years since the creation of the Homeland Security Department, we have found a number of areas that need more resources. The monies contained in the contingency fund could provide a much-needed shot in the arm for these programs and services that may have vulnerabilities. Mr. Speaker, this should not be a partisan issue. The safety of our Nation and its citizens is of utmost importance to all of us in this House.

Today this Congress can put aside partisanship and act to protect America's homeland by giving the Department of Homeland Security the additional resources provided in the Obey amendment to meet our most urgent security concerns.

I am confident that all Americans and all Members of this House support that sentiment. So I urge Members on both sides of the aisle to vote no on the previous question.

Let me emphasize that a no vote will not stop the House from taking up the Homeland Security appropriations bill. It will not prevent other amendments from being offered under this rule. However, a yes vote will prevent the House from considering this badly-needed amendment to create an emergency contingency fund for homeland security and preserve that department's ability to more fully protect Americans against terrorism.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. FLAKE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge Members to vote no on the previous question and yield the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also believe that homeland security should not be a partisan issue. That is why I am so proud of the work that the leadership and that the Committee on Appropriations and especially the gentleman from Florida (Chairman YOUNG) and the gentleman from Kentucky (Chairman ROGERS) have brought forth, they have expended and brought forth with regard to this critical issue.

The legislation before us spends $33 billion, Mr. Speaker, on homeland security, $33 billion. Just in the area of first responders, Federal assistance for those first responders since September 11, 2001, almost $27 billion have been appropriated by this Congress. I am very proud of the way in which this Congress has responded to the threat, has acted to protect our homeland security. This is very important legislation that we have before us today. It is time that we get to the underlying legislation and that we pass it out.

So accordingly, Mr. Speaker, I urge a yes vote on the previous question, on the rule and on the underlying legislation.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 675—RULE ON H.R. 4567, FISCAL YEAR 2005 HOMELAND SECURITY APPROPRIATION

At the end of the resolution, add the following:

SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by the Representative of Wisconsin or a designee. The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

SEC. 3. The amendment referred to in section 2 is as follows:

At the end of title I, insert the following:

CONTINGENT EMERGENCY RESERVE

For additional expenses, not otherwise provided for, necessary to support operations to improve the security of our homeland due to the global war on terrorism, $3,000,000,000, to remain available until expended: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided further*, That the funds made available under this heading shall be available only to the extent that an official budget request for all of the funds is transmitted by the President to the Congress and includes designation of the amount of that request as an emergency and essential to support homeland security activities: *Provided further*, That funds made available under this heading may be available for transfer for the following activities:

(1) up to $1,200,000,000 for ''Office for State and Local Government Coordination and Preparedness, State and Local Programs'';

(2) up to $200,000,000 for ''Office for State and Local Government Coordination and Preparedness, Firefighter Assistance Grants'';

(3) up to $450,000,000 for ''Transportation Security Administration, Aviation Security'';

(4) up to $50,000,000 for ''Transportation Security Administration, Maritime and Land Security'';

(5) up to $550,000,000 for ''Customs and Border Protection, Salaries and Expenses'';

(6) up to $100,000,000 for ''Immigration and Customs Enforcement, Air and Marine Interdiction, Operations, Maintenance, and Procurement'';

(7) up to $50,000,000 for ''Immigration and Customs Enforcement, Federal Air Marshals'';

(8) up to $100,000,000 for ''Immigration and Customs Enforcement, Salaries and Expenses''; and

(9) up to $300,000,000 for bioterrorism preparedness activities throughout the Federal Government:

Provided further, That the Secretary of Homeland Security shall notify the Committees on Appropriations 15 days prior to the transfer of funds made available under the previous proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Homeland Security.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 675 will be followed by five-minute votes, as ordered, on adopting H. Res. 675; adopting H. Res. 674; passing H.R. 4517; and suspending the rules and passing H.R. 4545.

The vote was taken by electronic device, and there were—yeas 224, nays 205, not voting 4, as follows:

[Roll No. 243]

YEAS—224

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
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
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
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
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 (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—205

Abercrombie
Ackerman
Alexander
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)
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
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)
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)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
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
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
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
Woolsey
Wu
Wynn

NOT VOTING—4

DeMint
Hastings (FL)
Osborne
Platts

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1502

Ms. WATSON, Mr. GUTIERREZ, Mr. PASTOR and Mrs. McCARTHY of New York changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 234, noes 197, not voting 2, as follows:

[Roll No. 244]

AYES—234

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
Cooper
Cox
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
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Majette
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Rush
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
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 (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—197

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
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
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)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
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
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
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
Woolsey
Wu
Wynn

NOT VOTING—2

DeMint
Hastings (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1512

Ms. CARSON of Indiana and Mr. RAHALL changed their vote from ''aye'' to ''no.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4568, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. The pending business is the question on House Resolution 674 on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 428, nays 1, not voting 4, as follows:

[Roll No. 245]

YEAS—428

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Strickland

NOT VOTING—4

Davis (FL)
DeMint
Delahunt
Hastings (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN) (during the vote). The Chair will remind Members there are 2 minutes remaining in this vote.

□ 1520

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNITED STATES REFINERY REVITALIZATION ACT OF 2004

The SPEAKER pro tempore. The pending business is the question on the passage of the bill, H.R. 4517, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 192, not voting 2, as follows:

[Roll No. 246]

YEAS—239

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
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
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NAYS—192

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

NOT VOTING—2

DeMint
Hastings (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair will remind Members there are 2 minutes remaining in this vote.

□ 1530

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE GASOLINE PRICE REDUCTION ACT OF 2004

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4545.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the bill, H.R. 4545, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 236, nays 194, not voting 3, as follows:

[Roll No. 247]

YEAS—236

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

NAYS—194

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

NOT VOTING—3

Conyers
DeMint
Hastings (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN) (during the vote). The Chair will remind Members that there are 2 minutes remaining in this vote.

□ 1538

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Evans, one of his secretaries.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–194)

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

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the FEDERAL REGISTER and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the FEDERAL REGISTER for publication, stating that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2004. The most recent notice continuing this emergency was published in the FEDERAL REGISTER on June 12, 2003 (68 Fed. Reg. 35149).

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 16, 2004.*

RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

HOUSE OF REPRESENTATIVES,
Washington, DC 20515, June 15, 2004.

The Hon. DENNIS HASTERT,
Speaker of the House, U.S. House of Representatives,
Washington, DC 20515.

DEAR MR. SPEAKER: Effective immediately, I hereby resign my seat on the Committee on Veterans Affairs.

Sincerely,

SILVESTRE REYES,
Member of Congress.

The SPEAKER pro tempore. Without objection the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 678) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 678

Resolved, That the following named Member be and is hereby elected to the following standing committees of the House of Representatives:

COMMITTEE ON RESOURCES: Ms. Herseth (to rank immediately after Ms. Bordallo).

COMMITTEE ON VETERANS AFFAIRS: Ms. Herseth.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4568, and that I may include tabular and extraneous materials.

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

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 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 consideration of the bill, H.R. 4568.

The Chair designates the gentleman from Ohio (Mr. LATOURETTE) as chairman of the Committee of the Whole, and requests the gentleman from Georgia (Mr. ISAKSON) to assume the chair temporarily.

□ 1539

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 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. ISAKSON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

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

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

Mr. Chairman, today we bring to the House floor the fiscal year 2005 budget recommendations for the Department of Interior and related agencies. This bill includes $19.5 billion, which is $156 million below the budget request and $257 million below the enacted level.

Given our allocations, this is a balanced bipartisan bill. It provides significant operation increases for our national parks. It increases funding above the level requested for Indian schools and hospitals and clinics. It provides increased wildland fire programs and continues to make forest health a high priority. We have fully funded the healthy forests initiative.

There is an additional appropriation, in title IV of the bill, for urgent fire suppression. It includes $500 million for fiscal year 2004 and $500 million for fiscal year 2005. These funds will be made available to the extent they are needed to fight fires in those fiscal years. Given our past problems with insufficient fire fighting funds, the budget resolution includes a special allocation adjustment for this purpose.

The bill reported out of committee maintains funding for proven, mission-essential grant programs that are strongly supported by Congress and restores funding to ensure that core programs in the bill are continued.

We have partially restored critical energy research programs to protect the investment the Congress and the taxpayer have made to ensure that energy is used more efficiently and cleanly. It just does not make sense to terminate arbitrarily successful research programs before they reach a logical conclusion, and that is why we have taken this measure.

The committee transferred jurisdiction for the Weatherization Assistance Program from the Interior bill to the Labor, Health, and Human Services bill, which has the responsibility for the Low Income Home Energy Assistance Program. LIHEAP already includes a set-aside for weatherization, and it is, logical to keep these two programs together in the same bill.

We have made difficult but sensible decisions in the energy area. Overall, energy research funding is reduced by 7 percent, after adjustments for jurisdictional change for weatherization. We hope to be able to increase this as we move forward with the bill in conference.

In order to restore funding for mission essential programs, we have reduced new construction, land acquisition and grant programs.

This is a challenging year, but this is a bill that is balanced and fair, and I urge all Members to support it.

I want to thank my friend, the gentleman from Washington (Mr. DICKS), the minority ranking member, for the hard work that he has done in producing this bill, as well as the entire committee, and both the majority and minority staff for their work on this.

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

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

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

Mr. DICKS. Mr. Chairman, first of all I want to thank the gentleman from North Carolina (Chairman TAYLOR) and the staff of the subcommittee, both majority and minority, for a very good bill and a hard-working effort.

Obviously there are deficiencies in the bill. The chairman mentioned the fact that we are below last year's level and that our allocation was a couple of hundred million dollars below the President's budget request. So obviously we had limitations on what we could do in this bill.

I do think that adding $500 million in 2004 for fire fighting, assuming we get the bill signed, and also for 2005, was an important step. We have also increased the overall funding for fire fighting by a significant amount of money.

There are some deficiencies. The majority decided not to fund the request of the President for the $41 million increase for the National Endowment for the Arts and Humanities. We were unable to come up with the money to fund the conservation amendment. But in other areas we were able to come up with funding to increase the money for the parks.

As I spoke on the rule, I talked about this problem we have with our national parks. We do not have enough money to cover the fixed costs. Therefore, their operating budgets are not able to cover the number of people necessary. I used the example of the Olympic National Park.

□ 1545

Three years ago, they had 130 temporary workers during the summer. That has been reduced down to 25. That is unbelievable. They had, I think, 3 years ago 146 employees, full-time; now it is down to 120, and they are supposed to have 202 employees. So my colleagues can see that this lack of funding is causing serious problems in the operations of the parks themselves. We are just not going to have the same number of rangers out there. This is a problem that I hope we can continue to deal with.

So I want to thank the chairman for all of his kindness and his willingness to work with the minority party here in the House on this important bill, and we will continue to work together until we get this bill finished.

Mr. Chairman, I yield 2½ minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I would note that the pending bill continues a trend that we have seen from the White House and the Republican leadership. I certainly commend the ranking minority member, the gentleman from Washington (Mr. DICKS) for his leadership, as well as the subcommittee chairman, the gentleman from North Carolina (Mr. TAYLOR), but it is a trend that is coming out of this pending legislation as well as the Congress, the trend of not keeping faith with the American people when it comes to various Federal trust funds.

With the highway bill, it is very apparent. There are those of us who want to return to the American people from the Highway Trust Fund the taxes that are paid at the pump in the form of better roads and bridges, and there are those who do not.

In the pending legislation, there is a trust fund account called the Abandoned Mine Reclamation Fund, financed by a fee imposed on the coal industry. This is the industry's version of Superfund. It is meant to provide funding to finance the cleanup of abandoned coal mine sites that pose a threat to human health and safety. The unspent balance in that trust fund is approaching $2 billion. Yet the pending bill flatlines the amount it would make available.

I could go on and on. There is another trust fund involved with the pending legislation; and here, too, this bill does not keep faith with America. That is called the Land and Water Conservation Fund programs, which is authorized at 900 million. The total is less than $150 million in this bill.

Funding that would improve and expand the wildlife refuges, National Parks, and National Forests is sacrificed at the altar of tax relief for the rich. Apparently, the money for the Bush tax cut really did grow on trees.

What is more, the Bush administration, along with the majority here in the House, fails to provide these funds even though half the money goes directly to the States for conservation and recreation purposes.

If the Bush administration supports making rich people richer, that is their choice; but the American people should know where the money is coming from. The American people should know what the real reason is when they go to a national park this summer and find it surrounded by commercial development because there will be no funds to conserve the lands around the park. The American people should know that even though we are supposed to have the money sitting in a trust fund, dangerous abandoned mine sites will not

be reclaimed because that trust has been broken as well.

Gutting conservation spending to fund a tax cut is short-sighted and cynical. Members need to come to this floor during the debate on this legislation and tell the American people where they stand.

It appears that this administration and its friends in the Congress have thrown the keys to the Treasury off the continent, funding a war that we were not properly advised on its true cost and which is going to reach astronomical proportions. Now we are left with depleted funds, from roads and infrastructure to our majestic parks and wildlife protection programs.

So I would urge Members to look closely at this legislation before making their minds up.

Mr. Chairman, I would note that the pending bill continues a trend that we have seen coming out of the White House and from the Republican Leadership. And that is a trend of not keeping faith with the American people when it comes to various federal trust funds.

With the highway bill, it is very apparent. There are those of us who want to return to the American people from the Highway Trust Fund the taxes they pay at the pump in the form of better roads and bridges. And there are those who do not.

In the pending legislation, there is a trust fund account, the Abandoned Mine Reclamation Fund, financed by a fee imposed on the coal industry. This is the industry's version of Superfund. It is meant to provide funding to finance the cleanup of abandoned coal mine sites that pose a threat to human health and safety. The unspent balance in that trust fund is approaching $2 billion.

Yet the pending bill flat lines the amount it would make available. I can assure this body there is no lack of need for this funding. We have an extensive inventory of sites which need to be reclaimed. This program is about improving our environment, and it is about jobs. Well paying construction jobs. And there is another trust fund involved with the pending legislation, and here too, this bill does not keep faith with America.

Spending on Land and Water conservation Fund programs—which is authorized at $900 million—totals less than $150 million in this bill. Funding that would improve and expand wildlife refuges, National Parks and National Forests is sacrificed at the altar of tax relief for the rich. Apparently, the money for the Bush tax cut really did grow on trees. What's more, the Bush Administration, along with the Majority here in the House, fails to provide these funds even though half the money goes directly to the States for conservation and recreation purposes.

If the Bush administration supports making rich people richer, that is their choice. But the American people should know where the money is coming from.

The American people should know that the National Park they visit this summer will soon be surrounded by commercial development because there will be no funds to conserve the lands around the Park.

The American people should know that the conservation and recreation programs planned by their governor will have to be abandoned because the Federal government won't come through with matching funds.

The American people should know that, even though we are supposed to have the money sitting in a trust fund, dangerous abandoned mine sites will not be reclaimed because that trust has been broken. Gutting conservation spending to fund a tax cut is short-sighted and cynical. Members need to come to this House floor during the debate on this legislation and tell the American people where they stand.

It appears that this administration and its friends in the Congress have thrown the keys to the Treasury off the continent, funding a war that we were not properly advised on its true cost. And now we are left with depleted funds for worthy and traditionally bipartisan programs, from roads and infrastructure, to our majestic parks and wildlife protection programs.

I urge a "no" vote on the pending measure.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, relating to the operation funds, we hope maybe in the conference we will be able to provide more money, after we work with the Senate, for the Interior bill. But we have a letter from the parks director, and this is the second letter that they have sent; and also in public testimony they pointed out that there is not going to be any reductions in visitors' services or access to the park facilities this year. Let me repeat that. Her instructions to the National Park Service field management was clear that the parks facilities are to be available at the same level as they were in the last year, with some amounts for changes for operating hours where individual work might be going on.

So we do not expect parks to be closed. We do not expect any different changes in visitation for our people who will be vacationing at national parks.

We put $1 billion into parks operation. That was a $55 million increase; and while we all want to look for more money for our entire public lands, we think this is adequate, and we have the Parks Service's guarantee that we will not be closing parks under any circumstances this year.

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

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO), who has been a very good friend and a strong supporter of this bill.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman from Washington for yielding me this time, and I thank the chairman.

I particularly want to congratulate the committee on the additional money for firefighting. I know it is a tough budget year. I know their allocations were inadequate. But it was absolutely crucial that we get the up-front money we need for what is expected to be the worst fire year in Western history so we can be better prepared and also have the assurances of an additional funding for next year so that the Forest Service can begin to get into long-term contracts for larger aircraft, for fuel retardant crops.

That said, I am concerned that after last year's vigorous debate and final resolution of the Healthy Forest Restoration Act, with the promise of $760 million a year from the White House committed to hazardous fuel reductions in Western forests, that there is only $266 million in this bill. That is not adequate. At that level, if there was no additional fuels buildup, it would take 100 years to deal with the already accumulated buildup. That is part of the reason why they have to so robustly fund firefighting. We simply have to get ahead of this problem. We can provide jobs in rural communities, we can do fuel reduction in a way that is labor intensive, but will protect resources, protect our communities, and enhance the forests. But at the $266 million level, that is simply not going to get done. In fact, we will probably see the backlog grow over the coming years.

So again, I congratulate the committee for the additional money for firefighting and hope in the conference committee that they can find some additional funds to move ahead with fuel reduction.

Mr. DICKS. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking Democratic member of the full Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I would very much like to be able to support this bill, and I regret very much that I cannot do so. I would like to explain why that is the case.

First of all, let me simply observe that I think that this bill gives vivid testimony to the strangeness of the majority party budget resolution. This bill, in fact, eliminates $700 million of the President's initiatives in areas under the jurisdiction of this subcommittee. Those are reductions in the President's initiatives that were made by the President's own party. The reason they did that is because they understood that the President's budget increases were essentially ''let's pretend'' increases; they were financed by cutting deeply into the base of existing programs such as Indian health care, which no civilized person would suggest that we cut. But nonetheless, those initiatives are now gone because of the unreality of the President's budget and the unreality of the budget resolution itself.

But more importantly, my problem with this bill is that it scuttles the conservation agreement that was made 4 years ago. Then, we had a number of Members of this Congress who wanted to pass what was known as CARA. That would have created an entitlement for a whole range of environmental and land acquisition programs. A number of us thought it was not advisable to make those entitlements, but we did want to see significant increases in those funding levels. So we reached an agreement in the committee that there would be a 6-year scheduled ramp-up of funding for the programs. The committee stuck to that for 2 years. Last

year they walked away from it. This year they are walking away from it again. That means that this bill funds at an $831 million level programs that were scheduled to be at the $1.6 billion level.

We can argue about whether or not those programs are advisable, but I come from the old-fashioned view that if a committee makes a commitment, it has an obligation to stick to it. I stick to mine, and I expect people who make agreements with me to keep those commitments. I feel that the majority party did not keep that commitment; and so I, in protest, am intending to vote ''no.''

Let me say there are some good things in this bill, and I appreciate the fact that the chairman has tried to work out a number of issues most rationally. But I really believe that to be involved in a theological debate on land acquisition that prevents us from protecting some of the most precious and pristine areas in this country before they are overcome by development is a price that is too high to pay for running this Congress on the basis of ideology rather than evidence, and so I regretfully will be opposing the bill.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in support of H.R. 4568, the FY05 Interior Appropriations Bill. This bill is of critical importance to the insular areas and I thank my colleagues for their continued support of my efforts to keep in place government operations and capital improvement funding for American Samoa.

The United States territory of American Samoa lies 2,300 miles southwest of Hawaii, covers a land area of 76 square miles, has a population of less than 70,000, and a per capita income of $4,300 per year. Due to scarcity of land, labor and capital, economic growth and development in American Samoa has been limited.

In fact, more than 80 percent of American Samoa's economy is dependent either directly or indirectly on two United States tuna canneries which employ more than 5,150 people or 74 percent of the workforce. A decrease in production or departure of one or both of the two canneries in American Samoa could devastate the local economy resulting in massive layoffs and insurmountable financial difficulties.

To protect American Samoa's present economy and to encourage and foster other investment and development in the Territory, I believe it is necessary to keep in place American Samoa's annual funding. I also believe it is important to increase our funding and I will continue to work with our friends in the House and Senate to make sure that the needs of American Samoa are addressed at a time when our nation is not faced with budget constraints brought on by the high costs of war.

For educational purposes, I will work to set aside funds on a per annum basis for sports and recreational programs for 6 high schools and 23 elementary and middle schools in American Samoa. For purposes of diversifying our economy, I will also work to set aside finds for the development of a high tech, e-commerce initiative. For purposes of improving health care and education, I am working to increase funding for ASG operations and capital improvement projects.

American Samoa has 23 elementary and middle schools, 6 public high schools and 4 private high schools. More than 80 percent of these schools do not have adequate playgrounds, gyms or sports equipment. Yet American Samoa's prominence in college and NFL programs has caught the attention of Sports Illustrated which featured an article on our youth in its November 3, 2003 issue.

With a per capita income of less than $4,500 per year and a single-industry economy based almost solely on the U.S. tuna fishing and processing industries, sports scholarships are one of the few opportunities Samoan youth have to finance higher education. A set aside of $500,000 on a per annum basis for sports and recreation programs will not only increase scholarship opportunities but will also put in place necessary health and wellness programs that are currently lacking in our schools.

I believe this is a worthy cause, a cause to which all students, including ones in American Samoa are entitled. As such, I will pursue this matter until it has the full support of the House and Senate.

For some time, I have been working with the American Samoa Government, including our present Governor, the Honorable Togiola Tulafono, on establishing e-commerce in the Territory. Initially, the Department of the Interior was supportive of this effort and provided technical assistance funding for a feasibility study.

One of the most important initiatives of this project is to create an e-commerce development center. Last year, I was able to include $500,000 in the Labor, Health and Education Appropriations bill to fund a computer lab at the American Samoa Community College. This lab will provide the basis of our e-commerce initiative.

The Governor is now looking at the possibility of establishing a non-profit e-CDC Cooperative Cooperation and together we are seeking funding for an e-CDC center that would house a technology training center at the American Samoa Community College. Focus would be placed on data entry work and software development for Pacific Island nations. The facility would also house a business development center to encourage small business start-ups.

Given that the two largest employers in American Samoa are the tuna canneries and the U.S. federal government, I support the development of e-commerce in the Territory and I am asking that $500,000 be set aside on a per annum basis to help American Samoa diversify its economy.

As I mentioned earlier, I appreciate the support of my friends in the House in working with me to keep American Samoa's government operations and capital improvement project funding in place. While I understand that it is difficult to increase funding when our nation is at war, I would also like to note that American Samoa's population has increased by 22 percent in the past ten years. To address necessary issues of public health and safety, I am hopeful that in the near future we will be able to increase American Samoa's annual appropriations and, at this time, I join with my colleagues in support of H.R. 4568.

Mrs. MALONEY. Mr. Chairman, I rise today in strong support of the Slaughter-Shays-Dicks-Leach Amendment, which would provide a modest—but much needed—increase in funding for the National Endowment for the Arts and the National Endowment for the Humanities.

This additional $10 million dollars for the NEA and $3.5 million dollars for the NEH would help expose our children to American art, history and culture. In addition to the enjoyment and life-enrichment that each participant in the arts experiences, the involvement of children in the arts has been shown to improve reading and language development, mathematics skills, fundamental cognitive skills, motivation to learn, and social behavior.

The Arts and Humanities not only enhance the lives of our children—they also keep our economy strong. Every year, the nonprofit arts industry creates $134 billion dollars in economic activity, generating $22.4 billion dollars in tax revenue for our local, state and federal governments, and supporting nearly 5 million full-time jobs all across our country.

In my district alone, over 130,000 people are employed by the museums, theaters, art galleries and other art organizations that I am proud to represent. For my constituents, and for all Americans, the arts mean business.

Because such a modest increase in funding would bring the arts and jobs to so many people, I support the Slaughter-Shays-Dicks-Leach amendment, and I urge my colleagues to do the same.

Mr. NUSSLE. Mr. Chairman, I rise to speak on H.R. 4568, the Interior and Related Agencies Appropriations Bill for fiscal year 2005.

