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House of Representatives

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 455 and rule XXIII, 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. 3662.

□ 1209

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. 3662) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1997, and for other purposes, with Mr. BURTON of Indiana in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio [Mr. REGULA] and the gentleman from Illinois [Mr. YATES] will each control 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. REGULA].

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

Let me say at the outset, Mr. Chairman, that the gentleman from Illinois and myself have worked closely on this bill along with the other members of our subcommittee. I think we bring to the Members today a very responsible bill given the fiscal constraints.

I would point out the chart that is in the well demonstrates that we appropriate a total of about $12 billion and save the taxpayers, save future generations $500 million plus the interest that they would have to pay on that money. But at the same time we take care of the things that are vitally important and that people care about in this country, our public lands, in many instances, the parks, the forests, the fish and wildlife facilities, the grazing lands managed by the BLM. They are the jewels of this Nation and I think we have a great responsibility to manage these facilities and this resource well so that we can leave it as a legacy to future generations.

I would like to start by giving some little known facts about this bill. Let me start with the Forest Service. The National Forest System covers 8 percent of all the land in America. Of all the land, 8 percent is in national forests. The national forests produce 55 percent of the water for 16 western States. I think that is a significant fact. Fifty-five percent of the water that they use for irrigation, for municipal water supplies, for the many, many purposes, for industrial uses, 55 percent of that in the 16 western States comes from our public lands. Three hundred million recreational visitors to the Forest Service lands every year, 300 million Americans enjoyed these lands. Half of the Nation's ski lift capacity is on forest land. For those that like to ski undoubtedly if you have gone out in the western States, you have been on public lands. Half of the Nation's big game and cold water fish habitat is on the national forest lands.

With respect to timber harvest, I might say there has been a lot of concern about the fact that we have been excessively harvesting timber, recognizing the importance of it for multiple use, recognizing the importance of timber lands in providing water supply, that we might be doing too much. But let me point out that we are on a downward glide path. We harvested 11 billion board feet, in 1990. It this bill today it provides for 4.3 billion board feet, almost one-third of what we were allowing in 1990. I think it is a recognition that the national forests have far greater value in terms of multiple use and in terms of our watershed than perhaps just for timber harvest.

Little known facts is the Department of Energy. Fossil energy research focuses on cleaning up the environment and reducing energy consumption. We hear a lot about clean air and clean water and how important these are to our Nation and to the people in our society. Well, the fossil energy program is directed right at that need and the importance of cleaning up the environment. Low emission boilers will reduce sulfur dioxide and nitrogen oxide emissions by 80 percent once we develop the technology. I mention these things because during the course of handling this bill, there will be an amendment to reduce—maybe several—to reduce our fossil energy commitment in terms of research, but keep in mind, any vote to cut fossil research, and we have already reduced it considerably, a vote to do that is a vote against the environment, it is a vote against reducing energy consumption.

Advanced turbine systems will dramatically reduce emissions and reduce energy consumption while supporting 100,000 high-paying U.S. jobs and the export of 3 billion dollars' worth of technology. We hear a lot about the balance of payments. Again, a vote to reduce the fossil budget and I think the gentleman from California [Mr. BROWN] addressed it well during the rule debate, is a vote against increasing exports, it is a vote against U.S. jobs, against cleaning up our environment.

I would point out also in the Office of Surface Mining in the bill, we fund $4 million for a new Appalachian clean streams. Again, an effort to clean up the water to preserve this resource for the future.

Public lands, Interior and the Forest Service, are about one-third of the Nation's land mass. We manage it for clean waters and for open space and we try to preserve as much as possible the pristine values of our wilderness lands,

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the vast wetland and forests that naturally cleanse the water and the air and replenish the aquifers.

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But at the same time, Mr. Chairman, as evident by the charts up here, we are also recognizing that part of our legacy to future generations should not only be clean air, clean water, a land mass that can be enjoyed in terms of parks and forests and fish and wildlife facilities and the BLM lands, but at the same time, we are reducing the amount of expenditures.

It points out in the chart that we are recommending $12 billion. While expending $12 billion, we are reducing spending by $500 million under 1996 and $1.5 billion under 1995. At the same time, we will increase national park operations by $55 million; national wildlife refuge operations by $18 million; native American programs by $52 million; forest health by $72 million; and Smithsonian and other cultural institutions by $16 million.

While doing that, we cut $114 million from energy programs. We cut $25 million from Washington and regional bureaucracy. We are getting people out of Washington and into the field, and we are also moving the expenditure of administrative-type funds out to the field where the problems need to be solved.

As can be noted from the chart, the $114 million cut in energy programs has already been taken. So let me again caution all of the Members, evaluate the amendments that will be proposed that would do harm to our energy programs. They are vitally important for the future of this Nation, both in terms of clean water, in terms of clean air, and in terms of reducing our dependency on other nations outside the United States for energy.

I think if Members look at the numbers, they will realize that probably in terms of petroleum, we are importing over one-half of our usage and we need to become more energy independent. We have tried to maintain the programs that are vitally important to the Nation's future.

I would mention the same thing in terms of being responsible to the native American programs. We have treaty obligations. We have rights that were generated in the historical development of Indian programs, so we have had to increase those by $52 million over 1996. We put the money in these areas: $10 million for tribal priority allocations, $10 million for Indian school operations, $20 million for new hospital staffing, and $12 million for health care professionals.

I would mention these things, Mr. Chairman, because under our treaty obligations, we have a responsibility for health, for education, and for the tribal priority needs. We have tried to address these in our bill.

In terms of forest health, and I reemphasize a point I made earlier, and that is that in the western States, 55 percent of their water comes from forest lands. A healthy forest is important to their future in terms of having clean water, in terms of having adequate water supplies. To recognize those forest health problems, we have increased by $72 million the overall program, $16.5 in forest health management, $40 million in wildfire preparation and prescribed burns, and $10.5 million for thinning and vegetation improvement. We have had $4 million for road maintenance and reconstruction and $1 million for Forest Service research. We recognize, as in the case with energy, that knowledge is very important, that knowledge in managing forests or parks or any of the public lands becomes an important element.

We have maintained the United States Geologic Survey at last year's level because that is the science arm of the Department of the Interior. In terms of the Everglades, we added $13 million for scientific research because we recognize that we are going to embark on a major program to undo some of the great mistakes of the past; but to do that in a responsible way, we need to have good science. Therefore we, as a starter in restoring the Everglades, put a large increase in the funding for the Everglades research and science that will go with that.

I think when we look at the total bill, it is a responsible, commonsense approach to challenges. We all treasure the public lands and what it means to the quality of life in this country, and we have tried to recognize that. We have avoided programs, starting new programs that have high downstream costs, because both sides of the aisle, starting with the President, are committed to getting the budget deficit under control; and to do that, we have to avoid programs, we have to avoid acquiring facilities that have big costs downstream because we need to continue this effort to manage the programs as well as possible.

So, Mr. Chairman, I certainly say to all of my colleagues, I hope that they will give this bill their consideration. I hope they will take time to understand what we have tried to do here. It is a nonpartisan bill. When it came to doing projects, we have an even balance between Members on each side of the aisle. In the subcommittee, we had very little partisanship. We worked as a team to try to use the resources that were allocated to us to do the best possible job of managing this marvelous resource called forests and parks, and so on, in the way that is constructive for the American people and that we can be proud of as far as a legacy to future generations. I urge all the Members to give us the support that we need and deserve on this bill.

Mr. Chairman, I include for the RECORD the table detailing the various accounts in the bill.

The information referred to is as follows:

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3662)

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	567,453,000	575,892,000	566,514,000	-939,000	-9,378,000
Wildland fire management	235,924,000	247,924,000	247,924,000	+12,000,000	
Central hazmat account	10,000,000	20,500,000	12,000,000	+2,000,000	-8,500,000
Construction and access	3,115,000	3,103,000	3,103,000	-12,000	
Emergency appropriations (P.L. 104-134)	5,000,000			-5,000,000	
Payments in lieu of taxes	113,500,000	101,500,000	113,500,000		+12,000,000
Land acquisition	12,800,000	12,800,000	10,000,000	-2,800,000	-2,800,000
Oregon and California grant lands	97,452,000	108,379,000	98,365,000	+913,000	-10,014,000
Emergency appropriations (P.L. 104-134)	35,000,000			-35,000,000	
Range improvements (indefinite)	9,113,000	9,113,000	9,113,000		
Service charges, deposits, and forfeitures (indefinite)	8,993,000	8,993,000	8,993,000		
Miscellaneous trust funds (indefinite)	7,605,000	7,605,000	7,605,000		
Total, Bureau of Land Management	1,105,955,000	1,095,809,000	1,077,117,000	-28,838,000	-18,692,000
United States Fish and Wildlife Service					
Resource management	501,010,000	540,372,000	520,519,000	+19,509,000	-19,853,000
Emergency appropriations (P.L. 104-134)	1,600,000			-1,600,000	
Construction	37,655,000	37,587,000	38,298,000	+643,000	+711,000
Emergency appropriations (P.L. 104-134)	37,300,000			-37,300,000	
Natural resource damage assessment and restoration fund	4,000,000	4,000,000	4,000,000		
Land acquisition	36,900,000	36,900,000	30,000,000	-6,900,000	-6,900,000
Cooperative endangered species conservation fund	8,085,000	16,085,000	13,085,000	+5,000,000	-3,000,000
National wildlife refuge fund	10,779,000	10,779,000	10,779,000		
Rewards and operations	600,000	600,000	1,000,000	+400,000	+400,000
North American wetlands conservation fund	6,750,000	11,750,000	7,750,000	+1,000,000	-4,000,000
Lahontan Valley and Pyramid Lake fish and wildlife fund	152,000			-152,000	
Rhinoceros and tiger conservation fund	200,000	200,000	400,000	+200,000	+200,000
Wildlife conservation and appreciation fund	800,000	800,000	800,000		
Total, United States Fish and Wildlife Service	645,831,000	659,073,000	626,631,000	-19,200,000	-32,442,000
National Park Service					
Operation of the national park system	1,082,481,000	1,173,304,000	1,135,139,000	+52,658,000	-38,165,000
National recreation and preservation	37,649,000	40,218,000	36,476,000	-1,173,000	-3,742,000
Historic preservation fund	36,212,000	38,290,000	36,212,000		-2,078,000
Construction	143,225,000	143,225,000	119,745,000	-23,480,000	-23,480,000
C&O Canal (P.L. 104-99)	2,000,000			-2,000,000	
Emergency appropriations (P.L. 104-134)	47,000,000			-47,000,000	
Land and water conservation fund (rescission of contract authority)	-30,000,000	-30,000,000	-30,000,000		
Land acquisition and state assistance	49,100,000	36,300,000	30,000,000	-19,100,000	-6,300,000
Everglades restoration fund		100,000,000			-100,000,000
Fixed asset acquisitions (sec. 621)		111,000,000			-111,000,000
Total, National Park Service (net)	1,367,667,000	1,612,337,000	1,327,572,000	-40,095,000	-284,765,000
United States Geological Survey					
Surveys, investigations, and research	730,163,000	746,380,000	730,163,000		-16,217,000
Emergency appropriations (P.L. 104-134)	2,000,000			-2,000,000	
Minerals Management Service					
Royalty and offshore minerals management	182,555,000	182,994,000	186,555,000	+4,000,000	+3,561,000
Oil spill research	6,440,000	6,440,000	6,440,000		
Total, Minerals Management Service	188,995,000	189,434,000	192,995,000	+4,000,000	+3,561,000
Bureau of Mines					
Mines and minerals	64,000,000			-64,000,000	
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	95,470,000	94,272,000	94,272,000	-1,198,000	
Receipts from performance bond forfeitures (indefinite)	500,000	500,000	500,000		
Subtotal	95,970,000	94,772,000	94,772,000	-1,198,000	
Abandoned mine reclamation fund (definite, trust fund)	173,887,000	179,385,000	175,887,000	+2,000,000	-3,498,000
Total, Office of Surface Mining Reclamation and Enforcement	269,857,000	274,157,000	270,659,000	+802,000	-3,498,000
Bureau of Indian Affairs					
Operation of Indian programs	1,384,434,000	1,579,423,000	1,381,623,000	-2,811,000	-197,800,000
Emergency appropriations (P.L. 104-134)	500,000			-500,000	
Construction	100,833,000	122,824,000	85,831,000	-15,002,000	-36,993,000
Emergency appropriations (P.L. 104-134)	16,500,000			-16,500,000	

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3662)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Indian land and water claim settlements and miscellaneous payments to Indians	80,645,000	69,241,000	65,241,000	-15,404,000	-4,000,000
Technical assistance of Indian enterprises	500,000			-500,000	
Indian guaranteed loan program account	5,000,000	5,002,000	5,000,000		-2,000
(Limitation on guaranteed loans)	(35,914,000)	(34,615,000)	(34,615,000)	(-1,299,000)	
Total, Bureau of Indian Affairs	1,588,412,000	1,776,490,000	1,537,695,000	-50,717,000	-238,795,000
Departmental Offices					
Insular Affairs	47,506,000	47,506,000	47,506,000		
Northern Mariana Islands Covenant	27,720,000	27,720,000	27,720,000		
Compact of Free Association	14,900,000	13,500,000	13,500,000	-1,400,000	
Emergency appropriations (P.L. 104-134)	13,000,000			-13,000,000	
Subtotal	103,126,000	88,726,000	88,726,000	-14,400,000	
Departmental management	56,912,000	59,196,000	53,691,000	-3,221,000	-5,505,000
Office of the Solicitor	34,427,000	35,208,000	35,208,000	+781,000	
Office of Inspector General	23,939,000	24,439,000	24,439,000	+500,000	
Construction Management	500,000			-500,000	
Office of Special Trustee for American Indians	16,338,000	36,338,000	19,126,000	+2,788,000	-17,212,000
National Indian Gaming Commission	1,000,000	1,000,000	1,000,000		
Total, Departmental Offices	236,242,000	244,907,000	222,190,000	-14,052,000	-22,717,000
Total, title I, Department of the Interior:					
New budget (obligational) authority (net)	6,199,122,000	6,598,587,000	5,985,022,000	-214,100,000	-613,565,000
Appropriations	(6,071,222,000)	(6,628,587,000)	(6,015,022,000)	(-56,200,000)	(-613,565,000)
Emergency appropriations	(157,900,000)			(-157,900,000)	
Rescissions	(-30,000,000)	(-30,000,000)	(-30,000,000)		
(Limitation on guaranteed loans)	(35,914,000)	(34,615,000)	(34,615,000)	(-1,299,000)	
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest and rangeland research	178,000,000	179,786,000	179,000,000	+1,000,000	-786,000
State and private forestry	136,884,000	164,000,000	148,884,000	+12,000,000	-15,116,000
National forest system	1,257,057,000	1,291,553,000	1,259,057,000	+2,000,000	-32,496,000
Emergency appropriations (P.L. 104-134)	26,600,000			-26,600,000	
Wildland fire management	385,485,000	385,485,000	411,485,000	+26,000,000	+26,000,000
Emergency contingent appropriations		109,531,000			-109,531,000
Reconstruction and construction	163,600,000	169,662,000	164,100,000	+500,000	-5,562,000
Emergency appropriations (P.L. 104-134)	60,800,000			-60,800,000	
Timber receipts transfer to general fund (indefinite)	(-44,548,000)			(+44,548,000)	
Timber purchaser credits	(50,000,000)	(50,000,000)		(-50,000,000)	(-50,000,000)
Land acquisition	39,400,000	41,200,000	30,000,000	-9,400,000	-11,200,000
Acquisition of lands for national forests, special acts	1,069,000	1,069,000	1,069,000		
Acquisition of lands to complete land exchanges (indefinite)	210,000	210,000	210,000		
Range betterment fund (indefinite)	3,976,000	3,995,000	3,995,000	+19,000	
Gifts, donations and bequests for forest and rangeland research	92,000	92,000	92,000		
Southeast Alaska economic disaster fund	110,000,000			-110,000,000	
Total, Forest Service	2,363,173,000	2,346,583,000	2,197,892,000	-165,281,000	-148,691,000
DEPARTMENT OF ENERGY					
Clean coal technology:					
Rescission		-325,000,000			+325,000,000
Deferral		-312,879,000			+312,879,000
Subtotal		-637,879,000			+637,879,000
Fossil energy research and development	417,018,000	348,508,000	358,754,000	-58,264,000	+10,246,000
Alternative fuels production (indefinite)	-2,400,000	-4,000,000	-4,000,000	-1,600,000	
Naval petroleum and oil shale reserves	148,786,000	149,500,000	143,786,000	-5,000,000	-5,714,000
Energy conservation	553,189,000	735,363,000	499,680,000	-53,509,000	-235,683,000
Biomass Energy Development (transfer)	-16,000,000			+16,000,000	
Economic regulation	6,297,000	2,725,000	2,725,000	-3,572,000	
Strategic Petroleum Reserve		221,300,000			-221,300,000
(By transfer)	(187,000,000)		(220,000,000)	(+33,000,000)	(+220,000,000)
Energy Information Administration	72,266,000	66,120,000	66,120,000	-6,146,000	
Total, Department of Energy:					
New budget (obligational) authority (net)	1,179,156,000	881,637,000	1,067,065,000	-112,091,000	+185,428,000
Appropriations	(1,179,156,000)	(1,519,516,000)	(1,067,065,000)	(-112,091,000)	(-452,451,000)
Rescission		(-325,000,000)			(+325,000,000)
Deferral		(-312,879,000)			(+312,879,000)
(By transfer)	(187,000,000)		(220,000,000)	(+33,000,000)	(+220,000,000)