H.R. 4568 provides $20.0 billion in budget authority and $20.2 billion in outlays—an increase of $78 million in BA and $629 million in outlays from fiscal year 2004.

As Chairman of the House Budget Committee, I am pleased to report that the bill is generally consistent with the Conference Report on the Concurrent Resolution on the Budget for fiscal year 2005 (H. Con. Res. 95) which recently passed the full House but has yet to pass the Senate. The bill comes in at its 302(b) allocation for fiscal year 2005 and therefore complies with section 302(f) of the budget resolution, which limits appropriations measures to the allocation of the reporting subcommittee.

A very important component of this bill is the funding for suppression of wildfires. In addition to fully funding wildland fire suppression activities at their ten-year average, H.R. 4568 provides an additional $500 million for fire suppression within the Forest Service and the Department of Interior in both fiscal years 2004 and 2005. I am authorized by the budget resolution to increase the allocation of the Appropriations Committee to accommodate this additional spending because the bill fully funds the wildfire suppression accounts. However, the appropriations for fiscal year 2004 does exceed the allocation in that year because of a slight breach in its allocation resulting from legislation enacted late last session.

H.R. 4568 contains no rescissions but does include an advance appropriation of $36 million for payments under the Elk Hills School lands fund settlement agreement. The advance appropriation is included in the list of anticipated advance appropriations under section 401 of the Budget Resolution.

Let me conclude by commending Chairman TAYLOR and Ranking Member DICKS for a job well done in prioritizing the programs within their jurisdiction and coming to the floor with a bill that complies with this year's budget resolution.

Mr. LARSON of Connecticut. Mr. Chairman, as the Ranking Minority Member of the House Administration Committee, which has legislative and oversight jurisdiction over the Smithsonian Institution, I rise today to note that the Appropriations Committee has approved $628 million for the Smithsonian in Fiscal Year 2005. This represents an increase of $23 million over Fiscal Year 2004 and a cut of $8.2 million from the Administration's FY 2005 request. The cut was not unexpected given the current budget deficit and the chaos surrounding the Congressional budget process in the absence of a concurrent resolution on the budget for FY 2005.

The $8.2 million cut came from a variety of sources, not enough to cause significant damage to any vital program or function this year, and some of the reductions can be made up for in the future. I especially hope that additional funds can be found next year for improving the facilities and maintenance at the National Zoo, which has been the subject of major controversy in hearings before the House Administration Committee during this Congress, and which will likely be addressed by the National Academy of Sciences when it issues its final report, requested by our Committee, on the operation of the Zoo later this summer.

The Smithsonian Institution has a maintenance backlog of $1.5 billion throughout all of its facilities. When some structures are in a state of such disrepair that they pose a danger to the public and to the staff, as well as, in the case of the National Zoo, to the animals; we have to be prepared to act eventually to address the big picture. I hope that the time will come sooner rather than later for us to provide this critical funding for the Zoo. Although I am pleased that this bill provides the minimum amount of funding for the Smithsonian, I hope that in the future we can do more to support the museums which benefit so many of our citizens and the critical scientific research the Smithsonian conducts which is so important to our understanding of ourselves, our planet, and our universe.

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

The CHAIRMAN pro tempore (Mr. ISAKSON). All time for general debate having been yielded, pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 4568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $840,401,000, to remain available until expended, of which $1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; $2,232,000 is for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487; (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,500,000 shall be available in fiscal year 2005 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, $32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $840,401,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $743,099,000, to remain available until expended, of which not to exceed $12,374,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (A) local private, nonprofit, or cooperative entities; (B) Youth Conservation Corps crews or related partnerships with state, local, or non-profit youth groups; (C) small or micro-businesses; or (D) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,855,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $15,000,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $4,500,000, to be derived from the Land and

Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; 111,557,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystems Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystems Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $970,494,000, to remain available until September 30, 2006, *Provided*, That not less than $1,750,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: *Provided further*, That $2,000,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further*, That not to exceed $16,226,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $12,700,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2004: *Provided further*, That of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $48,400,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $12,500,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $15,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, federally recognized Indian tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate, or other at-risk species on private lands.

PRIVATE STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $5,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That the amount provided herein is for the Private Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species: *Provided further*, That balances from amounts previously appropriated under the heading ''Stewardship Grants'' shall be transferred to and merged with this appropriation and shall remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, $81,596,000, of which $49,384,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $49,384,000 is to be derived from the Land and Water Conservation Fund and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $38,000,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $4,400,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $5,900,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $67,500,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That of the amount provided herein, $6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting said $6,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further*, That any amount apportioned in 2005 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2006, shall be reapportioned, together with funds appropriated in 2007, in the manner provided herein: *Provided further*, That balances from amounts previously appropriated under the heading ''State Wildlife Grants'' shall be transferred to and merged with this appropriation and shall remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 179 passenger motor vehicles, of which 161 are for replacement only (including 44 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That notwithstanding any other provision of law, the service may use up to $2,000,000 from funds provided for contracts for employment-related legal services: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 108–330.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,686,067,000, of which $10,708,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $94,690,000, to remain available until September 30, 2005, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $81,204,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $53,877,000: *Provided*, That $700,000 from the Statutory and Contractual Aid Account shall be provided to the City of Tacoma, Washington for the purpose of conducting a feasibility study for the Train to the Mountain project: *Provided further*, That none of the funds in this or previous Acts for the Rivers, Trails and Conservation Assistance Program may be used for cooperative agreements, contracts, or cash grants.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $71,533,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2006, of which $30,000,000 shall be for Save America's Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: *Provided*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations and the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $297,628,000, to remain available until expended: *Provided*,

That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of $5,000,000, without advance, written approval of the House and Senate Committees on Appropriations: *Provided further*, That, notwithstanding any other provision of law, the National Park Service may not accept donations or services associated with the planning, design, or construction of such new facilities without advance written approval of the House and Senate Committees on Appropriations: *Provided further*, That these restrictions do not apply to the Flight 93 Memorial: *Provided further*, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations: *Provided further*, That funds appropriated in this Act and in any prior Acts for the purpose of implementing the Modified Water Deliveries to Everglades National Park Project shall be available for expenditure unless the joint report of the Secretary of the Interior, the Secretary of the Army, the Administrator of the Environmental Protection Agency, and the Attorney General which shall be filed within 90 days of enactment of this Act and by September 30 each year thereafter until December 31, 2006, to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, the House Committee on Resources and the Senate Committee on Environment and Public Works, indicates that the water entering A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park does not meet applicable State water quality standards and numeric criteria adopted for phosphorus throughout A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park, as well as water quality requirements set forth in the Consent Decree entered in United States v. South Florida Water Management District, and that the House and Senate Committees on Appropriations respond in writing disapproving the further expenditure of funds.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2005 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $107,500,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $91,500,000 is for the State assistance program including $1,500,000 to administer this program: *Provided*, That none of the funds provided for the State assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That appropriations available to the National Park Service may be used to maintain the following areas in Washington, District of Columbia: Jackson Place, Madison Place, and Pennsylvania Avenue between 15th and 17th Streets, Northwest.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2005, with respect to the administration of the National Park Service park pass program by the National Park Foundation, the Secretary may pay to the Foundation administrative funds expected to be received in that fiscal year before the revenues are collected, so long as total payments in the administrative account do not exceed total revenue collected and deposited in that account by the end of the fiscal year.

If the Secretary of the Interior considers the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, to misinterpret and/or misapply relevant contractual requirements, and their underlying legal authority, the Secretary may seek the de novo review of the value determination by the United States Court of Federal Claims, and that court may make an order affirming, vacating, modifying or correcting the determination.

In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $944,498,000, of which $63,262,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,185,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $7,901,000 shall remain available until expended for satellite operations; and of which $20,099,000 shall be available until September 30, 2006, for the operation and maintenance of facilities and deferred maintenance; and of which $1,600,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost; and of which $171,976,000 shall be available until September 30, 2006, for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase and replacement of passenger motor vehicles; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws

and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $171,575,000, of which $81,906,000 shall be available for royalty management activities; and an amount not to exceed $103,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent $103,730,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $103,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That $3,000,000 for computer acquisitions shall remain available until September 30, 2006: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: *Provided further*, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program: *Provided further*, That in fiscal year 2005 and thereafter, notwithstanding 30 U.S.C. 191(a) and 43 U.S.C. 1338, the Secretary shall pay, not to exceed $499,000 annually, amounts owed to States under the provision of 30 U.S.C. 1721(b) from amounts received as current receipts from bonuses, royalties, interest collected from lessees and designees, and rentals of the public lands and the outer continental shelf under provisions of the Mineral Leasing Act (30 U.S.C. 181 et seq.), and the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), which are not payable to a State or the Reclamation Fund.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $7,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $108,805,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2005 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $194,106,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 2005: *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,935,033,000, to remain available until September 30, 2006 except as otherwise provided herein, of which not to exceed $85,638,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $133,314,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2005, as authorized by such Act except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $458,057,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2005, and shall remain available until September 30, 2006; and of which not to exceed $61,409,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $45,348,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2004 for the operation of Bureau-funded schools, and up to $3,000,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2004 of Bureau-operated schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2006, may be transferred during fiscal year 2007 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2007.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $348,626,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable

basis: *Provided further*, That for fiscal year 2005, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): *Provided further*, That, of the funds provided for the tribal school demonstration program, notwithstanding the provisions of paragraph (b)(1) of section 122 of division F of Public Law 108–7, as amended by section 136 of Public Law 108–108, $4,500,000 is for the Eastern Band of Cherokee education campus at the Ravensford tract.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $44,771,000, to remain available until expended, for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 106–554, 107–331, and 108–34, and for implementation of other land and water rights settlements; and of which $10,032,000 shall be available for payment to the Quinault Indian Nation pursuant to the terms of the North Boundary Settlement Agreement dated July 14, 2000, providing for the acquisition of perpetual conservation easements from the Nation.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $6,421,000, of which $695,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $84,699,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase and replacement of passenger motor vehicles.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $74,935,000, of which: (1) $68,372,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) $6,563,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $5,499,000, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau as authorized by Public Law 99–658; Public Law 108–188; and section 221(a)(2) of the Compacts of Free Association and their related agreements between the Government of the United States and the Government of the Republic of the Marshall Islands as amended.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for management of the Department of the Interior, $93,051,000, of which not to exceed $8,500 may be for official reception and representation expenses, of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines, and of which $13,500,000, to be derived by transfer from unobligated balances in the ''Central Hazardous Materials Fund'', shall remain available until expended for a departmental financial and business management system. *Provided*, That none of the funds in this or previous appropriations Acts may be used to establish any additional reserves in the Working Capital Fund account other than the two authorized reserves without prior approval of the House and Senate Committees on Appropriations.

□ 1600

AMENDMENTS OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Speaker, I offer a set of amendments, and I ask unanimous consent they be considered en bloc.

The Clerk read as follows:

Amendments offered by Ms. SLAUGHTER:

Page 47, line 4, after ''Appropriations'' insert ''*Provided further*, That amounts otherwise appropriated by this Act for motor vehicle lease, purchase or service costs at the Department of the Interior are reduced by

$13,500,000 and, not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing of the amounts by account of the reductions made pursuant to this proviso''.

Page 103, line 24, strike ''$120,972,000'' and insert ''$130,972,000''.

Page 104, line 5, strike ''$122,377,000'' and insert ''$125,877,000''.

The CHAIRMAN pro tempore (Mr. DUNCAN). Without objection, the amendments may be considered en bloc.

There was no objection.

Ms. SLAUGHTER. Mr. Chairman, I rise to offer an amendment that will provide just a small increase for Federal arts agencies but which will pay us back many times over, both in hard dollars and in ways that are simply incalculable for the people that we represent.

Since 2001, when our national economy began its dramatic downturn, we have seen some of our largest industries shaken to their core. Without consumer spending and housing market, the recession would have been even deeper and more discouraging for most Americans. But during those dark days, one industry sailed on battered by the prevailing wind but staying afloat, thanks in part to Federal funding, and that was America's incomparable nonprofit arts industry.

Even without the corporate and philanthropic support of prior years and with fewer State and local dollars, the indomitable $134 billion nonprofit arts industry, seen here on this chart, kept selling tickets, employing artists, attracting tourists, providing jobs, supporting small businesses and churning out receipts to Federal, State and local treasuries. In cities, towns and hamlets across the country, artists continued to write and compose and dance and perform, and audiences kept coming to watch and listen and absorb their creativity. Inevitably, they left with what they came for, their minds enlightened, their souls renewed.

How magic that is when what makes both people's life and economy richer is one in the same thing. The lesson is clear, the stability of Federal funding is all the more important to the arts in times of fiscal fluctuation. And where else can we find such a bargain? For 1/100 of 1 percent of the Federal budget, the nonprofit arts agencies generate over 5 million jobs and give back 14 billion to State and local governments and over 10 billion to the Federal treasury.

Consider this enormous return on our investment and our request is modest this year. Though the President requested $18 million for the National Endowment for the Arts, because we recognize the tight budget we face we will ask only $10 million, and this small increase will ensure that the NEA's new program, America's Masterpieces: Three Centuries of Artistic Genius, which First Lady Laura Bush announced with such enthusiasm last year, will take the best of our heritage to new and younger audiences across the country. Every dollar of this increase will go to the program. Not a cent will fund administrative costs.

Similarly, rather than the $27 million which the President requested for the National Endowment for the Humanities, we are asking only $3.5 million. The additional money will continue funding for such popular programs as ''We the People,'' which teaches and studies the understanding of American history, and every State and territory in the United States last year benefited from this initiative. Should you have any doubts left about the ability of the Federal seed money to build a local economy, think about your own preference when you travel. What do you look for when you are in a strange city or country?

After checking into your hotel and locating a restaurant, you search out the local cultural attractions, do you not? The museum, the art gallery, the theater, the folk festival, the other indigenous arts; in fact, the attractions that made you want to go there in the first place. Sixty-five percent of all American travelers do the same. They include cultural events on their trips and they spend more on the average than local attendees do at their favorite cultural institutions.

In my own district, the Cities of Buffalo, Rochester, and Niagara Falls, New York are dependent on tourist dollars to keep their economy and local small businesses running. You probably have watched and been grateful for the same phenomenon in your district. Just today I learned that Buffalo was now the fourth most desired arts destination in the country, according to the American Style Magazine's annual poll, and I say thank goodness for those tourist dollars.

I hope by now you have seen the research seen by Americans for the Arts, which was sent to every congressional office. Entitled ''The Creative Industries,'' the report includes a map of your own district and a chart that shows every arts-related business in your district and the number of jobs that each supports. It gives you a graphic indication of the geographic and economic reach of the arts. But the benefits of our Federal investment are neither confined at our districts nor stop at our borders. The output of artists and other creative workers in publishing audio-visual music and recording and entertainment business amounts to over $60 billion annually in overseas sales, and this huge return helps the U.S. maintain an ongoing global position of economic strength and leadership.

Think for a moment about the Reagan funeral. Who was not deeply moved by the tenor's rendition of Ave Maria? Whose eyes did not tear when the Marine band played Amazing Grace or God Bless America and the wonderful choir that sang The Battle Hymn of the Republic? Who can even imagine such a moment of national importance not imbued with such profound feeling without the artists performing their great music?

Long after everyone alive today is gone from this Earth, that ceremony will be remembered by generations to come through the artistry of great photography.

Let us remember that it was President Reagan himself who set up the Presidential Task Force on Arts and Humanities.

Mr. BALLENGER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise today in support of the amendments to increase the funding for the National Endowment For the Arts and the National Endowment for the Humanities.

I understand the importance of fiscal restraint during a time of large deficit; however, the relatively small amount of Federal funding of the arts and humanities is needed to leverage private dollars. These combined resources make the arts and our heritage come alive in communities across the Nation.

For example, in 1973 we people in Hickory, North Carolina, decided we wanted to convert an old high school building, and with a small amount from the National Endowment as sort of a Good Housekeeping Seal of Approval we raised $2.8 million and had a museum of art.

As another example, in October I was proud to arrange for the Aquila Theater Company to perform Othello for students in the Northview Middle School in Hickory, North Carolina. This was possible due to an NEA program called ''Shakespeare in American Communities.'' This program brings touring groups to rural communities which normally do not have the opportunity to see a professional theater company.

In fact, one young eighth grader was so impressed he contacted his local paper and he wrote, ''I never really knew much about Shakespeare until a couple of days ago. When I saw that play, I was amazed. It was awesome.''

By the conclusion of the Shakespeare in American Communities Program it will have toured all 50 States, visited 200 cities and 14 military bases. It will have utilized the talent of 29 theater companies whose actors will have touched the lives of 1 million children.

Dollars that fund this type of program are dollars well spent. Not only are the arts and humanities essential teaching tools for our children but they are also good business. In North Carolina's 10th Congressional District, my district, there are 757 arts-related businesses which employ 2,677 people. In addition, arts-related organizations contributed $32 million in payroll taxes to North Carolina in fiscal year 2003.

□ 1615

Mr. Chairman, the annual budget of the NEA and NEH return immeasurable benefits to our children and

economy, and I urge my colleagues to vote ''yes'' on this amendment.

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

Mr. Chairman, I rise in strong support of the gentlewoman from New York's (Ms. SLAUGHTER), my friend, amendment and urge its adoption. As is typical of a person who is a fine legislative craftsperson, this amendment fits the rules and is well-crafted to pass. I wish, and I think I share this wish with the gentlewoman from New York, that we could do even more; and I know she would do much more if that were a viable possibility.

I support this amendment because I like to think of myself as being a fiscal conservative; and for those of us who believe that we should be careful stewards of the taxpayers' dollar, this amendment meets that test in two very important ways.

First of all, arts organizations and humanities organizations are among the most efficient organizations I have ever seen. These are organizations for whom $5,000 or $10,000 can make the difference between a viable, vibrant program and no program at all. In an institution where billions of dollars are routinely cut, spent or otherwise allocated, these arts organizations stand in stark contrast because they are the kinds of institutions where a very small amount of money can make a very big difference.

I know, Mr. Chairman, that we all have such organizations in our districts. I just heard my friend from North Carolina talk about some organizations in his. These are organizations that piece together volunteer in-kind contributions for men and women who paint sets and sell tickets and make costumes. They knit together that effort with a few dollars from a local bank or a charitable foundation with a small amount of support from the local, county, or State cultural and heritage commission, with private donations from individuals and families in the community. When they are $5,000 away from getting something done, very often it is this grant from this program that helps get that something done.

So in terms of stretching the taxpayers' dollar, it is the most productive use. The recipients of these grants across the country are the experts at that, and they deserve this help.

Second, as my friend from New York pointed out so well a few minutes ago, these expenditures are an investment in economic growth. There are so many cities and communities in our country, many of them in my State of New Jersey, that are focusing their downtown revitalization projects on the arts; that are focusing their job creation efforts on bringing people into shopping districts and business communities because there is a cultural festival, because there is a concert, because there is a new gallery opening; that art patrons bring traffic. They buy products; they buy goods and services. They eat at the restaurants. They create a proliferation of economic activity.

We spend a lot of the people's money here. Some of it I do not think we spend as well as we should, but this is an entirely well-thought-out expenditure of the people's money.

The final point I would make is that I applaud this amendment's support for the teaching and learning of history. It is one of the things that worries me about the future of our country, that so many of our citizens are not engaged in the study of our history, not engaged in an understanding of what our history means. This Republic is a magnificent experiment. It is a unique experiment in the history of mankind; and to truly appreciate the gift that we have been given in this Republic requires an understanding of the history that yielded this Republic.

If one person is compelled to read about the Articles of Confederation or is compelled to read the great debates that gave rise to the Constitution of this country, if one person is made to think about how ancient principles of liberty and democracy apply in very turbulent modern times, then I think we have accomplished having something very important. A lot more than one person, many more than one person is going to have that opportunity as a result of this amendment.

So I thank its author. I thank those on the other side of the aisle who stepped forward to support it, and I urge an affirmative vote in favor of the amendment.

MODIFICATION TO AMENDMENTS OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I ask unanimous consent to modify the amendments to correct the line reference from page 103, line 24, to page 103, line 14.

The CHAIRMAN pro tempore (Mr. OSE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

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

Mr. Chairman, I rise in support of this amendment but must note a certain embarrassment that it is so modest. If it passes, resources for NEH and NEA will still be less than the President requested. Nonetheless, the dollars involved do represent a bit more help to the two institutions most responsible for advancing the creative impulses in society and expanding programs which provide historical and philosophical perspectives to issues of the day.

I recognize that controversy swirls around the National Endowments for the Arts and Humanities, and it is in the context of this controversy that a historical point of reference is in order.

Government involvement in the arts was greater in the Great Depression than it is today. In a time of financial poverty, there was no poverty of spirit. I refer back to the WPA era, because when our country dissolved into social chaos, arts brought a sense of perspective and unity and courage. Ironically perhaps to some, an American solidarity of spirit was enhanced by artists who frequently highlighted social problems and who just as frequently lampooned institutions of the State.

The WPA arts program under President Roosevelt and government programs in the arts today are designed to take arts from the citadel of the privileged and bring it to the public at large. President Roosevelt once noted: ''The arts cannot thrive except when men are free to be themselves and to be in charge of the discipline of their own energies and ardor.'' A corollary to this Rooseveltian precept is self-evident: freedom itself is constrained if the arts are shackled.

Americans need to appreciate, rather than fear, artistic expression. This does not mean everyone needs to like everything defined as or alleged to be art. All citizens reserve the right to be critics. But it does mean that we should go to great lengths to respect dissenting perspectives in the arts and humanities, just as we need to respect them in politics.

It also means we must understand that the arts play an increasingly central role in education. Of all the learning disciplines, they tap and expand the human imagination the most. In a world of exploding options for individuals and families, it is imperative that when there is no experience to serve as a guide, that the imagination be stimulated and perspectives be applied and that values be brought to bear.

Nonetheless, it should not be surprising that the Federal agencies most responsible for advancing programs in the arts and humanities have their collective backs to the wall. After all, there is no issue more controversial than culture itself.

In this regard, as a Republican, I would like to stress three ironies.

Cultural iconoclasts suggest the endowments are elitist citadels. The facts suggest the opposite. The endowments were established to democratize the arts and humanities, to broaden access to and appreciation of diverse aspects of American culture.

Cultural iconoclasts suggest that American education has been dumbing down. Yet the endowments have as their mission to instill American education with greater quality, to stimulate creativity, to ennoble the American spirit.

Cultural iconoclasts lament the standardless sex and violence found increasingly on television and at the movies. By contrast, the endowments and their sister institutions, like NPR, are uplifting counterbalances to the commercialization of sex, pornography, and violence.

The issue is how best to instill and transfer American values, how best to expand respect for the ''pluribus'' in our ''unum.'' Market forces have a powerful role to play, but civilizing instincts can sometimes be embellished

by civil efforts of civil institutions. That is the mission of the endowments.

Abolition of the endowments would lead to a marginally cheaper government, but if conservatism implies an emphasis on understanding, advancing and perpetuating our culture, endowment-bashing can hardly be conservative.

It is true that out of tens of thousands of grants, a half dozen have proven offensive to large numbers of Americans. Yet, perspective would indicate it is impressive not how many, but how few, grants have resulted in serious social umbrage. Given the fact that the Federal Government today spends less than 5/100 of 1 percent of the GNP on the arts and humanities, elimination of their funding would more impoverish the American spirit than the American taxpayer.

In this context, I urge support of this amendment and would like to express my particular appreciation for the leadership of the gentlewoman from New York and the subcommittee chairman from North Carolina.

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

Mr. Chairman, I rise in support of the Slaughter-Shays-Dicks amendment to increase the amount of funding in this bill for the National Endowment for the Arts and the National Endowment for the Humanities. In fact, I support the amount that President Bush requested for these agencies. President Bush requested an $18 million increase for the NEA and a $23 million increase for the NEH.

In truth, I would be even happier to support President Reagan's budget for these critical agencies, which was substantially larger. Unfortunately, the Republican leadership in this Congress do not seem to think that Presidents Bush and Reagan were right in this respect. Instead, they continue to insist on flat funding for the NEA and only a tiny increase for the NEH, but the fact is flat-level funding is really a cut in the budget. It means that the resources that the NEA needs to do its job gets stretched thinner and thinner every year.

We have a chance today to take a small step in rectifying this shortsightedness today. Whether it is the educational value, the cultural enrichment, or the substantial economic windfalls that the arts and humanities create, the NEA and the NEH are two of the best investments this Nation makes and two of the most productive parts of our budget, although two of the smallest parts of our budget.

When we shortchange the NEA, we deprive our young people of arts education programs that help them develop critical thinking skills and train them to be the next generation of artists, and we deprive our communities of a $134 billion business that generates almost 5 million jobs, $89 billion in household income, and tens of billions of dollars in tax revenues.

When we shortchange these agencies, we deprive ourselves of orchestras, nonprofit theaters, dance companies, opera companies, and touring groups that bring the benefit of the arts and culture to smaller communities throughout our country. We deprive ourselves of the important work of interpreting and preserving our Nation's heritage. For just a fraction of 1 percent of our Federal budget, the NEA and the NEH yield dividends that far outweigh the investment, but the majority leadership has chosen to ignore all of this.

Mr. Chairman, this amendment is a very modest attempt to increase the NEA budget by just $10 million, not even the $18 million suggested by President Bush. It is an attempt to begin undoing the damage that this Congress has done to these agencies in the last 10 years. I urge my colleagues to support this extremely modest amendment, and I thank the gentlewoman from New York (Ms. SLAUGHTER) and the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Washington (Mr. DICKS) for offering this amendment.

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

Mr. Chairman, I would just rise in opposition to this amendment. I want to preface that by making it very clear that those of us who oppose this, most of us are big fans of the arts, big fans. I am a fan of all kinds of arts, visual performance; and I fully recognize and I think most Members, probably everybody in this House, recognizes the vitally important role that the arts play as an expression of understanding a perception, a point of view of who we are and what humanity is about, the unique insights into the human experience that only the arts can provide; and I do not think any of us dispute the vitally important role that the arts play.

I think the big question is who should pay for it. I think that is what we really are going to be debating here, and the question specifically becomes should it be paid for by taxpayers who are forced to pay for it through government taking their money from them and spending it on the arts or should it be paid for by the people who benefit most directly from it, people who enjoy the arts, people who are supporters themselves of the arts. In fact, the vast majority of the arts in America of all kinds, as we all know, the vast overwhelming majority are, in fact, paid for and supported by the people who most directly benefit from it and by philanthropists, by wealthy individuals who have the means and the inclination to support these arts, and I fully commend them for doing that.

□ 1630

So the reason for my objection is no reservations about the arts per se; it is about whether or not we ought to compel taxpayers to foot this bill.

We are running over a $400 billion deficit this year. That is because for many recent years, spending in this town has been out of control. We are told, in some cases by many of the same people who support this amendment, we are told that we cannot afford tax cuts. The tax cuts that we have engaged in, which frankly have generated a tremendous economic expansion which is underway, we are told we cannot afford them. By that they really mean government cannot afford them. As a matter of fact, we are told we cannot even afford to make the existing tax law permanent. That would be a bad thing, according to many of the Members who support this amendment. Instead we ought to have the tax rates jump back up.

Well, I think if we cannot afford to try to reduce the burden on the American taxpayer because the deficit is too large, then we cannot afford to be funding this kind of amendment either. I know they will say, wait a minute, this money is being transferred. It is from the administration of other areas to this program. It is not net new money. But if there is money that is not needed for the administration of these other programs, and it is available to be taken from them and added to funding for NEA and the National Endowment for the Humanities, if that money is available, it should simply be cut from those budgets so we can reduce the size of our budget deficit and get to the point where hopefully some of my colleagues on this side will agree that we can, in fact, and should, in fact, make the existing tax law permanent and get on with further reducing the tax burden for the American people.

For these reasons and despite my great appreciation for the arts themselves, I would urge a ''no'' vote on this amendment.

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

Mr. Chairman, I rise today in support of the Slaughter amendment, my good friend and neighbor from Buffalo, New York, to increase funding for the National Endowment for the Arts by $10 million and to increase funding for the National Endowment for the Humanities by $3.5 million.

The NEA enhances our communities both culturally and economically. Educational programs supported by the NEA introduce our next generation to the possibilities of creativity, self-expression, and imagination. Just last weekend in my district in Buffalo, New York, we held the Allentown Arts Festival, a renowned art event where art vendors come to display their goods and sell their works on the streets of Buffalo, and I am proud to say tens of thousands of people from all across the country attended.

The NEA has implemented a new program called Shakespeare in American Communities, a major nationwide touring theater initiative that brings Shakespeare to over 100 different communities throughout the country. One

million school children will experience live theater in small and mid-sized towns, underserved urban areas, and even some of our military communities.

The NEA is providing a teachers' toolkit that is being distributed free of charge to over 25,000 high school teachers. The kit includes a video, a CD, contest materials, and fact sheets on Shakespeare and Elizabethan theater.

As a former schoolteacher myself, I recognize that providing these educational materials will provide a greater cultural learning experience to all the Nation's children.

Another important program funded through the NEA is Operation Homecoming, a writing workshop for returning soldiers to help them deal with their feelings about war, death, hardship, and survival while being overseas and away from their loved ones and their families. This program will help establish a rich historical record by filling in the blanks with personal accounts that the media sometimes lack.

The first Operation Homecoming workshop, as a matter of fact, took place in my home State of New York, Fort Drum, home of the 10th Mountain Division. Forty-five soldiers met with accomplished novelists to learn firsthand about the hard work, dedication, and effort that is required to write. They plan to use this instruction as a way to capture events for themselves and also as a form of therapy to manage their feelings in the most positive manner.

It is my hope that we will consider the Slaughter amendment as a way to enhance our already cultural richness in this country by supporting excellence in the arts, providing leadership in arts education, and bringing the arts to all Americans. I yield back the balance of my time as I ask our Members to support the Slaughter amendment.

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

Mr. Chairman, I rise today in strong support of this amendment, and I want to applaud the gentlewoman from New York (Ms. SLAUGHTER) and the gentleman from Connecticut (Mr. SHAYS), co-chairs of the Arts Caucus, and their staff for their leadership and for this very important work of national importance.

Congress has the responsibility to provide adequate funding to the National Endowment for the Humanities which is the largest single funder of humanities programs in our country; and also the National Endowment for the Arts, the infrastructure for private nonprofit and Federal arts initiatives.

This support is especially important given the current state of the economy which has stifled private funding used to subsidize many arts and humanities programs nationwide. The economic downturn and our budget crisis are crippling arts initiatives all over this country, and especially in my home State of California. In my district, the 9th Congressional District of California, there are a total of 2,180 arts-related businesses that employ 10,268 of my constituents. That is a lot of people: 10,268 individuals.

Many who are eager to restrict funding for NEA and NEH forget that industries that receive grants for these institutions include museums, performing and visual arts, film, radio, television, design, publishing and educational facilities in all of our districts.

In Oakland, one of the cities in my district, most arts education programs are facing extinction. The result is the gradual disappearance of arts initiatives for people of all ages, ethnic background, social and economic backgrounds. This debilitates the foundation of our community. Few realize that nonprofit arts industry and the nonprofits that run our arts industries generate approximately $89.4 billion in household income nationally, and the economy, of course, reached its lowest point since the Depression.

This amendment also provides funding for the NEA, which is an investment in the economic growth of communities with grants reaching every single congressional district in the country. During the last 14 years, the NEA has provided funding for over 123 programs in my district alone, including the Berkeley Symphony Orchestra, the Axis Dance Company, and the East Bay Institute for Urban Arts and the Museum of Children's Arts.

Clearly, a vote against this amendment, which is endorsed by our bipartisan Arts Caucus, is really an unfortunate action against the vital thread which sustains the pulse of our country.

I urge all of my colleagues to support this very modest increase. It should be much more than this. This is only a $10 million increase for the NEA and $3.5 million increase for the NEH. It is the least we can do to promote and preserve American culture and heritage.

Mr. Chairman, I thank the two co-chairs of the Arts Caucus.

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

Mr. Chairman, I did not expect to be here. I have no notes other than what I just jotted down a second ago because I thought this year when we are facing deficits of nearly $500 billion that nobody would dare stand up and ask for an increase in funding for the NEA or the NEH.

I am surprised and, frankly, disappointed that we are doing that. How can we, as Republicans, on this side in particular, as a party of limited government, stand up and call to increase funding for the NEH and the NEA at any time, but particularly this year.

If there is $13.5 million in overhead at the Department of the Interior, and the argument is we are not increasing funding, we are simply moving it from one side to the other, I would suggest, as my colleague from Pennsylvania suggested, let us return that to the taxpayers. Let us lower the deficit. But to simply take it over and increase funding, which will simply lead to more increases and more increases, as we have seen in previous years, is simply not the way we ought to go.

It was noted earlier that this is only point zero, zero, zero whatever of the Federal budget; we can afford that. Just point zero, zero, zero whatever, we can afford that.

Well, if that is the case, if we look at arts funding, Federal funding of the arts is only point zero, zero, zero whatever of what is spent on the arts. The other happens to be spent by patrons of the arts, myself and others who actually go and view it or listen to it, or enjoy it in some other form.

Certainly the dire consequences that are spelled out on the other side of the aisle for the arts if the Federal Government cuts back its share or does not increase its share are not going to happen because the arts are important. People realize that. It does not take the Federal Government to tell people that.

I encourage my colleagues to understand that we are in a big deficit situation, nearly $500 billion. We hear the other side of the aisle talk about that a lot, but then propose to increase programs like this. I would suggest that both our side of the aisle and theirs ought to get serious about containing this deficit, and we ought to start by not increasing funding for the arts at this time.

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

Mr. Chairman, I envisioned when I was elected to Congress that we would have really vigorous debates about a lot of issues, and this issue is an issue we should have a debate about. We can agree or disagree; but we should talk about it and understand in our own minds how valuable we think the arts are to our society, to the well-being of the culture that exists throughout our society, to the well-being of our children and what it says about us as Americans.

For me, I want to be on the side of President Bush. I want to be on the side of Mrs. Bush, both of whom believe this is an important contribution to our society. Both the President and the First Lady travel all around the country, and they understand, I think, better than many of us who are focused in our own districts how important this is for the well-being of our country.

The question of who should pay for it, is an easy question to answer. The consuming public pays most for it, and then there are individuals who have small resources and contribute, and some who have larger amounts and contribute. We have wealthy people who give a lot to the arts. And then I think businesses are inclined to want to contribute because they know that the fabric of the life in their communities has a lot to do with the well-being of their workers and makes their businesses better places to be because

of the arts that exist there. A community without arts is like a desert without rain.

Foundations help pay for the arts. And, yes, believe it or not, I think taxpayers should. When I think of what we are asking the taxpayers to do, when you add up the NEA and the NEH, and we add up their budget of $256 million, we will vote like that on billions in entitlements, no debate; and yet we debate for a fairly significant amount of time how we spend a million dollars.

I think taxpayers should play a role, a minimal role, but play a role. When I look at it, we are asking each taxpayer to pay, for the entire—the NEA and NEH—budget, 91 cents. This amendment is asking taxpayers to pay 4.5 cents more. The reason we ask taxpayers to do it is because the cost can be spread across all of them, and then it is so affordable for each and every one of us.

No one is going to pretend that the arts survive because of what we do as taxpayers, because we are the smallest part. The consumers pay the most. Individuals, businesses, and foundations contribute far more than the government; but the government, I think, is saying we would like to have a role here as well.

I salute the gentlewoman from New York (Ms. SLAUGHTER), and I am proud to be a co-chair of the Arts Caucus; but the gentlewoman is the one who is calling the shots on this, and I thank her for all of her work.

I may have a particular bias. My mom and dad met in the theater. I grew up almost every night hearing my dad play the piano. I realize how vital the arts are to our well-being as a society.

□ 1645

I feel it is almost more important when we are involved in warfare around the world that the other part of us, the part that deals with beauty and grace, is also being heard. I do not want to just be a person who supports the war on terror, supports the war in Iraq, which I am. I also want a part of me and a part of my constituency to be expressed in the love and appreciation for arts. I strongly ask my colleagues to ask the American people to pay 4.5 cents more each so that we can make the arts better, and I strongly ask them to support President Bush and the First Lady. The First Lady rarely asks this Chamber for anything. She has specifically said, please spend more on the arts. I am glad to oblige her.

I would like to just conclude by saying that I think that this Chairman has done his best with the limited resources he has and this subcommittee, and I appreciate them for understanding why we have this amendment and that the process is working the way it is intended. The Subcommittee has brought out, I think, what they believe to be a very good bill. We would like to make a slight change to it. I hope ultimately the Chamber will agree.

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

Mr. Chairman, I guess I am here to speak for the cultural iconoclasts of the Congress and of the Nation who are concerned about the fact that the gentleman from Connecticut who just spoke is correct in that he says this is a statement, a statement that the government has a role to play in the funding of the arts. This is the ultimate sort of decision we must make here and we will, of course, after a certain period of time as to exactly why it is the Federal Government's role to participate in this.

It is not for me to suggest that any of the things that the National Endowment for the Arts or Humanities does with the money is inappropriate. I am sure that in 2003, the New York Foundation for the Arts to support a fine-cut edit of Check Your Body At the Door, a video documentary about popular, social and club dancers in New York City; or, say, the Orange Show Foundation in Houston, Texas, to support conservation and restoration of the Beer Can House, a work by self-taught artist John Milkovisch. The Houston landmark, consisting of a house and grounds decorated with methodically trimmed cans, will be used as an artist-in-residence project space. I am sure that Lawyers for the Creative Arts, which got $10,000 to support the expansion of pro bono legal and arts mediation services, the project will provide artists and arts organizations in northern Illinois, Indiana and Wisconsin with access to free legal expertise. I am sure that all of these things have some need, that there are certainly good reasons why they should be supported, but earlier on the gentleman from Iowa stood up here and said that we should respect the differences that people have about the arts. We can argue all of us, any of us, about any of these things I mentioned or any of the other things done and supported by the National Endowment for the Arts are, quote, appropriate. But it is relevant, of course, because we should stay neutral on the arts. The only way to do that, I suggest to the gentleman from Iowa and to my friends on the other side, is to, in fact, stay out of the business of funding the National Endowment for the Arts.

I will have an amendment following this to reduce the funding for it, and I will certainly hope to establish the priorities clearly in the minds of the taxpayers of this country as to where this House stands, whether we support a variety of other more relevant issues and more relevant endeavors than the arts, but it is not the debate. The debate is not over the arts in and of themselves, and it is absolutely true that they would certainly exist. The $27 billion spent in 2001 on nonprofit arts in this country certainly is the way in which arts should be funded. And to suggest that $120 million from the Federal Government in any way, shape or form improves the quality of life frankly for anybody, even one person in this country, based upon what it does to influence the arts, I think is essentially ludicrous. It has no real impact. But it does take money from people and it says we will put you in the position of making a decision and you cannot remain neutral.

All of the reasons we have heard and hear every single year about why the arts are good, in fact, wholesome and help the culture and develop all kinds of wonderful experiences in our life and develop better people, all those things are probably true. I do not argue with any of them. I do not argue with the fact that religion does exactly the same thing in the United States, provides people with the ability to go beyond themselves and to experience great things and to become innervated by the experience. That is all great. But, of course, it has got nothing to do with us.

Why should the government fund any religious activity? But we would do so. If we were to listen to the reasons why we should fund the arts, we should certainly fund, quote, religion. We should establish a board, give it $120 million, let it determine what is the proper religious experience to provide money for, because it does all of the same things for people that the arts do. But, of course, we do not do that. We do not do it because we want to remain neutral.

So I suggest that in an attempt to become more neutral on this particular issue, we should reduce the funding for the National Endowment for the Arts and Humanities and hopefully eventually stop doing it at all.

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

Mr. Chairman, I rise in strong support of the Slaughter-Shays-Dicks-Leach amendment to increase funding for the National Endowment for the Arts and the National Endowment for the Humanities. It seems to me that budgets reflect a lot of different things. They reflect priorities. They reflect opportunities to eradicate and spend down deficits. They reflect opportunities to go more deeply in debt. But they also reflect hopes, aspirations and ways of life.

I represent a very diverse and pluralistic district. As a matter of fact, I always say it is the most fantastic, fascinating district in all of America. Downtown Chicago, the Gold Coast, Magnificent Mile, Old Town, Greek Town, China Town, Ukrainian Village, Soulville. Lots of different people with different ideas about things. The arts and the humanities are a way of binding people from different communities together just as they reflect opportunities to bind people from different areas of the country and different walks of life.

Yes, I understand that there are deficits. I understand that the economy is not what we would hope for it to be. I also understand the need to invest in

fighting terrorism. We have a war to finance, a war that I had hoped we would not have to have. But notwithstanding all of that, we also have the opportunity to continue our commitment to life and to bind the Nation more closely together. I cannot think of any better way to do that than to provide these meager grants, I call it a minor investment, for which we get tremendous returns.

And so again I commend the gentlewoman from New York, the gentleman from Connecticut, the gentleman from Washington and the gentleman from Iowa for offering this amendment which gives all of us an opportunity to help make America become that Nation that it has the potential of being and yet has not been. I urge passage of this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, year after year we try to massage our conscience for the failure in education to address a lot of the problems of the arts and humanities. We spend billions of dollars there and we never mention this in the education budget or any of the related budgets, so we think a few million dollars in the humanities or the arts will solve all the problems. It will, as one gentlewoman said, or gentleman, where the arts are disappearing from the community, it will solve that problem. The bureaucracy that is funded here and the limited programs that are funded here will not even begin to do that.

We find that there is a need to raise the cultural level in the United States, both in the arts and the humanities. There is a need for us to see that young people recognize the documents vital in our Nation's history. I take tours through the Capitol with young people. Most of the teachers and the young people have not a clue about the paintings and the things that are going on in the Capitol. But it will not be solved by increasing the amount of money for the arts and the humanities.

Our committee has a tough job. We have to increase the funding, natural funding for the forests and parks and various others, Indian health, the environment. We were cut $257 million enacted and we kept the NEA at last year's level and we increased NEH $3.5 million. There is a demand now that we increase it $13.5 million more. Based on the cuts that were in the overall bill, it was important to note that we increased both NEA and NEH. In fiscal year 2002, we increased some $15 million to the NEH and the NEA $13 million in 2003. We have grown the fund more than the rate of inflation, but it will not solve the problems of the men and women who spoke here and the dream that they are going to solve all these problems in the arts and the humanities. But it can do this. The amendment reduces administrative funds. The gentleman from Washington and I realize that we are short in that area, anyway. We know that they are going to be called on for funds and we know that that is going to be a problem. When we get to the conference, we hope we can increase that.

It is not clear that the vehicle offset that the gentlewoman from New York discussed will be sufficient. And so we risk the chance that the amendment will impair the on-grounds operation of environment protection, Indian programs, it could reduce the department's funding, including hearings and appeals and support for Indian trust reform. The committee is watchful certainly, the gentleman from Washington and I both, in areas of administrative abuse in trying to rein in excessive spending and travel in other areas and Members can count on our oversight to try to look in any other areas. But moving the money around as suggested could be very dangerous for the balance we have in this bill.

I ask Members to join me in opposition to this amendment.

□ 1700

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

Mr. Chairman, I rise in strong support of the Slaughter-Dicks-Shays-Leach amendment. In order to find this offset, we talked to the Inspector General of the Interior Department. He made a recommendation that this was an area that had been very wasteful and that this would not hurt any of the programs there.

I want to say this is my 28th year on the Interior Appropriations subcommittee, and I started on this subcommittee under the tutelage of Sid Yates of Chicago, who was a tremendous supporter of the National Endowment For the Arts and Humanities. And I had worked in the other body and knew, of course, Senator Pell, who was the author of both the National Endowment For the Arts and Humanities legislation. Over the years I have followed how, with the increase in funding, even though we took a major cut, that we have seen an explosion in the growth of art institutions all over this country—more operas, more ballets, more theatres, more performing arts. This funding from the National Endowment for the Arts has been like the Good Housekeeping seal of approval.

We have today two of the finest administrators in these parts, Bruce Cole running the National Endowment for the Humanities, who I had a chance to talk to yesterday; and Dana Gioia, who is running the National Endowment for the Arts. These are real professionals. They are running these departments very effectively, and so we have offset this amendment completely. I think it is a choice of priorities, and I believe that what is happening in the arts and humanities is so important for the citizens of this country, and they appreciate it.

Every community in my district has benefited from the National Endowment for the Arts and by the National Endowment for the Humanities. We have the Pantages Theatre and the Broadway Theatre District in Tacoma, the Admiral Theatre in Bremerton and Fort Worden up at Port Townsend. Port Angeles has a summer arts festival. These things are appreciated by the American people, and they are terribly important for the education of our children.

And yet this year, even though President Bush and Mrs. Bush asked for substantial increases in the arts and humanities, our committee rejected that, completely. And, yes, we had a very bad allocation, but I do believe that in these two areas, we had a good hearing. The chairman of both endowments came up, testified before our committee; and they were so excited about what they can do with this money for the American people, especially on the humanities area, where we need to have more education about civics and our history and give our kids a better opportunity. And there are programs that are going out to all the schools all over the country that are supported by this, and it is a very fundamental part of our education.

So I am going to ask our Members, as we have done for the last 4 years, to vote for this. I want to compliment all those on the other side of the aisle who spoke today. I know there is always tremendous pressure to go along with the leadership; but in this case, we did not get the job done in the subcommittee. This is a chance for the House to correct this and show the American people again that we have gotten beyond this ideological fight. We can support the endowments, because they are doing good work. They have got good leadership, and they deserve our support.

Mr. HOLT. Mr. Chairman, I strongly support this bipartisan amendment that will provide much-needed funds to the National Endowment for the Arts and the National Endowment for the Humanities.

This is a long overdue and a modest funding increase to build programs that use the strength of the arts and our Nation's cultural life to enhance communities in every State and every county around America. Since 1965, the NEA has provided over 111,000 grants for projects ranging from theater and film festivals, to poetry readings and workshops, to radio and TV broadcasts, to museum exhibitions, to city design and downtown renewal. NEA funds often help bring excellent performances and exhibitions to small towns and rural areas throughout the United States.

The NEH serves to advance the nation's scholarly and cultural life. The additional funding contained in this amendment would enable NEH to improve the quality of humanities education to America's school children and college students, offer lifelong learning opportunities through a range of public programs, and support new projects that encourage Americans to discover their wonderful American heritage.

It is clear that increasing funding for the arts and humanities are among the best investments that we as a society can make. They help our children learn. They give the elderly

sustenance. They power economic development in many regions. They tie our diverse society and country together.

Will the projects that would be sponsored by this increase in funding help defend our country? Probably not, but they will make our country more worth defending. I urge my colleagues to support this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, ''A Great Nation Deserves Great Art'' is something that my colleagues have been echoing this week as our FY 05 Interior Appropriations bill comes to the floor of the House of Representatives for debate. The measure of a great nation is not merely its wealth and power, but its civilization—most notably the political, philosophical and artistic ideals it creates, promotes and preserves. I am here today to help preserve the National Endowment for the Arts (NEA) and the National Endowment of the Humanities (NEH).

The National Endowment for the Arts is dedicated to supporting excellence in the arts, bringing the arts to Americans of all ages and incomes, and providing leadership in arts education.

The Arts Endowment is the nation's largest annual fund of the arts, bringing great art—both new and established—to all 50 states, including rural communities, inner-city neighborhoods, schools, and military bases. The Arts Endowment has played a transformative and sustaining role in the development of regional theater, opera, dance, orchestras, museums, and other arts that Americans now enjoy.

Distributing more than $100 million annually, the Arts Endowment enhances our communities—not only culturally but economically. The Arts Endowment's educational programs—such as Shakespeare in American Communities—introduces a new generation of Americans to the possibilities of imagination, creativity and self-expression.