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3662)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services	1,747,842,000	1,898,941,000	1,779,561,000	+31,719,000	-119,380,000
Indian health facilities	238,958,000	275,251,000	227,701,000	-11,257,000	-47,550,000
Total, Indian Health Service	1,986,800,000	2,174,192,000	2,007,262,000	+20,462,000	-166,930,000
DEPARTMENT OF EDUCATION					
Office of Elementary and Secondary Education					
Indian education	52,500,000	81,500,000	52,500,000	.....	-29,000,000
OTHER RELATED AGENCIES					
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses	20,345,000	25,000,000	20,345,000	.....	-4,655,000
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute	5,500,000	5,500,000	5,500,000	.....	.....
Smithsonian Institution					
Salaries and expenses	311,188,000	328,716,000	317,188,000	+6,000,000	-11,528,000
Construction and improvements, National Zoological Park	3,250,000	4,000,000	3,250,000	.....	-750,000
Repair and restoration of buildings	33,954,000	38,000,000	39,954,000	+6,000,000	+1,954,000
Construction	27,700,000	13,000,000	7,000,000	-20,700,000	-6,000,000
Total, Smithsonian Institution	376,092,000	383,716,000	367,392,000	-8,700,000	-16,324,000
National Gallery of Art					
Salaries and expenses	51,844,000	53,899,000	53,899,000	+2,055,000	.....
Repair, restoration and renovation of buildings	6,442,000	5,942,000	5,942,000	-500,000	.....
Total, National Gallery of Art	58,286,000	59,841,000	59,841,000	+1,555,000	.....
John F. Kennedy Center for the Performing Arts					
Operations and maintenance	10,323,000	10,875,000	10,875,000	+552,000	.....
Construction	8,983,000	9,000,000	9,000,000	+17,000	.....
Total, John F. Kennedy Center for the Performing Arts	19,306,000	19,875,000	19,875,000	+569,000	.....
Woodrow Wilson International Center for Scholars					
Salaries and expenses	5,840,000	5,840,000	5,840,000	.....	.....
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration	82,259,000	115,000,000	82,734,000	+475,000	-32,266,000
Matching grants	17,235,000	21,000,000	16,760,000	-475,000	-4,240,000
Total, National Endowment for the Arts	99,494,000	136,000,000	99,494,000	.....	-36,506,000
National Endowment for the Humanities					
Grants and administration	94,000,000	118,250,000	92,994,000	-1,006,000	-25,256,000
Matching grants	16,000,000	17,750,000	11,500,000	-4,500,000	-6,250,000
Total, National Endowment for the Humanities	110,000,000	136,000,000	104,494,000	-5,506,000	-31,506,000
Institute of Museum Services					
Grants and administration	21,000,000	23,000,000	21,000,000	.....	-2,000,000
Total, National Foundation on the Arts and the Humanities	230,494,000	295,000,000	224,988,000	-5,506,000	-70,012,000
Commission of Fine Arts					
Salaries and expenses	834,000	867,000	867,000	+33,000	.....
National Capital Arts and Cultural Affairs					
Grants	6,000,000	6,733,000	6,000,000	.....	-733,000
Advisory Council on Historic Preservation					
Salaries and expenses	2,500,000	2,500,000	2,500,000	.....	.....
National Capital Planning Commission					
Salaries and expenses	5,090,000	5,885,000	5,390,000	+300,000	-495,000
Franklin Delano Roosevelt Memorial Commission					
Salaries and expenses	147,000	125,000	125,000	-22,000	.....
United States Holocaust Memorial Council					
Holocaust Memorial Council	28,707,000	31,262,000	29,707,000	+1,000,000	-1,555,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3662)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Total, title II, related agencies:					
New budget (obligational) authority (net)	6,340,770,000	6,326,056,000	6,073,089,000	-267,681,000	-252,967,000
Appropriations	(6,253,370,000)	(6,963,935,000)	(6,073,089,000)	(-180,281,000)	(-890,846,000)
Emergency appropriations	(87,400,000)			(-87,400,000)	
Rescission		(-325,000,000)			(+325,000,000)
Deferral		(-312,879,000)			(+312,879,000)
(Timber receipts transfer to general fund, indefinite)	(-44,548,000)			(+44,548,000)	
(Timber purchaser credits)	(50,000,000)	(50,000,000)		(-50,000,000)	(-50,000,000)
(By transfer)	(187,000,000)		(220,000,000)	(+33,000,000)	(+220,000,000)
Grand total:					
New budget (obligational) authority (net)	12,539,892,000	12,924,643,000	12,058,111,000	-481,781,000	-866,532,000
Appropriations	(12,324,592,000)	(13,592,522,000)	(12,088,111,000)	(-236,481,000)	(-1,504,411,000)
Emergency appropriations	(245,300,000)			(-245,300,000)	
Rescissions	(-30,000,000)	(-355,000,000)	(-30,000,000)		(+325,000,000)
Deferral		(-312,879,000)			(+312,879,000)
(Timber receipts transfer to general fund, indefinite)	(-44,548,000)			(+44,548,000)	
(Timber purchaser credits)	(50,000,000)	(50,000,000)		(-50,000,000)	(-50,000,000)
(Limitation on guaranteed loans)	(35,914,000)	(34,615,000)	(34,615,000)	(-1,299,000)	
(By transfer)	(187,000,000)		(220,000,000)	(+33,000,000)	(+220,000,000)
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management	1,105,955,000	1,095,809,000	1,077,117,000	-28,838,000	-18,692,000
United States Fish and Wildlife Service	645,831,000	659,073,000	626,631,000	-19,200,000	-32,442,000
National Park Service	1,367,667,000	1,612,337,000	1,327,572,000	-40,095,000	-284,765,000
United States Geological Survey	732,163,000	746,380,000	730,163,000	-2,000,000	-16,217,000
Minerals Management Service	188,995,000	189,434,000	192,995,000	+4,000,000	+3,561,000
Bureau of Mines	64,000,000			-64,000,000	
Office of Surface Mining Reclamation and Enforcement	269,857,000	274,157,000	270,659,000	+802,000	-3,498,000
Bureau of Indian Affairs	1,588,412,000	1,776,490,000	1,537,695,000	-50,717,000	-238,795,000
Departmental Offices	236,242,000	244,907,000	222,190,000	-14,052,000	-22,717,000
Total, Title I - Department of the Interior	6,199,122,000	6,598,587,000	5,985,022,000	-214,100,000	-613,565,000
TITLE II - RELATED AGENCIES					
Forest Service	2,363,173,000	2,346,583,000	2,197,892,000	-165,281,000	-148,691,000
Department of Energy	1,179,156,000	881,637,000	1,067,065,000	-112,091,000	+185,428,000
Indian Health Service	1,986,800,000	2,174,192,000	2,007,262,000	+20,462,000	-166,930,000
Indian Education	52,500,000	81,500,000	52,500,000		-29,000,000
Office of Navajo and Hopi Indian Relocation	20,345,000	25,000,000	20,345,000		-4,655,000
Institute of American Indian and Alaska Native Culture and Arts Development	5,500,000	5,500,000	5,500,000		
Smithsonian Institution	376,092,000	383,716,000	367,392,000	-8,700,000	-16,324,000
National Gallery of Art	58,286,000	59,841,000	59,841,000	+1,555,000	
John F. Kennedy Center for the Performing Arts	19,306,000	19,875,000	19,875,000	+569,000	
Woodrow Wilson International Center for Scholars	5,840,000	5,840,000	5,840,000		
National Endowment for the Arts	99,494,000	136,000,000	99,494,000		-36,506,000
National Endowment for the Humanities	110,000,000	136,000,000	104,494,000	-5,506,000	-31,506,000
Institute of Museum Services	21,000,000	23,000,000	21,000,000		-2,000,000
Commission of Fine Arts	834,000	867,000	867,000	+33,000	
National Capital Arts and Cultural Affairs	6,000,000	6,733,000	6,000,000		-733,000
Advisory Council on Historic Preservation	2,500,000	2,500,000	2,500,000		
National Capital Planning Commission	5,090,000	5,885,000	5,390,000	+300,000	-495,000
Franklin Delano Roosevelt Memorial Commission	147,000	125,000	125,000	-22,000	
Holocaust Memorial Council	28,707,000	31,262,000	29,707,000	+1,000,000	-1,555,000
Total, Title II - Related Agencies	6,340,770,000	6,326,056,000	6,073,089,000	-267,681,000	-252,967,000
Grand total	12,539,892,000	12,924,643,000	12,058,111,000	-481,781,000	-866,532,000

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

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

Mr. Chairman, I honor my good friend, the gentleman from Ohio, RALPH REGULA, for this hard work and his very great diligence in formulating this bill.

It could have been a much better bill, if we only had the money that is required to do the job properly. To properly care for the vast natural resources of the United States and the magnificent museums and galleries which are funded in this bill, money is needed, and that money has not been allocated to us in the 602(b) allocation. For some reason, Interior continues to be the stepchild of the 602(b) bosses.

This bill has been saddled with many burdens. We have been forced to take a cut of $482 million in our 602(b) allocation, which comes on top of the $1.1 billion reduction this bill enjoyed in the previous fiscal year. To add insult to injury, this malnourished bill had two legislative riders foisted on it in the full Committee on Appropriations. One deals with native American taxation, the other deals with the endangered marbled murrelet.

Mr. Chairman, the first rider added by the gentleman from Oklahoma [Mr. ISTOOK], will effectively cripple the ability of many native American tribes to operate successful retail establishments, like gas stations or convenience stores, on their property by forcing native American tribes, who are sovereign under the decisions of the Supreme Court and under treaties established with the United States to charge State sales taxes at their establishment.

The second troubling rider was added by the gentleman from California [Mr. RIGGS], and deals with protection of the endangered marbled murrelet. The Riggs amendment was precipitated by a court ruling that ordered the Fish and Wildlife Service to designate areas in California, Oregon, and Washington as critical habitat for the elusive seabird.

What the Riggs provision seeks to do is to prevent the Fish and Wildlife Service from enforcing this designation on private lands in California. Not only does this ill-conceived provision set a dangerous precedent for suspending the Endangered Species Act, but it could very well lead to the extinction of the marbled murrelet in the Headwaters forest.

Mr. Chairman, even our full committee chairman, the gentleman from Louisiana [Mr. LIVINGSTON], recognizes that these riders could sink the Interior bill. That is why he voted against both of them in committee.

Our good friend, the gentleman from New York, [Mr. BOELHERT] has also been quoted as saying these riders present real problems for floor consideration. Inclusion of these riders is especially ironic in light of an article that ran in the Washington Post on Monday with the headline, ''GOP Buffs environmental Image''. If the Republican Party seeks to improve its environmental image, then they can join us in striking the marbled murrelet rider.

Mr. Chairman, the legislative riders are not the only problem with this bill, and while the gentleman from Ohio [Mr. REGULA] did his best to minimize the pain of our reduced allocation, there are major problems with the funding of this bill, critical problems which I cite.

For example, funding for the National Park Service has been cut by $40,095,000. Funding for the Fish and Wildlife Service is down by $19,200,000. Funding for vital agency support from Interior Departmental management has been punitively cut by $3,221,000. Funding for the Forest Service has been reduced by $56,281,000. Funding for energy efficiency programs are cut by $37,519,000. Funding for low-income weatherization is cut out by another $11,764,000. Funding for Indian health service facilities has been reduced by $11,257,000. Funding for the Smithsonian Institution has been decreased by $8,700,000. Funding for the National Endowment for the Humanities has been cut by $5,506,000.

At the same time that important programs are being cut, other nonessential accounts have been increased, including an increase in corporate welfare for the timber industry in the form of an additional $14 million over the fiscal year 1996 amount for timber roads and timber sale management and $12 million over the administration request for the PILT program.

Finally, I want to express my support for the funding contained in this bill for the National Endowment for the Arts and the Humanities. The issue of funding the endowments has long been very controversial in this bill. The funding that is in this bill is the result of the agreement that was reached last year by the members of the Republican Party to continue the NEA for 2 years and the NEH for 3 years. Given these austere budgets, representing a cut of nearly 40 percent for each agency from fiscal year 1995, I hope my colleagues will oppose any amendment to cut or eliminate additional funding for the endowments.

Mr. Chairman, in closing, I want to commend my chairman, my good friend, the gentleman from Ohio, RALPH REGULA, for his hard work, for his friendship, for his warm association and for his cooperation.

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

Mr. REGULA. Mr. Chairman, just a footnote. I concede that we have reduced some of these programs, but it was land acquisition, construction of things that have downstream costs, and the only way we can save money is to cut spending.

Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. KOLBE], a very able member of our subcommittee.

Mr. KOLBE. Mr. Chairman, I want to voice my support for the Interior appropriations bill which is before us today and add my thanks to both the chairman and the ranking minority member and their staffs for the work that they have done on this.

Mr. Chairman, you are going to hear a lot of concerns expressed here today, some in support of this, some in adamant opposition to the bill. But, before we take too seriously some of the expressions of discontent, we should all be aware of the budget parameters under which our subcommittee was operating.

□ 1230

Our initial 602(b) allocation was $1.1 billion below fiscal year 1996 funding levels. That is $1.1 billion below. Fortunately, when the House approved the budget resolution, we found there was an additional $3.9 billion of discretionary funding which the Committee on Appropriations was able to reallocate among the subcommittees. Despite this infusion of money, the Interior Subcommittee's fiscal year 1997 budget is still $482 million less than last year. Is this fair and equitable? Perhaps it is not for those concerned about these particular programs. But what is important is not what we do not have. What is significant is what we have done with the money that we do have available to us.

This Interior appropriations bill reflects increases for our national parks, for the Everglades restoration, for forest health, specifically fire management and research, for USGS earthquake research and cooperative water research, and we have $4 million for a clean streams initiative. We have also increased or at least maintained fiscal year 1996 funding levels for native American programs, like the vital and multipurpose tribal priority allocations account, for Indian education, Indian health, and increased the funding levels of major cultural institutions, like the Smithsonian, the Holocaust Museum, the Kennedy Center, and the National Gallery of Art.

We have attempted to ensure that sufficient funds are available to fulfill our responsibilities as stewards of the Nation's natural treasures. Did some agencies incur reductions or even terminations of programs? Absolutely. But this is necessary as a subcommittee, as a body for us to do this, to keep our commitment to the American people that we would exercise fiscal responsibility, that we would balance the Federal budget in 7 years. And, all told, we have saved nearly $500 million in doing that.

Let us not fool each other about what is going to happen. There are going to be a lot of amendments to increase funding levels for programs and agencies. Members will speak with great conviction about the merits of these programs, and in many cases they will be right about whether the program is good or not.

But, what I have said before needs to be said again. The appropriations process is not about numbers. It is not about whether we spend $12.1 billion, as this bill recommends, or $13.1 billion. It is not even about whether we cut a particular program, whether we increase a program, or whether we terminate a program. This and the other appropriations bills that are working their way through the legislative process is an opportunity for Congress and our political parties to make a philosophical statement about the direction we believe this country should be going. It is an opportunity to say something about where we think our future is. It is an opportunity for each party in Congress to set forth its vision, its hopes and dreams for our future and our children's future. This bill does that. I urge support for this legislation.

Mr. Chairman, I want to voice my strong support for the Interior appropriations bill before us. I know that you have heard many of my colleagues express their support for or adamant opposition to this bill. But before the opposition continues their litany of discontent, I'd like to make you aware of the budgetary parameters under which the subcommittee was operating.

Our initial 602(b) allocation was $1.1 billion below fiscal year 1996 funding levels. That's $1.1 billion. Fortunately, when the House approved the budget resolution there was an additional $3.9 billion in discretionary funding which the Appropriations Committee was able to reallocate among the subcommittees. Despite this infusion of money, the Interior Subcommittee's fiscal year 1997 budget authority is still $482 million less than last year. Is this fair and equitable? Probably not. But what's important is not what we don't have. What is significant is what we did with the money we were provided.

The fiscal year 1997 Interior appropriations bill reflects increases for our national parks, for Everglades restoration, for forest health—specifically, fire management and research, for USGS earthquake research and cooperative water research, and we provide $4 million for a clean streams initiative. We have also increased or maintained fiscal year 1996 funding levels for native American programs like the vital and multipurpose tribal priority allocations account, Indian education, Indian health, and increased the funding levels of major cultural institutions like the Smithsonian, the Holocaust Museum, the Kennedy Center, and the National Gallery of Art. We have attempted to ensure that sufficient funds are available to fulfill our responsibilities as stewards of this Nation's natural treasures. Did some agencies incur funding reductions or program terminations? Absolutely. But this was necessary for us to keep our commitment to the American people that we would exercise fiscal responsibility and balance the Federal budget in 7 years. All told, this bill saves the American taxpayers almost $500 million.

Let's not fool each other about what is going to happen. Several amendments will be offered to increase the funding levels for various programs and agencies. Members will speak with great conviction about the merits of these programs, and in many instances they'll be right. But I've said it before, and it needs to be said again. The appropriations process is not about numbers. It's not about whether we spend $12.1 billion—as this bill recommends—or $13.1 billion. It's not even about whether we cut a program, whether we increase a program, or whether we eliminate a program.

This bill and the other appropriations bills working their way through the legislative process is an opportunity for Congress, and our political parties, to make a philosophical statement about the direction we believe this country should be going. It is an opportunity for us to say something about where we think our future is. It's an opportunity for each party in Congress to set forth its vision for America; its hopes, its dreams for our future, and for our children's future.

Mr. Chairman, in its entirety, this appropriations bill reflects this vision. When you dissect and place the funding level of each program, each agency and each line item under a microscope you won't get a true indication of the overall picture. But if you step back and look at this bill in its entirely, keeping in mind that these numbers reflect a promise we made to our children—the promise that we would no longer burden them with our fiscally irresponsible actions—then you get a clearer perspective.

This appropriations bill is not perfect. But I believe it reflects a thoughtful and balanced approach given this Nation's $5 trillion debt. I urge all of my colleagues to support its passage.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I want to start out by paying tribute to the gentleman from Ohio [Mr. REGULA], the chairman of the subcommittee, who has been a joy to work with throughout the process of shaping this bill. He is invariably willing to listen and try his best to accommodate in a bipartisan fashion the interests of other members of the subcommittee, and I am proud to serve on his subcommittee.

I wish that I could transfer all of the enthusiasm that I feel about Mr. REGULA personally to the legislative product that we have before us this afternoon. I am afraid that probably the best thing I can do is to say it is better than last year's bill. But last year's bill, as we all recall, had some problems.

Just to get what I think is the appropriate framework, this Interior appropriations bill is the primary way that this Congress and this country makes a statement about the precious responsibility we have as stewards of the country's natural and cultural resources. So it really is a very important indication of what is important to us as a people.

In that context, I am afraid that this bill does not meet the fundamental responsibilities we in Congress have to protect and preserve those very vital natural and cultural resources which we all are proud to claim as citizens of this country.

There is an increase in many of the accounts, as the gentleman's opening comments indicated, over last year's levels, but we are still falling behind. Even with, for instance, the increase for the Park Service, we are not keeping up with the increasing backlog of deferred maintenance which is showing itself, whether in my home area at Rocky Mountain National Park, with trails being closed and visitor services being curtailed, or as is being repeated elsewhere around the country.

One of the bill's more serious shortcomings has to do with the energy conservation and efficiency efforts. If we are so shortsighted as to fail to appreciate the threat to this country's national security and its economic security by continuing our profligate ways on energy, we are going to be in very, very sad shape. I will have an amendment later on that addresses this point to a modest degree, far from curing what I think are real shortcomings in that part of the bill.

I wish as well that we could find the wherewithal to do the honor that we should as a Nation to our work in the humanities and the arts. The funding levels for both of those endowments are way below what American civilization ought to dedicate to the furtherance of the humanities and the arts and I regret that very much.

Mr. REGULA. Mr. Chairman, I yield 4 minutes to the gentleman from Utah [Mr. HANSEN], the distinguished chairman of the Subcommittee on National Parks, Forests and Lands of the Committee on Resources.

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

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

Mr. Chairman, I rise in strong support of this appropriations bill and recognize the great work that the gentleman from Ohio, Chairman REGULA, has done and the many of us who have spend hours talking to him about this.

I notice that people talk about an increase in payment in lieu of taxes. I hope that Members realize what this is. Out in the West, many of us are owned by the Federal Government. In the little county of Garfield, you take, for example, 93 percent is owned by the Federal Government.

All these folks from around the world and especially the East come out there and they want to play, and they want to look at things and fish, hunt, camp, et cetera. So we are saying, pay your share, if you will. They are the ones that put the debris down that has to be picked up. They are the ones that start the fires. They are the ones that find themselves breaking a leg and you have to go out and take care of them. All we are saying is pay your share. So I commend the gentleman for adding money to payment in lieu of taxes.

They also tell us where to put it in wilderness, how to use it for grazing, what we can mine and cut. We are saying if you are going to tell us how to run it, at least pay a little bit.

I also hope the Members realized over the past year there has been sensational news stories about closure of

park facilities, resulting from dramatically increased visitation to national parks and cuts in park budgets. Actually, this is a result of disinformation, Mr. Chairman, on the part of the Secretary of Interior. Contrary to what you have heard, and I could name the cities and towns that this has been said, including the President of the United States, including the Secretary of Interior, that the Republicans are going to close parks, that there is a list of 312 parks somewhere.

Let me tell you, as chairman of that committee, there is no list. H.R. 260 has no place in it, absolutely no place, where it closes one single park. I stand in the well and would eat the bill if someone could tell me where it closed one park. It does not do anything like that.

However, that does not stop the Secretary of Interior from engaging in this partisan politics, going on fishing trips on Government time and running partisan things when he should be running his department.

There are two indisputable facts: First, is visitation to parks have been flat for nearly a decade. Second, funding for parks has dramatically increased in recent years. The fact is increased funding for parks has been supported by both Democratic and Republican administrations in Congress. As a direct result of the effort of Chairman REGULA, and before him Chairman YATES, annual base funding for parks has risen from $394 to $666 million in the last 7 years, an increase of 69 percent. As GAO has testified before my subcommittee last year, these increases have far outpaced inflation.

Meanwhile, total visitation to parks has remained flat for a decade. In fact, total park visitation last year was, do you know, about 5 percent from its peak year of 1988.

Using two parks as illustrations, Zion in Utah and Yosemite in California, funding increases have far outpaced both of these. These facts have not stopped Secretary Babbitt from saying we are shutting those down.

The park newspaper at Yellowstone Park declares the park facilities were closed due to budget shortfalls. Last winter during the lapse in appropriations, Secretary Babbitt shut down all the parks and concession facilities, even though the parks reported they actually had more rangers on duty during the shutdowns than before. Meanwhile, the Forest Service, also without a budget, did not shut down a single ski area, outfitter, or any other concessionaire on Forest Service lands. They continued to welcome the public, and for that I salute Secretary Glickman.

Overall budget cuts at the Forest Service have been much higher, but that agency has sought out innovative ways to continue to serve the public. Rather than shut down its campgrounds, the Forest Service contracted them out to the private sector. Secretary Glickman has contracted out 70 percent of Forest Service campgrounds to the private sector this year. That provides for a vivid contrast with Secretary Babbitt, who runs around the country complaining about budget shortfalls.

Mr. Chairman, I think we need a Secretary who puts protecting and managing our parks above politics.

Mr. Chairman, I would urge support of this good piece of legislation.

Mr. DICKS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, as we consider this very important bill, I think it is important that we revisit the issue of the timber salvage rider that was part of the rescissions bill last year. While I felt at the time that it was important to address the problem of dead and dying trees, and the issue of forest health in general, in hindsight it was clear we dealt with it in too much haste.

I did not vote on the Yates amendment when it was considered on the floor last year because I was with my wife at the hospital while she had minor surgery. I did vote for the bill on final passage, however, both because it helped to provide disaster relief to California and because it had the administration's support. At the time I think few Members of Congress were aware that the salvage timber rider allowed section 318 timber sales to be reinstated as well. If they had been aware of the deficiency, I do not think this rider would have gotten through.

The 1990 section 318 sales were intended to allow the development of a compromise in the Northwest but they did not succeed and were halted due to environmental concerns. These sales only affect old growth timber. The issue of salvage timber—or the attempt to glean the forest of dead or dying trees particularly after drought periods like the one recently in California—is a different concern altogether.

To my knowledge, these two issues were never intended to be intermingled. Fortunately, the Appeals Court has stepped in to stop the expedited 318 sales of old growth trees so we will have a chance to deal with option 9 in a responsible manner.

Given the vagueness of the definition of salvage timber, it was not unexpected that this provision could be ill used to harvest healthy trees. We should not have gone forward with the salvage timber rider without tightening up how the Forest Service implemented the program in the first place. In practice, the program allowed for more than dead and dying trees to be cut.