According to a recent study, the nonprofit arts industry provides 4.85 million full-time equivalent jobs, $89.4 billion in household income and $10.5 billion in federal income tax revenues.

The amendment also provides a modest increase for the National Endowment for the Humanities (NEH), far short of the President's request. The amendment provides $5 million for the NEH's ''We the People'' initiative. This increase would provide a total of $14.8 million for ''We the People''—less than half of the President's $33 million request. It would raise NEH's overall budget to $143 million—$19 million less than the President's request of $162 million for FY 2005.

Increased funds for ''We the People'' will enhance the teaching, study and understanding of American history. The ''We the People'' initiative has already expanded seminars and institutes for teachers to learn history content and bring their new knowledge and enthusiasm back to the classroom. It has also expanded grants available for research, scholarship, museum exhibits, documentary films, radio projects, teaching programs, educational aids, and preservation efforts to encourage and enhance public understanding of American history and culture.

''We the People'' has generated deep, widespread, bipartisan support. The ''We the People'' initiative has earned the support of the President and Members of Congress from both sides of the aisle.

This project will benefit every state in the nation. In FY 2004, over a third ($3.7 million out of $9.8 million) of all ''We the People'' funds went directly to the 56 state humanities councils to encourage programs and grants on the local level to encourage the teaching, study and understanding of American history.

Every state and territory of the U.S. has benefited from the ''We the People'' initiative, including my state of Texas. I do not want to return to Houston and let my constituents know that they have been let down yet again. Please join me in supporting this amendment.

Mr. SCHIFF. Mr. Chairman, I rise in support of the amendment to the Interior Appropriations bill submitted by Representatives SLAUGHTER, SHAYS, DICKS, and LEACH, to increase funds for the National Endowment for the Arts and the National Endowment for the Humanities.

As a member of the Congressional Arts Caucus, and former chair of the California Legislature's Joint Committee on the Arts, I have had the opportunity to see first hand the tremendous role that the arts play in the education and development of our children. Several academic studies have demonstrated the connection between music, dance, visual arts, and the development of the human brain. It is a fact that arts education cultivates critical thinking skills that are so important in this information-age economy. Children who learn to read music or to play an instrument show improved proficiency in mathematics and sciences.

Today, I am proud to support an increase of $10 million for the National Endowment for the Arts and a $3.5 million increase in funds for the National Endowment for the Humanities.

One of the initiatives under the NEA, American Masterpieces, produces new collaborations of classic American operas, plays, ballets, musicals, and choral works. These joint ventures allow local companies to offer new productions of the highest quality at affordable costs. This is just one of the many great initiatives provided by the NEA.

Additionally, I support an increase of $5 million for We the People, an important initiative to strengthen understanding of our national heritage. This innovative program benefits students, teachers, and Americans of all ages.

Arts is not only about appreciation and enjoyment, it is also a strong component of our economy. A recent study from Americans for the Arts found that the nonprofit art industry alone generated $134 billion in economic activity, including full time jobs, household income and tax revenues. More than $80 billion of this is spent by audiences who enthusiastically attend events in their local communities.

In my own district, there are more than 2,700 arts-related businesses and more than 32,000 jobs in visual arts, design, performing arts, film and television, and educational arts. I am proud to host an annual Congressional Arts event in my district that allows high school students to showcase their artistic talents to the community. I have constantly been impressed with the artistic vision and creativity of our young people. This vision and creativity should be fostered, not discouraged.

By supporting the arts and humanities, the federal government has the ability to act as a partner with state and local efforts to bolster the quality of life as well as economic and educational opportunities in our communities.

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise today in support of the Slaughter-Shays-Dicks amendment to increase funding for the National Endowment for the Arts (NEA) and National Endowment for the Humanities (NEH). These endowment programs are vital to supporting the creation, preservation and presentation of the arts and humanities in America. In my district, NEA and NEH grants have brought partnership projects such as the Coterie Theater and the Friends of Alvin Ailey's AileyCamp that help provide collaborative artist and youth activities which have enriched the local economy and educational experiences of our children.

Studies have demonstrated that reading and math scores improve with participation in arts education classes. Test results from the College Board have shown that college bound students involved in the arts and humanities have higher overall SAT scores than other students.

There is no jurisdiction for funding for the NEA at a level that is 30 percent below the 1994 level. Adopting the amendment before us would increase funding by $10 million for the NEA and $3.5 million for the NEH. I urge my colleagues to support this amendment which would keep up with inflation. Investment in the arts and humanities has proven to be an invaluable contribution to the American economy, or local communities, and the education success of our children.

Mrs. LOWEY. Mr. Chairman, I rise in support of the Slaughter amendment and strongly urge its adoption.

Our contributions to the arts and humanities are the standard by which our history as a society will be measured. A strong public commitment to the arts and humanities, along with a dedication to freedom, are the hallmarks of great civilizations. History has shown that religious and political freedom goes hand in hand with greater artistic and literary activity, and that the societies that flourish and have a lasting influence on humanity are those that encourage free expression in all of its forms. This is a lesson that resonates with people of every age, background, and belief, and one that working together we can guarantee that our children learn.

By sharing ideas and images from a diverse range of backgrounds and through many different media, the arts and humanities help to create a more informed citizenry. We are better prepared to meet the responsibilities of democracy; to ask ourselves the hard questions and to judge fairly the actual and potential endeavors of our country.

Our support for the arts and humanities also has a profound impact on our economy. In my Congressional District, the arts support over 10,000 jobs, and in Fiscal Year 2000, they contributed more than $92 million in revenue to Westchester alone. Nationwide, the figures are even more impressive. In 2002, the arts were a $134 billion industry sustaining nearly 5 million jobs. While the federal government spends just over $250 million on the NEA and NEH annually—approximately 40 cents per person—it collects over $10 million in tax revenue related to the arts industry. NEA and NEH dollars are crucial to the arts community, helping them leverage more state, local, and private funds. Clearly, the numbers show that investment in the arts is important not only to our national identity, but also to our national economy,

Mr. Chairman, we must act decisively to commit ourselves to our national heritage and culture, and vote to increase funding for the

NEA and NEH. I urge my colleagues to support creativity and reflection, to support our economy, and to support the continued growth and expression of democracy in its fullest form.

The CHAIRMAN pro tempore (Mr. OSE). The question is on the amendments, as modified, offered by the gentlewoman from New York (Ms. SLAUGHTER).

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

Mr. DICKS. 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 amendments offered by the gentlewoman from New York (Ms. SLAUGHTER) will be postponed.

The point of no quorum is considered withdrawn.

Mr. MICA. Mr. Chairman, I move to strike the last word to engage in a colloquy with the chairman of the Interior Appropriations Subcommittee, if you would, the gentleman from Mississippi (Mr. TAYLOR).

First of all, I want to take just a moment to commend the gentleman from Mississippi (Chairman TAYLOR) and the Committee on Appropriations for their outstanding efforts in bringing this important measure to the floor during these very difficult budgetary times.

As he may know, I have been working to improve and expand educational resources and public accommodations at the Castillo de San Marcos in St. Augustine, Florida. That is our national monument. This national monument is not only a unique part of our national parks infrastructure but it is also a national treasure. The National Park Service is expected to complete a study this fall which includes plans to construct a required facility there.

Mr. Chairman, it is my understanding that when this plan is completed and this project is authorized by Congress, the Interior and Related Agencies Subcommittee of the Committee on Appropriations would consider funding this much-needed expansion and renovation project.

I would ask the gentleman from North Carolina whether this is his understanding and intention as well.

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

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I commend the gentleman. The San Marcos National Monument in St. Augustine, Florida, is one of the outstanding examples of parks for the east coast, and his effort is commendable.

As the gentleman can appreciate, we cannot make commitments on future appropriations, but we will certainly consider the gentleman's request once the project is authorized.

Mr. MICA. I thank the chairman for his response.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I move to strike the last word.

I would like to engage in a colloquy with the chairman on the Department of the Interior's renewable portfolio and specifically our Nation's geothermal resources.

The vast majority of proven geothermal resources in the United States are located on Federal lands. Efficient administration of permits to prospect for geothermal energy on Federal lands is essential to harnessing our geothermal resources. I am proposing that the Bureau of Land Management conduct a report-assessing permit administration associated with our geothermal resources and a strategic plan on how we can best utilize our Nation's clean and efficient energy resources.

This report sets the stage to address a critically underdeveloped energy segment of our national renewable energy portfolio. The problem was cited in a January, 2004, Associated Press article which stated that the Federal Government has a backlog of 230 lease applications to prospect for geothermal energy. This article also stated that the average age of an application to prospect geothermal sites is 9 years.

The urgency of this situation is already upon us. One has only to look at the high cost of natural gas, which is the preferred energy source for new electric generation plants. However, the Energy Information Agency recently reported that the delivery price of natural gas is at $6 per thousand cubic feet, and it is a four-fold increase since 1995. This situation is robbing our economic recovery of essential dollars to create jobs and increase our reliance on foreign-owned energy resources.

I look forward to working with the chairman and the committee during the conference in securing resources and focus on geothermal resource issues. Specifically, I think we will gain an accurate understanding of geothermal resource permit processing within the Federal Government and what we need to do to improve that process. I believe that it is in the best interest of the American people and this committee to expedite the use of geothermal resources to meet our ever-growing electricity needs and improve our air quality.

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

Ms. MILLENDER-MCDONALD. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentlewoman from California for yielding to me and greatly appreciate her continued leadership on this issue. I look to continue work with her during the conference on this very important issue.

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

Mr. Chairman, I would like to enter into a colloquy with the gentleman from North Carolina (Mr. TAYLOR), chairman of the subcommittee, in relationship to an invasive species issue in the State of Maryland.

Invasive species all across this country have wreaked havoc on a number of ecosystems from California to the Great Lakes to Florida to numerous areas of the east coast. One of the specific invasive species that we are dealing with in Maryland is called a nutria. It looks exactly like a rat, only it gets to be about 30 pounds.

This was to a certain extent brought to the United States with the blessings of Fish and Wildlife Service to add to the trapping economy with possum, groundhogs, and a number of other species for their pelts and for their meat. Nobody liked the pelt of the nutria. Nobody liked the meat. And all of a sudden this particular species became invasive and has destroyed tens of thousands of acres of wetlands across the United States, nearly 10,000 acres of wetland just in the State of Maryland. We have been very successful in eradicating nutria in a specific wildlife refuge in the State of Maryland that covers about 28,000 acres, eliminated the nutria there, with the Federal, the State government, the local governments, and the private sector. We need to do it on about 80,000 more acres in the State of Maryland to completely eradicate the nutria in this part of the country, which will set up a type of trapping system that can be used in other parts of the country. In this Interior appropriations bill, however, there is no money. It has been zeroed out. We have spent about $6 million over the last 6 or 7 years. And I would like to ask the chairman if at some point we could work on bringing some dollars to keep this program, very successful program, continuing.

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

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I assure the gentleman that the subcommittee continues to support this very important effort. Allocation constrained us from increasing funding for the program in our fiscal year 2005 recommendations, but we have included a general increase of $2 million for invasive species research, and I think that this program may qualify for some of those funds.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman very much. This is a fine example of a great, successful program; and we will work with the chairman of the committee.

Ms. NORTON. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I would hope that an amendment for the study of the crime and accident rate in the most-used national parks would be made in order and regret that it is not made in order. The issue is so important, I would like to discuss it on the floor at this time.

There have been troublesome reports of increases in crime and vehicle accidents in the national parks. It first surfaced perhaps in a major way here

in the District of Columbia when former Police Chief Teresa Chambers complained that she could no longer adequately cover the park territory entrusted to her. She said that there had been redeployment of her troops to cover monuments and other important places after 9/11.

But then I began to note complaints of a rise in crime and homelessness in parks here and around the Nation as well. The crush of crowds we now understand all the parks are experiencing during this season makes this claim much more credible.

I want to be clear that I take no position on whether there has been an increase in crime or accidents. I really do not know. This was only a request for a study so that we could begin to find out. The study would go to the appropriate committees; and they could decide what, if anything, to do with it. It would have looked at the heavily used units of the national parks from 1998 for about 6 years to give us a critical mass of years to look at crime and to look at accidents on nearby roadways.

I noted that right after 9/11, there was a bump up in the number of park police just as there was a bump up in police everywhere; but park police stabilized while, for example, Capitol Police continued to soar. And I do not want to make any invidious comparisons here. We need all the help we can get on the Hill. But I cannot help but be moved by the fact that if we are going to have millions upon millions of people visiting our parks, they are protected not only against accidents and against crime but they are protected by the patrols in the parks against terrorism as well.

□ 1715

I know about complaints in my own parks, for example on Rock Creek Parkway, about Park Police cruisers not being available, but that is anecdotal. I wanted a study to see if these were in fact complaints we should take seriously, and particularly now it is clear to me this has become a national concern.

We should not be deploying personnel, we should not be in fact authorizing and appropriating money for personnel, without knowing more about needs, especially when those needs are changing, as they are in the Nation's parks.

My own district happens to have many of the Nation's most important parks, from the Mall to the beautiful Rock Creek Park itself, but there are parts of the country which are far less densely populated than the national capital park regional area, but have far more heavily used parks.

It is time we found out how to better deploy the Park Police. I regret that we will not be able to do this study through this appropriation. I hope that the Park Service on its own will see the importance of doing a study with the resources it has before it.

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore (Mr. OSE). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The text of the remainder of title I is as follows:

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901-6907), $226,000,000, of which not to exceed $400,000 shall be available for administrative expenses: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $51,356,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $37,655,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $196,267,000, to remain available until expended: *Provided*, That of the amounts available under this heading not to exceed $58,000,000 shall be available for records collection and indexing, imaging and coding, accounting for per capita and judgment accounts, accounting for tribal accounts, reviewing and distributing funds from special deposit accounts, and program management of the Office of Historical Trust Accounting, including litigation support: *Provided further*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, ''Operation of Indian Programs'' account; the Office of the Solicitor, ''Salaries and Expenses'' account; and the Departmental Management, ''Salaries and Expenses'' account: *Provided further*, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2005, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $42,000,000, to remain available until expended: *Provided*, That funds provided under this heading may be expended pursuant to the authorities contained in the provisos under the heading ''Office of Special Trustee for American Indians, Indian Land Consolidation'' of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291).

NATURAL RESOURCES DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,818,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund: *Provided further*, That the annual budget justification for Departmental Management shall describe estimated Working Capital Fund charges to bureaus and offices, including the methodology on which charges are based: *Provided further*, That departures from the Working Capital Fund estimates contained in the Departmental Management budget justification shall be presented to the Committees on Appropriations for approval: *Provided further*, That the Secretary shall provide a semi-annual report to the Committees on Appropriations on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department, including the amounts billed pursuant to such agreements.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds

used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to H. Res. 649 and section 402 of S. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2005, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress), the concurrent resolution on the budget for fiscal year 2005, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made to the Department of the Interior shall hereafter be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall hereafter be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made to the Department of the Interior shall hereafter be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 110. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 111. Advance payments made to the Department of the Interior to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may hereafter be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, except that total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 113. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2005. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 115. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2005 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 116. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 117. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100-696; 16 U.S.C. 460zz.

SEC. 118. Notwithstanding other provisions of law, the National Park Service hereafter may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings,

may hereafter be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 120. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 121. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District, New Jersey Pinelands Preserve, and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 122. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 123. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 124. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 125. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 126. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 127. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 128. Such sums as may be necessary from ''Departmental Management, Salaries and Expenses'', shall be transferred to ''United States Fish and Wildlife Service, Resource Management'' for operational needs at the Midway Atoll National Wildlife Refuge airport.

SEC. 129. (a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

SEC. 130. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 131. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2006 shall not exceed $12,000,000.

SEC. 132. Notwithstanding any implementation of the Department of the Interior's trust reorganization plan within fiscal years 2004 or 2005, funds appropriated for fiscal year 2005 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima Maricopa Indian Community, the Confederated Salish-Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation on the same basis as funds were distributed in fiscal year 2004. This Demonstration Project shall operate separate and apart from the Department of the Interior's trust reform reorganization, and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. Sections 458aa–458hh: *Provided*, That the California Trust Reform Consortium and any other participating tribe agree to carry out their responsibilites under the same fiduciary standards as those to which the Secretary of the Interior is held: *Provided further*, That they demonstrate, and continue to demonstrate, to the satisfaction of the Secretary that they have the capability to do so.

SEC. 133. None of the funds appropriated or otherwise made available by this or any other Act, hereafter enacted, may be used to permit the use of the National Mall for a special event, unless the permit expressly prohibits the erection, placement, or use of structures and signs bearing commercial advertising. The Secretary may allow for recognition of sponsors of special events: *Provided*, That the size and form of the recognition shall be consistent with the special nature and sanctity of the Mall and any lettering or design identifying the sponsor shall be no larger than one-third the size of the lettering or design identifying the special event. In approving special events, the Secretary shall ensure, to the maximum extent practicable, that public use of, and access to the Mall is not restricted. For purposes of this section, the term ''special event'' shall have the meaning given to it by section 7.96(g)(1)(ii) of title 36, Code of Federal Regulations.

The CHAIRMAN pro tempore. Are there any points of order against provisions within that portion of the bill?

Are there any amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $280,654,000, to remain available until expended: *Provided*, That of the funds provided, $52,714,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $282,446,000, to remain available until expended, as authorized by law of which $43,119,000 is to be derived from the Land and Water Conservation Fund: *Provided*, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific contractual and grant details including the non-Federal cost share.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,399,599,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): *Provided*, That unobligated balances under this heading available at the start of fiscal year 2005 shall be displayed by budget line item in the fiscal year 2006 budget justification: *Provided further*, That, through fiscal year 2009, the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands.

AMENDMENT NO. 5 OFFERED BY MR. TANCREDO

Mr. TANCREDO. 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. 5 offered by Mr. TANCREDO:

In title II, in the item relating to ''NATIONAL FOREST SYSTEM'', insert after the first dollar amount the following ''(increased by $23,000,000)''.

In title II, in the item relating to ''NATIONAL ENDOWMENT FOR THE ARTS—GRANTS AND ADMINISTRATION'', insert

after the first dollar amount the following: (''reduced by $60,000,000)''.

Mr. TANCREDO. Mr. Chairman, we have had a robust debate on the issue of funding for the National Endowment for the Arts and Humanities, and I do not intend to revisit that particular part of this debate. I am, however, going to suggest that we should reduce the budget for the National Endowment by $60 million and redirect the money to the budget for the U.S. Forest Service for law enforcement services.

Thankfully, the committee rejected calls by the administration to increase financing for the National Endowment for the Arts by as much as $20 million this year, but spending $120 million and change for taxpayers' funded arts still makes no sense.

Many people on both sides of the aisle have long recognized the need for additional law enforcement personnel on our public lands. The sprawling Coronado National Forest in southern Arizona, for example, which shares a border with Mexico, has fewer than a dozen law enforcement personnel, this despite the fact that it has become a hotbed for drug and immigrant smuggling and a welcome mat for would-be terrorists attempting to enter the United States from Mexico through sparsely patrolled wildlands.

Similar problems are faced by other public land agencies, including the National Park Service. A young park ranger in Organ Pipe Cactus National Monument was murdered by Mexican drug smugglers in 2002. The public land agencies have less than 200 law enforcement officers combined to patrol almost 6,000 miles of public lands adjacent to the border.

These challenges are not unique to the Coronado, or to public lands on the border. National forests across the country face a shortage of law enforcement personnel as well. This hampers the ability of the agencies to combat everything from irresponsible recreation to marijuana cultivation on public lands. It also inhibits the ability of the agencies to maintain a safe and enjoyable environment for visitors.

Enhancing the ability of the Forest Service to help maintain a safe environment for visitors and to enhance homeland security on public lands would seem to be a far more important priority to fund than spending more than $100 million on federally subsidized art.

There was a discussion, as I say, during the last amendment that we are in the process here of trying to establish priorities for the budget of the United States, and certainly it seems to me to be appropriate for us to make a decision as to whether or not we would rather have a more vigorous enforcement of law in our national parks, which, by every calculation, by every agency that has looked at this issue, says we are in dire shape because of massive influences, the massive number of people coming through the area, coming through illegally and for a variety of purposes, some, of course, just coming for jobs, others coming with the transportation of illegal narcotics.

It is a very dangerous place, a place I have along the southern and northern border both visited many times. In each case I am confronted by folks down there, the Border Patrol, the Park Service, everybody who is involved with any sort of enforcement activity, law enforcement activity, who say they are in desperate need of help, that they are overwhelmed.

As I say, 200 people are committed to trying to protect a border literally thousands of miles long. It does not make sense. It only makes sense that in this bill, in a bill that is for the Interior, a bill that is supposed to reflect our priorities for Interior and management of our public lands, it only makes sense that we would reorient the budget and reprioritize it to provide more for the protection of our public lands and less for nationally subsidized art.

Mr. DICKS. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, obviously a $60 million cut in the National Endowment for the Arts would be a disaster. I certainly understand the gentleman's concern about law enforcement and other issues in the budget, and we will be glad to work with him on those issues, but not to take $60 million out. A similar amendment was rejected by a vote of 112 to 313 last year.

Mr. Chairman, I would urge my colleagues in the House to again soundly defeat the Tancredo amendment. This amendment would have a devastating consequence on the Endowment for the Arts, and I think the endowments, as I said previously, are doing a tremendous job for our country and deserve to be supported. So I urge a no vote on the Tancredo amendment.

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

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

Mr. TANCREDO. 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 Colorado (Mr. TANCREDO) will be postponed.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,734,865,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2004 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided further*, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, $266,238,000 is for hazardous fuels reduction activities, $13,000,000 is for rehabilitation and restoration, $23,000,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $40,000,000 is for State fire assistance, $8,000,000 is for volunteer fire assistance, $15,000,000 is for forest health activities on Federal lands and $10,000,000 is for forest health activities on State and private lands: *Provided further*, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further*, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report 108–330: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further*, That in using the funds provided in this Act

for hazardous fuels reduction activities, the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretary applicable to hazardous fuel reduction activities under the wildland fire management accounts: *Provided further*, That notwithstanding Federal Government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized under this heading on and adjacent to Federal lands using grants and cooperative agreements: *Provided further*, That notwithstanding Federal Government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to local private, non-profit, or cooperative entities; Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups; small or micro-businesses; or other entities that will hire or train a significant percentage of local people to complete such contracts: *Provided further*, That the authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects.

AMENDMENT OFFERED BY MS. HOOLEY OF OREGON

Ms. HOOLEY of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. HOOLEY of Oregon:

Page 68, line 5, insert after the dollar amount the following: ''(increased by $6,000,000)''.

Page 69, line 10, insert after the dollar amount the following: ''(increased by $6,000,000)''.

Page 85, line 3, insert after the dollar amount the following: ''(reduced by $6,000,000)''.

Ms. HOOLEY of Oregon. Mr. Chairman, first of all, I want to thank the entire committee for their commitment to fight forest fires. We all know it is going to be a very bad forest fire year, and we know the time has come to prevent forest fires as well as put them out.

Over the years, highly flammable underbrush has built up in our forests and previously logged but unthinned areas have become dense, overstocked plantations of small, fire-prone trees. These conditions have made it impossible to allow low-intensity natural fires to burn within their historic range, and catastrophic fires have become more and more common.

To help address this problem, we in Congress passed and the President signed H.R. 1904, the Healthy Forest Restoration Act. This law will streamline future field reduction and thinning projects, and I was pleased to vote for it.

With the promise of $760 million in funding, the new law would provide thousands of jobs across the West, it would provide Federal land managers with the necessary tools to thin our forests of hazardous fuels and, most importantly, reduce the size and severity of wildfires. But the President and Congress must provide the money to get projects done on the ground.

The most important provision in this bipartisan bill we passed last year was a 5-year multimillion dollar commitment of Federal resources. Providing substantial funding for fuel reduction projects is essential in completing problem projects, putting people back to work and stopping forest fires.

Politicians and bureaucrats have been fighting over fuel reduction legislation for far too long. Last year, we were finally able to produce a bipartisan bill that sought to address this problem. However, we must also provide the money needed to get the job done. This bill does not do so, providing far less than the $760 million we determined was necessary.

The amendment to help rectify this problem is very simple: It provides $6 million for hazardous fuels reduction, which would allow tens of thousands of additional acres to be treated. The offset for this amendment is from the Industries of the Future Program, the Chemical Industry section. All my amendment would do is reduce this program to the level requested by the President.

Mr. Chairman, I urge Members to support my amendment.

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

Mr. Chairman, I share the gentlewoman's concern for forests, as our entire committee did. We restored much of the money in the healthy forest initiative. It has $500 million for fighting fire in 2004 and $500 million for fighting fires in 2005, and we hope we can get through conference so we can get that 2004 money as quickly as possible for this year.

We also have a $58 million increase for hazardous fuel reduction. This is a large increase, and we think it will be ample, especially given the tight situation we have this year, the tight allocation.

On the other hand, we are 7 percent below in our energy programs, and we have restored a number of those above what the administration wanted at the time, and we hope we can restore more and maybe during the conference.

I would oppose this, not because I am against the gentlewoman's enthusiasm for preventing fires, but we have adequate money, I think, for this coming year to give that prevention, as well as fighting fires in this tight budget year.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

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

Ms. HOOLEY of Oregon. 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 gentlewoman from Oregon (Ms. HOOLEY) will be postponed.

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

Mr. Chairman, I planned to offer an amendment today that would prevent the U.S. Fish and Wildlife Service from spending appropriated funding to add species to the endangered or threatened species list until the Fish and Wildlife Service moves forward with efforts to complete a population viability assessment on the Concho water snake.

□ 1730

Five years ago, I came to this body during the very same debate we are having today. At that time I worked with chairman of the Subcommittee on Interior and Related Agencies, the gentleman from Ohio (Mr. REGULA), and the ranking member, the gentleman from Washington (Mr. DICKS), to provide the U.S. Fish and Wildlife Service with $300,000 to study the feasibility of removing the Concho water snake from the threatened species list. To this day, the Fish and Wildlife Service has not issued a final decision. There has been no accountability as to how the service has used the funding that was provided to them.

In June 1986, the U.S. Fish and Wildlife Service listed the Concho water snake as a threatened species. Since that time, the Colorado River Municipal Water District in Big Spring, Texas, has spent over $4 million studying the snake and documenting its viability along the Colorado River in West Texas.

In June 1998, after documenting a species population and distribution much larger than previous Fish and Wildlife estimates, the water district submitted a petition to delist the snake. In addition, the water district has documented that the construction of Lake Ivie, which the Fish and Wildlife Service argued would threaten the snake, has actually benefited the species by stabilizing stream flow and its habitat.

According to the statute, the U.S. Fish and Wildlife Service was supposed to provide a preliminary finding within 90 days of a petition to delist and a final decision within 12 months.

It took almost 14 months for the Fish and Wildlife Service to submit their 90-day petition finding, and they still have not issued a final decision on the issue. Although they claim that they were trying to finish a population viability study, the Fish and Wildlife Service is not moving on the issue.

West Texas as suffered from drought over the last several years, which has certainly affected the stream flows along the Colorado River. Still, the Concho water snake continues to thrive and reproduce in the area. But there are statutory requirements for the Colorado River Municipal Water

District to release certain amounts of water from the lakes it controls. Oftentimes, water releases from the lakes are more than the stream flows into them. How can we sustain this? Currently, Lake Spence on the Upper Colorado River is at less than 10 percent of capacity. I simply ask that common sense prevail and that the Fish and Wildlife Service move forward with issuing the final decision regarding the status of the Concho water snake on the threatened species list.

Mr. Chairman, if the chairman and ranking member would engage, I would be very happy not to offer this amendment at the appropriate time if I could have the assurances of the chairman and the ranking member that they will work with me and the Fish and Wildlife Service to do what was promised 5 years ago.

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

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I certainly share the gentleman's concern, and we will work with the gentleman. It is outrageous, and we appreciate the gentleman bringing this to our attention; and we will work toward that.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, I want to tell him that I will be glad to cooperate and glad to work with him on this issue. We can call a meeting with the Fish and Wildlife Service or whatever he wants to do to see if we cannot clarify what the problem is.

Mr. STENHOLM. Mr. Chairman, reclaiming my time, I thank the chairman and the ranking member for that assurance.

What I want to get done is I want the snake delisted, as we have spent millions of dollars on something that should never have been done to start with; but 5 years ago, Fish and Wildlife promised this committee that it would be done. They have not delivered.

I look forward to working with my colleagues and the agency to get the snake delisted, and I appreciate my colleagues' cooperation.

The CHAIRMAN pro tempore (Mr. OSE). The Clerk will read.

The Clerk read as follows:

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $522,940,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $15,500,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $65,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,962,000 available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 124 passenger motor vehicles of which 21 will be used primarily for law enforcement purposes and of which 124 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; purchase, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the House and Senate Committees on Appropriations and if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned and all wildfire suppression funds under the heading ''Wildland Fire Management'' are obligated.

The first transfer of funds into the Wildland Fire Management account shall include unobligated funds, if available, from the Land Acquisition account and the Forest Legacy program within the State and Private Forestry account.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b.

None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out section 8002 of the Farm Security and Rural Investment Act of 2002. Not less than $40,000,000 of funds under such section is hereby cancelled.

POINT OF ORDER

Mr. GOODLATTE. Mr. Chairman, I make a point of order.

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

Mr. GOODLATTE. I make a point of order against the final sentence of the sixth paragraph under the heading of Title II, ''Administrative Provisions, Forest Service,'' page 77, lines 6 through 8, in that it violates House rule XXI clause 2 by changing existing law and inserting legislative language in an appropriations bill.

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

If not, the Chair will rule.

The Chair finds that this provision proposes to change existing law by canceling funds under section 8002 for the Farm Security and Rural Investment Act of 2002. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the provision is stricken from the bill.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in House Report 108–330.

Not more than $72,467,000 of the funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,300,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, $300,000 may be used for Forest Service Centennial activities and, of the total available to the Foundation, no more than $350,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum to aid conservation partnership projects in support of the Forest Service mission, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed $1,000,000.

For each fiscal year through 2009, the Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed $15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

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

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $237,000,000 shall not be available until October 1, 2005, *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected: *Provided further*, That of the funds made available in prior year appropriations under this heading, up to $18,000,000 shall be available in fiscal year 2005 for FutureGen, without regard to the terms and conditions applicable to clean coal technology projects: *Provided further*, That the initial planning and research stages of the FutureGen project shall include a matching requirement from non-Federal sources of at least 20 percent of the costs: *Provided further*, That any demonstration component of such project shall include a matching requirement from non-Federal sources of at least 50 percent of the costs of the component.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $601,875,000, to remain available until expended, of which $4,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; and of which $105,000,000 is available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: *Provided further*, That no project may be selected for which sufficient funding is not available to provide for the total project: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in 42 U.S.C. 5903d: *Provided further*, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further*, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further*, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $18,000,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2005 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $656,071,000, to remain available until expended, of which $45,098,000 shall be for State energy program grants.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $172,100,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant

to the Energy Policy and Conservation Act of 2000, $5,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $85,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided,* That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further,* That the remainder of revenues after the making of such payments shall be covered, into the Treasury as miscellaneous receipts: *Provided further,* That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,628,322,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided,* That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further,* That up to $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further,* That $479,085,000 for contract medical care shall remain available for obligation until September 30, 2006: *Provided further,* That of the funds provided, up to $27,000,000 to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further,* That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further,* That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further,* That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further,* That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further,* That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $267,398,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2005, of which not to exceed $2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further,* That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $405,048,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further,* That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further,* That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further,* That not to exceed $1,000,000 from this account and the ''Indian Health Services'' account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further,* That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: *Provided further,* That up to $2,700,000 may be used for the purchase of up to 27 acres at two sites for the construction of the northern and southern California Youth Regional Treatment Centers subject to advance approval from the House and Senate Committees on Appropriations.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and

provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process. Personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full time equivalent level of the Indian Health Service below the level in fiscal year 2002 adjusted upward for the staffing of new and expanded facilities, funding provided for staffing at the Lawton, Oklahoma hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The Indian Health Service may purchase 8.5 acres of land for expansion of parking facilities at the W.W. Hastings hospital in Tahlequah, Oklahoma using third party collections subject to advance approval from the House and Senate Committees on Appropriations.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $11,000,000, to remain available until expended: *Provided,* That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further,* That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further,* That no relocatee will be provided with more than one new or replacement home: *Provided further,* That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $6,000,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $496,925,000, of which not to exceed $11,108,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which $1,620,000 for fellowships and scholarly awards shall remain available until September 30, 2006; and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided,* That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further,* That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further,* That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further,* That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $122,900,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: *Provided,* That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further,* That balances from amounts previously appropriated under the headings ''Repair, Restoration and Alteration of Facilities'' and ''Construction'' shall be transferred to and merged with this appropriation and shall remain until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval from the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

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

None of the funds in this or any other Act may be used to purchase any additional buildings without prior consultation with the House and Senate Committees on Appropriations.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $93,000,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds

and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $11,100,000, to remain available until expended: *Provided,* That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $17,152,000.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $10,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $8,987,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $120,972,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $22,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: *Provided,* That funds previously appropriated to the National Endowment for the Arts ''Matching Grants'' account and ''Challenge America'' account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $122,377,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided,* That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further,* That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further,* That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further,* That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,793,000: *Provided,* That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $4,600,000: *Provided,* That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $7,999,000: *Provided,* That one-quarter of one percent of the funds provided under this heading may be used for official reception and representational expenses to host international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $41,433,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $20,000,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2004.

SEC. 307. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2005, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, 108–7, and 108–108 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2004 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 309. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 310. Through fiscal year 2009, the National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 311. The section shall apply for fiscal years 2005 through 2009. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Notwithstanding any other provision of law, for fiscal year 2005 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 315. Amounts deposited during fiscal year 2004 in the roads and trails fund provided for in the 14th paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 316. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 317. Section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b), is amended—

(1) by striking ''The Secretary of Agriculture may, when in his'' and inserting ''(a) The Secretary of Agriculture may, when in his or her'';

(2) by striking ''Such deposits'' and inserting the following: ''Each of these 4 purposes shall be of equal priority.

''(b) Amounts deposited under subsection (a)'';

(3) by striking ''may direct:'' and all that follows through ''That the Secretary of Agriculture'' and inserting ''may direct. The Secretary of Agriculture''; and

(4) by adding at the end the following new subsection:

''(c) Any portion of the balance at the end of a fiscal year in the special fund established pursuant to this section that the Secretary of Agriculture determines to be in excess of the cost of doing work described in subsection (a) (as well as any portion of the balance in the special fund that the Secretary determined, before October 1, 2004, to be excess of the cost of doing work described in subsection (a), but which has not been transferred by that date) shall be transferred to miscellaneous receipts, National Forest Fund, as a National Forest receipt, but only if the Secretary also determines that—

''(1) the excess amounts will not be needed for emergency wildfire suppression during the fiscal year in which the transfer would be made; and

''(2) the amount to be transferred to miscellaneous receipts, National Forest Fund, exceeds the outstanding balance of unreimbursed funds transferred from the special fund in prior fiscal years for wildfire suppression.''.

SEC. 318. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency; and

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 319. Prior to October 1, 2005, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the

Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 320. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 321. Extension of Forest Service Conveyances Pilot Program.—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107–63) is amended—

(1) in subsection (b), by striking ''30'' and inserting ''40'';

(2) in subsection (c) by striking ''8'' and inserting ''13''; and

(3) in subsection (d), by striking ''2006'' and inserting ''2008''.

SEC. 322. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, hereafter, qualify for General Service Administration contract airfares.

SEC. 323. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 324. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2005, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 325. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 326. None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2005.

SEC. 327. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

SEC. 328. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That the Secretaries may award grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged business: *Provided further*, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 329. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 330. Section 315(f) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 110 Stat. 1321–200; 16 U.S.C. 4601–6a note), is amended—

(1) in subsection (b), by inserting ''subject to subsection (g) but'' before ''notwithstanding'' in the matter preceding paragraph (1); and

(2) by adding at the end the following new subsection:

''(g) The Secretary of Agriculture may not charge or collect fees under this section for the following:

''(1) Admission to a unit of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

''(2) the use of, either singly or in any combination, of the following:

''(A) undesignated parking along roads;

''(B) overlook sites or scenic pullouts;

''(C) information offices and centers that only provide general area information and limited services or interpretive exhibits; and

''(D) dispersed areas for which expenditures in facilities or services are limited.''

SEC. 331. (a) ANNUAL REPORTING REQUIREMENTS ON COMPETITIVE SOURCING ACTIVITIES.—

(1) Not later than December 31 of each year, beginning with December 31, 2004, the Secretary concerned shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report, covering the preceding fiscal year, on the competitive sourcing studies conducted by the Department of the Interior, the Forest Service, or the Department of Energy, as appropriate, and the costs and cost savings to the citizens of the United States of such studies.

(2) In this subsection, the term ''Secretary concerned'' means—

(A) the Secretary of the Interior, with respect to the Department of the Interior programs, projects, and activities for which funds are appropriated by this Act;

(B) the Secretary of Agriculture, with respect to the Forest Service; and

(C) the Secretary of Energy, with respect to the Department of Energy programs, projects, and activities for which funds are appropriated by this Act.

(3) The report under this subsection shall include, for the fiscal year covered—

(A) the total number of competitions completed;

(B) the total number of competitions announced, together with a list of the activities covered by such competitions;

(C) the total number of full-time equivalent Federal employees studied under completed competitions;

(D) the total number of full-time equivalent Federal employees being studied under competitions announced, but not completed;

(E) the incremental cost directly attributable to conducting the competitions identified under subparagraphs (A) and (B), including costs attributable to paying outside consultants and contractors and, in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel, consultant, travel, and training costs associated with program management;

(F) an estimate of the total anticipated savings, or a quantifiable description of improvements in service or performance, derived from completed competitions;

(G) actual savings, or a quantifiable description of improvements in service or performance, derived from the implementation of competitions;

(H) the total projected number of full-time equivalent Federal employees covered by competitions scheduled to be announced in the fiscal year; and

(I) a description of how the competitive sourcing decision making processes are aligned with strategic workforce plans.

(b) COMPETITIVE SOURCING EXEMPTION FOR FOREST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2005.—Notwithstanding requirements of Office of Management and Budget Circular A–76, Attachment B, the Forest Service is hereby exempted from implementing the Letter of Obligation and post-competition accountability guidelines where a competitive sourcing study involved 65 or fewer full-time equivalents, the performance decision was made in favor of the agency provider; no net savings was achieved by conducting the study, and the study was completed prior to the date of this Act.

(c) LIMITATION ON COMPETITIVE SOURCING STUDIES.—

(1) Of the funds made available by this or any other Act to the Department of Energy or the Department of the Interior for fiscal

year 2005, not more than the maximum amount specified in paragraph (2)(A) may be used by the Secretary of Energy or the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2005 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the reprogramming guidelines in House Report 108–330.

(2) For the purposes of paragraph (1), the maximum amount—

(A) with respect to the Department of Energy is $500,000; and

(B) with respect to the Department of the Interior is $2,500,000; and

(3) Of the funds appropriated by this Act, not more than $2,000,000 may be used in fiscal year 2005 for competitive sourcing studies and related activities by the Forest Service.

(d) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—

(1) None of the funds made available in this or any other Act may be used to convert to contractor performance an activity or function of the Forest Service, an activity or function of the Department of the Interior performed under programs, projects, and activities for which funds are appropriated by this Act, or an activity or function of the Department of Energy performed under programs, projects, and activities for which funds are appropriated by this Act, if such activity or function is performed on or after the date of the enactment of this Act by more than 10 Federal employees unless—

(A) the conversion is based on the result of a public-private competition that includes a more efficient and cost effective organization plan developed by such activity or function; and

(B) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Federal Government by an amount that equals or exceeds the lesser of—

(i) 10 percent of the more efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(ii) $10,000,000.

(2) This subsection shall not apply to a commercial or industrial type function that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(3) The conversion of any activity or function under the authority provided by this subsection shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy.

(e) COMPETITIVE SOURCING STUDY DEFINED.—In this subsection, the term ''competitive sourcing study'' means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

SEC. 332. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects and activities to support governmentwide, departmental, agency or bureau administrative functions or headquarters, regional or central office operations shall be presented in annual budget justifications. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 333. None of the funds in this or any other Act may be used by the agencies funded in this Act to implement Safecom, Disaster Management, E-Training, and E-Rulemaking.

CONVEYANCE OF A SMALL PARCEL OF PUBLIC DOMAIN LAND IN THE SAN BERNARDINO NATIONAL FOREST IN THE STATE OF CALIFORNIA

SEC. 334. (a) FINDINGS.—The Congress finds that—

(1) a select area of the San Bernardino National Forest in California is heavily developed with recreation residences and is immediately adjacent to comparably developed private property;

(2) it is in the public interest to convey the above referenced area to the owners of the recreation residences; and

(3) the Secretary of Agriculture should use the proceeds of such conveyance to acquire additional lands within the boundaries of the San Bernardino National Forest.

(b) CONVEYANCE REQUIRED.—Subject to valid existing rights and such terms, conditions, and restrictions as the Secretary deems necessary or desirable in the public interest, the Secretary of Agriculture shall convey to the Mill Creek Homeowners Association (hereinafter Association) all right, title, and interest of the United States in and to the Mill Creek parcel of real estate described in subsection (c)(1). In the event the Secretary and the Association for any reason do not complete the sale within two years from the date of enactment of this Act, this authority shall expire.

(c) LEGAL DESCRIPTION AND CORRECTION AUTHORITY.—

(1) DESCRIPTION.—The Mill Creek parcel, approximately 28.75 acres, as shown on a map, ''The Mill Creek Conveyance Parcel—San Bernardino National Forest, dated June 1, 2004'' and more particularly described as T.1 S., R.1 W., Section 8, E1/2N1/2N1/2NE1/4SE1/4NE1/4S1/2N1/2N1/2SE1/4NE1/4S1/2N1/2SE1/4NE1/4NE1/4SW1/4SE1/4NE1/4N1/2SE1/4SE1/4NE1/4S1/2NE1/4SW1/4NE1/4, located in the San Bernardino Meridian of the United States Public Land Survey System, California. The map shall be on file and available for inspection in the office of the Chief, Forest Service, Washington, D.C. and in the office of the Forest Supervisor, San Bernardino National Forest until such time as the lands are conveyed.

(2) CORRECTIONS.—The Secretary is authorized to make minor corrections to this map and may modify the description to correct errors or to reconfigure the property in order to facilitate conveyance. In the event of a conflict between the map description and the USPLSS description of the land in paragraph (1), the map will be considered the definitive description of the land.

(d) CONSIDERATION.—Consideration for the conveyance under subsection (b) shall be equal to the appraised fair market value of the parcel of real property to be conveyed. Such appraisal shall be prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisition.

(e) ACCESS REQUIREMENTS.—Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)) or any other law, the Secretary is not required to provide access over National Forest System lands to the parcel of real estate to be conveyed under subsection (b).

(f) ADMINISTRATIVE COSTS.—All costs incurred by the Secretary of Agriculture and any costs associated with the creation of a subdivided parcel, conducting and recordation of a survey, zoning, planning approval, and similar expenses with respect to the conveyance under subsection (b), shall be borne by the Association.

(g) ASSUMPTION OF LIABILITY.—By acceptance of the conveyance of the parcel of real property referred to in subsection (b), the Association and its successors and assigns will indemnify and hold harmless the United States for any and all liability to any party that is associated with the parcel.

(h) TREATMENT OF RECEIPTS.—All funds received pursuant to the conveyance of the parcel of real property referred to in subsection (b) shall be deposited in the fund established under Public Law 90–171 (16 U.S.C. 484a; commonly known as the Sisk Act), and the funds shall remain available to the Secretary, until expended, for the acquisition of lands, waters, and interests in land for inclusion in the San Bernardino National Forest.

SEC. 335. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291; 114 Stat. 996), is amended—

(1) in subsection (a), by striking ''Until September 30, 2004, the'' and inserting ''The''; and

(2) by adding at the end the following new subsections:

''(d) INCLUSION OF COLORADO BLM LANDS.—The authority provided by this section shall also be available to the Secretary of the Interior with respect to public lands in the State of Colorado administered by the Secretary through the Bureau of Land Management.

''(e) EXPIRATION OF AUTHORITY.—The authority of the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements and contracts under this section expires September 30, 2009, and the term of any cooperative agreement or contract entered into under this section shall not extend beyond that date.''.

TITLE IV—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEARS 2004 AND 2005 FOR URGENT WILDLAND FIRE SUPPRESSION ACTIVITIES

CHAPTER 1—FISCAL YEAR 2004

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount for fiscal year 2004 for ''Wildland Fire Management'', $100,000,000, to remain available until expended, for urgent wildland fire suppression activities related to the fiscal year 2004 fire season pursuant to section 312 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds are transferred for such purposes: *Provided further*, That cost containment measures shall be implemented within this account for fiscal year 2004, and the Secretary of the Interior shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on such cost containment measures by December 31 following the end of such fiscal year.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount for fiscal year 2004 for ''Wildland Fire Management'', $400,000,000, to remain available until expended, for urgent wildland fire suppression activities related to the fiscal year 2004 fire season pursuant to section 312 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds are transferred for such purposes: *Provided further*, That cost containment measures shall be implemented within this account for fiscal year 2004, and the Secretary of Agriculture shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on such cost containment measures by December 31 following the end of such fiscal year.

CHAPTER 2—FISCAL YEAR 2005

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount for fiscal year 2005 for ''Wildland Fire Management'', $100,000,000, to remain available until expended, for urgent wildland fire suppression activities related to the fiscal year 2005 fire season pursuant to section 312 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided*, That these funds will become available in the event that funds provided in title I of this Act for wildland fire suppression are insufficient: *Provided further*, That such funds are also available for repayment of advances to other appropriation accounts from which funds are transferred for such purposes: *Provided further*, That cost containment measures shall be implemented within this account for fiscal year 2005, and the Secretary of the Interior shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on such cost containment measures by December 31 following the end of such fiscal year.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount for fiscal year 2005 for ''Wildland Fire Management'', $400,000,000, to remain available until expended, for urgent wildland fire suppression activities related to the fiscal year 2005 fire season pursuant to section 312 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided*, That these funds will become available in the event that funds provided in title II of this Act for wildland fire suppression are insufficient: *Provided further*, That such funds are also available for repayment of advances to other appropriation accounts from which funds are transferred for such purposes: *Provided further*, That cost containment measures shall be implemented within this account for fiscal year 2005, and the Secretary of Agriculture shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on such cost containment measures by December 31 following the end of such fiscal year.

Mr. TAYLOR of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 139, line 22 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

POINT OF ORDER

Mr. GOODLATTE. Mr. Chairman, I make a point of order.

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

Mr. GOODLATTE. Mr. Chairman, I make a point of order that the proviso in section 319 fails to comply with clause 2, rule XXI by addressing the conditions under which a court action may be brought. It constitutes legislation on an appropriations bill in violation of the rule. On behalf of the chairman of the Committee on the Judiciary, I ask the Chair for a ruling on the point of order.

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

If not, the Chair will rule.

The Chair finds that this provision proposes to change existing law with respect to a revision of plans for National Forest System Units. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the provision is stricken from the bill.

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: the amendments offered by the gentlewoman from New York (Ms. SLAUGHTER); the amendment offered by the gentleman from Colorado (Mr. TANCREDO); and the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

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

AMENDMENTS, AS MODIFIED, OFFERED BY MS. SLAUGHTER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendments, as modified, offered by the gentlewoman from New York (Ms. SLAUGHTER), on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendments.

The Clerk designated the amendments.

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 241, noes 185, not voting 7, as follows:

[Roll No. 248]

AYES—241

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

NOES—185

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Dunn
Emerson
Everett
Feeney
Flake
Forbes
Franks (AZ)
Gallegly

Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McIntyre
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Pombo
Portman
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Sullivan
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (TX)
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

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

□ 1810

Messrs. GARRETT of New Jersey, SENSENBRENNER, BONILLA, SHIMKUS, PEARCE, BROWN of South Carolina, ADERHOLT and TAUZIN changed their vote from ''aye'' to ''no.''