For those of us in this Congress who see a real threat to forest health and who have a strong desire to find the appropriate solution, the salvage timber rider simply went too far. Instead of merely allowing the timber companies some flexibility in helping to prevent future wildfires, those pursuing a different agenda took advantage of the opportunity and sought to cut health trees and old growth timber as well.

I would like to cite an example of how such sales can be extremely detrimental. Recently in my district the Forest Service sought to reinstate the Barkley timber sale in the Lassen National Forest. I personally appealed to the Department of Agriculture to stop the sale because it would have seriously unraveled the cooperative local efforts among landowners, conservationists, and government officials to produce a collaborative strategy for resource management.

In particular, the Quincy Library Group is a broad-based organization which worked hard to come to an agreement on timber harvests in the Sierra Nevadas. The Barkley timber sale would have jeopardized that carefully balanced effort. In response to my concern, the sale was stopped.

We must seek an appropriate balance in identifying solutions that will work overtime. I support the amendment before us to restore environmental review to the timber salvage process. We need to provide a check to the extreme actions being undertaken under the guise of harvesting dead and dying trees.

We need to come up with a definition of salvage similar to those that have been introduced by Members of both bodies, but which have yet to become law.

Mr. Chairman, this is an important issue that hopefully can be not only debated clearly today, but resolved once and for all, so the Congress can send a clear message about how it wants to deal with the issue of forest health.

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

Mr. FAZIO of California. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, does the gentleman recognize that it is the Secretary of Agriculture that has to approve these sales that he is discussing in his remarks? I think that is an important point. It is the administration's Secretary that is doing it.

Mr. FAZIO of California. Mr. Chairman, reclaiming my time, typically they are really approved at the forest level. I think typically these decisions are made by Forest Service personnel at the regional level. They of course come from many different perspectives on these issues.

Mr. REGULA. Mr. Chairman, if the gentleman will yield further, in drafting the regulation, we did not spell out that the Secretary in effect has approval responsibility. So I think that is an important element that we should just bring to the attention of our colleagues in discussing this question.

Mr. FAZIO of California. Mr. Chairman, reclaiming my time, I think the key is to come up with a definition of dead and dying trees that would warrant a salvage operation. The gentleman from California [Mr. CONDIT] had proposed, for example, 70 percent. If we had that kind of clarity in the law, then we would not have the problem of green trees being cut in some areas and the program working perhaps more appropriately in other areas.

□ 1245

And, of course, the 318 inclusion, which occurred in the Senate during the conference, was very much a troubling aspect for people across the spectrum who were interested in the forest health issue.

Mr. REGULA. Mr. Chairman, I yield 2½ minutes to the gentleman from North Carolina [Mr. TAYLOR], a very fine member of our subcommittee.

Mr. TAYLOR of North Carolina. Mr. Chairman, I want to commend the gentleman from Ohio [Mr. REGULA], the staff of the committee, and the gentleman from Washington [Mr. DICKS], and the gentleman from Illinois [Mr. YATES], for the bill that has been put together. I think it is an outstanding bill, as has been said on the floor.

So far, it does recognize many areas in forest health and it recognizes areas of park maintenance. It is probably the largest effort that has been made toward maintenance that we have had in a long time, and that is especially important in a time when there is so much pressure on reducing the budget.

I would like, though, as a member of the committee and a sponsor of the timber salvage bill, to correct some misstatements. A lot of the organizations outside that have never understood this legislation, never really cared about forest health, have been trying to promote its demise.

First of all, the 318 legislation that was put in by the Senate, as the gentleman from California [Mr. FAZIO] indicated earlier, will expire September 30 of this year, so it is pretty much a moot question. As he mentioned a moment ago, the sales that people in that region felt were a problem, they have appealed. The court has spoken in this area and that is going to be pretty well handled, and there is no reason to address it on this floor at all.

As it deals with salvage, to say that this language ought to be changed or we should have used this language is to fail to understand that the salvage language used in the timber salvage bill was the identical salvage language that has been used for years in the Forest Service's procedure in salvaging timber.

It was only a few years ago that environmental organizations decided they needed to move another step forward and stop cutting in the national forest, as they have openly now said they want to do, and they put in a provision against salvage timber at the time. We simply removed that provision with the salvage amendment. The language is the same, that has never been contested over the years, as was used by the Forest Service.

Second, to talk about its being used abusively, there is not one single case, and I challenge anyone to come with me, an it is hard to do on the floor, but I challenge anyone to come with me and prove there is a single case where that has been abused.

And the final point is that green trees, when we are trying to wipe out disease and insects, for instance, with insects, the green tree is the host tree of the insect; it is a peripheral area just around the dead trees. If all we were cutting were the dead trees when we try to wipe out insects, we would never cut that out because the insect has already moved on to a living tree.

So we have to come around to a peripheral area to get rid of the insects. And if we do not get rid of the insect, it will take the entire forest. And that was the reason for the salvage bill; it was for forest health.

So I think the legislation has been misunderstood. We will address it more specifically in the debate, but it is a good piece of legislation that has worked well.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. DOYLE].

Mr. DOYLE. Mr. Chairman, I want to acknowledge the efforts of the gentleman from Ohio, Chairman REGULA, and the ranking member, the gentleman from Illinois, Mr. YATES, for the bill they bring before us today. They have done their best to protect a wide variety of important programs in a difficult budgetary climate.

While there are many parts of this legislation I support, there is one in particular that I want to highlight, and that is the Department of Energy's fossil energy R&D. During the debate today many Members will come to floor and seek to plus up other accounts at the expense of fossil energy. While I do not necessarily disagree with the programs they seek to plus up, I believe that their efforts to cut fossil energy are misguided at best.

As you can see from this chart, the Energy Information Agency has predicted that 20 years from now, we will still be dependent on fossil energy for 89 percent of our energy needs. Since this will still be the primary source of our energy supply, it make sense to pursue technological advancements that will allow us to make better use of these fuels.

There is one area which I wish had received greater funding than is in the bill, and that is energy conservation R&D. For the same reasons that I support fossil R&D, I think it is important that we maintain a strong commitment to conservation R&D, as they deal with improving combustion-based energy.

However, I will oppose efforts to raise the conservation line at the expense of fossil.

I believe that such efforts are based on a fundamental misunderstanding of these two programs. Those who propose to increase conservation by reducing fossil are proposing no net gain for meeting our energy needs, they only move funds from one good program to another. The only difference is the name ''conservation'' sounds more politically-correct than fossil.

I realize that because fossil fuels have been around for awhile, that there is a tendency to think that the utilization technologies have been improved to their maximum. If this logic was applied to nuclear R&D, you would come to the conclusion that since atoms haven't changed since the beginning of time, that there is no more work to be done in this area. Or in the case of renewables, since wind has been around since the formation of the planet, we shouldn't fund wind energy research.

While these arguments make no sense, neither does the argument that we should cut fossil R&D, because they are currently in use. We are not talking about the fuel, but the way in which it is used.

The Department of Energy, should be praised for the way in which they have managed to live within the confines of last years Interior Appropriations bill, which calls for a 10 percent reduction per year for the next 4 years. This is allowing for a gradual phase-out of the fossil energy program, without throwing away tax dollars already invested in research projects that yet to be completed.

The amendments being offered to reduce fossil are being offered by those who either don't understand or don't care about the way their proposals will impact our energy security. I urge Members to oppose them all, as fossil energy should not be penalized with further reductions for adhering to its downsizing plan.

Mr. REGULA. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. RIGGS], a member of the full Committee on Appropriations.

Mr. RIGGS. Mr. Chairman, I thank the gentleman from Ohio, Chairman REGULA, for yielding me this time, and I look forward to the debate coming up.

Colleagues, first of all, in this very brief 2 minutes, I want to address something the gentleman from Washington [Mr. DICKS] said during debate on the rule. He said that my amendment in the full Committee on Appropriations last week to prohibit the Fish and Wildlife Service from enforcing the critical habitat designation for the marbled murrelet on private lands, privately owned property, would render the marbeled murrelet extinct in northern California.

The question I have for Mr. DICKS is, when was the last time he visited us in northwest California? Because that critical habitat designation in my district alone, and this goes to the gentleman's staffer, too, who wrote his remarks, in my district alone this critical habitat designation applies to 693,000 acres in Humboldt, Del Norte, and Mendocino Counties, and that breaks down as follows: 477,300 acres in Six Rivers National Forest, Federal property; Redwood National Park; the King Range National Conservation Area; and some parcels of Bureau of Land Management land. That is all federally owned property.

And, in addition to that, the critical habitat designation applies to the 175,000 acres of State land, including State redwood parks, the Sinkyone

Wilderness State Park, and some Mendocino State parks.

I am talking about protecting the property rights of 10 private property owners, 10 private property owners who own 32,000 acres in Humboldt County, the largest county in my congressional district. Some of those property owners are here today. They are not just timber companies, by the way. Some of them are longtime ranching and farming families, properties that have been in the hands of these families for generations, such as the Gift family, 501 acres designated critical habitat, taken without just compensation to the Gift family; the Bowers family, 156 acres taken without just compensation to the Bowers family; Harold Crabtree, his entire 254-acre ranch taken without just compensation from the Federal Government.

So I conclude, 99 percent of this critical habitat designation is on public lands. We are talking about the final 1 percent, the remaining 1 percent, that is privately owned property.

Mr. DICKS. Mr. Chairman, I yield myself 6 minutes.

I would say to my distinguished friend from California that I, too, represent an area that has been as affected as any in the country by listings under the Endangered Species Act, and my approach has been to try to work with the private companies and the State of Washington in order to get them to enter into a multispecies habitat conservation plan, an agreement between the Fish and Wildlife Service and the private company to protect the species on the private property lands and to help in the conservation effort. For that, they get 100 years of certainty.

Now, I checked yesterday with the Fish and Wildlife Service and asked them about the company involved here, and whether they had seriously attempted to negotiate a multispecies HCP, and the answer was a resounding no.

Now, that is the way for the gentleman to solve his problem, to sit down with his company and with the Fish and Wildlife Service and try to get them to work out on a voluntary basis a multispecies HCP. That is how the Endangered Species Act allows one to get the incidental take permit that is necessary.

Let me just also say to my friend from California, even with a critical habitat listing, the company still can log. All it cannot do is have a taking of a species that is either threatened or endangered, and so they can use this private property. I just want to make that point.

If he is going to have a taking, the only way he can get around a taking is to have an incidental take permit. And the way one gets an incidental take permit, a large private landowner, is to do it by negotiating a multispecies HCP. I have worked with the Murray Pacific Co., Plum Creek, Weyerhaeuser, the major timber companies in the Northwest, to get them to do that.

What the gentleman is doing today by walking into the full committee and offering an exemption for one large lumber company in his district is not only undermining the Endangered Species Act, but he is undermining my efforts and the efforts of other Members of Congress who are trying to work with their private timber companies to get them to do these multispecies HCP's. I am sure the gentleman has a different interpretation of his intent, but the bottom line is, this is what is occurring.

So I am urging my colleagues today to join with me in striking out the Riggs amendment, and I urge the gentleman to go back and do it the old-fashioned way, to sit down and get a multispecies HCP through the Fish and Wildlife Service.

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

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

Mr. RIGGS. First of all, Mr. Chairman, I appreciate the gentleman yielding, and I want to give him an opportunity to respond to the point I made that we are talking about 10 property owners.

Mr. DICKS. But the gentleman would admit that the predominant landowner here is the Pacific Lumber Co.; is that not right?

Mr. RIGGS. If the gentleman would continue to yield, I would not stipulate to that. We are talking about nine other private property owners, some of which are——

Mr. DICKS. But the Pacific Lumber Co. has 33,000 acres.

Mr. RIGGS. Mr. Chairman, if the gentleman would give me an opportunity to finish, there are nine property owners who own collectively 8,000 acres. And I am going to introduce in the debate to come, on the gentleman's motion to strike, letters from these property owners that say they have never had a single contact from the Fish and Wildlife Service. Not once. The properties have not been inspected.

Mr. DICKS. Mr. Chairman, I take back my time. The gentleman knows fully if they have a species on their property, it is their responsibility. They do not have to do it, but if they do not do it, they do not get an incidental take permit. If they want to risk taking a species without an incidental take permit, then they will violate the Endangered Species Act.

The way to do it is to go in and enter into an agreement. Now, in many cases, small landowners are given, as a matter of course, an incidental take permit. It is the large landowner that is asked to do the multispecies HCP.

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In this case, the company involved did not negotiate in good faith to get a multispecies HCP. If they had done that and they were willing to do that on all the lands that they own in this area that the gentleman's amendment affects, I am told by the Fish and Wildlife Service that they would have bent over backwards to try to enter into such an agreement.

The facts are that they came in and made it very clear from the very first instant that what they wanted to do was to file a lawsuit that would raise the issue of a constitutional taking. That is, in fact, what they did. And in fact the Federal judge, Judge Rothstein, is the one who directed the Fish and Wildlife Service to designate critical habitat. In this instance, 78 percent of the critical habitat was on Federal lands, and only 1 percent was on the private lands.

In my judgment, the only reason it is on the private land is because the area involved is crucial to the survival of the spotted owl in that area. So I would just say to the gentleman from California, not only in this amendment is he undermining the Endangered Species Act, he is also threatening the survival of the marbled murrelet.

There are a lot of fishermen who have written me saying, please oppose the Riggs amendment. They are fearful that, if we do not protect the marbled murrelet and it becomes endangered rather than threatened under the Federal law, even more onerous restrictions will be put on the fishermen in my colleague's area as well.

Now, I sympathize with the gentleman from California. He and I have worked on things together in the past, but what I do not like here is what he is doing. By coming in here and getting a specific exemption, it is undermining all of the rest of us who are trying to get our private companies to do the right thing by entering into a multispecies HCP. That is what the gentleman should be doing, not coming here and undermining the Endangered Species Act, threatening the marbled murrelet and threatening the old growth in this particular area which is crucial to the survival of the marbled murrelet.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for yielding me the time. I want to thank him for his hard work in bringing this bill to the floor.

These are very difficult issues. As we have heard by the previous speakers, the chairman has had to deal with situations where there are very meritorious but competing interests. I think he has done an admirable job here. But I rise today to revise and extend my remarks with respect to an issue that is of paramount importance here to us in the State of New Jersey.

Included in this legislation is the Sterling Forest issue, which is located in my district. It is being put in this legislation as one of the Nation's top two priorities for land acquisitions. This legislation recommends that Sterling Forest receive $9 million as a downpayment on the Federal Government's purchase price.

I want to point out, by the way, I thank the chairman. He and I have worked for a number of years on this together. I do appreciate his cooperation and his commitment to this particular project. I also want to point out that the Speaker this last March visited our State and Sterling Forest and has made a commitment that he would see to it this year that this would be accomplished.

However, although this is an important step, it is a significant step. It strictly undermines the contention that I have had from the beginning, which is that time is of the essence and that Sterling Forest owners cannot be expected to wait forever, even though they are willing in a willing compromise, a negotiated compromise to deal with the Federal Government. But I must point out here that, even though this is set as a priority under this authorization, not only is time of the essence but we must not lose sight of the fact that we need authorization for this to be effective. This Sterling Forest is not yet authorized. I will be pressing ahead with every fiber of my being to see to it that it gets authorized in the very near future.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH], an excellent member of our subcommittee.

Mrs. VUCANOVICH. Mr. Chairman, I rise in support of H.R. 3662, the fiscal year 1997 Interior and related agencies appropriations bill. This bill is $482 million below last year's funding and within our budget allocation.

Given the need to reduce Federal spending, and the resulting lower funding allocation the subcommittee and full Appropriations Committee is working under this year, this is a good bill, and I commend Chairman REGULA and his staff for putting this measure together.

H.R, 3662 represents the tough choices that have to be made if we are going to get spending under control. So while I call it a good bill and urge all of my colleagues to support the bill, I also recognize that there is something in here for everyone to dislike. It is impossible to both cut spending and to fund everything that all of us would like to fund.

On the other hand, compared to last year, H.R. 3662 increases funding for operating our National Park System by $55 million; it increases forest health initiatives like pest suppression and wildfire management by $72 million; and it allows $52 million more for Native American programs than last year.

Mr. Chairman, on balance, this bill represents a tremendous effort to balance spending cuts with stewardship of our natural resources. I urge a ''yes'' vote.

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

Mr. REGULA. Mr. Chairman, this is a very good bill. I hope the Members will take a good look at it, especially the amendments, as we go along. We will accept some, but we will have to resist a number of them. We want to finish the bill today, and we want to move along as quickly as possible.

Mr. POSHARD. Mr. Speaker, I am very concerned about the numerous amendments, notably the Farr, Walker, and Richardson amendments, in the Interior appropriations bill for fiscal year 1997 that cut valuable funding of up to $138 million for the Department of Energy's Fossil Energy Research and Development Program. We hear a great deal today about how the United States has become overly dependent on foreign sources of oil. A main reason for this is because over the past decade strict limitations have been put on the burning of certain types of coal. These moneys address such crucial energy issues by enabling research into vital clean coal technology, as well as ways to increase domestic oil and gas production. In addition, programs such as the Petroleum Technology Transfer Council that provide for the transfer of technology between independent producers would be eliminated.

Rural economies have been especially hard hit by the limitations on coal, and the decreased production of oil and natural gas. In my district alone, thousands of people employed in these industries have been affected, whether they are displaced coal miners or small oil companies that can no longer afford to operate. These citizens represent the backbone of our domestic energy production, and stand ready to provide alternative energy options to foreign petroleum. In Illinois, the Fossil Energy Research and Development Program will account for almost 30,000 jobs in the first decade of the next century. Moreover, the budget for fossil energy programs has already been cut 10.5 percent from last year's levels, and 30 percent from fiscal year 1995. Hence, these amendments would seriously endanger the future of energy development in this country, as well as many local economies. I urge all of my colleagues to retain funding for this important research.

Mr. BILBRAY. Mr. Chairman, I ask permission to revise and extend my remarks.

I rise today in support of the funding in this bill for California Natural Communities Conservation Planning [NCCP] program. The fiscal year 1997 Interior appropriations bill, which will be considered by the subcommittee this afternoon, contains $5 million for the program.

I would also like to support the amendment offered by my California colleague Rep. KEN CALVERT. His amendment will shift $1 million from the Forest Service General Administration Account to the Cooperative Endangered Species Conservation Fund. By cutting bureaucracy, the Calvert amendment will further our goals for protecting and preserving sensitive species in southern California.

The NCCP pilot program in southern California is the Nation's most advanced cooperative approach. The program was initiated 5 years ago as an attempt to create a multispecies approach to preserving species. By increasing funding in the Cooperative Endangered Species Conservation Fund, Rep. CALVERT's amendment will help us to fund the NCCP at the administration's requested level.

Even in a time of unprecedented fiscal constraints, I would like to commend Interior Subcommittee Chairman RALPH REGULA for recognizing the merit of this process and supporting the program. The NCCP represents the future of conservation, and it is a giant leap forward over the historical project-by-project, command and control methods of most environmental strategies. The system we have in place now sets us up for confrontation, conflict, and gridlock. The NCCP will replace that system and create a framework for comprehensive conservation planning to protect natural resources and sensitive species in southern California while allowing for reasonable growth.

The NCCP is part of a collaborative effort between Federal, State, and local officials, as well as land owners and environmental groups. The planning process' goal is to protect a variety of species and sensitive natural habitats, to prevent the need to list other species in the future as endangered, and allow growth and economic development to occur in balance with sound resource conservation.

The NCCP includes conservation and development plans for nine separate areas within the southern California planning region.

Again, I urge support of the Calvert amendment, and final passage of this bill.

Mr. UNDERWOOD. Mr. Chairman, I am pleased that Chairman REGULA and the Appropriations Committee has included in the fiscal year 1997 Interior appropriations bill $4.58 million in reimbursement to Guam for the costs incurred as a result of the Compacts of Free Association.

These compacts with the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, allow open and free migration to the United States. Of course, Guam receives the greatest share of this migration which puts a tremendous strain on our local resources and this impact continues to grow. Guam is geographically located closest to these new nations. Their economies are less developed than Guam's, and for many of their citizens, the economic draw and unlimited access are powerful incentives leading to widespread migration to Guam. The Federal commitment to Guam is a statutory commitment made to Guam in Public Law 99–239, section 104(e), which authorizes the appropriation of funds to cover the costs incurred as a result of increased demands placed on educational and social services.

Let me underscore that this $4.58 million is only minimum reimbursement for the costs incurred by the Government of Guam. I am pleased that the Committee included report language which recognizes the need to augment this funding. I am also encouraged that in a letter to me on May 15, 1996, the Department of Interior has agreed to submit a report to Congress on the impact of the compact also required by Public Law 99–239. This information will assist Congress in continuing to address this important issue. We are hopeful that the Interior report will detail and document the full financial impact of the compact on Guam.

Mr. VENTO. Mr. Chairman, I rise in opposition to the fiscal year 1997 Interior appropriations bill. This legislation further cuts the already lean budgets of the National Park Service, Fish and Wildlife Service, Bureau of Indian Affairs, and other Federal land use agencies, even though demands by the public on these agencies is increasing.