Messrs. FOLEY, PORTER, PETERSON of Pennsylvania and SAXTON changed their vote from ''no'' to ''aye.''

So the amendments, as modified, were agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 248, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "aye."

AMENDMENT NO. 5 OFFERED BY MR. TANCREDO

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN 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 112, noes 313, not voting 8, as follows:

[Roll No. 249]

AYES—112

Aderholt
Akin
Bachus
Barrett (SC)
Bartlett (MD)
Beauprez
Blackburn
Blunt
Boehner
Bonilla
Bonner
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Cannon
Cantor
Carter
Chabot
Coble
Collins
Cox
Crane
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
Diaz-Balart, M.
Doolittle
Emerson
Everett
Feeney
Flake
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Istook
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
Manzullo
McInnis
Miller (FL)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Otter
Paul
Pence
Petri
Pickering
Pitts
Pombo
Renzi
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (MI)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Toomey
Vitter
Weldon (FL)
Wicker
Wilson (SC)

NOES—313

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

NOT VOTING—8

Bishop (UT)
Brown (OH)
DeMint
Filner
Gephardt
Hastings (FL)
McDermott
Meeks (NY)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1820

Mr. RUPPERSBERGER and Mr. CUMMINGS changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HERGER. Mr. Chairman, on rollcall No. 249 I inadvertently voted "no." I intended to vote "yes."

Stated against:

Mr. FILNER. Mr. Chairman, on rollcall No. 249, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MS. HOOLEY OF OREGON

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) 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 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,

with an emphasis on women's health and education.

SMART security means interrogation, not torture. It means an open government, one we can trust to do the right thing; not one that will hide behind Justice Department memos condoning torture and secret Pentagon plans on how to use torture to America's advantage during war.

The situation in the Middle East requires the best America has to offer. SMART security relies on the very best of America: our commitment to peace and freedom, our compassion for the people of the world, and our capacity for multilateral leadership.

Let us be smart about our future in this country. SMART security is tough, SMART security is pragmatic and patriotic, and it will keep America safe and honored by the rest of the world.

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

(Mr. MURPHY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from California (Mr. GEORGE MILLER).

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

There was no objection.

BUSH ENVIRONMENTAL RECORD

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

Mr. MCDERMOTT. Mr. Speaker, ''environment'' is a dirty word in the current administration and they have the record to prove it.

The administration has turned over environmental stewardship to special interests. The Vice President held secret meetings with energy companies to craft the new energy policy. It does not address renewable resources or energy efficiency. Instead, the Cheney Special Interest Energy Task Force called for more oil drilling and more coal production.

Efforts by the public to learn for about these secret meetings were unsuccessful. That is because Attorney General John Ashcroft issued a new directive urging all Federal agencies to deny all Freedom of Information requests whenever possible.

The administration's actions go far beyond our own borders. A new film, ''The Day After Tomorrow,'' depicts a world plunged into a new ice age because we refuse to address global warming. They say the truth is stranger than fiction.

The President called the U.S. out of the so-called Kyoto Protocol. Mr. Speaker, 160 nations had agreed to work together to address critical global warming issues.

Under democratic President Bill Clinton, the U.S. had agreed to be part of this worldwide global initiative to save the world. This President not only withdrew from Kyoto, he also worked to reduce clean air standards at our oldest and most polluted power plants. The administration could not get Congress to reduce Mercury standards, so the administration reduced them on their own.

The administration has proposed something they call a Clear Skies Initiative. They could have called it the Dark Cloud Policy. The effect of dark cloud is to gut clean water and air standards. If they get it through, the industry would have another reason to pollute, direct from the White House. Now, that is a new definition of environmental stewardship.

The administration does not just propose new pollution legislation. This administration has been redefining existing definitions to help industry pollute. A case in point: older coal-fired power plants, among the worst polluters, have a new definition of ''upgrade'' that allows them to avoid installing new technology to reduce pollution.

In one of America's great places, Yellowstone National Park, we now have, surprise, calls by the administration to let snowmobiles continue to pollute the air and noise. But the Park Service plans to phase in banning snowmobiles from the park suddenly needs, yes, more study. That is administration speak for special interests.

There are plenty of places in America, millions of acres available for snowmobiles, but the snowmobile lobby went right through the oval office.

Now, Congress is trying to save Yellowstone from the administration's tactics.

The President turned his back on his own campaign pledge to reduce industry carbon dioxide emissions, a major contributor to greenhouse gases. Oil drilling has been given a green light in the Padre Island National Seashore. It is off the coast of Texas, and it is the fist national park to be open to drilling. It has dramatically increased logging in the Pacific Northwest, and is trying to convince the world that fake salmon are better than natural salmon.

The list of environmental transgressions is so long that 5 minutes is not enough, 5 hours is not enough, and 5 days would not be enough to help the American people understand what has happened to our environment since this President took office. They are polluting the air, polluting our water, and it affects human beings as much as it affects environmental degradation. Ask any one of the youngsters in this country in the epidemic of asthma.

None of this matters to the administration. The special interests have spoken and given hundreds of millions of dollars to Republican political campaigns.

□ 2300

That buys access to the Oval Office and, they hope, to places like Yellowstone.

The rest of us are told there is no problem. We are just reactionaries. The evidence is overwhelming, we are told we need more research. Big tobacco always said that about cigarettes and lung cancer. They said it every time someone else new was diagnosed with lung cancer. Why do we not do some more studies?

Well, this administration is doing exactly what big tobacco did. First, deny, deny, deny. Then attack your critics. Then say we need more study. Then attack the study and call for research.

At a time when the world needs environmental leadership, the Administration offers environmental plunder. We can no longer accept that.

Everyone has heard of Lord of the Rings. In fact, many have seen it. In J.R.R. Tolkien's Return of the King, the character Gandalf says something that should guide us all.

''It is not our part to master all the tides of the world, but to do what is in us for the succor of those years wherein we are set, uprooting the evil in the fields that we know, so that those who live after may have clear earth to till. What weather they shall have is not ours to rule.''

The environment is not for sale. The American people need to know that. Look at the record. Save the environment while there is still time. November 2 is coming.

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

(Mr. MARIO DIAZ-BALART of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. PENCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CHANGES IN AFGHANISTAN

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

Mr. PEARCE. Mr. Speaker, I would like to visit today with Members of the body to discuss just one of the aspects of the changes that we have seen in the world. We hear a lot from our friends that the war on terror is not progressing, that there is no significant advancement.

Mr. Speaker, two days ago we were joined by His Excellency Hamid Karzai, President of the Transitional Islamic State of Afghanistan, to talk about the changes in his country. He reports that Afghanistan was one of the poorest countries. They had, of course, the Taliban and al Qaeda working there. They have an economy that is controlled by the drug lords. Private militias have been ever present in their countries.

Yet, today he reports that under their new transitional government that they are rebuilding the schools and starting the children back to school. Boy and girls, 5 million of them, are back in schools today in Afghanistan. They are also developing health clinics to provide basic health services for the inhabitants and the citizens of Afghanistan.

One of the most important things he said is they are beginning to rebuild their economy, beginning by rebuilding highways and roads so that commerce can be conducted throughout the nation. As they conduct commerce, they are also beginning to rebuild the military, the militias, their national guard, and reestablish police forces in order to guarantee security for the people of Afghanistan and to defend the country's sovereignty.

The government of Afghanistan is beginning to fight against the narcotics trade, the one that has been so prevalent in that nation and provides drugs throughout the world to eat the heart and soul out of not only their children, but our children and the children of Europe, Germany, France and all around the world. And when the government of Afghanistan begins to do what they can to stop the flow of illegal drugs throughout the world, we know that the world situation has changed for the better.

He reports to us that the Afghanis are beginning to vote with their feet, that over 3 million refugees have come back to Afghanistan and reestablished permanent residence there, voting with their feet, saying that we believe Afghanistan is a better place today than before the United States entered and began to fight the war on terror inside their borders.

The country has adopted an enlightened constitution, one which for the first time begins to recognize the rights of women. And in that constitution, 25 percent of the elected seats are reserved, 25 seats in parliament are reserved for women. A stunning turn around for a culture that in Afghanistan had simply eliminated women from any positions of authority in that country.

He declares that they have established an open and inclusive society. He reports that there are many things that they still have to do, that they are requesting the help of the United States on. The Islamic State of Afghanistan is requesting the help of the United States, help in disbanding the private militias and demobilizing those tremendous forces of evil inside the country that both protect and encourage the drug trade.

He asked that we continue to fight with them to dismantle the entire drug industry, the illegal drug industry in that country, to help them to reduce the very high infant mortality rate. He explains that Afghanistan is open for business but they need businesses to come and help them rebuild the country. And he has an open invitation that asks American businesses to come there to help establish an economy that will sustain their people now and in the future. But he declares to us, President Karzai, declared to us on the floor of this House when he spoke to the joint meeting of the Senate and the House, that the greatest menace still in Afghanistan is terrorism. And he declared that terrorism is the greatest menace worldwide, as well as in Afghanistan.

He talked about al Qaeda in Afghanistan that killed Muslims prior to the US dismantling the Taliban and chasing al Qaeda out of the country.

Mr. Speaker, we were honored to have the President of Afghanistan visit and bring us up to date on the changes that have occurred in his eyes.

ACCOMPLISHMENTS OF THE REPUBLICAN HOUSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Kansas (Mr. TIAHRT) is recognized for half of the time until midnight as the designee of the majority leader.

Mr. TIAHRT. Mr. Speaker, tonight we are going to talk a little bit about the accomplishments of the Republicans in the House of Representatives, accomplishments that are going to help us bring jobs back into America.

Over the last generation, our government has consistently created policies that have prevented us from keeping jobs in America. The Republicans in the House have come up with a plan to change that environment so that we can quit the outsourcing of jobs and start the insourcing of jobs. We have divided the issues that have been created by the Federal government into 8 categories. Each one of those categories or issues is going to get a week of our time, a week of dedication to deal with this issue, bring important votes to the floor, and change the environment and bring more jobs into America.

We started out with health care the week of May 11, health care security. We then went to bureaucratic red tape termination, life long learning. This week was energy self-sufficiency and security. We have 4 more topics that deal with ending lawsuit abuse.

Now, under health care security we passed flexible spending accounts to allow employees more choices in their health care. We passed medical malpractice liability limitations to lower the cost of health care by lowering the liability insurance. And we also passed the Small Business Health Fairness Act which allowed small businesses and other associations to bond together to go out and purchase from health care providers and thereby lowering the cost of health care in the United States.

We went on to bureaucratic red tape termination, and we dealt with 4 bills with Occupational Safety and Health or OSHA. We had small business day in court for OSHA. We had OSHA Review Commission Efficiency Act. We had the Independent Review of OSHA Citations act. We had the OSHA Small Employer Access to Justice Act. And then we completed that week with the Paperwork and Regulatory Improvement Act.

We went on to lifelong learning the next week. We talked about the Teacher Training Enhancement Act, the Priorities for Graduates Studies Act, Back to Work Incentives Act, and we completed that week with workforce Reinvestment and Adult Education Act and having the conferees appointed as well.

□ 2310

This week we passed three pieces of additional legislation: the Energy Policy Act of 2004, the Renewable Energy Project Siting Improvement Act, and the U.S. Refinery Revitalization Act. Fifteen pieces of legislation have been passed. It is part of the plan that we have that is part of the aggressive nature that the House has taken on to bring jobs back to America.

Next week, we are going to be dealing with research and development.

Our opponents on the other side of the aisle, the House Democrats, have come up with an answer to our agenda. They have an alternate agenda, and that agenda is very interesting. It is on their Web site. It consists of 28 proposals compared to our 8. Thirteen of those proposals call for more government spending. Seven of those proposals call for more government regulation. Eight call for some outlandish schemes such as textile summits, other conferences, more lawsuits and targeted tax credits.

The business environment today has been forced to outsource jobs because of government regulations, because of government red tape, because of government policies, and the Democrats think the solution is more government. I think that that is wrong.

I have a quote here, Mr. Speaker. It starts out by saying, America must get to work producing more energy. The Republican program for solving economic problems is based on growth and productivity. A large amount of oil and natural gas lay beneath our land and off our shores untouched because the Democrats seem to believe the American people would rather see more regulation, taxes and control than more energy. That quote was made by Ronald Reagan, July 17, 1980.

The problem is pretty much the same because we have not gotten any bipartisan support on trying to create jobs and improve energy sufficiency in America.

I have a chart here, Mr. Speaker, that talks about America's energy security, a lesson of supply and demand. We can see clearly on this first part of the chart that supply, which is the manufacturing of petroleum and coal product jobs, have gone down since 1995, and we are here at 2003. The consumer price index of energy prices has continued to go up.

You can see there was a dip that came down some in the recession, but our demand has continued to grow, and the reason it has is because our economy is growing. The reason our economy is growing is because of the tax relief that has been passed by House Republicans and signed by the President into law. So we have been fighting this battle for some time, and let me just show one other chart here before we go on to another speaker.

This is what the House Republicans have done to provide America with a comprehensive energy plan. It starts out on January 1, 2001, and indicates on January 3, George Bush takes office. Then we can see that we have made several efforts. President Bush released his energy plan, delivered it to Congress. We responded by passing a House energy bill for the first time. We set up another second passage over on April 11, 2003, almost a year and a half later. We passed it a third time on November 18, 2003, and yesterday we passed it for a fourth time. Each time it has been stopped by the Democrats. We have not had the ability to get it to the President's desk, but the result of not having a comprehensive energy plan is it has driven gasoline prices at the pump from below $1.50 up to in excess of $2.

It is time for us, Mr. Speaker, to move on with the energy policy and get a plan passed and to the President so that we can lower energy costs and create jobs.

I have with me a gentleman from Indiana (Mr. CHOCOLA) who is going to address some additional issues about bringing jobs back to America as related to energy policy, and I yield to him at this time.

Mr. CHOCOLA. Mr. Speaker, I thank the gentleman for yielding to me, and I thank him for his leadership on this very important issue that I think is crucial to our economic security and job creation in our country.

As we focus this week on energy and its role in ensuring our economic security, I remind my colleagues, as my friend from Kansas just did, that the House of Representatives has passed three energy bills before this week, since 2001, all with the aim of exploring and increasing domestic energy production in hopes of staving off the type of energy crisis we face today.

Even though the employment rate has gone down significantly, and the economy as a whole is showing clear signs of improvement, the greatest impediment and risk to sustaining our growing economy is the rising cost of energy. Energy is the lifeblood of the American economy, and we can ill-afford to ignore the pressing need to pass comprehensive energy legislation. We cannot wait for another blackout of the kind that we saw last August or for another spike in gasoline prices that we see today.

Mr. Speaker, it is imperative that we act now. The energy conference report the House has passed is a jobs bill. We call a lot of things here in the House of Representatives job bills, but this bill clearly fits the description. It is estimated that 838,500 jobs will be created if this energy policy is actually enacted. From natural gas and coal, to nuclear and renewable energy exploration and expansion, our domestic energy reserves will be a dramatic boost to the American workforce.

The rising cost of gas prices is just one of the most visible consequences of lacking a national energy policy, and it is a stark reminder of our need to utilize and explore our domestic energy supply. By hindering exploration and utilization of our country's energy potential, we continue our reliance on foreign energy sources. Since 2001, the United States has sent over $300 billion and countless American jobs to OPEC and other foreign Nations to meet our energy needs here at home. According to the U.S. Department of Commerce, America loses 12,389 jobs for every $1 billion we spend on imports. This translates to 1.7 million jobs America has sent overseas for oil every single year.

This legislation will help ease our dependence on foreign oil by requiring 5 billion gallons of renewable fuel to be included in all gasoline sold in the United States by 2015. This increase in the use of ethanol will save 1.3 billion barrels of oil by 2016, and improve the trade deficit by $28.5 billion over the next 15 years, and adds $135 billion to the American economy by 2016 through increased agricultural demand and new capital spending, and generate $32 billion in income for American consumers over the next 15 years.

Along with oil, natural gas has been an indispensable energy source in this country. Natural gas is responsible for 20 percent of our Nation's energy production and is expected to play an increasingly important role in addressing our Nation's future energy needs. Yet the volatile price of natural gas over the past new years is constricting our economic growth. For example, an estimated 85,000 jobs have been lost by the U.S. chemical makers since U.S. natural gas prices began to rise in mid-2000. Over the past few years, our reliance on natural gas has left our small business community susceptible to the fluctuations of the natural gas market, and it is hurting our economy and our workforce.

Mr. Speaker, I find it ironic that last August, on the same day that we saw a blackout in parts of the Midwest and the northeast, I chaired a hearing in my District, in the 2nd District of Indiana, on natural gas prices. At that hearing, we heard from school districts, we heard from businesses, we heard from social service organizations about the devastating effect that the rising cost of natural gas has had on their endeavors. Probably one of the most interesting things I learned during that hearing is that here in the United States, in our non-park, non-wilderness lands, we have enough natural gas to supply 100 million households for 157 years.

I would like to share just one quick story about a company in my District called Koontz-Wagner Electric that testified at that hearing and talked about the impact that the rising cost of natural gas has. They utilize natural gas to run the energy needs of their plant and much of their equipment, and this year, they saw an increase of $60 to $90,000 above their expected levels in natural gas costs. That is money that could have been invested in their business, could have helped create jobs, but instead went to pay for the energy costs that made them less competitive in the global economy.

Just last week, I spoke with a fertilizer company, one of the largest employers in one of the counties in my District, and they have seen their main input cost, $90 percent of their cost is nitrogen, and over the last 2 weeks they have seen their nitrogen costs increase by 15 percent, putting their company and their employees at risk. They have seen that not only in the last 2 weeks, but week after week they

have seen double digit increases in their most important costs, again, putting their company at risk.

But there is a solution, and it is enacting a comprehensive energy policy in this country. A comprehensive energy bill includes such provision as the creation of a natural gas pipeline from the Alaska North Slope to the lower 48 States. This pipeline will improve access to natural gas and promote competition in the exploration, development and production of natural gas to help secure our Nation's energy future. This legislation also provides for more natural gas exploration and development by providing royalty relief for deep and ultra deep gas wells in the shallow waters of the Gulf of Mexico. Improved access to North America's abundant natural gas resources will help to reduce high utility bills, create jobs and provide more than $500 million of increased revenues for the U.S. economy.

□ 2320

Mr. Speaker, as I said, energy is the lifeblood of our economy. We can no longer afford to ignore this pressing need. We must remain committed to pursuing a comprehensive energy policy in order to reduce our dependence on foreign oil, lessen the cost of gasoline and home utility bills, and help create more jobs right here in America.

Mr. Speaker, I thank the gentleman from Kansas (Mr. TIAHRT) for bringing this Special Order to the floor to talk about this very important issue. I urge my colleagues to support enactment of this energy policy.

Mr. TIAHRT. Mr. Speaker, I yield to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I appreciate the opportunity to speak tonight on energy week in the House of Representatives. Frankly, it feels a little bit like the movie ''Groundhog Day.'' I think we have been through this at least once before. Each time we go through it we have an opportunity to improve it, and each time we also feel a little bit frustrated that others in this Capitol do not share the same passion for a comprehensive energy policy.

Mr. Speaker, the gentleman from Kansas (Mr. TIAHRT) opened up with a discussion about the impact of higher gasoline prices on a timetable starting when President Bush was sworn in and gas was about $1.35 a gallon. I think it is $1.32 on the chart here. Because of the inaction of being unable to produce a comprehensive energy policy, what American citizens have seen is continuous rise and spikes in gasoline prices, and this has certainly captured the headlines and the lead-off stories on national news as we pay record prices across the Nation, seeing a little bit of relief.

But as we focus on gasoline prices, probably the more devastating aspects to our family budget and our economy is frankly the increase in price of natural gas. Alan Greenspan has spoken several times that the increase in natural gas prices has become a drag on our economy. So let us work through that a little bit. H.R. 6 that we have passed in the House of Representatives four times provides incentives for additional exploration within the continental United States. There is a lot of discussion about drilling in Alaska, but ANWR is not part of H.R. 6, but we provide incentives for exploration in the continental United States, as well as a new pipeline to run from Alaska to the continental United States, and that is one of the issues being stalled here.

What we need to realize is natural gas provides America about 25 percent of its current energy needs and is used by almost two-thirds of American households. That is right. That is for cooking, appliances, that is for heating our homes. But what many do not realize, as this chart shows, not only for electrical generation and residential use, but industrial use, as the gentleman from Indiana mentioned. Natural gas is used in the production of food to fertilizers, from cars to clothes, from aluminum to electronics. Natural gas is so essential a raw material that it is a basic element in many common products such as paints, fertilizers, propane, film, medicines, and almost all power plants which have been built in the last 15 to 20 years use natural gas to generate electricity.

What is great about it is it is low emission. It is a clean fuel to use. Here in D.C. when we walk around downtown, there are bright buses which pass through which say ''Using Clean Natural Gas.'' Yes, we use it in transportation as well.

The issue with the price of natural gas is just basic high school economics: It is supply and demand. Over the last, and here is a chart, it talks about just a few years ago natural gas prices were pretty stable around $1.50 CFM.

This chart here actually is wrong, and I need to take a second to correct it because it shows that it tops off at about $5, but just 2 weeks ago it was trading at $6.70 and it is now trading above $6. In other words, Mr. Speaker, the price of natural gas is off the charts, and we are not doing a darn thing about it.

Now the soaring natural gas prices, let us talk about the ripple effects that it has through our economy. It is putting a pinch on our families. As I understand from our local gas utilities, it is costing the average family in my district several hundred dollars a year just in additional heating and utility costs. But let us talk about what it is doing to our economy and jobs.

The U.S. chemical industry has cut at least 90,000 jobs because of the high price of natural gas. Several plants have closed and moved their doors overseas. Yes, overseas. Now let us talk about why they are moving overseas. Why do our farmers now have to import fertilizer and pay twice as much as they did 3 years ago? Let us look at this. In the United States because of our demand and lack of supply, we are paying about $6.50 CFM. We can go down to Mexico and Central America and pay less than one-sixth. What is a business to do? When we criticize businesses for moving offshore or out of America, yes, it frustrates every one of us that those jobs are moving out, but let us look at some of the causes and deal with that. What is a manufacturer going to do when the basic input, as the gentleman from Indiana said, when it is about 90 percent of the input costs for fertilizer, what is that fertilizer plant going to do? They are going to go where it is a cheaper price and reduce their costs dramatically and sell it back.

I believe these natural gas prices really provide an unfair disadvantage to our American manufacturers, and we need to do something about it.

The Energy Policy Act which the House passed once again yesterday would boost natural gas production by removing barriers and creating sensible incentives. It would increase the depreciation period of natural gas pipelines from 20 to 15 years. It would increase energy conservation and efficiency by 50 percent over 5 years, and it would relieve pressure on natural gas markets, diversifying our energy portfolio by increasing power generation from clean coal, fuel cells, microturbines, emission-free nuclear power, and renewable energy sources. By adopting this balanced plan, we would increase natural gas supplies and save U.S. customers approximately $1 trillion in natural gas costs over the next 20 years. Yes, Mr. Speaker, I said $1 trillion.

Now, it is time that we stop holding Americans hostage, our economy hostage. Let us fight some of the root causes of our loss of manufacturing jobs and pass a comprehensive energy bill.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Nebraska (Mr. TERRY) for that very important information about how we are going to bring jobs back to America by passing comprehensive energy policies that will lower costs for natural gas and make it more economical to do business in the United States.

Mr. Speaker, I yield to the gentleman from New Mexico (Mr. PEARCE) to talk about bringing jobs back to America with a comprehensive energy policy.

Mr. PEARCE. Mr. Speaker, I thank the gentleman from Kansas (Mr. TIAHRT) for bringing this issue in front of the body.

Mr. Speaker, there are two things that our standard of living in America is based upon.

□ 2330

Our standard of living is very high in this country because of two basic, essential facts. First, we have affordable food and, second, we have affordable energy. Both of those things determine how we live our everyday lives, how much we have got to spend on our kids' school clothes, how far we have got to

spend on the schools that our kids go to, those things are determined by the basics that we do not have to spend more than a small amount of our income on either food or energy.

Mr. Speaker, House bill 6, the energy bill, really begins to address the fact that jobs are being sent overseas because of high energy costs but it also addresses the more relevant fact of the cost of energy in our homes. I had some high school students in my office today. They asked, what is your position on drilling in ANWR? I said absolutely, that I supported it in my campaign, and that I have supported it since I got here. They asked, why would you do that? And they seemed to be asking it in good faith. You could tell that they had had discussions in their school and they were asking for my opinion because they had received the other side. I said, it is very simple. You hear your parents talking about how much it costs to fill up their car with gasoline, about $40 to $50 to $60 now depending on what size tank you have. I said, you have heard your parents talk about it. Yes, yes, it is very much higher. The fact is that we are talking about supply and demand and they were a little curious about that. They did not really understand it fully. I said, it is simply like cell phones. When cell phones first came out, the supply was very limited so you might pay $450 or $500 for a cell phone but today they will give them to you just to get the business. That is because as the supply of cell phones has increased, the price has gone down. Petroleum is exactly the same way.

If in 1995 President Clinton would have signed the ANWR drilling bill that was put in front of him, both House and Senate in 1995 passed that bill, if he had signed that, today we would have 1.5 million new barrels of oil coming down the Alaska pipeline and into our shores. What our attempt is today to lower the price of gasoline in our cars is we have gone to the Saudi Arabians and we are asking them on bended knee, we the United States is asking Saudi Arabia on bended knee to increase production by somewhere between 1 and 2 million barrels per day. We know that at that figure, the price would come back down to what Americans are used to paying for a gallon of gasoline. But instead, President Clinton vetoed the bill that was passed by the House and by the Senate, he vetoed the bill, so today instead of having the 1.5 million barrels that we are asking the Saudi Arabians for, that 1.5 million barrels would have been produced on American soil and with American jobs, instead it is being produced somewhere else and then we have the higher energy costs and we are more dependent on foreign oil.

My friend from Nebraska talked about the high price of natural gas. There are some very compelling things in the price of natural gas. It is being pushed up because the Federal Government is requiring that many of our electrical generating plants convert from coal into the clean-burning natural gas. The Federal Government demands that we convert electric plants over to natural gas, therefore, pushing the demand up while at the same time the Federal Government at the insistence of some of the extreme environmentalists is beginning to limit access to the natural gas drilling that is available. The drilling that they are stopping, the drilling that the extreme environmentalists are stopping is not in pristine areas. They are exactly in areas on Federal land that have been drilled before. There is no reason to say that we cannot drill there except the extremists believe in their heart that America has too much.

Mr. TIAHRT. Mr. Speaker, to wrap up as our time expires, we call our plan to bring jobs back to America ''Careers for the 21st Century.'' This week we have been talking about tonight is the energy self-sufficiency and security. Next week we are going to talk about research and development.

ABUSES OF POWER: ENERGY TASK FORCE

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for the remaining time until midnight as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, House Republicans are making a mockery of the House floor this week. They are bringing up at least four pieces of legislation they claim will address our Nation's energy needs and begin the process of lowering prices at the pump but the American people should not be fooled. Over the past 3 years, the Bush administration and congressional Republicans have done nothing to help consumers who are now struggling to pay higher gas prices. Instead, the Bush administration is in the pocket of the oil and gas companies and House Republicans are doing their dirty work.

Mr. Speaker, Republicans are claiming the energy legislation they passed last year which we are again voting on this week will provide some much-needed relief at the pump. What Republicans will not say is that a study from the Energy Information Administration concluded the Republican bill would actually increase the average gasoline price by three cents per gallon. Congressional Republicans and the Bush administration are not interested in lowering gas prices. One might ask why, and that is because high gas prices mean high profits for big oil and gas companies. In fact, it was the executives at these very companies that worked in secret with Vice President CHENEY in crafting the Republican energy bill that Republicans are now touting this week. For 3 years now, the Vice President has done everything he can to keep the records of his energy task force secret. This secret task force developed President Bush's energy policy, a policy that was then made into legislation here in Congress, legislation that has now stalled in the other body. Nevertheless, the end result was bad energy policy. There is no doubt that the energy industry succeeded with its influence during these secret closed-door meetings in crafting a policy that benefited them rather than benefiting Americans now that Americans are paying that price at the pump. For 3 years, the Vice President has refused to let the American people know who made up his energy task force. For 3 years now, the Vice President has refused to let the American people know how and why the task force came to the conclusions that it did. Finally, after 3 years of hiding the information, it appeared that we would finally get some of the information CHENEY was fighting so hard to keep secret thanks to the Sierra Club and the conservative group Judicial Watch who sued Vice President CHENEY in the courts. The two groups wanted to find out exactly who from the energy industry participated in crafting the Bush administration's destructive energy policy. A district court ordered the administration to provide the information last year but the Bush administration still refuses to turn it over. The administration's reason, constitutional immunity from such inquiries. The district court rejected that contention, pointing out that the administration was attempting, and I quote, to cloak what is tantamount to an aggrandizement of executive power with the legitimacy of precedent where none exists.

But, Mr. Speaker, as we know, the Vice President refused to give in. He has appealed the district court decision to the U.S. Supreme Court and last December the Supreme Court agreed to take the case and heard arguments this spring. I have to point out that it does not make any sense to me why the Vice President would be so concerned about keeping his energy task force records secret. I would like to know or ask the congressional Republicans why they continue to allow the Bush administration to get away with this secrecy. Could it be that they know if the records are ever made public that the American people would finally realize that the Republican energy bill was never intended to help the American consumer but instead from the very first day its main goal was to provide oil and gas companies billions of dollars in tax breaks?

Mr. Speaker, I wanted to point out a problem with a potential conflict of interest, I think clearly a conflict of interest with regard to Justice Scalia and the Supreme Court. It appears in my opinion that Vice President CHENEY will do anything to keep these documents of the energy task force secret. That is why I think that what happened is that 3 weeks after the Supreme Court announced it would hear Vice President CHENEY's appeal of the case, Justice Scalia accompanied Vice

President CHENEY on an Air Force Two flight from Washington, D.C. to Morgan City, Louisiana for a duck hunting visit. There, according to news reports, Justice Scalia and the Vice President were guests of Wallace Carline, president of an energy services company. Neither the Vice President nor Justice Scalia made this duck hunting vacation public. Had it not been for the investigative work of the L.A. Times, we might still not know that these two spent several days together hunting duck in Louisiana. One would think that these two bright men would realize how such a vacation would look to the American people if it ever became public but unfortunately it does not seem like either one of them cared.

□ 2340

What happened is, and I think there is no doubt, that this vacation serves as a conflict of interest, and because of that, I believe that Justice Scalia should recuse himself from hearing the Cheney case in the Supreme Court. But even more importantly, Vice President CHENEY should have realized how this would look and should have cancelled the trip before he even went.

But regardless of that, there is no disputing that Justice Scalia should recuse himself on ruling on the case involving the energy task force. The Sierra Club asked Justice Scalia to do just that, but Justice Scalia continues to refuse to recuse himself. What he did instead was to defend his decision in a 21-page memo. In the memo Scalia describes how he enjoyed going hunting every year with his friend Wallace Carline. And Scalia writes: ''During my December, 2002, visit, I learned that Mr. Carline was an admirer of Vice President CHENEY. Knowing that the Vice President, with whom I am well acquainted, is an enthusiastic duck hunter, I asked whether Mr. Carline would like to invite him to our next year's hunt.''

And Scalia continues in this memo that ''The answer was yes. I conveyed the invitation, with my own warm recommendation, in the spring of 2003 and received an acceptance, subject, of course, to any superseding demands on the Vice President's time. The Vice President said that if he did go to Louisiana, I would be welcome to fly down with him.''

Mr. Speaker, just think about this explanation that Justice Scalia is giving for not recusing himself in this case involving Vice President CHENEY. Think about the apparent relationship these two men have, a relationship between two men who have worked in Washington for so many years and even worked in the Ford administration together.

And then try to look at it another way. The columnist E.J. Dionne did a Washington Post column earlier this year, and he said: ''Imagine you were in a bitter court fight with a former business partner. Would you want the judge in your case to be someone who went duck hunting with your opponent and flew to the hunt on your opponent's plane?'' That is the reality here.

Dionne continues: ''And now consider that you, as a citizen, have a right to know with whom Cheney consulted in writing an energy bill that was overwhelmingly tilted toward the interests of an industry in which the Vice President was once a central player.'' Scalia admits that recusal might be in order where the personal fortune or the personal freedom of the friend is at issue. And Dionne writes that one should not worry because what is at stake here are only CHENEY's political fortunes, the interests of the industry that CHENEY once worked for, and the public's right to know, and that is no big deal.

But it is a big deal. Vice President CHENEY should have realized the conflict of interest and declined to join the Supreme Court Justice once he knew the Supreme Court would be hearing CHENEY's case. I do not know. It just does not seem like Vice President CHENEY cares and he just basically will do anything to ensure that the records of his energy task force are never made public.

I would like to ask a question because, again, this is the energy task force, remember, put together by the Vice President that put together the energy legislation that my colleagues on the other side are saying is a good bill and is something that we should pass here again this week. But I have to say if all that is true, if it is such a great bill and if they continue to tout, as my colleagues did just before I spoke tonight, how wonderful this legislation is that came out of this task force, then what are they trying to hide? What is the Vice President trying to hide? Why does he not just say who was on the task force and when the task force met and what they did? Why would anybody have a problem with it if my colleagues on the Republican side think that this is such a great bill that is going to benefit the American people?

But I think we have to think about it. Would it be an embarrassment maybe to the Bush administration to have to admit that every member of this task force was an oil or gas executive? I do not think so. I mean I think that is pretty obvious. I do not think they are trying to hide that in any way. I think that would be nothing new. So there has to be something else that they are trying to hide. What is so damaging in these documents?

And I would venture to ask could it be that somewhere within these documents there is proof that the Bush administration was looking at taking out Iraqi leader Saddam Hussein in order to take control of that nation's rich oil reserves? I am not just saying that as a matter of speculation. There is some evidence that that may be, in fact, the case.

Former Treasury Secretary Paul O'Neill stated in a book that he wrote recently that Vice President CHENEY strongly suggested U.S. intervention in Iraq well before the terrorist attacks of September 11. Then this spring President Bush's former top anti-terrorism adviser also talked about how almost from day one the Bush administration was consumed with taking out Saddam Hussein.

It began back in 2001, months after the new administration came to power. Clarke says that he had been trying to schedule a cabinet-level priority meeting on terrorism. His first opportunity was a meeting with Deputy Secretary of Defense Paul Wolfowitz, and Clarke said that he started the meeting by saying that we needed to deal with bin Laden. And Wolfowitz's response: ''No. No. No. We don't have to deal with al Qaeda. Why are we talking about that little guy? We have to talk about Iraqi terrorism against the United States.''

Clarke then responded to Wolfowitz: ''Paul, there hasn't been any Iraqi terrorism against the United States in 8 years.'' Clarke turned to the deputy director of the CIA, who agreed with his assessment.

This conversation took place 3 months after Bush and CHENEY took control of the White House. Clarke's assessment seems to support that of former Treasury Secretary Paul O'Neill.

Clarke goes on to detail conversations with both President Bush and Defense Secretary Rumsfeld after 9–11. Both wanted to go after Iraq and Saddam Hussein. Additional evidence exists that CHENEY played an early planning role in the war in a National Security Council document dated February 3, 2001, months before September 11. According to a report in New Yorker Magazine, the document, written by a high National Security Council staffer, directed the NSC staff to cooperate fully with the energy task force as it considered the melding of two seemingly unrelated areas of policy: the review of operational policies towards rogue states, such as Iraq, and actions regarding the capture of new and existing oil and gas fields.

So now we have the melding of the national security policy and the energy task force policy. This document that I mentioned is essentially instructing the National Security Council staff to fully cooperate with the energy task force in melding together two different policies, one, a foreign policy towards Iraq versus an energy policy towards Iraq, and once again the document mentions the review of actions regarding the capture of new and existing oil and gas fields.

Does this mean, Mr. Speaker, that somewhere within the energy task force documents there is a possible strategy towards taking control of Iraqi oil and gas fields? Keep in mind this was before 9–11 and well before the administration now claims it began looking into the possibility of going to war against Iraq.

So my question is, Mr. Speaker, does Vice President CHENEY want to keep

his energy task force secret because he does not want to admit that the administration was exploring ways of taking out Saddam Hussein before 9–11 strictly for the purpose of taking control of Iraq's oil fields?

I do not know the answer to that question, Mr. Speaker, and I do not think the American people know either. But the reason we do not know is because Vice President CHENEY again refuses to allow the American people to see these documents of the energy task force.

Another possibility, and again I am not just speculating, there is some evidence, is whether these energy task force documents were potentially hiding documents involving Enron. Could it be that the Bush administration also wants to keep the records of its energy task force secret because it wants to continue to distance itself from the Enron scandal? According to a 2002 report by the Committee on Government Reform, seven of the eight recommendations that then Enron Chairman Ken Lay gave to Vice President CHENEY miraculously made their way into the final energy task force report. Back in January, 2002, the San Francisco Chronicle released a memo given by Enron Chairman Lay to Vice President CHENEY at a meeting on April 17, 2001. Enron's memo contains recommendations in eight areas. In total, the White House energy plan adopts all or significant portions of Enron's recommendations in seven of these eight areas. Enron representatives had six meetings with the White House energy task force, including four meetings that occurred before release of the final report. The White House has consistently refused to disclose what Enron requested during these meetings. And despite all these meetings and the fact that Enron Chairman Ken Lay was President Bush's largest financial supporter, another reason the administration may want to keep these documents secret is that they do not want the American people to see more collaboration between the Bush administration and former Enron executives.

□ 2350

Now, once again, Mr. Speaker, I do not know whether or not these documents would reveal the collaboration between Enron and President Bush, and neither do the American people. But we will never find out if the documents continue to remain secret.

Mr. Speaker, I would like to conclude this evening, and, of course, I listened to some of the comments that my colleagues on the Republican side made earlier before I spoke about energy policy, but I wanted to say, Mr. Speaker, if the Republicans really want to address our Nation's current energy crisis, which they say they do, then they should finally wrestle legislation authorship away from the oil and gas executives and craft bipartisan legislation between Democrats and Republicans that truly modernizes our Nation's energy needs and finally ends our dependence on foreign oil.

The Republicans have to get away from the special interests and get away from writing legislation that just is for the benefit of the oil and gas executives. Otherwise, we are never going to see something pass here that actually helps the average American.

The facts about the Republican energy bill are clear: It provides billions in benefits to companies run by over 20 executives who have raised more than $100,000 each for the President's reelection campaign. One thing we do know, is when the policy was being written, the task force met with 118 energy groups, but only 13 environmental groups, and only one consumer group. Based on those statistics, who do you really think would benefit from this Republican energy bill?

For over 3 years, Democrats have been fighting for a short-term plan to bring down high prices and a long-term plan for energy independence. We want to create a more reliable power grid, reduce our dependence on foreign oil and encourage research on new energy technologies and alternative fuels. Democrats want to lower gas prices. We want to force OPEC to make a meaningful increase in production, and we want to defer deliveries of oil to the Strategic Petroleum Reserve and put it into the marketplace.

Lastly, and maybe most important, we want the FTC, the Federal Trade Commission, to investigate, to make sure that oil and gas companies are not working together to keep prices high.

In my opinion, Mr. Speaker, the Republicans are doing everything they can to create a diversion. This week with their Energy Week they are creating a diversion and trying to shift attention away from their failed energy policy. I have often said they are in the majority; they are the majority here, they are in the majority in the other House, and they also have a Republican President. If they pass a bill here which they think is a good bill, then why is it they cannot pass it in the Senate where they have the majority?

Why is it they cannot collectively pass a good energy bill? The reason is, it is not a good bill. It is a terrible bill. The other body will not pass it because they know it is not a good bill.

What we have here is a failed energy policy, and this Republican Energy Week is nothing more than an effort to create a diversion, to keep passing the same old legislation in different forms. But, again, it is not working. This is a ruse by the Republican leadership. Americans know that it is not working, and they are reminded of it every time they fill their tank and see the high gas prices.

So I would say to the Republicans, stop fooling around; stop with this mockery, if you will, of the legislative process by keep passing the same failed legislation. Nobody out there is paying any attention. Americans realize that gas prices are high and that nothing is happening here in Congress to make a difference.

Instead, the Republicans should sit down with the Democrats on a bipartisan basis and try to put together an energy policy that will really work to lower gas prices and to reduce our dependence on foreign oil, particularly Mideast oil, and, until they do that, no one is going to seriously believe that their so-called Energy Week really matters or makes any difference.

RECESS

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 55 minutes p.m.), the House stood in recess subject to the call of the Chair.

NOTICE OF ADOPTION OF AMENDMENTS TO THE PROCEDURAL RULES

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, June 16, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This transmittal letter supersedes the transmittal letter of June 15, 2004.

Section 303(a) of the Congressional Accountability Act of 1995 (''Act''), 2 U.S.C. 1383(a), the Executive Director of the Office of Compliance shall, ''subject to the approval of the Board [of Directors of the Office of Compliance], adopt rules governing the procedures of the Office, including the procedures of hearing officers, which shall be submitted for publication in the Congressional Record. The rules may be amended in the same manner.'' The Executive Director and Board of Directors of the Office of Compliance are transmitting herewith the enclosed Amendments to the Procedural Rules of the Office of Compliance for publication in both the House and Senate versions of the Congressional Record on the first day on which both Houses of Congress are in session following this transmittal. See 303(b) of the Act, 2 U.S.C. 1383(b).

The amendments to the Procedural Rules of the Office of Compliance shall be deemed adopted by the Executive Director with the approval of the Board of Directors on the date of publication of this Notice of Adoption of Amendments to Procedural Rules on both the House and Senate versions of the Congressional Record.

Any inquiries regarding this Notice should be addressed to the Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA–200, Washington, DC 20540; 202–724–9250, TDD 202–426–1912.

Sincerely,

SUSAN S. ROBFOGEL,
Chair of the Board of Directors.

WILLIAM W. THOMPSON II,
Executive Director.

NOTICE OF ADOPTION OF AMENDMENTS TO PROCEDURAL RULES

INTRODUCTORY STATEMENT

On September 4, 2003, a Notice of Proposed Amendments to the Procedural Rules of the Office of Compliance was published in the Congressional Record at S11110, and H7944.

As specified by the Congressional Accountability Act of 1995 (''Act'') at Section 303(b) (2 U.S.C. 1384(b)), a 30 day period for comments from interested parties ensued. In response, the Office received a number of comments regarding the proposed amendments.

At the request of a commenter, for good reason shown, the Board of Directors extended the 30 day comment period until October 20, 2003. The extension of the comment period was published in the Congressional Record on October 2, 2003 at H9209 and S12361.

On October 15, 2003, an announcement that the Board of Directors intended to hold a hearing on December 2, 2003 regarding the proposed procedural rule amendments was published in the Congressional Record at H9475 and S12599. On November 21, 2003, a Notice of the cancellation of the December 2, 2003 hearing was published in the Congressional Record at S15394 and H12304.

On February 26, 2004, the Board of Directors of the Office of Compliance caused a Second Notice of Proposed Amendments to the Procedural Rules to be published in the Congressional Record at H693 and S1671. The Second Notice included changes to the initial proposed amendments, together with a brief discussion of each proposed amendment, and afforded interested parties another opportunity to comment on these proposed amendments. (The Second Notice was also published in the House version of the Congressional Record on February 24, 2004. However, because the Senate did not publish the Second Notice on that date, the Second Notice was published on February 26, 2004.)

The comment period for the Second Notice of Proposed Amendments to the Procedural Rules ended on March 25, 2004. The Board received a number of additional comments regarding the proposed amendments.

The Executive Director and the Board of Directors of the Office of Compliance have reviewed all comments received regarding the Notice and the Second Notice, have made certain additional changes to the proposed amendments *inter alia* in response thereto, and herewith issue the final Amendments to the Procedural Rules as authorized by section 303(b) of the Act, which sates in part: ''Rules shall be considered issued by the Executive Director as of the date on which they are published in the Congressional Record.'' *See* 2 U.S.C. 1383(b).

The complete existing Procedural Rules of the Office of Compliance may be found on the Office's web site: www.compliance.gov.

Supplementary Information: The Congressional Accountability Act of 1995 (CAA), PL 104–1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 11 federal labor and employment statutes to covered employees and employing offices within the Legislative Branch of Government. Section 301 of the CAA (2 U.S.C. 1381) establishes the Office of Compliance as an independent office within that Branch. Section 303 (2 U.S.C. 1383) directs that the Executive Director, as the Chief Operating Officer of the agency, adopt rules of procedure governing the Office of Compliance, subject to approval by the Board of Directors of the Office of Compliance. The rules of procedure generally establish the process by which alleged violations of the laws made applicable to the Legislative Branch under the CAA will be considered and resolved. The rules include procedures for counseling, mediation, and election between filing an administrative complaint with the Office of Compliance or filing a civil action in U.S. District Court. The rules also include the procedures for processing Occupational Safety and Health investigations and enforcement, as well as the process for the conduct of administrative hearings held as the result of the filing of an administrative complaint under all of the statutes applied by the Act, and for appeals of a decision by a hearing officer to the Board of Directors of the Office of Compliance, and for the filing of an appeal of a decision by the Board of Directors to the United States Court of Appeals for the Federal Circuit. The rules also contain other matters of general applicability to the dispute resolution process and to the operation of the Office of Compliance.

These amendments to the Rules of Procedures are the result of the experience of the Office in processing disputes under the CAA during the period since the original adoption of these rules in 1995.

HOW TO READ THE AMENDMENTS

The text of the amendments shows changes to the preexisting text of the Procedural Rules as follows: *[*deletions within italicized brackets*]*, *and added text in italicized bold.* Only subsections of the rules which include amendments are reproduced in this NOTICE. The insertion of a series of small dots (. . . . .) indicates additional, unamended text within a section has not been reproduced in this document. The insertion of a series of stars (* * * * *) indicates that the unamended text of entire sections of the Rules have not been reproduced in this document. For the text of other portions of the Rules which are not amended, please access the Office of Compliance web site at www.compliance.gov.

Included with these amendments are "Discussions" which are not part of the Procedural Rules, but which have been added to provide additional information regarding the adoption of these amendments to the Procedural Rules.

DISABILITY ACCESS

This Notice of Adoption of Amendments to the Procedural Rules is available on the Office of Compliance web site, www.compliance.gov, which is compliant with section 508 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. 794d. This Notice is also available in large print or Braille. Requests for this Notice in an alternative format should be made to: Alma Candelaria, Deputy Executive Director, Office of Compliance, 110 2nd Street, S.E., Room LA–200, Washington, D.C. 20540; 202–724–9225; TDD: 202–426–1912; FAX: 202–426–1913.

PART I—OFFICE OF COMPLIANCE RULES OF PROCEDURE

As Amended—February 12, 1998 (Subpart A, section 1.02, "Definitions"), and As Amended by the publication of this Notice of Adoption of Amendments to the Procedural Rules on June ____, 2004.