We in the Congress are charged to act as stewards of America's natural and cultural resources. We have a sworn duty to protect

wildlife, our air and water, and our National Parks. We have the responsibility to ensure that our children and grandchildren will be able to use and enjoy our public lands. This appropriations bill represents an abdication of our responsibility to the American people.

Although this bill does not contain the sweeping anti-environmental riders the Republican leadership included last year, the appropriations measure we are considering includes a number of provisions that threaten our natural resources. This bill prohibits the Bureau of Land Management from resolving longstanding rights of way disputes under RS2477 and waives certain environmental laws to expedite the construction of a telescope on Mt. Graham, a sacred site for Native American people. It also prohibits the Fish and Wildlife Service from enforcing designation of critical habitat to protect the marbled murrelet on 37,000 acres of private property in California, which amounts to an exemption from the Endangered Species Act for a select few. Finally, the bill undermines the sovereignty of Indian tribes by prohibiting the use of Federal funds to take lands into trust by a tribe unless the tribe has a binding agreement in place to provide for the collection of State and local sales and excise taxes on sales to non-members of the tribe.

I also question the spending priorities set by Congressional Republicans in the 1997 Interior appropriations bill. For instance, despite increasing numbers of visits to our National Parks and a considerable backlog of Park maintenance, the total funding for National Parks is reduced by $40 million from the fiscal year 1996 total. Funding for National Park operations and maintenance totals $24 million less than the President's request. At the same time, subsidies for timber road construction and road maintenance, and ''green'' timber sales are increased by $14 million over last year's levels. I do not believe this allocation represents the values of the public, who have overwhelmingly supported our National Parks and opposed corporate welfare.

Mr. Chairman, the Republican Majority has tried to talk the talk on environmental issues, but this Interior appropriations bill demonstrates more loudly than words that the GOP aren't yet ready to ''walk the walk.'' I urge Members to defeat this bill.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 3662, the Interior appropriations bill for fiscal year 1997.

This Member would like to commend the distinguished gentleman from Ohio [Mr. REGULA], the chairman of the Interior Appropriations Subcommittee, and the distinguished gentleman from Illinois [Mr. YATES], the ranking member of the subcommittee for their exceptional work in bringing this bill to the floor. Extremely tight budgetary constraints made the job of the subcommittee much more difficult.

This Member is pleased that the report includes language directing the National Park Service to develop a general management plan for Homestead National Monument of America near Beatrice, NE.

Homestead National Monument of America commemorates the lives and accomplishments of all pioneers and the changes to the land and the people as a result of the Homestead Act of 1862. This monument was authorized by legislation enacted in 1936. However, a general management plan is needed to help ensure that Homestead is able to reach its full potential as a place where Americans can more effectively appreciate the Homestead Act and its effects upon the Nation.

A general management plan is the first step in assessing and planning for new park development. The plan is used to identify the park's purposes, assess current situations, and plan new development and management directions. A general management plan also contains environmental and historical assessments. Public comment on the plan and proposed alternatives are required by the National Environmental Policy Act and other laws and policies. Before Homestead could embark upon any future projects, the general management plan process would have to be completed to ensure that mission-based objectives and public comment were properly considered. This process normally takes several years and it is this Member's understanding that it can be accomplished with base-funded staff with available funds.

Homestead National Monument of America is truly a unique treasure among the National Park Service jewels. The authorizing legislation makes it clear that Homestead was intended to have a special place among Park Service units. According to the original legislation:

> It shall be the duty of the Secretary of the Interior to lay out said land in a suitable and enduring manner so that the same may be maintained as an appropriate monument to retain for posterity a proper memorial emblematic of the hardships and the pioneer life through which the early settlers passed in the settlement, cultivation, and civilization of the great West. It shall be his duty to erect suitable buildings to be used as a museum in which shall be preserved literature applying to such settlement and agricultural implements used in bringing the western plains to its present state of high civilization, and to use the said tract of land for such other objects and purposes as in his judgment may perpetuate the history of this country mainly developed by the homestead law.

Clearly, this authorizing legislation sets some lofty goals. This Member believes that a general management plan would begin the process of realizing these goals.

Mr. Chairman, this Member is also gratified that H.R. 3662 maintains last year's funding level of $250,000 from State and private forestry funds for the National Agroforestry Center at Lincoln, NE.

The National Agroforestry Center—formerly the Center for Semiarid Agroforestry—was authorized by the 1990 Farm Bill, the Food, Agriculture, Conservation, and Trade Act [FACTA]. Section 1243 of the FACTA authorized an annual appropriation of up to $5 million for the center. The National Agroforestry Center is a partnership of the Research, State, and Private Forestry, and International Forestry branches of the USDA Forest Service. The center conducts research on developing tree varieties, especially adapted to the Great Plains, that will enhance crop and livestock production, protect surface and groundwater quality, create wildlife habitat, and promote environmental goals. The center is nationally and internationally renowned as the U.S. flagship for agroforestry due to its leadership in agroforestry research, development, and applications.

The center, located in Lincoln, Nebraska is a key element of agroforestry research and technology transfer for the Forest Service. The center's mission is to accelerate the development and application of agroforestry technologies to attain more economically, environmentally, and socially sustainable ecosystems. To accomplish its mission, the center conducts agroforestry research and interacts with a national network of cooperators to conduct research, develop technologies and tools, establish demonstrations, and provide useful information to natural resource professionals nationwide and globally.

The National Agroforestry Center is developing key partnerships with other agencies and institutions and catalyzing interdisciplinary teamwork. Since agroforestry bridges critical productivity, biodiversity, sustainability, and socio-economic issues, the National Agroforestry Center has become a focal point for interagency cooperation. The multi-agency initiative being developed includes the Agricultural Research Service [ARS], the Cooperative State Research, Education, and Extension Service [CSREES] and the Environmental Protection Agency [EPA].

The center seeks to increase the use of agroforestry in order to fulfill the following purposes: Make agriculture more sustainable; mitigate the adverse environmental side effects of agriculture; convert marginal farmlands to high-value tree crops and wildlife habitat; and enhance human environments

Mr. Chairman, in conclusion, this Member supports H.R. 3662 and urges his colleagues to approve it.

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

The CHAIRMAN pro tempore (Mr. LAHOOD). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. An amendment striking the last proviso under the heading ''Strategic Petroleum Reserve'' is adopted.

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 Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or a designee, have precedence over a motion to amend.

The Clerk will read:

The Clerk read as follows:

H.R. 3662

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, 1997, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary 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)), $566,514,000, to remain available until expended, of which $2,000,000 shall be available 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 $3,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–6a(i)); and of which $1,000,000 shall be available in fiscal year 1997 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for challenge cost share projects supporting fish and wildlife conservation affecting Bureau lands; in addition, $27,300,000 for Mining Law Administration program operations, 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 $566,514,000; and in addition, not to exceed $5,000,000, to remain available until expended, from annual mining claim fees; which shall be credited to this account for the costs of administering the mining claim fee program, and $2,000,000 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: *Provided further,* That in fiscal year 1997 and thereafter, all fees, excluding mining claim fees, in excess of the fiscal year 1996 collections established by the Secretary of the Interior under the authority of 43 U.S.C. 1734 for processing, recording, or documenting authorizations to use public lands or public land natural resources (including cultural, historical, and mineral) and for providing specific services to public land users, and which are not presently being covered into any Bureau of Land Management appropriation accounts, and not otherwise dedicated by law for a specific distribution, shall be made immediately available for program operations in this account and remain available until expended.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire use and management, fire preparedness, suppression operations, and emergency rehabilitation by the Department of the Interior, $247,924,000, to remain available until expended, of which not to exceed $5,025,000 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 costs from funds available from this appropriation: *Provided further,* That unobligated balances of amounts previously appropriated to the ''Fire Protection'' and ''Emergency Department of the Interior Firefighting Fund'' may be transferred to this appropriation.

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.), $12,000,000, 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 remedical action or response activities conducted by the Department purusant to sections 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropration: *Provided further,* That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bounds 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, recreaton facilities, roads, trails, and appurtenant facilities, $3,103,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901-07), $113,500,000, of which not to exceed $400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out section 205, 206, and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interests therein, $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

AMENDMENT OFFERED BY MR. FARR OF CALIFORNIA

Mr. FARR of California. Mr. Chairman, I offer an amendment.

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

The text of the amendment is as follows:

Amendment offered by Mr. FARR of California: In the item relating to the DEPARTMENT OF THE INTERIOR—Bureau of Land Management—Land Acquisition, insert ''(increased by $4,750,000)'' after the dollar amount.

In the item relating to the DEPARTMENT OF THE INTERIOR—United States Fish and Wildlife Service—Land Acquisition, insert ''(increased by $37,300,000)'' after the dollar amount.

In the item relating to the DEPARTMENT OF THE INTERIOR—National Park Service—Land Acquisition and State Assistance—

(1) insert ''(increased by $57,790,000)'' after the first dollar amount; and

(2) insert ''(increased by $2,240,000)'' after the second dollar amount.

In the item relating to RELATED AGENCIES—Department of Agriculture—Forest Service—Land Acquisition, insert ''(increased by $35,310,000)'' after the dollar amount.

In the item relating to DEPARTMENT OF ENERGY—Fossil Energy research Development, insert ''(reduced by $135,150,000)'' after the dollar amount.

Mr. REGULA. Mr. Chairman, I reserve a point of order since we have not yet seen the amendment.

The CHAIRMAN pro tempore. A point of order is reserved.

The Chair would note that the amendment is printed in the RECORD as amendment No. 7.

Mr. FARR of California. Mr. Chairman, my amendment directly benefits every American and every Member who supports our parks, our public spaces. There is a big pot of money in the Federal budget to pay for new parklands and for other open space acquisition. That money can benefit every American who enjoys the beauty of our national parks, the serenity of the wilderness, the exhilaration of an early morning duck hunt of the surge of pride in exploring the great historical places of this Nation.

That pot of money is called the Land and Water Conservation Fund. It is supposed to take some of the money raised from the sale of publicly owned fossil energy resources to build a legacy of parks and open space resources for future generations.

In 1964, Congress created the Land and Water Conservation Fund to use some of the Federal royalties from offshore oil drilling to buy parklands. Even though the offshore oil drilling only comes from coastal States, the money was to be used in all of the States. It was an ideal environmental business plan, reinvest the profits from the exploration of publicly owned natural resources into the infrastructure of our Nation's parks and other public spaces. Money would come into the fund and Congress and the President would allocate it between State parks programs and Federal public land priorities.

The fund currently takes in $900 million a year. It will continue to take in such money until the program's authority expires in the year 2015. But the plan is broken. Only a trickle of that money reaches the parks and other land conservation needs.

By the early 1980's, the President and Congress began using more and more of the fund each year to mask the size of the deficit. Less and less went into land acquisition. In 1991, only $321 million of the fund's $900 million income went into the environment; only $100 million of that is appropriated today for fiscal year 1997, a $12 billion surplus, which frees up other moneys to be spent for other purposes, including fossil fuel energy research.

My amendment would restore the funding to the 1995 appropriated levels by increasing the bill's Land and Water Conservation Fund appropriation levels by $134,904,000 over the committee's appropriated level, reported level of about $100 million.

My amendment allocate this increase among the land management agency

accounts according to the fiscal year 1995 allocations. The Bureau of Land Management would get about $14 million; Fish and Wildlife, $67 million; National Parks Service, $87 million; and Forest Service, $65 million; for a total of $235 million.

It is my intention that $2 million of the Park Service increase be allocated for State grants through the National Park Service States assistance programs.

This is assisting our States which have long asked for help with this fund. My amendment preserves the committee's decision not to earmark individual projects and to leave it to the discretion of the agencies which projects to pursue.

I offset the $135 million cut in the Department of Energy fossil research account. This account has a total amount of $359 million remaining in the bill.

□ 1315

The point is that we do not need to allocate as much as the appropriators have done for the programs for research which really benefit our large multinational corporations like Chevron, Exxon, Conoco and such.

We have spent over $2½ billion for fossil fuel research since fiscal year 1992, just over a billion of that for, just a billion of that for, the land and water conservation fund for acquisition in the same period of time. Yet, for example, in my home State of California this program, which the committee has appropriated, would help fund Chevron's research into enhanced oil recovery technology, Arco's research into new horizontal drilling techniques, Pacific Operators' offshore research in Santa Barbara on lateral drilling technology to extract more oil offshore. One may argue these are appropriate areas of research, but why rely totally on this fund?

We also have money coming from drilling on State lands and from drilling on private lands, and none of that money is being earmarked for this research purpose.

The CHAIRMAN. The time of the gentleman from California [Mr. FARR] has expired.

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

Mr. FARR of California. Mr. Chairman, I ask that we reverse the priorities here and put two-thirds of this appropriation into acquisition of land and one-third into fossil fuel research. That would still leave a surplus in the fund for fossil fuel research of about $224 million, and I suggest that that is an appropriate balance of funds and would urge this House to support my amendment.

The CHAIRMAN. Does the gentleman from Ohio withdraw his point of order?

Mr. REGULA. Mr. Chairman, I withdraw my point of order.

Mr. REGULA. Mr. Chairman, I rise in strong opposition to this amendment. Let me point out to our colleagues that fossil energy research is vitally important.

Mr. Chairman, let me point out that the fossil energy research program is vitally important to this Nation. We are dependent of fossil energy for 85 percent of our needs and will be far into the foreseeable future. Fossil energy research is important in reducing emissions. We all talk about clean air, and here is a key element in the clean air program. It is important in reducing emissions into the environment of this Nation; it is important to having energy independence.

As we well know, thinking back to Desert Storm, we paid a heavy price to maintain access to energy offshore. We have cut 23 percent since 1995 in fossil energy research. Most of these programs, if not all, are contractual relationships with the private sector, where they are being matched. Federal dollars are being matched by at least 50 percent private dollars. These programs are not to implement the use of energy, but rather to find better ways to use our energy resources. These dollars increase energy technology at the domestic level, and I think it is vitally important that we maintain our commitment to those private sector partners that have helped us in these programs and have committed their own dollars.

Most of us depend on gasoline powered automobiles, and we cannot at this point give up that source of energy for the vast number of domestic automobiles, but we can find ways to burn energy in a more environmentally friendly way. Coal supplies are vital to the generation of electricity. We only need to look at the industrial consumption of electricity that produces jobs to realize how important coal is as a part of our energy resources in this Nation.

For all of these reasons, and given the fact that we have reduced funding by 23 percent, it becomes extremely important that we maintain this fossil energy research. We will have a number of amendments trying to take out the funding that we have in for these programs, and we recognize we are scaling back 10 percent each year.

But recognizing that we are going to depend on fossil energy for the foreseeable future, I think it is vitally important that we continue these partnership research programs to ensure that we burn this energy, use this energy in the most efficient way, that we protect our air, that we protect our water resources, that we protect the competitiveness of our industry, and I think to vote for this amendment is a vote against jobs, it is a vote against clean air, it is a vote against energy independence, it is a vote against the environment, and I urge all Members to oppose this amendment.

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

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

Mr. YATES. Mr. Chairman, I agree with the gentleman in opposing this amendment. This amendment is another form of the amendment that will be offered by the gentleman from Pennsylvania [Mr. WALKER] later on. For the same reasons as the gentleman from Ohio [Mr. REGULA] so eloquently outlined, I think the Farr amendment should be defeated.

Sure, it would be great if we had enough money to buy land for the Park Service, the Bureau of Land Management, the Fish and Wildlife Service, and the Forest Service. The Land and Water Conservation Fund needs that money. We just do not have it under the 602(b) allocation that we received, and it is very important that the fossil energy research and development continue with the money that we have allocated.

Mr. REGULA. I thank the gentleman from Illinois [Mr. YATES].

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

Mr. Chairman, I am very much in favor of this amendment, and I want to take the opportunity to say a few words on its behalf.

I think that it makes very good sense for us to take this relatively small amount of money, $359 million, out of the fund for fossil fuel research and put it where it is most needed at this particular moment, and that is in the Land and Water Conservation Fund.

The Land and Water Conservation Fund, first of all, is funded presently at the lowest level it has ever been funded at since its beginning, so it is not a case that there is too much money in the Land and Water Conservation Fund. The fact of the matter is there is far too little.

Furthermore, it makes good sense now at this particular moment to take this $359 million out of fossil fuel research and put it into the Land and Water Conservation Fund. Why? This $359 million in research for fossil fuels ought to be being paid for the fossil fuel companies themselves. The oil companies today are making once again record profits. Let me give my colleagues an example.

Since January of this year the price that we are paying for regular gasoline at the pump in New York has gone up by more than 30 cents a gallon. Now that the spot market price for gasoline has come down, and it has come down now more than 16 cents a gallon since the end of April, the oil companies have dropped their prices by only 2 to 3 cents a gallon. So they are pocketing 13 to 14 cents a gallon on every gallon of gasoline that is sold in New York, and it is even higher than that in California and other places across the country. They are the ones who ought to be paying for this fossil fuel research.

Furthermore, this Congress has failed since its beginning to continue a tax on the oil companies which was designed to pay for the cost of the clean-up of old toxic and hazardous waste dump sites and also is to pay for the cost of leaking underground petroleum

storage tanks. That failure of this Congress to extend that tax which had been in existence for those purposes means that every year the oil companies are pocketing an additional $1 billion.

Now we are never going to recoup that money. We are never, even if we pass these taxes, put them back in existence so we have the funds to pay for the cost of cleaning up toxic and hazardous waste dump sites and the cost of underground petroleum spills, we are never going to make it retroactive. So they have gotten away now with more than a billion dollars a year by not having to pay that tax, and they are getting away with additional billions in dollars in excess profits because of the fact they are changing more at the pump by orders of magnitude than they have to pay on the spot market for the petroleum products that they buy.

The oil companies are getting away with murder. They have their hands in the pockets of the motoring American public, and they are pulling out fistfuls of dollars day in and day out and stuffing it into their own pockets. CEO's making salaries of a million and a half dollars while the guy who is struggling to go to work every day has to pay an additional 30 cents a gallon, 25 cents a gallon, for every gallon of gasoline he buys at the pump. It is wrong, it is unfair, it is unreasonable, and this Congress ought to put a stop to it.

So this is the time to take that money, that $359 million, put it in the Land and Water Conservation Fund, where it is desperately needed; the fund has never been this low; and make the oil companies pay for this fossil fuel research. Why should the American public be subsidizing that fossil fuel research when the benefits are going to go to the oil companies in the end in any case? This is just another example of the kind of corporate welfare that has been perpetuated here over and over again.

Let us make the oil companies pay for their own research, let us put a little money into the Land and Water Conservation Fund, and let us go to a system that is a little bit fairer for the American public, particularly those in rural districts like mine and other rural districts across the country where the people are totally dependent upon the automobile for transportation. Every time they go from home to work, from home to school, from home to the supermarket, they are putting additional money into the hands of the oil companies, and it is coming out of their pockets.

So this amendment makes good sense. Let us pass this amendment and tell the oil companies it is time for them to pay for their own research, put a little more money in the Land Water Conservation Fund, and stop exploiting the American people.

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

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman and Members of the House, I rise in strong support of this amendment, and I would hope that the committee would look upon this as a friendly amendment because clearly this committee, the chairman of the committee and the ranking minority member struggled long and hard to try and meet the priorities of this Nation, of the Members of this Congress in dealing with the status and the quality of our national parks, our wildlife refuges and the forests of this Nation.

In 1964, when we passed the Land and Water Conservation Act, we kind of make a bargain with the Congress and within this country that we would trade the exploration and the development of our offshore energy resources off the coast of California and the Gulf of Mexico and elsewhere in this country, that we would trade the development of those resources to generate a pool of revenues to protect and to provide and to expand the public lands system within this country, that we would take a portion of those royalties and set them aside so we could buy lands for additions for new parks, for additions to existing parks and for our wildlife refuges, in some cases for forests and other public land units.

What has happened now because we have gone and spent ourselves into a deficit position, we now use this sacred trust, if my colleagues will, to protect the assets of the public lands of this Nation. We are now using that as a gimmick to balance this budget. Every dollar we do not take out of the Land and Water Conservation Fund that is reserved for the acquisition of public lands we divert, whether it is to the military budget, to the education budget, to infrastructure, to some other purpose. But that is not what we told the people of this country we were going to do with this money, and that is not what the people of this country expect us to do with this money.

□ 1330

Mr. Chairman, what we have now is we have a situation where by deferral of land acquisitions, deferral of the protection of the parks, deferral of the protections of the wildlife refuges and the other public lands, we are now subsidizing other activities in the Government where we do not have the courage to say no. It does not mean they are a higher priority, it does not mean they are a better priority. It just means this committee has less money to work with.

I think by adopting the Farr amendment, we have the opportunity to suggest that perhaps the priorities ought to be changed. Unfortunately, we can only deal with it within the context of the budget that is given to this committee. The gentleman from California [Mr. FARR] has sought to go to the energy research, the fossil fuel research portions of this budget that clearly do not have as high a priority as they might have had at one time, clearly do not have as high a priority at a time when the energy companies were not doing as well as they are doing today, clearly do not have as high a priority at a time when we were struggling to fill the strategic petroleum reserve, and now we are selling off portions of the petroleum reserve kind of willy-nilly. The President wants to sell off parts of it, this committee has made a decision to sell off parts of it.

Obviously this is not as high a priority. But what is a high priority with the American people is the additions to and the protections of the public lands, and most importantly, I think, as we start this summer season, the protections and the additions to the crown jewels, the national park system of this country that so many families will spend time this summer visiting with their children and with other members of their family. This amendment is about setting those priorities.

Mr. Chairman, this amendment does not mean that fossil fuel research will not take place. This amendment suggests that those who will benefit by the fossil fuel research perhaps shoulder more of the burden, now that they are doing better as a result of the run-up in gasoline prices and a stabilizing of world oil prices.

That is what this amendment suggests: that we share the burden; that the other luxuries that we want to put into the spending of this budget not be subsidized by the trust. This is a trust fund, a trust we created with the American people to protect the national parks, to preserve the national parks, to expand the national parks, and to protect the other public lands of this Nation. The Farr amendment gives us an opportunity to do that.

I know that the chairman of this committee believes strongly in the protection of the national parks, but he has to play the cards that he is dealt. I would hope that he would understand that this is hopefully a statement by a majority in this House that is deeply concerned about those cards and would perhaps play them in a different fashion, in a way in which the committee was incapable of playing them during the committee deliberations. I would urge support of this amendment.

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

The CHAIRMAN. Without objection, the gentleman from Ohio [Mr. REGULA] is recognized for 5 minutes.

There was no objection.

Mr. REGULA. Mr. Chairman, I think we ought to correct this statement that we have not recognized the priorities. Certainly it would be nice to do a lot of these things. If we buy more land, it costs more money. We need to take care of what we have.

I know the gentleman from California is very strongly in favor of a moratorium on offshore drilling both of the gentlemen from California. Therefore, they would diminish the revenues that flow into the Land and Water Conservation Fund for these acquisitions.

Mr. Chairman, the vast amount of the money that goes in that fund is from drilling off of Louisiana, Alabama, and Texas, so I think if they are so anxious to have more money in the Land and Water Conservation Fund, they should be out here supporting the lifting of the drilling moratorium on offshore drilling from California.

Mr. FARR of California. Mr. Chairman, will the gentleman yield?

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

Mr. FARR of California. Mr. Chairman, some of that money, a good deal of that money, also comes from drilling off the coast of California. The point of it is that this Congress created that fund so those revenues would be reinvested back into lands. It now has a $900 million surplus. We are only asking for a very small amount of that money.

Mr. REGULA. Reclaiming my time, Mr. Chairman, I believe that the fossil energy research is an investment in the future of this Nation. We are an energy-dependent Nation. We burn more energy per person than any other nation in the world. What we want to do is make it affordable, what we want to do is increase our economic competitiveness in the world market, and most importantly, we want to improve the environment: clean air, clean water, jobs. That is what defeating this amendment is all about.

Mr. Chairman, we do not put any money in for commercialization. That is up to the private sector totally. But we do say that it is in the interests of the American public to have these things that I just described. Therefore, we are willing to be a partner with the private sector in developing the technology. Then the commercialization is something that is picked up by the private sector.

Mr. Chairman, we have already cut fossil research by 23 percent since 1995. I think it is vitally important that we keep these programs going.

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

Mr. Chairman, I rise in strong opposition to the Farr amendment. I want to echo some of the comments made by the chairman of the committee, the gentleman from Ohio [Mr. REGULA]. Let us make no mistake about what is happening from this amendment. I have a letter here from the Secretary of Energy that I would like to quote from. We are talking about almost a 40 percent cut in the fossil energy R&D accounts.

This is a quote from Secretary Hazel O'Leary.

A cut of this magnitude would effectively eliminate the Department of Energy's fossil energy R&D programs and limit our Nation's ability to manage its energy future. We have already cut this program to the bone. The administration's FY 1997 budget request of $348 million represents a 10.5 percent reduction from fiscal year 1996 funding levels and a 20-percent reduction from FY 1995. Taking an additional $137 million from this program, plus the estimated $30 to $40 million in termination costs, would essentially stop it dead in its tracks.

So, Mr. Chairman, let us be clear about this. What we are talking about in the Farr amendment is the elimination of the fossil energy research and development program in this country. Mr. Chairman, we just talked about, into the future, 85 percent of our needs; fossil energy is going to play a major role in providing 85 percent of the energy needs of this country.

Many people in the environmental community say, well, coal and oil, they are dirty fuels. That is exactly our point. Why would we stop research and development in ways to burn coal cleaner and cheaper and to use fossil fuels more efficiently, in environmentally sound ways, right at the time when our dependence on them is increasing, not decreasing?

Mr. Chairman, let us not be fooled by this. I urge all Members to understand, a vote for the Farr amendment and later on for the Walker amendment is a vote to eliminate fossil energy R&D programs in this country. I think that would be terribly shortsighted.

Mr. FARR of California. Mr. Chairman, will the gentleman yield

Mr. DOYLE. I yield to the gentleman from California.

Mr. FARR of California. Mr. Chairman, it does not eliminate it. This program has received over $2 billion in the history of fossil fuel research. We only take, of the appropriations this year, one-third; $1 out of every $3.

Mr. DOYLE. Reclaiming my time, Mr. Chairman, the gentleman's amendment takes 38 percent from the budget. The Secretary of Energy, Hazel O'Leary, in a letter that I would be happy to share with the gentleman, says clearly here that we are talking about gutting, terminating, eliminating, fossil R&D programs for this country, right here from our own Secretary of Energy.

Mr. SHAW. Mr. Speaker, I move to strike the requisite number of words.

Mr. Chairman, I reluctantly come to speak in favor of the amendment, not because of the contents, but just recognizing the work that this committee has done in trying to balance the needs of this country. But we have a problem of national proportions, which is a national responsibility in south Florida.

Early on in the history of south Florida, south Florida, the rim of south Florida had a natural dike. Outside we had, of course, the Atlantic Ocean. Within, we had a river of grass, which now is known as the Florida Everglades. There were natural springs bubbling up in downtown Fort Lauderdale, just in the new river. There were natural springs in Dade County that were bubbling up. It was a true tropical paradise.

Then, along came development within the Everglades itself. The whole attitude of the people was to drain the swamps, get rid of the alligators, get rid of all the problems, drain the swamps and put in a series of canals. Then agriculture came in to backfill on what was once the river of grass and the bottom of this giant swamp.

We have found that because of this right now, something has happened which has got everything out of balance. We have found that the natural ecosystem of the Everglades now is in serious danger, irreversible danger. We find down at the south end of the Florida bay that the natural marine habitat is disappearing, which is the nursery for all of the fisheries going up the coast, the east and west coast of Florida.

We have found that this is being caused because of the salinity that is building up and the rapid change of the salinity because of the rapid flow of the waters down into the southern part of the Everglades National Park, which is the Florida Bay. This is a national responsibility. The only way to solve this problem is to reacquire some of this land and try to turn to the past and try to reestablish the natural flow of much of the water flowing through the Everglades.

What is the tradeoff? The tradeoff is the irreparable damage that is being caused right now, day by day, as we sit here. We are finding that this is happening at a more and more rapid rate every day. It is imperative that more money be found for land acquisition so that we can put a stop to this destruction of this most valuable natural resource. It is a Federal responsibility. It is an entire network of Federal lands. It is a great national park. It is tremendously important, not only for the natural environment of Florida, but for the very supply of water that supplies the growing population of south Florida.

Therefore, Mr. Chairman, I think what the gentleman from California is proposing is a transfer of these funds from the fossil fuel area into the land acquisition fund, so we can speed up the acquisition of this land, is a most reasonable request. I would therefore urge all the Members to support this amendment, which will speed up the restoration of the Everglades and perhaps actually save the Everglades from the destructive process that has been put into place over many, many years of neglect and misunderstanding of the environment of south Florida.

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

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

Mr. BROWN of California. Mr. Chairman, I am going to come down in opposition to this amendment, but I would like to provide a little background beforehand.

Mr. Chairman, this is not an all black or white situation. We see emerging here, expressed in debate on both sides, a recognition that we do need more funding for the Land and Water Conservation Fund. I thoroughly agree

with that, and would support every reasonable effort to achieve that kind of funding.

We also, I think, see on both sides a recognition that we need to continue with the program of fossil energy research and development. That program, of course, has been under attack for several years because we point, as we have seen here on the floor today, to the mature coal and oil industry and say, why can they not do their own research. Well, they could if they wanted to spend the money. But their biggest priority is selling more oil and coal, not in doing research.

What we have in the present research program, as the distinguished chairman of the subcommittee pointed out, is a working partnership between industry and the Government in which we are getting these companies to do the research by giving them an incentive. We are offering to match a part of the money. If Members can think of a better way to do it, to encourage mature industries to do research in the national interest which will improve the environment, improve the utilization of coal and oil by finding better and cheaper ways to get it out, I would like to know what it is, because I want to support that.

Mr. Chairman, we have some Members in the House who do not believe in this kind of cooperative research as a way to achieve national goals. I differ quite strongly with them. I think this kind of partnership is the wave of the future and we are going to have to do it, and we are doing it here. Are we spending too much or too little? I cannot answer that question.

I would support more money for this, but actually, the bill has in it $10 million more than the President requested, so I would support a reduction of $10 million and use that, at least, to fund some additional acquisitions of land through the Land and Water Conservation Fund. I cannot, I do not believe it is in the national interest, cut this program back to the extent proposed in this amendment and in some of the other amendments which are going to be suggested. It is not good for the country to do that. It is not a proper utilization of national resources to avoid funding this research which is so important to the future of this country.

□ 1345

I come at this from a bias, of course, in favor of finding ways to get the private sector to support more research of this kind. I think the partnership arrangement does it. I want to continue to support that. I will support any other way of funding the acquisition of the lands which I know are necessary through the Land and Water Conservation Fund. We use this in California for many different programs and I know it is important in Florida. Let us see if we cannot preserve the values from both of these things by a proper balance between funding the acquisition of land and a proper allocation of money for fossil energy research which I think is vital to the future of the Nation.

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

Mr. Chairman, first I have to take a moment and compliment Chairman REGULA and his staff. They have done a tremendous job. I sometimes see him as having tremendous responsibility and wisdom in this process and he has been more than fair to me, he has been very fair to the State I represent, Florida, and very fair to the environment. I also would be remiss if I did not thank Secretary Babbitt. I flew up during the Easter recess and met with him. He responded to an environmental concern in Florida. And this Congress has responded to environmental concerns in my State, which is being pressured by environmental problems and concerns.

When we come to Congress, however, we have an important responsibility, and that responsibility is to make choices. This is a tough choice because there are good, worthwhile programs. But I cannot think of anything that we do in the long term for so few dollars that makes such a big difference to what we are going to leave behind. In a few decades, most of us will be history. Some of us will be pushing up daisies and some of us will be someplace else, but the legacy that we leave behind will be determined today by this policy.

When you have a program, and I consider myself a fiscal conservative, and I get up with some folks of a little bit different philosophy, last year I was here with the gentleman from California [Mr. MILLER] and now with the gentleman from California [Mr. FARR], certainly a little bit different philosophy, but we agree that this is a sound investment with our dollars, that we have a surplus in the fund of $12 billion and that we get $900 million in, and this is an investment for the future.

My colleague, Mr. SHAW, from south Florida came up and spoke about what was happening in our State. I grew up in south Florida. I saw what happened in south Florida. I saw the mistakes that were made in south Florida. Today we can see where we developed to the Everglades and now this Congress has to appropriate a quarter of a billion dollars to take back some of that land. In my district, I am in central Florida and the same thing is happening there. We see the mushroom. Since I have been in office for a little over 36 months here, I have 2 new cities, one of 68,000 people, the third largest city in central Florida, in my district. I have another new city. The growth is phenomenal. And I will not get another chance. This is not a program where we are saying buy land and you do not want land out West. This is a program where local governments and State governments in concert with the Federal Government, and the way this darned thing should work, acquire land. We say that for children. I will not be here to enjoy it. We will not have another opportunity. I can tell you the developers are waiting with their plow.

We are asking when you make these decisions, and I know they are tough decisions, I know the chairman is pressed to consider us, consider the legacy, consider these choices, and consider what we are going to leave behind us for this next generation and consider also that we will never get another chance in States like Florida and other areas, and again that this is a voluntary program and that is it a program of cooperation.

I urge my colleagues, whether liberal, conservative, independent, moderate, Republican, Democrat, this is the chance to make a big difference in the environment that our children and grandchildren live in. This is a chance for them to inherit the earth, a part of that earth, and leave it a little bit better than we found it.

I urge Members, I beg Members to consider this amendment to expand the funds in this particular provision offered by the good gentleman from California [Mr. FARR] and let us vote for this and vote for opportunity for the environment for the future.

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

Mr. Chairman, I rise in support of the Farr amendment as well. I agree with the comments that my colleague on the other side from Florida made. Just looking at the land acquisition funds that have been available through the Land And Water Conservation Fund, particularly for the two programs that New Jersey has most benefited from in the last few years, I am looking at for the U.S. Fish and Wildlife Service for fiscal year 1994 $83 million; and then in 1995 $67 million; in 1996 $37 million; and now proposed, my understanding, for fiscal year 1997 is $30 million. Every year at least since 1994 that amount has been going down.

The same with the National Park Service. Fiscal 1994 $95 million; fiscal 1995 $85 million; fiscal 1996 $49 million; and my understanding for fiscal 1997 proposed $30 million.

The bottom line is that the Federal Government has been less and less able to provide for open space acquisition which is so important, particularly for a State like mine. New Jersey is the most densely populated State in the country. There are many projects out there through the Fish and Wildlife Service, as well as the Park Service or the Forest Service where we would like to see additional acquisition for open space to alleviate, if you will, some of the problems of high density so that people have a place where they can enjoy themselves, have recreational opportunities, whatever.

I think the point here and the point of the Farr amendment is that these opportunities are decreasing because the Federal Government has not been

able to provide the funds. Similarly although the States try oftentimes to provide funding, they have, because of budget cuts and because of their own constraints, not been able to make up for the difference.

So I think what the gentleman from California [Mr. FARR] is essentially saying here is that here is our opportunity to take some money from another fund, in this case the fossil energy R&D where to some extent the oil companies which I know have been making windfall profits this year, we have all heard about that, we all know what is going on with the oil companies and they should be able to pay a little more so that we can release more money that can actually be used for open space acquisition. I think it is a very simple amendment, it makes the point clearly, that if we want to reverse the situation and see the Federal Government involved in more land acquisition, more open space acquisition, this is certainly the way to go.

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

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

Mr. HANSEN. Mr. Chairman, I rise in opposition to the amendment. It is interesting, as chairman of the Subcommittee on National Parks, Forests and Lands, to come to this floor and talk to my colleagues. A day does not go by that somebody comes up to me and says, ''Mr. Chairman, I have got this great place for a park in my district and it would be great if we could put a bill in for my legacy to buy that.'' And then another person comes up and he says, ''I want to buy up a few more acres of forest here for the Forest Service.'' Then a third person thinks we ought to exchange something over to BLM. This has been going on for years around here.

In fact, one of the leading members of this committee—who is now deceased—from California used to have the park-a-month club, where they bought park after park. In fact there is a statue to him down around the Presidio where he bought all these parks. I guess some were good, and I do not object to that. I love our parks like you do.

However, we find ourselves in the position, now we turn around, we go to the RALPH REGULA's and the SID YATES' of the world, we say, Fine, now fund them. However the public says, ''We don't want to put the money up to fund them.'' We want all the beauties of the parks and forests but we cannot fund them.

I have sat and chaired meeting after meeting with the GAO, the General Accounting Office. They walk in, what do they say to me? They say that our biggest single problem is we do not have enough money to take care of these areas. We do not have enough men. We do not have enough manpower. We do not have enough time.

We continue to go on buying and buying more and more of these particular pieces of ground. I think that is probably all right if we can afford them. Unfortunately, living within our income really is not in popularity in this particular body.

Chairman YOUNG did an interesting thing. He decided that he would check out how much ground we have bought. He ased the GAO to look into it. Excluding the Alaskan Native Statehood Act, 34 million acres have been added to the Federal land base in the last 30 years, so we now have 650 million acres. Just that 34 million acres is the size of the combined areas of the States of Connecticut, Delaware, Hawaii, Maryland, Massachusetts, New Hampshire, New Jersey, and Vermont.

So we are buying all this new ground but nobody is saying how we are going to take care of it. I agree that the Federal Government may not own all of the land, which is appropriate, but basically what we really ought to do is come up with a way for better changes, for sale of land.

One of the most ridiculous statements that can be made in America is, ''I'm going to go buy some ground for the Federal Government'' or ''I'm going to exchange ground with the Federal Government.'' Believe me, folks, that does not happen. It is so tied up with rigmarole, jumping through hoops, EIS's and all that type of thing, it never happens.

As a city councilman for 12 years in the little town of Farmington, I tried to make a minor land exchange with the Forest Service. It did not work. As a legislator for 8 years I tried to do it. It did not work. As speaker of the Utah House we tried to do it. They could not find a way to get through the paper of it all. Finally, as a U.S. Congressman, I finally got that through. It took 30 years to get a minor land exchange done with the Forest Service.

So those things do not occur. But I am sympathetic to inholdings, and I think we should be working to take care of it. I think the gentleman from Ohio [Mr. REGULA] has done everything that he possibly can.

Mr. FARR of California. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from California.

Mr. FARR of California. Mr. Chairman, let me point out that the reason people are having such difficulty with this is we do have a surplus here. We are not spending enough money. When the gentleman was a city councilman and mayor, he received money out of the land and water conservation money that came to his city. When he was a State legislator he received money out of the land and water conservation money that came as grants to his State.

What has happened is all that money has dried up because we are not spending it, even though we are taking in $900 million. We are only asking that you spend another $135 million of that $900 million surplus for acquisition, so that those cities and counties and States could benefit from this surplus. That is what this amendment is about.

Mr. HANSEN. Reclaiming my time, when I was a city councilman, a State legislator and speaker of the House, I do not recall getting any of that money, and I was chairman of the executive appropriation committee. It just did not happen.

Let me just say, in my humble opinion, I think what has been worked out here in many, many long hours is the correct way to handle this. I would urge defeat of this amendment. I think they have done a good job on the Appropriations Committee. Let us get on with more important things.

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

Mr. Chairman, I appreciate several of my colleagues from the other side of the aisle speaking in favor of this amendment. I think what is clear is this is a bipartisan amendment. It is not just a Florida amendment. Each of us in Florida can speak to specific acquisitions that need to be taken by this country. We can speak, in fact, in south Florida alone, probably in the billion-dollar range of appropriate lands that should be bought by governmental entities. The State of Florida has taken the lead, local governments have taken the lead, and the Federal Government needs to be a participant in that.

The property is only getting more expensive. If there is any lesson about land acquisition by governmental entities, it is do it now. Do not do it tomorrow. Do not do it in 5 years. Do not do it in 10 years. Do it now. Because the reality is the land is only getting more expensive.

And not just that they are getting more expensive but there is another reason. Each of us is getting a little bit older, our children are getting older and our grandchildren are getting older. What that means is a little less opportunity for us and our children and our grandchildren to enjoy really the treasures of America. That is really what this debate is about, really giving the treasures of America to our children, our grandchildren and ourselves.

As I said, there is a place in every part of America that benefits by this amendment. We have people from New Jersey, people from California, people from literally every State in this country, 435 Members. I hope that when the vote occurs, each of us will remember that and the vote will pass unanimously. I do not expect that to happen but I hope that happens, and I think that is what our constituents expect us to do on final passage of this amendment.

☐ 1400

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

Mr. Chairman, I rise in opposition to the amendment to cut the fossil energy

research and development program. This, of course, is robbing Peter to pay Paul. I am a strong supporter of our National Park System, and I am a strong supporter of the Forest Service, the Bureau of Land Management, the Fish and Wildlife Service. But I cannot support adding more funding to these programs at the expense of our fossil energy programs.

This proposal in fact would shut down the fossil energy programs. This would be highly counterproductive when we consider that our fossil energy programs are designed to help protect the environment. The research is focused on ways to use energy resources like coal, oil, and natural gas in a more environmentally sound manner. We rely on these energy resources, and it is critical that we find ways to use them in a clean, efficient way. If we shut down the fossil energy programs, we are turning our backs on the development of technology we will need into the 21st century. We are turning our backs on the environment and on our Nation's energy security. We will be turning our backs on partnerships we have formed with industry which is footing at least half the bill on most of these fossil energy projects.

Our Nation cannot afford to fall behind in the development of these new technologies, and we cannot afford to renege on our commitments. I urge my colleagues to defeat these amendments.

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

The CHAIRMAN pro tempore (Mr. LAHOOD). The Chair will note the Chair permitted the gentleman from Ohio to address the amendment for a second time without objection.

The gentleman from Ohio [Mr. REGULA] is recognized for a third time for 5 minutes, without objection.

There was no objection.