TABLE OF CONTENTS

Subpart A—General Provisions

§ 1.01 Scope and Policy
§ 1.02 Definitions
§ 1.03 Filing and Computation of Time
§ 1.04 Availability of Official Information
§ 1.05 Designation of Representative
§ 1.06 Maintenance of Confidentiality
§ 1.07 Breach of Confidentiality Provisions

Subpart B—Pre-Complaint Procedures Applicable to Consideration of Alleged Violations of Part A of Title II of the Congressional Accountability Act of 1995

§ 2.01 Matters Covered by Subpart B
§ 2.02 Requests for Advice and Information
§ 2.03 Counseling
§ 2.04 Mediation
§ 2.05 Election of Proceedings
§ 2.06 Filing of Civil Action

Subpart C—[Reserved (Section 210—ADA Public Services)]

Subpart D—Compliance, Investigation, Enforcement and Variance Procedures under Section 215 of the CAA (Occupational Safety and Health Act of 1970) Inspections, Citations, and Complaints

§ 4.01 Purpose and Scope
§ 4.02 Authority for Inspection
§ 4.03 Request for Inspections by Employees and Employing Offices
§ 4.04 Objection to Inspection
§ 4.05 Entry Not a Waiver
§ 4.06 Advance Notice of Inspection
§ 4.07 Conduct of Inspections
§ 4.08 Representatives of Employing Offices and Employees
§ 4.09 Consultation with Employees
§ 4.10 Inspection Not Warranted, Informal Review
§ 4.11 Citations
§ 4.12 Imminent Danger
§ 4.13 Posting of Citations
§ 4.14 Failure to Correct a Violation for Which a Citation Has Been Issued; Notice of Failure to Correct Violation; Complaint
§ 4.15 Informal Conferences Rules of Practice for Variances, Limitations, Variations, Tolerances, and Exemptions
§ 4.20 Purpose and Scope
§ 4.21 Definitions
§ 4.22 Effect of Variances
§ 4.23 Public Notice of a Granted Variance, Limitation, Variation, Tolerance, or Exemption
§ 4.24 Form of Documents
§ 4.25 Applications for Temporary Variances and other Relief
§ 4.26 Applications for Permanent Variances and other Relief
§ 4.27 Modification or Revocation of Orders
§ 4.28 Action on Applications
§ 4.29 Consolidation of Proceedings
§ 4.30 Consent Findings and Rules or Orders
§ 4.31 Order of Proceedings and Burden of Proof

Subpart E—Complaints

§ 5.01 Complaints
§ 5.02 Appointment of the Hearing Officer
§ 5.03 Dismissal, Summary Judgment, and Withdrawal of Complaint
§ 5.04 Confidentiality

Subpart F—Discovery and Subpoenas

§ 6.01 Discovery
§ 6.02 Requests for Subpoenas
§ 6.03 Service
§ 6.04 Proof of Service
§ 6.05 Motion to Quash
§ 6.06 Enforcement

Subpart G—Hearings

§ 7.01 The Hearing Officer
§ 7.02 Sanctions
§ 7.03 Disqualification of the Hearing Officer
§ 7.04 Motions and Prehearing Conference
§ 7.05 Scheduling the Hearing
§ 7.06 Consolidation and Joinder of Cases
§ 7.07 Conduct of Hearing, Disqualification of Representatives
§ 7.08 Transcript
§ 7.09 Admissibility of Evidence
§ 7.10 Stipulations
§ 7.11 Official Notice
§ 7.12 Confidentiality
§ 7.13 Immediate Board Review of a Ruling by a Hearing Officer
§ 7.14 Briefs
§ 7.15 Closing the record
§ 7.16 Hearing Officer Decisions, Entry in Records of the Office

Subpart H—Proceedings before the Board

§ 8.01 Appeal to the Board
§ 8.02 Reconsideration
§ 8.03 Compliance with Final Decisions, Requests for Enforcement
§ 8.04 Judicial Review

Subpart I—Other Matters of General Applicability

§ 9.01 Filing, Service and Size Limitations of Motions, Briefs, Responses and other Documents
§ 9.02 Signing of Pleadings, Motions and Other Filings; Violations of Rules; Sanctions
§ 9.03 Attorney's Fees and Costs

§9.04 Ex parte Communications
§9.05 Settlement Agreements
§9.06 Payments pursuant to Decisions or Awards under Section 415(a) of the Act
§9.07 Revocation, Amendment or Waiver of Rules

* * * * *

§1.03 Filing and Computation of Time.

(a) *Method of Filing*. Documents may be filed in person or by mail, including express, overnight and other expedited delivery. ***When specifically requested by the Executive Director, or by a Hearing Officer in the case of a matter pending before the Hearing Officer, or by the Board of Directors in the case of an appeal to the Board, any document may also be filed by electronic transmittal in a designated format, with receipt confirmed by electronic transmittal in the same format.*** Requests for counseling under section 2.03, requests for mediation under section 2.04 and complaints under section 5.01 of these rules may also be filed by facsimile (FAX) transmission. . . . .

Discussion: The Office is beginning the process or migrating to electronic filing of documents. Because of the limitations in current capabilities, this authorization is optional, and provides for a designation of the format to be utilized. The Rule does not contemplate that a party will be involuntarily required to file electronically. The authorization for such filing must be made by the official(s) before whom the filing is pending.

* * * * *

(d) Service or filing of documents by certified mail, return receipt requested. Whenever these rules permit or require service or filing of documents by certified mail, return receipt requested, such documents may also be served or fled by express mail or other forms of expedited delivery in which proof of date of receipt by the addressee is provided.

Discussion: Because of the increase in time required to process mail through the U.S. Postal Service since 9–11, the Office has determined that additional flexibility in the use of comparable document delivery services is needed.

* * * * *

2.03 Counseling.

(a) *Initiating a Proceeding; Formal Request for Counseling*. In order to initiate a proceeding under these rules, an employee shall ***[***formally***]*** ***file a written*** request ***for*** counseling ***[***from***] with*** the Office regarding an alleged violation of the Act, as referred to in section 2.01(a) above. All ***[***formal***]*** requests for counseling shall be confidential, unless the employee agrees to waive his or her right to confidentiality under section 2.03(e)(2), below.

Discussion: Requiring a written request for counseling provides the Office with documentation of the request. Such documents remain confidential, as required by section 416 of the Act, and by the Procedural Rules.

* * * * *

(c) *When, How, and Where to Request Counseling*. A ***[***formal***]*** request for counseling ***must be in writing, and [***: (1)***]*** shall be ***[***made***] filed*** **pursuant to the requirements of section 2.03(a) of these Rules** ***with the Office of Compliance at Room LA–200, 110 Second Street, S.E., Washington, D.C. 20540–1999, [telephone 202–724–9250;] FAX 202–426–1913; TDD 202–426–1912***, not later than 180 days after the alleged violation of the Act***.[***;***] [***(2) may be made to the Office in person, by telephone, or by written request; (3) shall be directed to: Office of Compliance, Adams Building, Room LA–200, 110 Second Street, S.E., Washington, D.C. 20540–1999; telephone 202–724–9250; FAX 202–426–1913; TDD 202–426–1912.***]***

Discussion: This amendment conforms to the amendment at section 2.03(a).

* * * * *

(l) *Conclusion of the Counseling Period and Notice*. The Executive Director shall notify the employee in writing of the end of the counseling period, by certified mail, return receipt requested, ***or by personal delivery evidenced by a written receipt.*** The Executive Director, as part of the notification of the end of the counseling period, shall inform the employee of the right and obligation, should the employee choose to pursue his or her claim, to file with the Office a request for mediation within 15 days after receipt by the employee of the notice of the end of the counseling period.

Discussion: Because of the increase in time required to process mail through the U.S. Postal Service since 9–11, the Office has determined that additional flexibility of personal delivery is needed, as long as that delivery can be verified.

(m) *Employees of the Office of the Architect of the Capitol and the Capitol Police*.

(1) Where an employee of the Office of the Architect of the Capitol or of the Capitol Police requests counseling under the Act and these rules, the Executive Director may recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police. The term 'grievance procedures' refers to internal procedures of the Architect of the Capitol and the Capitol Police that can provide a resolution of the matter(s) about which counseling was requested. Pursuant to section 401 of the Act and by agreement with the Architect of the Capitol and the Capitol Police Board, when the Executive Director makes such a recommendation, the following procedures shall apply:

. . . . .

(ii) After having contacted the Office and having utilized the grievance procedures of the Architect of the Capitol or of the Capitol Police Board, the employee may notify the Office that he or she wishes to return to the procedures under these rules:

(A) within ***[***10***] 60*** days after the expiration of the period recommended by the Executive Director, if the matter has not ***[***been resolved***] resulted in a final decision***; or

(B) within 20 days after service of a final decision resulting from the grievance procedures of the Architect of the Capitol or the Capitol Police Board.

(iii) The period during which the matter is pending in the internal grievance procedure shall not count against the time available for counseling or mediation under the Act. If the grievance is resolved to the employee's satisfaction, ***the employee shall so notify the Office within 20 days after the employee has received service of the final decision resulting from the grievance procedure. [***or i***] I***f no request to return to the procedures under these rules is received within ***[***the applicable time period***] 60 days after the expiration of the period recommended by the Executive Director,*** the Office will ***[***consider the case to be closed in its official files***] issue a Notice of End of Counseling, as specified in section 2.04(i) of these Rules.***

Discussion: Section 401 of the Act authorizes the Executive Director, "after receiving a request for counseling . . . [to] recommend that the employee use the grievance procedures of the Architect of the Capitol or the Capitol Police for resolution of the employee's grievance for a specific period of time, which shall not count against the time available for counseling or mediation." The extension of the grace period in the case of a matter which has not been concluded in 60 days provides the parties additional time to complete the grievance process. The issuance of a Notice of End of Counseling rather than the administrative closure of a matter ensures that no employee inadvertently loses the opportunity to continue to pursue a matter, which has not been successfully concluded through the agency grievance procedure. If an employee notifies the Office of a desire to return to the Office dispute resolution procedure pursuant to subsection (ii) above, the time remaining in counseling shall not include any time between the filing of the request for counseling, and the date of issuance by the Executive Director of a recommended referral. Thus, for instance, if the Executive Director recommends referral 5 days after the filing of a Request for Counseling, the time remaining in counseling as of the date the Office receives a notification of return would be 25 days.

2.04 Mediation.

. . . . .

(e) *Duration and Extension*.

(1) The mediation period shall be 30 days beginning on the date the request for mediation is received, unless the Office grants an extension.

(2) The Office may extend the mediation period upon the joint ***written*** request of the parties ***or of the appointed mediator on behalf of the parties to the attention of the Executive Director.*** The request ***[***may be oral or***] shall be*** written and ***[***shall be noted and***]*** filed with the Office no later than the last day of the mediation period. The request shall set forth the joint nature of the request and the reasons therefor, and specify when the parties expect to conclude their discussions. Request for additional extensions may be made in the same manner. Approval of any extensions shall be within the sole discretion of the Office.

Discussion: This amendment authorizes a mediator or both parties to submit a request for extension. The Office will accept joint requests by the parties in which the signature of a party has been authorized to be executed by the other party, as long as that authorization is stated in the submission.

* * * * *

(i) *Conclusion of the Mediation Period and Notice*. If, at the end of the mediation period, the parties have not resolved the matter that forms the basis of the request for mediation, the Office shall provide the employee, and the employing office, and their representatives, with written notice that the mediation period has concluded. The written notice to the employee will be sent by certified mail, return receipt requested, ***or will be [hand] personally delivered, evidenced by a written receipt,*** and it will also notify the employee of his or her right to elect to file a complaint with the Office in accordance with section 405 of the Act and section 5.01 of these rules or to file a civil action pursuant to section 408 of the Act and section 2.06 of these rules.

Discussion: Because of the increase in time required to process mail through the U.S. Postal Service since 9–11, the Office has determined that additional flexibility of personal delivery is needed, as long as that delivery can be verified.

* * * * *

2.06 Filing of Civil Action.

. . . . .

(c) Communication Regarding Civil Actions Filed with District Court. The party filing any civil action with the United States District Court pursuant to sections 404(2) and 408 of the Act shall provide a written notice to the Office that the party has filed a civil action, specifying the district court in which the civil action was filed and the case number.

Discussion: The Office of Compliance is required by the Act to educate Members of Congress, employing offices, and employees regarding their rights and responsibilities

under the Act (section 301(h)); to ensure that an employee has not filed both a District Court and an administrative complaint in violation of section 404; and to monitor any judicial interpretation of the Act or review of Office regulations pursuant to sections 408 and 409. Requiring such notice by a party to a matter which has been processed through counseling and mediation before this agency pursuant to a duly promulgated rule of this agency does not violate any applicable attorney rule of professional conduct.

* * * * *

§ 5.03 Dismissal, *Summary Judgment,* and Withdrawal of Complaints.

. . . . .

(d) Summary Judgment. A Hearing Officer may, after notice and an opportunity for the parties to address the question of summary judgment, issue summary judgment on some or all of the complaint.

Discussion: This amendment clarifies the existing authority of Hearing Officers to issue summary judgment or partial summary judgment.

(d***]e***) *Appeal.* A ***[***dismissal***] final decision*** by the Hearing Officer made under section 5.03(a)-***[***(c)***] (d)*** or 7.16 of these rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01. ***A final decision under section 5.03(a)-(d) which does not resolve all of the claims or issues in the case(s) before the Hearing Officer may not be appealed to the Board in advance of a final decision entered under section 7.16 of these rules, except as authorized pursuant to section 7.13 of these rules.***

Discussion: This amendment clarifies that any final decision which does not completely dispose of a matter will be treated as an interlocutory appeal.

(***[***e***]f***) . . . . .

(***[***f***]g***) . . . . .

* * * * *

§ 7.02 Sanctions.

(a) The Hearing Officer may impose sanctions on a party's representative necessary to regulate the course of the hearing.

Discussion: This rule is procedural. The Office of Compliance is required by section 405(d)(3) of the Act to conduct its hearings "to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of [the Administrative Procedure Act found at] title 5, United States Code." The phrase "necessary to regulate the course of the hearing" is derived from section 556(c)(5) of the Administrative Procedure Act, 5 U.S.C. 556(c)(5). Agency tribunals operated under the Administrative Procedure Act possess broad authority to regulate the practice and conduct of attorneys and other representatives appearing on behalf of parties to proceedings before them.

(b) The Hearing Officer may impose sanctions upon the parties under, but not limited to, the circumstances set forth in this section.

(***[***a***]1***) *Failure to Comply with an Order.* When a party fails to comply with an order (including an order for the taking of a deposition, for the production of evidence within the party's control, or for production of witnesses), the Hearing Officer may:

(***[***1***]a***) . . . . .

(***[***2***]b***) . . . . .

(***[***3***]c***) . . . . .

(***[***4***]d***) . . . . .

(***[***5***]e***) . . . . .

(***[***6***]f***) . . . . .

(***[***7***]g***) . . . . .

(***[***b***]2***) . . . . .

(***[***c***]3***) . . . . .

* * * * *

§ 8.01 Appeal to the Board.

. . . . .

(b)(1) Unless otherwise ordered by the Board, within 21 days following the filing of a petition for review to the Board, the appellant shall file and serve a supporting brief in accordance with section 9.01 of these rules. That brief shall identify with particularity those findings or conclusions in the decision and order that are challenged and shall refer specifically to the portions of the record and the provisions of statutes or rules that are alleged to support each assertion made on appeal.

(2) Unless otherwise ordered by the Board, within 21 days following the service of the appellant's brief, the opposing party may file and serve a responsive brief. Unless otherwise ordered by the Board, within 10 days following the service of the appellee's responsive brief, the appellant may file and serve a reply brief.

(3) Upon written delegation by the Board, the Executive Director is authorized to determine any request for extensions of time to file any post petition for review document or-submission with the Board in any case in which the Executive Director has not rendered a determination on the merits. Such delegation shall continue until revoked by the Board.

Discussion: This ministerial delegation is not a "substantive" rule. The extension of filing deadlines is limited to the parameters of a written authorization from the Board, and cannot affect the requirement of section 406(a) that a party must "file a petition for review by the Board not later than 30 days after entry of the decision in the records of the Office."

* * * * *

§ 9.01 Filing, Service and Size Limitations of Motions, Briefs, Responses and other Documents.

(a) *Filing with the Office; Number.* One original and three copies of all motions, briefs, responses, and other documents must be filed, whenever required, with the Office or Hearing Officer. However, when a party aggrieved by the decision of a Hearing Officer ***or a party to any other matter or determination reviewable by the Board*** files an appeal ***or other submission*** with the Board, one original and seven copies of ***[***both***]*** any [appeal brief***] submission*** and any responses must be filed with the Office. ***The Office[r], Hearing Officer, or Board may also request a party to submit an electronic version of any submission [on a disk] in a designated format, with receipt confirmed by electronic transmittal in the same format.***

Discussion: The addition of the phrase "or other matter or determination reviewable by the Board" references those controversies over which the Board has jurisdiction, but which are not initially determined before a Hearing Officer. These other matters or determinations include collective bargaining representation and negotiability determinations made by the Board pursuant to Part 2422 of the Office of Compliance Rules, review by the Board of arbitration decisions pursuant to Part 2425 of the Rules, determination of bargaining consultation rights under Part 2426 of the Rules, requests for statements of policy or guidance by the Board under Part 2427 of the Rules, enforcement of standards of conduct decisions and orders by the Assistant Secretary of Labor of Labor Management Relations pursuant to Part 2428 of the Rules, and determinations regarding collective bargaining impasses pursuant to Part 2470 of the Rules. Some of these matters are addressed to the Board in the first instance. Submission by electronic version is an option in addition to the existing methods for filing documents. See also amended rule 1.03(a), supra. This addition reflects the decision of this agency to begin migrating toward electronic filing of submissions. Because of the limitations in current capabilities, this authorization is optional, and provides for a designation of the format to be utilized. The Rule does not contemplate that a party will be involuntarily required to file electronically. The authorization for such filing must be made by the official(s) before whom the filing is pending.

* * * * *

§ 9.03 Attorney's fees and costs.

(a) *Request.* No later than 20 days after the entry of a Hearing Officer's decision under section 7.16 or after service of a Board decision by the Office, the complainant, if he or she is a prevailing party, may submit to the Hearing Officer who heard the case initially a motion for the award of reasonable attorney's fees and costs, following the form specified in paragraph (b) below. ***All motions for attorney's fees and costs shall be submitted to the Hearing Officer. T***he Hearing Officer, after giving the respondent an opportunity to reply, shall rule on the motion. ***Decisions regarding attorney's fees and costs are collateral and do not affect the finality or appealability of a final decision issued by the Hearing Officer. A ruling on a motion for attorney's fees and costs may be appealed together with the final decision of the Hearing Officer. If the motion for attorney's fees is ruled on after the final decision has been issued by the Hearing Officer, the ruling may be appealed in the same manner as a final decision, pursuant to section 8.01 of these Rules.***

Discussion: This amendment clarifies the rules to exclude the filing of motions for attorney's fees with the Board of Directors.

* * * * *

§ 9.05 Informal Resolutions and Settlement Agreements

. . . . .

(b) *Formal Settlement Agreement.* The parties may agree formally to settle all or part of a disputed matter in accordance with section 414 of the Act. In that event, the agreement shall be in writing and submitted to the Executive Director for review and approval. ***If the Executive Director does not approve the settlement, such disapproval shall be in writing, shall set forth the grounds therefor, and shall render the settlement ineffective.***

(c) Requirements for a Formal Settlement Agreement. A formal settlement agreement requires the signature of all parties or their designated representatives on the agreement document before the agreement can be submitted to the Executive Director. A formal settlement agreement cannot be rescinded after the signatures of all parties have been affixed to the agreement, unless by written revocation of the agreement voluntarily signed by all parties, or as otherwise permitted by law.

(d) Violation of a Formal Settlement Agreement. If a party should allege that a formal settlement agreement has been violated, the issue shall be determined by reference to the formal dispute resolution procedures of the agreement. If the particular formal settlement agreement does not have a stipulated method for dispute resolution of an alleged violation of the agreement, the following dispute resolution procedure shall be deemed to be apart of each formal settlement agreement approved by the Executive Director pursuant to section 414 of the Act. Any complaint regarding a violation of a formal settlement agreement may be filed with the Executive Director no later than 60 days after the party to the agreement becomes aware of the alleged violation. Such complaints may be referred by the Executive Director to a Hearing Officer for a final decision. The procedures for hearing and determining such complaints shall be governed by subparts F, G, and H of these rules.

Discussion: The Act empowers the Executive Director to exercise final approval over any settlement agreement. Otherwise, no settlement agreement shall "become effective." See 2 U.S.C. 1414. This procedural rule provides a dispute resolution procedure which is designed to preserve the confidentiality of any settlement agreement to the maximum extent possible, should the parties not include another dispute resolution mechanism in the settlement agreement which is approved by the Executive Director.

§ 9.06 Payments required pursuant to Decisions, Awards, or Settlements under section 415(a) of the Act. Whenever a decision or award pursuant to sections 4050, 406(e), 407, or 408 of the Act, or an approved settlement pursuant to section 414 of the Act, require the payment of funds pursuant to section 415(a) of the Act, the decision, award, or settlement shall be submitted to the Executive Director to be processed by the Office for requisition from the account of the Office of Compliance in the Department of the Treasury, and payment.

Discussion: This rule memorializes existing practices authorized under section 415(a) of the Act.

§ 9.07 Revocation, Amendment or Waiver of Rules.

. . . . .

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8544. A letter from the Director, Economic and Policy Analysis Staff, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — 2002 Farm Bill — Conservation Reserve Program — Long-Term Policy (RIN: 0560-AG74) received May 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8545. A letter from the Assistant Director, Directives and Regulations Branch, Department of Agriculture, transmitting the Department's final rule — Sale and Disposal of National Forest System Timber; Timber Sale Contracts, Modification of Contracts (RIN: 0596-AC16) received May 11, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8546. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Animal Welfare; Definition of Animal [Docket No. 98-106-3] (RIN: 0579-AB69) received June 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8547. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Plum Pox Compensation [Docket No. 00-035-3] (RIN: 0579-AB19) received June 2, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8548. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Spring Viremia of Carp; Payment of Indemnity [Docket No. 02-091-1] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8549. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Regulated Areas [Docket No. 04-038-1] received May 26, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8550. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Gypsy Moth Generally Infested Areas [Docket No. 04-025-1] received June 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8551. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Pine Shoot Beetle; Additions to Quarantined Areas [Docket No. 04-036-1] received June 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8552. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fenpyroximate; Pesticide Tolerance [OPP-2004-0174; FRL-7362-9] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8553. A letter from the Chairman and Chief Executive, Farm Credit Administration, transmitting the Administration's final rule — Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; OFI Lending (RIN: 3052-AB96) received May 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8554. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [R07-OAR-2004-IA-0001; FRL-7672-3] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8555. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Underground Storage Tank Program: Approved State Program for Virginia [FRL-7658-3] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8556. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Underground Storage Tank Program: Approved State Program for West Virginia [FRL-7657-4] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8557. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Definition of Volatile Organic Material or Volatile Organic Compound [IL218-2a; FRL-7661-8] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8558. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans for Texas; Approval of Section 179B Demonstration of Attainment, Volatile Organic Compounds and Nitrogen Oxides Motor Vehicle Emissions Budgets for Conformity for the El Paso Ozone Nonattainment Area [TX-70-2-7347a; FRL-7672-7] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8559. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the State Implementaiton Plan [GA-62, GA-64-200418; FRL-7672-4] received June 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8560. A letter from the Chief Counsel, Foreign Assests Control, Department of the Treasury, transmitting the Department's final rule — Alphabetical Listing of Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Global Terrorists, Foreign Terrorist Organizations, and Specially Designated Traffickers. — received May 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8561. A letter from the Secretary, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8562. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2005 Annual Performance Plan; to the Committee on Government Reform.

8563. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 to March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

8564. A letter from the President, Legal Services Corporation, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 to March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8565. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the Inspector General of the National Aeronautics and Space Administration for the period ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8566. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled ''Review of the Financial Operations of the Village Learning Center Public Charter School''; to the Committee on Government Reform.

8567. A letter from the Chairman, Securities and Exchange Commission, transmitting the Office of Inspector General Semiannual Report to Congress and Management's Response for the period of six months ending March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8568. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8569. A letter from the Executive Director, Office of Compliance, transmitting notice of adoption of amendments to the Procedural Rules of the Office of Compliance for printing in the Congressional Record, pursuant to Public Law 104—1, section 303(b) (109 Stat. 28); jointly to the Committees on House Administration and Education and the Workforce.

N O T I C E

Incomplete record of House proceedings. Today's House proceedings will be continued in the next issue of the Record.