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment and want a couple last comments before we vote.

Mr. Chairman, let me just reemphasize that the fossil energy research touches the lives of every American. It means jobs in the future, it means clean air, it means energy security. It is so vitally important to this Nation that we work in a partnership arrangement with the private sector to develop better ways to use our energy.

We consume enormous amounts of energy in this Nation, and if we use it carefully, we will have it for future generations and at the same time we will protect our environment.

We have $100 million in this bill for land acquisition. We have a problem of maintaining and taking care of what we have now, and I think it would be very poor, very unwise public policy to abandon our goals of clean energy, of clean air, of all those things in order to transfer money to the land account and thereby increase the costs down the road of maintaining these land resources.

Mr. Chairman, I strongly urge the Members to vote against this amendment and support the good environmental policies of this Nation.

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

Mr. Chairman, I yield to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, this vote is about whether oil companies get more research money or whether your city, county, and State gets more land acquisition money. The gentleman from Ohio pointed out that this vote is essentially the difference between Ohio receiving $830,000 in grants from my amendment or no money. I think that most of the Members here coming to represent their districts have to also think about representing the totality of the districts.

It is not just the Federal forest lands and Federal park lands and BLM lands and fisheries management, but it is also State lands, county lands, and city lands. This amendment allows those communities to get access to funds that have been created by Congress for that purpose, for that purpose alone. It does not delete the funding in the oil and gas research fund. It only takes a third of that money and still leaves in excess of $200 million for research.

So I suggest to Members of this House that if they want to support their communities for their ability to acquire land from willing sellers, then this is the amendment to do it, and I ask for an ''aye'' vote.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. FARR].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 235, not voting 16, as follows:

[Roll No. 251]

AYES—183

Abercrombie
Ackerman
Andrews
Baesler
Baker (CA)
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Beilenson
Bereuter
Berman
Bilbray
Bilirakis
Blumenauer
Blute
Boehlert
Bonior
Brown (FL)
Brown (OH)
Camp
Campbell
Canady
Cardin
Castle
Chabot
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Cox
Cummings
Cunningham
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dixon
Ehrlich
Engel
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Goss
Gutierrez
Harman
Hastings (FL)
Hinchey
Horn
Jackson (IL)
Jacobs
Johnson (SD)
Johnston
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klug
LaFalce
LaHood
Lantos
Lazio
Leach
Levin
Lewis (GA)
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Matsui
McCarthy
McCollum
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moran
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Pelosi
Petri
Porter
Rangel
Reed
Richardson
Riggs
Rivers
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Salmon
Sanders
Sawyer
Saxton
Scarborough
Schroeder
Seastrand
Serrano
Shadegg
Shaw
Shays
Slaughter
Smith (NJ)
Spratt
Stark
Stearns
Stokes
Studds
Taylor (MS)
Thurman
Torkildsen
Torricelli
Towns
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Woolsey
Wynn
Young (FL)
Zimmer

NOES—235

Allard
Archer
Armey
Bachus
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Bevill
Bishop
Bliley
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Danner
Davis
de la Garza
Deal
DeLay
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
English
Everett
Fields (LA)
Foglietta
Ford
Frisa
Frost
Funderburk
Gekas
Geren
Gillmor
Goodlatte
Goodling
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kim
King
Kingston
Klink
Knollenberg
Kolbe
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lucas
Manzullo
Mascara
McCrery
McHugh
McIntosh
McKeon
Metcalf
Meyers
Moakley
Molinari
Mollohan
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (NJ)
Payne (VA)
Peterson (MN)
Pickett
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich

Rahall	Skelton	Thornberry
Regula	Smith (MI)	Thornton
Roberts	Smith (TX)	Tiahrt
Roemer	Smith (WA)	Traficant
Rogers	Solomon	Vucanovich
Rohrabacher	Souder	Walker
Rose	Spence	Wamp
Roth	Stenholm	Ward
Sabo	Stockman	Watts (OK)
Sanford	Stump	Whitfield
Schaefer	Stupak	Wicker
Schiff	Talent	Williams
Scott	Tanner	Wise
Sensenbrenner	Tate	Wolf
Shuster	Taylor (NC)	Yates
Sisisky	Tejeda	Young (AK)
Skaggs	Thomas	Zeliff
Skeen	Thompson	

NOT VOTING—16

Brownback	Hyde	Schumer
Bryant (TX)	Lincoln	Tauzin
Emerson	McDade	Torres
Fields (TX)	Montgomery	Wilson
Franks (CT)	Peterson (FL)	
Gallegly	Ramstad	

□ 1427

Mr. KNOLLENBERG, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MOAKLEY changed their vote from ''aye'' to ''no.''

Mr. MINGE, Ms. SLAUGHTER, and Messrs. BARCIA, CHABOT, and YOUNG of Florida, Mrs. MEEK of Florida, Mrs. KELLY, and Messrs. HORN, ROYCE, SHADEGG, WHITE, BILBRAY, and FORBES changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there other amendments in this portion of the bill?

AMENDMENT NO. 27 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment and I ask unanimous consent it be considered out of order.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. SANDERS: In the item relating to ''BUREAU OF LAND MANAGEMENT—PAYMENTS IN LIEU OF TAXES,'' after the first dollar amount, insert the following: ''(increased by $10,000,000)''.

In the item relating to ''DEPARTMENT OF ENERGY—FOSSIL ENERGY RESEARCH AND DEVELOPMENT, after the dollar amount, insert the following: ''(reduced by $25,000,000)''.

□ 1430

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the gentleman from Vermont offering the amendment?

Mr. MURTHA. Mr. Chairman, I object.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania objects.

Are there further amendments to this portion of the bill?

Mr. DICKS. 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. Is there objection to the request of the gentleman from Washington?

There was no objection.

The text of the remainder of title I is as follows:

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; $98,365,000, to remain available until expended: *Provided*, That 25 per centum 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).

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 per centum 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 $9,113,000, 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 his 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 expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended, $520,519,000, to remain available until September 30, 1998, of which $11,557,000 shall remain available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976, to compensate for loss of fishery resources from water development projects on the Lower Snake River, and of which $1,000,000 shall be provided to the National Fish and Wildlife Foundation for implementation of the Natural Communities Conservation Plan, and shall be available only to the extent matched by at least an equal amount from the Foundation and shall remain available until expended: *Provided*, That pursuant to 31 U.S.C. 9701, the Secretary shall charge reasonable fees for the full costs of providing training by the National Education and Training Center, to be credited to this account, notwithstanding 31 U.S.C. 3302, of which not to exceed $2,000,000 shall be available for the direct costs of providing such training: *Provided further*, That not to exceed $1,000,000 of the funds provided herein may be used for contaminant sample analysis.

CONSTRUCTION

For construction and acquisition 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; $38,298,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment 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), and Public Law 101–337; $4,000,000, 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. 460l–4–11), 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, $30,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $13,085,000, for grants to States, to be derived from the Cooperative Endangered Species 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), $10,779,000.

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), $1,000,000, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, $7,750,000, to remain available until expended.

RHINOCEROS AND TIGER CONSERVATION FUND

For deposit to the Rhinoceros and Tiger Conservation Fund, $400,000, to remain available until expended, to carry out the Rhinoceros and Tiger Conservation Act of 1994 (Public Law 103–391).

WILDLIFE CONSERVATION AND APPRECIATION FUND

For deposit to the Wildlife Conservation and Appreciation Fund, $800,000, to remain available until expended, for carrying out the Partnerships for Wildlife Act only to the extent such funds are matched as provided in section 7105 of said Act.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 83 passenger motor vehicles of which 73 are for replacement only (including 43 for police-type use); not to exceed $400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; 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 utilized 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 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 103–551.

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, including not to exceed $1,593,000 for the Volunteers-in-Parks program, and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, $1,135,139,000, without regard to 16 U.S.C. 451, of which $12,800,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed $72,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100–203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $36,476,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), $36,212,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 1998.

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, $119,745,000, to remain available until expended: *Provided*, That funds provided under this head, derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), may be available until expended to render sites safe for visitors and for building stabilization.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1997 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 Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $30,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $1,000,000 is to administer the State assistance program: *Provided*, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 404 passenger motor vehicles, of which 287 shall be for replacement only, including not to exceed 320 for police-type use, 13 buses, and 6 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 of the funds provided to the National Park Service in this or any other Act not more than $1,700,000 is to be used for the Office of the Director, not more than $2,000,000 is to be used for the Office of Public Affairs, and not more than $951,000 is to be used for the Office of Congressional Affairs: *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 three 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.

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 in fiscal year 1997 and thereafter enter into cooperative agreements that involve the transfer of National Park Service appropriated funds to State, local and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs pursuant to 31 U.S.C. 6305 to carry out public purposes of National Park Service programs.

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, 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; $730,163,000, of which $62,130,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $137,000,000 shall be available until September 30, 1998 for the biological research activity and the operation of the Cooperative Research Units; and of which $16,000,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries: *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 beginning in fiscal year 1998 and once every five years thereafter, the National Academy of Sciences shall review and report on the biological research activity of the Survey: *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 of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; 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.

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; $186,555,000, of which not less than $74,063,000 shall be available for royalty management activities; and an amount not to exceed $15,400,000 for the Technical Information Management System and Related Activities of the Outer Continental Shelf (OCS) Lands Activity, 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 OCS administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for OCS administrative activities established after September 30, 1993: *Provided,* That $1,500,000 for computer acquisitions shall remain available until September 30, 1998: *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 head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or Tribes, or to correct prior unrecoverable erroneous payments.

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, $6,440,000, 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; $94,272,000, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1997: *Provided,* That the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1997 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, $175,887,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which $4,000,000 shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines through the Appalachian Clean Streams Initiative: *Provided,* That grants to minimum program States will be $1,500,000 per State in fiscal year 1997: *Provided further,* That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 per centum shall be used for emergency reclamation projects in any one State and funds for federally-administered emergency reclamation projects under this proviso shall not exceed $11,000,000: *Provided further,* That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 per centum limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further,* That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 per centum 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 to States under title IV of Public Law 95–87 may be used, at their discretion, 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.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau, including such expenses in field offices; maintaining of Indian reservation roads as defined in 23 U.S.C. 101; and construction, repair, and improvement of Indian housing, $1,381,623,000, of which not to exceed $90,829,000 shall be for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts or grants or compacts entered into with the Bureau prior to fiscal year 1997, as authorized by the Indian Self-Determination Act of 1975, as amended, and up to $5,000,000 shall be for the Indian Self-Determination Fund, which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts, or cooperative agreements with the Bureau under such Act; and of which not to exceed $339,709,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 1997, and shall remain available until September 30, 1998; and of which not to exceed $55,838,000 for higher education scholarships, adult vocational training, and assistance to public schools under 25 U.S.C. 452 et seq., shall remain available until September 30, 1998; and of which not to exceed $55,603,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, and the Navajo-Hopi Settlement Program: *Provided,* That tribes and tribal contractors may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants or compact agreements: *Provided further,* That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1997, as authorized by the Indian Self-Determination Act of 1975, or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee: *Provided further,* That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended: *Provided further,* That notwithstanding any other provision of law, Indian tribal governments may,

by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated: *Provided further,* That any savings realized by such changes shall be available for use in meeting other priorities of the tribes: *Provided further,* That any net increase in costs to the Federal Government which result solely from tribally increased payment levels for general assistance shall be met exclusively from funds available to the tribe from within its tribal priority allocation: *Provided further,* That any forestry funds allocated to a tribe which remain unobligated as of September 30, 1997, may be transferred during fiscal year 1998 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, 1998: *Provided further,* That 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 in fiscal year 1997: *Provided further,* That funds made available in this or any other Act for expenditure through September 30, 1998 for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1995: *Provided further,* That no funds available to the Bureau shall be used to support expanded grades for any school beyond the grade structure in place at each school in the Bureau school system as of October 1, 1995: *Provided further,* That in fiscal year 1997 and thereafter, notwithstanding the provisions of 25 U.S.C. 2012(h)(1) (A) and (B), upon the recommendation of either (i) a local school board and school supervisor for an education position in a Bureau of Indian Affairs operated school, or (ii) an Agency school board and education line officer for an Agency education position, the Secretary shall establish adjustments to the rates of basic compensation or annual salary rates established under 25 U.S.C. 2012(h)(1) (A) and (B) for education positions at the school or the Agency, at a level not less than that for comparable positions in the nearest public school district, and the adjustment shall be deemed to be a change to basic pay and shall not be subject to collective bargaining: *Provided further,* That any reduction to rates of basic compensation or annual salary rates below the rates established under 25 U.S.C. 2012(h)(1) (A) and (B) shall apply only to educators appointed after June 30, 1997, and shall not affect the right of an individual employed on June 30, 1997, in an education position, to receive the compensation attached to such position under 25 U.S.C. 2012(h)(1) (A) and (B) so long as the individual remains in the same position at the same school: *Provided further,* That notwithstanding 25 U.S.C. 2012(h)(1)(B), when the rates of basic compensation for teachers and counselors at Bureau-operated schools are established at the rates of basic compensation applicable to comparable positions in overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act, such rates shall become effective with the start of the next academic year following the issuance of the Department of Defense salary schedule and shall not be effected retroactively.

CONSTRUCTION

For construction, major repair, and improvement 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, $85,831,000, 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 per centum 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 non-reimbursable basis: *Provided further,* That for fiscal year 1997, 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(a), 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. 2505(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. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $65,241,000, to remain available until expended; of which $56,400,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618, 102–374, 102–575, and for implementation of other enacted water rights settlements, including not to exceed $8,000,000, which shall be for the Federal share of the Catawba Indian Tribe of South Carolina Claims Settlement, as authorized by section 5(a) of Public Law 103–116; and of which $841,000 shall be available pursuant to Public Laws 98–500, 99–264, and 100–580.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, 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 $34,615,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $500,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, the Technical Assistance of Indian Enterprises account, the Indian Direct Loan Program account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $65,088,000, of which (1) $61,239,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, 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) $3,849,000 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 utilized 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 99–396, or any subsequent legislation related to Commonwealth of the Northern Mariana Islands grant funding: *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 in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): *Provided further,* That any appropriation for disaster assistance under this head 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 economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compacts of Free Association,

and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $23,638,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $53,691,000, of which not to exceed $7,500 may be for official reception and representation expenses.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $35,208,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $24,439,000, together with any funds or property transferred to the Office of Inspector General through forfeiture proceedings or from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Assets Forfeiture Fund, that represent an equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated, with such transferred funds to remain available until expended.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100–497, $1,000,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $19,126,000, to remain available until expended for trust funds management: *Provided,* That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1997, 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 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 unobligated balances previously made available (1) to liquidate obligations owed tribal and individual Indian payees of any checks canceled pursuant to section 1003 of the Competitive Equality Banking Act of 1987 (Public Law 100–86; 31 U.S.C. 3334(b)), (2) to restore Individual Indian Monies trust funds, Indian Irrigation Systems, and Indian Power Systems accounts amounts invested in credit unions or defaulted savings and loan associations and which where not Federally insured, including any interest on these amounts that may have been earned, but was not because of the default, and (3) to reimburse Indian trust fund account holders for losses to their respective accounts where the claim for said loss has been reduced to a judgement or settlement agreement approved by the Department of Justice, under the heading ''Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians'', Bureau of Indian Affairs in fiscal years 1995 and 1996, are hereby transferred to and merged with this appropriation and may only be used for the operation of trust programs, in accordance with this appropriation.

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 notwithstanding any other provision 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: *Provided further,* That no programs funded with appropriated funds in ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund or the Consolidated Working Fund.

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 section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, 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 forest or range 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 oilspills; response and natural resource damage assessment activities related to actual oilspills; 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 fire suppression purposes 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 fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further,* That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to ''Wildland Fire Management'' 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 section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985, 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 in this title shall 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 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. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. Appropriations made in this title from the Land and Water Conservation Fund for acquisition of lands and waters, or interests therein, shall be available for transfer, with the approval of the Secretary, between the following accounts: Bureau of Land Management, Land acquisition, United States Fish and Wildlife Service, Land acquisition, and National Park Service, Land acquisition and State assistance. Use of such funds are subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

SEC. 108. Prior to the transfer of Presidio properties to the Presidio Trust, when authorized, the Secretary may not obligate in any calendar month more than 1/12 of the fiscal year 1997 appropriation for operation of the Presidio: *Provided,* That prior to the transfer of any Presidio property to the Presidio Trust, the Secretary shall transfer such funds as the Trust deems necessary to initiate leasing and other authorized activities of the Trust: *Provided further,* That this section shall expire on September 30, 1997.

SEC. 109. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of the Interior for developing, promulgating, and thereafter implementing a rule concerning rights-of-way under section 2477 of the Revised Statutes.

SEC. 110. No funds provided in this title may be expended by the Department of the

Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, 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. 111. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. 112. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 151 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 113. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 114. There is hereby established in the Treasury a franchise fund pilot, as authorized by section 403 of Public Law 103–356, to be available as provided in such section for costs of capitalizing and operating administrative services as the Secretary determines may be performed more advantageously as central services: *Provided,* That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made prior to the current year for the purpose of providing capital shall be used to capitalize such fund: *Provided further,* That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automatic data processing (ADP) software and systems (either acquired or donated) and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further,* That such fund shall provide services on a competitive basis: *Provided further,* That an amount not to exceed four percent of the total annual income to such fund may be retained in the fund for fiscal year 1997 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of Department financial management, ADP, and other support systems: *Provided further,* That no later than thirty days after the end of each fiscal year amounts in excess of this reserve limitation shall be transferred to the Treasury: *Provided further,* That such franchise fund pilot shall terminate pursuant to section 403(f) of Public Law 103–356.

SEC. 115. None of the funds in this Act or any other Act may be used by the Secretary for the redesign of Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 116. None of the funds made available in this Act may be used by the Department of the Interior to continue or enforce the designation of any critical habitat for the marbled murrelet on private property in the State of California, excluding approximately 3,000 acres of redwood forest commonly known as the ''Headwaters Grove'', located in Humboldt County, California.

SEC. 117. None of the funds made available in this Act may be used by the Bureau of Indian Affairs to transfer any land into trust under section 5 of the Indian Reorganization Act, 48 Stat, 985, 25 USC s. 465, or any other federal statute that does not explicitly denominate and identify a specific tribe or specific property, unless it has been made known to the Secretary of Interior, or his or her designee, that a binding agreement is in place between the tribe that will have jurisdiction over the land to be taken into trust and the appropriate state and local official(s) and that such agreement provides, for as long as the land is held in trust, for the collection and payment, by any retail establishment located on the land to be taken into trust, of State and local sales and excise taxes, including any special tax on motor fuel, tobacco, or alcohol, on any retail item sold to any non-member of the tribe for which the land is held in trust.

POINT OF ORDER

Mr. YATES. Mr. Chairman, I have a point of order.

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

Mr. YATES. Mr. Chairman, on page 47 of the bill, section 117, I make the point of order that it is legislation on an appropriations bill. It is written in the form of a limitation, but, nevertheless, it requires additional duties on the Secretary of the Interior and, therefore, it is subject to a point of order.

The CHAIRMAN pro tempore. Does anyone else wish to be heard on the point of order? If not, the Chair is prepared to rule.

The language in section 117 of the bill would, among other things, authorize the Secretary of the Interior to designate another person to fulfill a specific role. As such, section 117 includes legislation. The point of order is sustained. Section 117 is stricken from the bill.

Are there any amendments to the remaining portion of title I?

AMENDMENT OFFERED BY MR. WALKER

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

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

The text of the amendment is as follows:

Amendment offered by Mr. WALKER: In the item relating to ''NATIONAL PARK SERVICE—OPERATION OF THE NATIONAL PARK SYSTEM'', after the third dollar amount, insert the following: ''(increased by $62,000,000)''.

In the item relating to ''BUREAU OF INDIAN AFFAIRS—OPERATION OF INDIAN PROGRAMS''—

(1) after the first dollar amount insert the following: ''(increased by $27,534,000)''; and

(2) after the fourth dollar amount, insert the following: ''(increased by $27,534,000)''; and

In the item relating to ''DEPARTMENT OF ENERGY—FOSSIL ENERGY RESEARCH AND DEVELOPMENT'', after the dollar amount, insert the following: ''(reduced by $137,804,000)''.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 20 minutes, to be equally divided between the two sides.

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

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania [Mr. WALKER] will be recognized for 10 minutes and a Member in opposition will be recognized for 10 minutes.

Mr. REGULA. Mr. Chairman, I claim the 10 minutes in opposition.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania [Mr. WALKER] will be recognized for 10 minutes, and the gentleman from Ohio [Mr. REGULA] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, we have had an extensive debate about the fossil energy program that just preceded this and the questions that arise about exactly how we are spending that money. Let me enter one more point into that debate. When this House passed an authorization bill last year, we funded these programs at $221 million. This particular appropriations bill is at a figure $138 million above what this House authorized last year.

At the time that that authorization took place, there was, in fact, a vote on the floor. The gentleman from Pennsylvania [Mr. DOYLE] sought to do what the gentleman from Ohio [Mr. REGULA] proposes, and that is to have only a 10-percent cut rather than the cut that the committee proposed. Instead, the House voted by a rather large margin to stick with the committee's position in terms of the authorization.

What I am here today doing is defending that authorization, to say that we ought to put the appropriations in this bill, the spending in this bill that equals where we are on the authorization amount.

Now, what we do in this amendment is, we then transfer some of the money into some other accounts. For example, one of the things we do is we put some money into the National Park Service for operations and for maintenance; $62 million of the money saved here would go for 369 Park Service units in 49 States and the District of Columbia. This is an increase of $23.8 million above the administration's request that will help begin addressing the backlog of serious maintenance needs in the national parks.

Second, the money goes for education. $27.5 million will be used for an increase to forward-fund Native school operations to fund the administration's request to provide quality education for more than 51,000 Native Americans.

Third, this amendment addresses the issue of deficit reduction. Nearly $48 million in budget authority will be reduced under this amendment. In short, this amendment is proenvironment, pronational parks, proeducation, prodeficit reduction, probasic research, and anticorporate welfare.

I urge the adoption of this amendment for that reason. I think it is time that we start taking money out of accounts which are essentially industrial

subsidies and put them into the things which are high priorities for this country. That is what this does; it takes money out of industry subsidy programs and puts the money into national parks, into Indian education, and into deficit reduction.

I urge my colleagues to adopt the amendment.

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

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. DOYLE].

Mr. DOYLE. Mr. Chairman, I thank the Chairman and I rise in strong opposition to the amendment. While I do not have anything against the programs it seeks to plus up, I once again believe we should not do this at the expense of fossil energy.

This amendment has almost a fictional quality about it. Here we have the vice chairman of the Committee on the Budget, who has never been a proponent of big government, seeking to fund social programs at levels above the President's request. I welcome the sudden concern of my colleague from Pennsylvania, Mr. WALKER, in the last months in Congress for programs he seeks to increase funding for, especially since he has never been a vocal advocate for them in the past. However, I doubt his true motivation lies with the programs he is increasing. Rather, it lies with the program he seeks to cut, fossil energy.

I want to praise the gentleman from Pennsylvania [Mr. WALKER] for the clever approach. He may succeed in getting his amendment passed, although I hope who voted against the Farr amendment will remember the Walker amendment is just about identical, and we should defeat it also.

I have here a letter from Public Citizens Critical Mass Energy Project in support of the Walker amendment, and I quote, ''Coal and oil are extremely dirty energy sources and are significant sources of air and water pollution.''

Mr. Chairman, I could not state a better argument for fossil energy R&D than this. This statement makes it sound as if fossil research was trying to find more ways to make it harmful to use these fuels when that is the very purpose of these programs, to find more efficient ways and cleaner ways to burn fossil fuel.

Let us look at why the gentleman from Pennsylvania [Mr. WALKER] claims we should cut fossil to roughly $221 million. He said the Committee on Science did not act on these accounts in fiscal year 1997 because he knew he did not have the votes in committee to defend his vision of energy policy. When we debated H.R. 3322, the science authorization, the committee chair claimed we handled the energy accounts on the floor last year. He refers us back to H.R. 2405, which passed the House last October without prior notice, and let me quote from that debate.

The gentleman from Pennsylvania [Mr. WALKER] said, ''I never contended I brought this matter before the committee. I brought it to the floor as my own amendment.''

The Committee on Science never agreed to the authorization levels.

Mr. Chairman, I would ask all Members to do what they did with the Farr amendment, and let us soundly defeat this amendment.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, I thank my colleague, the chairman of the Committee on Science, the gentleman from Pennsylvania, for the time.

I listened with great interest to the arguments of my good friend and colleague on the other side of the aisle from Pennsylvania, Mr. DOYLE. With all due respect, I think that what we should focus on today is not the notion of personalities but the notion of public policy. And while I have the utmost respect for the Herculean efforts brought to the formulation of this bill by the chairman of the Subcommittee on Appropriations, my good friend and colleague, Mr. REGULA of Ohio, I see the Walker amendment as providing a common sense approach to some badly needed funds in some areas of great concern.

First and foremost, as the representative of the Sixth District of Arizona, I am acutely aware of the solemn and oft-regarded sacred nature of our treaty and trust obligation with native Americans. I believe this amendment works to address those problems by raising the forward-funded tribal education by $27.5 million.

Also, in the Grand Canyon State of Arizona, where some of nature's greatest treasures exist, I am mindful of the need to deal with the real wear and tear on some of our national parks. And, yes, if the truth be told, I do have my share of problems with the Park Service in terms of funds and some questions about how those funds have been used, but no one can dispute the fact that this type of maintenance is needed.

Moreover, to the notion of dealing with our deficit, the Walker amendment eliminates spending by $48 million. So, it rightly does what we come to this Chamber to do, to determine the proper priorities, to deal not in personalities but in policy, and to realistically face the future.

For that reason, Mr. Chairman, I stand in strong support of the Walker amendment and would urge my colleagues here in this House to join me in that support.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong opposition to the Walker amendment. Let me give my colleagues one example of the productivity of these research dollars.

Just as NIH research has been critical to the great strength of the American medical products sector, so R&D dollars have been critical to the development of clean energy alternatives.

Fuel cell technology. It has taken more than a decade of time to develop this technology. The private sector has invested $3 for every $1 the public sector has invested and the result is a very clean energy technology that is going to demand, as we get into production, iron-making, and especially steel manufacturing, electrical systems, heat exchanger and boiler manufacture, piping vessels, piping vessel capability, primary industries that are essential to keep our economy strong.

Secondary industries, plating, transportation of scrap, recycling of scrap metals, handling equipment and so on and so forth. It is just the kind of product that America's future depends on if we are going to be a strong manufacturing economy, capable of producing state-of-the-art energy sources.

I rise in strong opposition to the Walker amendment.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Chairman, I rise in strong opposition to the Walker amendment that seeks to reduce fossil energy accounts by over $130 million in order to bump up the National Park Service's and native American accounts.

I would point to the illustrations we have brought here from the Committee on Appropriations Interior Subcommittee that shows already we are increasing national park operations by $55 million and the native American is also increased about $52 million. So we are increasing these programs in this budget in this appropriations bill already.

But I would also point out, one of the previous speakers came up and spoke about establishing national priorities, and that is exactly why this amendment goes in the wrong direction when we consider the fact that 85 percent of the energy requirements that we have in this country today are met through fossil fuel energy. Eighty-five percent.

Also consider the fact that today we import 58 percent of the oil from overseas.

□ 1445

This, Mr. Chairman, is a national priority. What were to happen if 58 percent of the fuel oil that we were importing from overseas was cut off and now we are in a national crisis? Say we are in a conflict somewhere around the world. How are we going to meet that 58 percent of oil that we were importing that has been cut off because of some national crisis? How are we going to meet those fuel requirements? The energy fossil energy research and development is absolutely essential.

This has been portrayed as corporate welfare. This is not corporate welfare. When we think about energy, fossil energy research and development, we

might think of the Texaco's and Mobil's or Shell's. But 80 percent of the wells that are in this country today, domestic production in this country, are produced from wells that produce less than two barrels of oil per day. That is the marginal well, the stripper well, the producer, the mom and pop operation, the rancher, the farmer. That is the people that benefit through the fossil fuel energy research and development.

This is a bill that goes in the wrong direction. I urge my colleagues to vote ''no'' on the Walker amendment.

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

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I rise to oppose this with a number of other members of the Committee on Science on this side of the aisle and the gentleman from New York [Mr. BOEHLERT], the gentleman from Tennessee [Mr. WAMP], and the gentleman from Oklahoma [Mr. LARGENT], who we have just heard and others. We rise to oppose the Walker amendment.

I think the situation has changed from last year. First of all, when we take a look last year, we made a commitment.

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

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

Mr. WALKER. Mr. Chairman, the gentleman from New York [Mr. BOEHLERT] is a supporter of this amendment. I just want to correct the gentleman.

Mr. DAVIS. I stand corrected on that, Mr. Chairman. But I know that the gentleman from Tennessee [Mr. WAMP] and I, could reach no contemporary consensus this year on the authorization. We are dealing with last year's, last year's amendment which was offered on the floor. Last year we made a commitment to reduce R&D funding in both fossil and energy efficiency by 10 percent. That commitment is more than met in the bill before us this year which is a 14-percent cut.

This amendment would amount to a 47-percent cut from last year's level. It would literally wreak havoc on what is currently a planned and sensible downsizing of the government R&D part of this. Funding for fossil energy has been declining from $442 million in fiscal year 1995 to $359 million in fiscal year 1997 under the committee bill, a 23-percent decline in 2 years.

More than 92 percent of global man-made carbon emissions are released from outside the United States. Higher efficiency technologies, I believe, will help lower CO_2 emissions by more than 40 percent compared to existing options while reducing energy costs providing exportable technologies. I do not think we want to move backward on this, which is where this amendment takes us with reduced funding for R&D. The private sector R&D funding, including the Electric Power Institute and the Gas Research Institute, is declining at the same time.

Private sector spending on R&D in this area has dropped nearly 30 percent since 1982. Energy demand in the United States is going to continue to grow. EIA predicts that overall energy consumption will increase 19 percent over the next two decades. It does not make sense to cut funding for R&D in this area.

Contribution to fossil fuels to our energy mix will not decline when this increase occurs. In fact in my judgment, it is going to continue to grow. EIA projects that by the year 2015, 88 percent of our energy will come from fossil fuels. I urge defeat of this amendment.

Mr. REGULA. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. HOLDEN].

Mr. HOLDEN. Mr. Chairman, I say to my colleagues, we are far too dependent in this country on foreign oil. What we need to be doing is investing in our own natural resources. I represent the anthracite coal fields of Pennsylvania. We have between 300 and 500 years of coal reserves left. We should be spending our Federal dollars investing in alternative uses of anthracite coal and not be so dependent on foreign oil. Scientists already are able to convert anthracite coal into diesel fuel. We are not able to do that cost efficiently yet.

We need to invest in our own natural resources. Anthracite coal is a prime example where I believe this Congress should be spending money. Anthracite coal is low in sulfur, and high in Btu, and meets all of EPA's requirements as far as emissions go. So I say to my colleagues, defeat this amendment. Let us invest in our own natural resources.

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

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Chairman, I thank the gentleman and I appreciate the debate. Let me just clarify a couple of points of, first of all, some Members who have come before us and make us think that there is going to be no money left for fossil energy research if we adopt this amendment. Wrong. There is going to be $221 million left for fossil energy research, even if we adopt this amendment. That is a quarter-of-a-billion dollars that will be available for fossil energy research.

So no doubt about it, there is going to be money there to do that. The question is whether or not we need the additional $138 million above what the House authorized last year. That is another point. We have heard several Members come to the floor and say, the Committee on Science did not do it. The House did it. Ultimately, the House is the place where we make these decisions. The House passed authorization last year for fiscal year 1997, is that the figure that would be in place should my amendment pass.

So this keeps with the authorization, which in fact in the committee report last year the committee said that they would go with whatever the House passed in terms of an authorization. Yes, they also put language in that said they would only take a 10-percent cut so there is enough confusion in there, I guess, to make anybody's points. But the fact is, their report said that they would stick with the House-passed authorization. The House-passed authorization is what is in my amendment.

Third, I think it ought to be remembered by everybody who came out here and argued a few days ago on the floor about the bump in this year's funding, the fact that the deficit is going up a little bit this year. When we were arguing the budget just a week ago, lots of Members worried about the bump.

Here is your chance to begin doing some deficit reduction and taking care of the bump. Here we are, we have got $48 million in deficit reduction here. We get a chance to begin voting to reduce spending below what the budget says, so that what we can do is begin to deal with some of these factors. This helps us on the bump.

Fourth, I would suggest to my colleagues that a chart that has been floating around here, talking about the impact of reductions in fossil energy R&D by State, actually when we add up the figures on the chart, adds up to more money that they claim is coming out of the States that is in my amendment. So we have to be real careful about some of the figures flying around here. They actually have millions of dollars more that is coming out of the States, when we add them all up, than what is included in my amendment. Be very careful of some of the documentation.

Also I would suggest that in terms of environment, the League of Conservation Voters has said that this is the right direction to go, they are for this amendment. And they point out, for example, that this is an amendment that does, in fact, meet the needs of reducing fossil energy research to the right levels at the same time funding the parks.

Public Citizen, also an environmental organization, has written saying, fossil energy programs have received over $15 billion in 1995 dollars in Federal funding since 1974. The fossil energy industry is prosperous and mature. It is not deserving of a continuing large share of taxpayer support. The money that would be cut in this amendment can better be used for national parks, Indian education, and deficit reduction.

That is exactly the point. That is what we are doing with this amendment. We get a chance to increase the funding for the national parks. We get a chance to increase funding for the Indian schools, and we also get a deficit reduction.

I might make one final point; that is, that this amendment actually brings the bill somewhat closer to the administration's recommendations. When

you look at the statement that the administration has given with regard to whether that the administration has given with regard to whether they veto the bill, a number of the areas in that particular message is in fact addressed by this amendment. They were concerned about the amount of money for Indian education. They were concerned about some of the moneys that were in their request for national parks that are not reflected in this particular appropriation. So this does in fact get us somewhat closer to where the administration would be on this bill and maybe avoids a veto on some of these issues as a result of the adoption of the amendment.

I would urge my colleagues to adopt the amendment. It is prodeficit reduction. It is pro-environment. It is pro-national parks. It is pro-Native Americans. And it is anti-industrial subsidy. It is a good amendment. I urge its adoption.

Mr. REGULA. Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia [Mr. MOLLOHAN].

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

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to this amendment.

I rise in strong opposition to the Walker amendment to reduce funding for fossil energy research and development and transfer these funds to the National Park System, Indian programs, and the budget deficit.

I wish that I did not have to stand here today in opposition to an amendment that would increase funds for our national parks. Unlike my colleagues on the other side of aisle, I have a history of supporting our parks. The 360 or so units of the National Park System are among the Nation's most precious natural areas, cultural resources, and recreation sites. These parks belong to the people, not just today, but in perpetuity. The Republican cuts to the National Park Service have greatly undermined our parks.

In fiscal year 1996 House Republicans thought it sufficient to provide a budget for the Park Service that would be $69 million less than the President's request. And this year they apparently believe that $1.13 billion, $290 million less than the President's request, is sufficient to sustain our Park System. Perhaps Republicans now realize that their cuts have gone too far, and they are trying to compensate by attacking an important program like fossil energy R&D. A program which stands for the development of clean, efficient, low-cost fossil energy technologies. I say: raise funds for the park service—just don't take it out of fossil energy R&D.

The Walker amendment effectively eliminates the Federal-private sector partnerships that are within 2 to 3 years of reaching their objectives—after 20 years and hundreds of millions of dollars of joint Government and industry investment. This bill will cause scores of private companies, who signed on with the Federal Government to cost-share high-risk, high-payoff research, to see the Government renege on its agreements. In all likelihood these companies will either abandon their research or look for foreign interests to pick up the cost-share.

It is particularly ironic that the Walker amendment comes at this point in time. Throughout the world, our economic competitors are expanding their government-industry partnerships, modeling their R&D arrangements after the public-private cooperative efforts which were pioneered here in the United States. In spite of a flat economy, Japan has nearly tripled its funding over the past 5 years for advanced coal combustion technology—the technology most in demand in the growing global marketplace. In fact, the governments of Germany and Japan are increasing their cooperative efforts with their private industries to develop technologies for global sale. Why? Because a $1 trillion market for advanced coal and other power-generating equipment awaits them in the 21st century. The Walker amendment would unilaterally put U.S. developers at a distinct disadvantage against the combined arsenals of other governments.

It is also ironic that the Walker amendment comes at a time when an unprecedented restructuring of our domestic energy market has caused private industry's investment in energy R&D to drop by 35 percent since the mid-1980's.

The U.S. energy industry involves more than $500 billion a year in sales and about 8 percent of our gross national product. Some 85 percent of our energy consumption comes from fossil fuels—coal, petroleum, and natural gas. With this kind of impact on our economy, the development of clean, efficient, low-cost fossil energy technologies should be one of the Nation's—and this Congress'—top priorities.

The Walker amendment turns its back on the future of technologies that supply 85 percent of the energy in this country. It turns its back on technologies that are within 2 to 3 years of crossing over the threshold to private sector deployment. It turns its back on today's energy industry where U.S. private sector investment in R&D is already declining. The Walker amendment turns its back on hundreds of millions of dollars in public and private investment—provided in good faith—to develop clean, efficient, low-cost technologies that can be used here at home and can be marketed to customers overseas.

I strongly oppose the Walker amendment to cut funding for fossil energy R&D by $137.8 million in the fiscal year 97 Interior appropriations bill. I urge my colleagues to vote "no" on the Walker amendment.

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

Mr. Chairman, just let us get the facts straight here. I have a letter addressed to the chairman of the Committee on Appropriations dated May 7, 1996. It points out that the Davis amendment in the authorization bill, and I quote: "the Davis amendment clarifies that authorization for these programs should be reconsidered if in the budget and appropriations process more funds become available."

Now more funds have become available. So that what we have just heard about what passed this House last year is not relevant in view of the fact that we now have more money available.

Second, I would like to point out a quote from the administration letter which says, "a cut of this magnitude would effectively eliminate the Department of Energy's fossil energy R&D programs and limit our Nation's ability to manage its energy future." It goes on to say that "fossil energy consumption will continue to supply 85 percent or more of the total energy consumption in the United States for well into the next century."

What we are talking about is the energy future of this Nation. We are talking about energy independence, as was pointed out by a previous speaker.

We now import nearly 50 percent of our energy needs in terms of petroleum. That is a fragile position to be in. The world is volatile. What happens to our industries? I can remember in the last 1970's that I had companies that manufactured plastics come to me and want a few barrels of petroleum products because some other things come out of a barrel of oil. Probably, some of the fabric in this suit has an oil-based derivative. So it is important that we have energy security.

Second, it is important that we develop the ability to use our energy, coal, oil and gas, without impacting on our clean air, without impacting on our environment. What this vote is all about is to protect our environment, to move to more ability to maintain clean air.

What it is about is energy security. What it is about is jobs, bottom line is jobs, because in this Nation, we are heavily dependent on energy in every facet of our life, of our industrial community, of our domestic community. Households today use far more electricity than they did in the past. We drive many more miles than we did in past years.

Therefore, it becomes vitally important that we protect our energy resources, that we use them wisely, because they are finite, that we use coal, because it is a tremendous energy resource in this Nation. If we do what is embodied in this amendment, we cripple our fossil energy program.

Let me point out, because this amendment transfers to parks and native Americans, we have increased park operations $55 million. We have increased native American programs $52 million. The committee in its wisdom reduced the fossil energy budget by 14 percent from 1996, a total of 23 percent from 1995. It is going down. To pass this amendment totally upsets this balance that we have achieved between the needs of our society for energy versus some of these programs. Obviously they are put in there to sound attractive to Members, to save more parks, more native Americans.

Let me just reiterate, energy is vital to every person in this Nation. It is vital to our future. We want to be independent. We want clean air. We want jobs.

□ 1500

Mr. Chairman, a vote "no" is for those things, a vote "no" is for jobs, clean air and for energy independence.

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

Mr. REGULA. I yield to the distinguished gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, I join the distinguished chairman of the committee, the gentleman from Ohio [Mr. REGULA], in opposing this amendment. I agree completely with the arguments that he has advanced. This amendment would really disrupt our energy programs tremendously.

Mr. REGULA. Mr. Chairman, I thank the gentleman from Illinois.

One last comment: If you voted ''no'' on the last amendment, this one is worse. The last amendment slashed the fossil program $134 million after we already took out $60 million. This amendment slashes it $137 million, three more million dollars after we have taken out $60 million. So if you were a ''no'' on Farr, you are an even more emphatic ''no'' on Walker.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 224, not voting 14, as follows:

[Roll No. 252]

AYES—196

Allard
Andrews
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Beilenson
Bereuter
Berman
Bilbray
Blumenauer
Blute
Boehlert
Bonior
Brown (OH)
Burr
Burton
Buyer
Camp
Campbell
Cardin
Castle
Chabot
Christensen
Chrysler
Clay
Coble
Coburn
Coleman
Collins (GA)
Cooley
Cox
Crane
Cummings
Cunningham
Danner
Deal
DeFazio
Dellums
Dingell
Dornan
Duncan
Dunn
Ehlers
Ehrlich
Ensign
Eshoo
Evans
Ewing
Fawell
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gonzalez
Goodling
Gordon
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hancock
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hilleary
Hinchey
Hoekstra
Horn
Hostettler
Hyde
Inglis
Jackson (IL)
Jacobs
Johnson (SD)
Johnston
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
Kingston
Kleczka
Klug
LaFalce
LaHood
Lantos
Latham
Lazio
Leach
Levin
Linder
LoBiondo
Lofgren
Longley
Lowey
Luther
Manton
Manzullo
Markey
Martinez
Martini
McCarthy
McCollum
McDermott
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Mica
Miller (CA)
Minge
Mink
Montgomery
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Pelosi
Peterson (MN)
Petri
Porter
Quinn
Reed
Richardson
Riggs
Rivers
Rohrabacher
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Saxton
Scarborough
Seastrand
Sensenbrenner
Serrano
Shadegg
Shays
Smith (MI)
Smith (NJ)
Smith (WA)
Stark
Stearns
Studds
Stump
Talent
Tate
Tejeda
Thurman
Torkildsen
Torricelli
Upton
Vento
Walker
Walsh
Waters
Waxman
Weldon (FL)
Weldon (PA)
White
Woolsey
Young (AK)
Zimmer

NOES—224

Abercrombie
Ackerman
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barton
Bateman
Becerra
Bentsen
Bevill
Bilirakis
Bishop
Bliley
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Callahan
Calvert
Canady
Chambliss
Chapman
Chenoweth
Clayton
Clement
Clinger
Clyburn
Collins (IL)
Collins (MI)
Combest
Condit
Costello
Coyne
Cramer
Crapo
Cremeans
Cubin
Davis
de la Garza
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Durbin
Edwards
Engel
English
Everett
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Franks (CT)
Frisa
Frost
Funderburk
Geren
Gibbons
Gilman
Goodlatte
Goss
Graham
Green (TX)
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hayes
Hefner
Heineman
Herger
Hilliard
Hobson
Hoke
Holden
Houghton
Hoyer
Hunter
Hutchinson
Istook
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kennelly
King
Klink
Knollenberg
Kolbe
Largent
LaTourette
Laughlin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lipinski
Livingston
Lucas
Maloney
Mascara
Matsui
McCrery
McHale
McIntosh
Menendez
Meyers
Millender-McDonald
Miller (FL)
Moakley
Molinari
Mollohan
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Ney
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Pickett
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Radanovich
Rahall
Rangel
Regula
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Sawyer
Schaefer
Schiff
Schroeder
Scott
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (TX)
Solomon
Souder
Spence
Spratt
Stenholm
Stockman
Stokes
Stupak
Tanner
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thornton
Tiahrt
Torres
Towns
Traficant
Velazquez
Visclosky
Volkmer
Vucanovich
Wamp
Ward
Watt (NC)
Watts (OK)
Weller
Whitfield
Wicker
Williams
Wise
Wolf
Wynn
Yates
Young (FL)
Zeliff

NOT VOTING—14

Brownback
Conyers
Emerson
Fields (LA)
Fields (TX)
Gallegly
Lincoln
McDade
Payne (NJ)
Peterson (FL)
Ramstad
Schumer
Tauzin
Wilson

□ 1520

Mr. HUTCHINSON, Mr. HEINEMAN, Mrs. CLAYTON, Mr. WELLER, and Mr. ARCHER changed their vote from ''aye'' to ''no.''

Mrs. MEEK of Florida, Messrs. COBURN, WAXMAN, and COOLEY, Ms. MCKINNEY, Messrs. LATHAM, VENTO, RUSH, and CHRISTENSEN, Mrs. ROUKEMA, and Mr. MCKEON changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Chairman, on rollcall No. 252 I had intended to vote ''aye,'' but I inadvertently voted ''no.'' I would like for the RECORD to reflect that I would have voted ''aye'' on rollcall No. 252.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

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

Mr. Chairman, I rise in support of H.R. 3662, the fiscal year 1997 Interior appropriations bill. I commend the chairman, the gentleman from Ohio [Mr. REGULA], and the ranking member, the gentleman from Illinois [Mr. YATES], for their diligent efforts that produce a bill that properly protects our environment and meets the needs of the shrinking Federal budget.

As the subcommittee chairman, the gentleman from Ohio [Mr. REGULA] is aware, I have long supported the need for Federal funding for the acquisition of Sterling Forest which lies between New York State and the State of New Jersey. Similarly, I know that the gentleman from Ohio also supports what I and my colleagues from New York and New Jersey are trying to do with regard to Sterling Forest, which is located in my congressional district in the State of New York. I am gratified that the House today will be offered an opportunity to vote for the funding for this important endeavor.

Mr. Chairman, permit me to note that Speaker GINGRICH and the Speaker's environmental task force are fully supportive of the need to preserve Sterling Forest. I look forward to working with the gentleman from Ohio, Mr. REGULA, during the fiscal year 1998 process, as well as Speaker GINGRICH, to put an end to this long, hard-fought battle to preserve Sterling Forest. By doing so, we will protect the Appalachian Corridor, protect the new Jersey watershed, consolidate contiguous public lands, and preserve its ecological integrity.

Accordingly, Mr. Chairman, I urge my colleagues to support this fair-minded bill that not only supports our environment but continues our congressional efforts to balance the Federal budget.

AMENDMENT OFFERED BY MR. DICKS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DICKS: On page 47 of the bill, strike lines 3 through 9.

Mr. DICKS. Mr. Chairman, I rise to offer an amendment to H.R. 3662, the fiscal year 1997 Interior appropriations bill. Specifically, my amendment strikes section 116 of the general provisions of title I of the bill, eliminating language that withholds funding and restricts the U.S. Fish and Wildlife Service from designating critical habitat on certain private lands in northern California.

I believe that section 116 is an ill-advised provision for several reasons, and that it is inappropriate to include this language on the fiscal year 1997 Interior appropriations bill. First of all, the provision allows for the weakening of the Endangered Species Act [ESA]. The gentleman from California, who is responsible for this provision being included in the bill might want you to believe that all this amendment does is withhold funding; but in fact it prevents the U.S. Fish and Wildlife Service from carrying out its statutory and regulatory responsibilities under the Endangered Species Act.

The act allows for the Service to designate critical habitat for species listed as ''threatened or endangered.'' Section 4(b)(2) of the Endangered Species Act specifically states:

The Secretary shall designate critical habitat, and make revisions thereto, under subsection (a)(3) on the basis of the best science available and after taking into consideration the economic impact, and any other relevant impact, specifying any particular areas as critical habitat. The Secretary may exclude any area from critical habitat if he determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless he determines, based on the best scientific and commercial data available, that the failure to designate such area as critical habitat will result in the extinction of the species concerned.

Critical habitat designation is the one area of the Endangered Species Act where economic impacts are clearly considered, and I believe that is what fully occurred in this circumstance.

Mr. Chairman, I want to say to my colleagues, there are three major reasons why I am opposed to the Riggs amendment. First of all, Mr. Chairman, I believe that we should be supporting the Endangered Species Act, not undermining it. Critical habitat, when we designate it on private land, all it does is require one on private lands to come in, if you are going to take a bird or a species, in this case the marbled murrelet, and get an incidental take permit.

The way to do that is by filing a habitat conservation plan. That is how you get out of jail. You do not get out of jail by coming to the U.S. Congress and offering an amendment that makes it possible for you, while everybody else is complying with this law, to get a special deal. That is what I object to here.

Second, the marbled murrelet in northern California had declined in population from 60,000 down to about 6,000. The reason it has declined is because its habitat, old growth redwood trees, have been cut down in that area in a very significant way.

Third, as I mentioned, there is a way to get out of the Endangered Species Act, and that is to enter into a multispecies HCP. In this case, Pacific Lumber, who has most of the territory here, about 40,000 acres, did not negotiate in good faith with the Fish and Wildlife Service to get a multispecies HCP. Up in my State of Washington, I sat down with Murray Pacific, Weyerhauser, Plum Creek, and the major companies in my area. I said, ''Gentleman, you are going to have to work with the Fish and Wildlife Service. You are going to have to get an HCP.'' Those companies are up there negotiating these HCP's. They get 100 years of certainty, they get to go into their land and do the harvesting; yet, they have to make some set-asides for conservation purposes, be it is the right thing to do. It is a win-win.

What am I going to do if the Riggs amendment is enacted? Then all these companies are going to come to me and say, NORM, why do you not offer an amendment to take me out from underneath the Endangered Species Act? This is something we have never done. I just think it would be a tragic mistake in this instance to do it. That is why I am offering this amendment to strike the Riggs amendment, and I urge my colleagues to support this amendment.

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

Mr. Chairman, let me put this debate in perspective, because we have now heard from the gentleman from Washington [Mr. DICKS], let us see, 8 minutes under the rule, several minutes under general debate, and the last 5 minutes. I do not believe I have heard him once mention the two words, private property.

□ 1530

There was a lot of discussion about the marbled murrelet. No discussion about private property. He said he believes in the Endangered Species Act. But the flipside of that is the gentleman from Washington [Mr. DICKS], unlike 277 Members of this House in a bipartisan manner, voted against the Private Property Protection Act in March of last year. That is why we are here. We are talking about protecting private property rights.

Let us do some simple math here for just a moment.

Mr. Chairman, here is what we are talking about. The Fish and Wildlife Service wants to designate nearly 4 million acres of property in the Pacific Northwest, Oregon, and Washington and northwest California, as critical habitat for the marbled murrelet, a tiny little seabird, which actually is not at all in danger of extinction because of flourishes in British Columbia and Alaska.

Let us look at how that 4 million acres breaks down. First of all, the ownership, largely Federal lands, these are properties that are already under public ownership and in the public domain, 2.9 million acres; 706,000 acres owned by State governments; 10,000 acres owned by local government; and 48,000 acres, 1 percent, privately owned.

So the question is, do you have to have it all? Why will 99 percent not suffice?

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

Mr. RIGGS. I will not yield.

Mr. DICKS. I will get the gentleman extra time. I promise the gentleman I will get him extra time if he will yield. I will ask for unanimous consent.

Mr. RIGGS. I will yield then at the appropriate time. I appreciate the gentleman now wanting to engage in a debate since he was unwilling to earlier.

Mr. Chairman, what we are talking about is the private property that was 1 percent of the 4 million acres. I will admit right from the get-go, there is no way to satisfy the regulatory appetite of the Federal Government. I acknowledge that. I acknowledge that there are those that genuinely believe we have to have it all, even the final, last, remaining 1 percent under private ownership.

But here is the problem, Mr. Chairman. That 1 percent represents 4 timber companies and 6 small ranches, 10 property owners altogether, in my congressional district. If we cannot protect private property rights for these 10 property owners, we cannot protect private property rights for America.

So before Members think that this is an easy vote, a clean, green environmental vote with no consequences in your congressional district because you do not have to worry about the economic consequences and the potential job losses, you can come down here and demagogue in the well because it does not mean anything to you and your constituents back home.

But it means a lot to the families that are affected, or would be affected, by the Dicks amendment, some of whom are in the gallery today. I want to introduce those families, because when we get done voting, if you have really got the courage of your convictions, you can come down and look those families in the eye and explain it to them.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will suspend. The gentleman is not allowed to make reference to the occupants of the gallery. The gentleman may proceed.

Mr. RIGGS. I appreciate that, Mr. Chairman, because the last thing we want to do, of course, is personalize this debate and put a human face on it.

No, let us talk about it in the abstract. Let us talk about it conceptually. Let us not talk about the families and the property owners that are directly affected.

But I am talking about them because I represent them, and I care about them. The Gift family, 501 acres, they have owned this ranch since the 1800's, and it is prairie land, not forest land. It is prairie land. They graze on this property. Here it is. At least those of us in northern California can tell the difference between a cow and a marbled murrelet. These are cows, not marbled murrelet seabirds.

The Gift family, 501 acres taken. The Bowers family, 156 acres taken. In case you cannot see it, Mrs. Bowers is wheelchair-bound. She is still trying to operate the family ranch. Harold Crabtree, his entire 254 acres taken by the designation.

Do not tell me that these families have the financial resources to prepare elaborate habitat conservation plans and go through months and months of review with the Federal bureaucracy in order to get an incidental-take permit because they cannot. They do not have the wherewithal or the financial resources.

That is what we are talking about here. Fundamentally this debate boils down to whether you believe in private property rights, whether you are going to take a stand here and now to follow through on the commitment we made last March when the House voted overwhelmingly in favor of the Private Property Protection Act.

I look forward in the debate as we move forward to further introducing these families. Again I ask that Members take a stand here and now, protect private property and the families and jobs that depend on that private property.

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

Mr. Chairman, I would like to continue talking about families. Somehow it seems that in this list of families, we left off one leading Californian, and I think that the gentleman from Washington would indulge me that if, in fact, there were a citizen and a worthy cause, he might be more sympathetic to the Riggs amendment. But the fact is, these families with their couple of hundred acres are not really affected by this. But good old Charlie Hurwitz, now there is a man that we could all be proud of. He has got 40-some-odd thousands acres of this stuff, most of which he got by stealing money from the Federal Government. Charlie, if he is not under indictment, he is under the cloud of it for raiding a savings and loan which he used to buy Pacific Lumber.

After he bought Pacific Lumber in the district of the gentleman from California [Mr. RIGGS], and this is who the gentleman is trying to protect, he proceeded to lay off 105 people and he proceeded to log all these redwoods and sell them off to pay off the junk bonds that were supposed to pay off the savings and loan that forced the Pacific Life Insurance Company, Executive Life, into bankruptcy, costing not only the people in his district 100 jobs but costing hundreds of people to lose their pensions. This is good old Charlie Hurwitz from the gentleman's district. He is the corporate raider who owns this land who is trying to clear-cut all of the redwoods. Forget the murrelets. Let us think about the hundreds of loggers who will be out of work when Charlie is done.

I think that we should protect private property. The first person we ought to protect is the Federal Government from raiders like Hurwitz who will go in and clean out a savings and loan to illegally acquire this property, then begin to fire the people, deprive them of their pensions, sell off really what is a birthright for generations to come, these magestic redwoods, cut them down, sell them off to pay off junk bonds.

Is that the kind of a gentleman that you would like to help, I would ask the distinguished gentleman from Washington? The gentleman from California [Mr. RIGGS] wants to help him.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, I want to applaud the gentleman from California who has written on this subject and who has even suggested that maybe we could trade the massive $1.2 billion that we lost, or that the Federal Government lost because of the S&L that Mr. Hurwitz went bankrupt with.

Mr. STARK. We could make a deal with the devil himself and trade him out of his.

Mr. DICKS. We could buy the headwaters redwoods that are so critical to this. But in this case, most of the land is Pacific Lumber Co. land. The gentleman is right.

The other point the gentleman is right on, too, is that there was a Federal court that said you have got to issue critical habitat. So the Fish and Wildlife Service was directed by a court to do it.

Also, Mr. Hurwitz was stopped from logging the rest of the old growth because of a Federal court decision.

Mr. STARK. But then he found the gentleman from California [Mr. RIGGS]. Aha. He did not have to bother with the Federal court and the $1.6 billion he stole from the savings and loans. He could just sneak a little amendment in here to get himself absolved and continue to rip off on the public.

Is that the kind of a private citizen we should be helping when it entails destroying these redwoods which all of the citizens of the country can enjoy, I ask the gentleman?

Mr. DICKS. I do not think we should do it for those reasons. Let me also say to the gentleman, I think the important point here is that critical habitat——

Mr. YOUNG of Alaska. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. Will the gentleman from California [Mr. STARK] yield for a parliamentary inquiry?

Mr. STARK. Not at this time. How much time do I have remaining, Mr. Chairman?

Mr. YOUNG of Alaska. Mr. Chairman, I am listening to some comments. I am about ready to take——

The CHAIRMAN. The gentleman will suspend. Does the gentleman yield for a parliamentary inquiry?

Mr. STARK. How much time do I have remaining, Mr. Chairman?

POINT OF ORDER

Mr. YOUNG of Alaska. Point of order, Mr. Chairman. I have asked a parliamentary inquiry.

The CHAIRMAN. The gentleman has 1½ minutes remaining.

Is the gentleman from Alaska [Mr. YOUNG] raising a point of order?

Mr. YOUNG of Alaska. Point of order.

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

Mr. YOUNG of Alaska. Mr. Chairman, I rarely do this, but I have heard some very serious charges made from the gentleman in the well that relates to nothing about this bill. Of course in taking a question, the gentleman offered the amendment, in fact the intent of the amendment——

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

Mr. YOUNG of Alaska. My point of order is when does one ask to have the words taken down, especially when the question comes to a fellow member of this committee that asks and presents an amendment and someone questions the integrity, such as, ''He found Mr. RIGGS and now he can go ahead and steal from the public.''

The CHAIRMAN. The demand for the gentleman's words to be taken down must immediately follow the words in question. So a demand at this point is untimely.

Mr. YOUNG of Alaska. I would not ask that that be done, but I would suggest to the gentleman, and I do respect the gentleman in the well, to be very careful when he questions another Member on the floor of the House and show him due respect. He is a Member of this House. He is supporting those small people.

The CHAIRMAN. The gentleman from California may continue.

Mr. STARK. Mr. Chairman, the gentleman from Alaska's point is well taken. The intent of the gentleman from California [Mr. RIGGS] is unquestionably honorable in this. He is trying to help Mr. Hurwitz, there is no question about that, and that is his right as it is Mr. Hurwitz's right who still walks abroad as a free man even though he has some civil differences with the Federal Government. I appreciate that.

However, the question still remains, is good old Charlie the kind of person that we think should be helped by giving him a gift and allowing him to log these redwoods.

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

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

Mr. DICKS. I appreciate the gentleman yielding.

If I were Mr. Hurwitz, I would be working with the Fish and Wildlife Service to do a multispecies habitat conservation plan like Murray Pacific, Simpson, Weyerhaeuser, and other people are doing in order to have a negotiated settlement of this issue so that he can get an incidental take permit and we can protect the owls and the murrelets.

The only problem here for the other people, by the way, there is a notion here that when you have a designation of critical habitat, you cannot do anything on your private lands. That is not accurate. You can go in and continue to log, but you cannot go in and take one of the species. If you are going to take a species, then you have got to get a habitat conservation plan, which is completely understandable.

So there is a way for Mr. Hurwitz to proceed, but he chooses not to because he wants to bring lawsuits saying that this whole process is a constitutional taking of his property. I guarantee I will work with any of the people that are here from the Congressman's district, with the people in the Fish and Wildlife Service who are doing HCP's to see if we can get them taken care of. I will be glad to work with the gentleman from California [Mr. RIGGS] to help the people who legitimately need help.

The CHAIRMAN. The time of the gentleman from California [Mr. STARK] has expired.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that the gentleman from California be given 2½ additional minutes.

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

Mr. KOLBE. Mr. Chairman, reserving the right to object, I have had some discussion with the gentleman offering this amendment and after we have one more speaker on this side, which would even out the time at that point, we will seek a unanimous-consent agreement to limit the debate on the amendment.

So I would ask that we go to a speaker on this side, then we will have an even amount of time. I would object.

The CHAIRMAN. Objection is heard.

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

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

Mr. YOUNG of Alaska. Mr. Chairman, I rise in support of the amendment. I want to congratulate the gentleman from California [Mr. RIGGS] for introducing this amendment.

I am still very frustrated that one person's name was used over and over and over again. What happened to the five landowners, the little ones, 125 acres, 151 acres, 527 acres? There are no trees on those lands. Contrary to what the gentleman from Washington says, there is in fact with the Fish and Wildlife, you cannot do anything on that land if they designate it might disturb the murrelet. The murrelet is not endangered. It is not endangered, I say to the gentleman from Washington [Mr. DICKS]. It is all over the area. But the Fish and Wildlife says it is endangered. So we bow and we scrape to the Federal Government, the almighty Federal Government.

Yet these people, this lady in the wheelchair, these people on this little ranch with their kids, they are browbeaten by this Government saying you must meet our requirements. With what? Has the gentleman from Washington [Mr. DICKS] ever been on a farm? No. Does he know anything about farming? No.

Mr. DICKS. I worked on a farm for two summers.

Mr. YOUNG of Alaska. The gentleman knows how these people live, and he wants them to go get a lawyer, and draw up this plan and we have got the big Federal Government, the Fish and Wildlife, telling you what to do, that ''if you don't do it you're going to jail and you're going to get fined.'' That is our Government today. We wonder why we have got the Freemen or the militants. We wonder why, in fact, we have got unrest in this country.

□ 1545

Mr. Chairman, it is because our Government, in fact, has got out of hand and out of line with the Endangered Species Act, and I am glad to hear the gentleman supports the Endangered Species Act, 35,000 people were put out of work in his area. In California and Oregon alone, 181 mills closed down. For what? For a species not endangered—because the Fish and Wildlife Service says it is endangered.

I write a bill that says it must have biological substantial evidence it is endangered, and I am criticized for that.

Do you know how to get a specie on the endangered list today? Any one of you can file a petition, as they did in Alaska. That is all you have to do. Then the agency says, we must study it. It the meantime, by the way, you are going to lose your job. This is just how ridiculous the Endangered Species Act is today.

Mr. Chairman, I think it is ridiculous that this amendment is even proposed when this gentleman has families to protect, and he talks about one person. What about the families? I do not care if it is one family or one acre. When this Government is wrong, it is wrong.

What happened to the gentleman's liberalism? What happened to his protecting the masses? What happened to ''We have to think about the people''? All he thinks about now is the Government and how right they are. I am telling you they are wrong in this case, dead wrong.

Mr. Chairman, this is a bad amendment, and I support the gentleman from California.

Mr. Chairman, I yield to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the gentleman from Alaska [Mr. YOUNG], the distinguished chairman of the Committee on Resources, for his very strong remarks.

We have heard some on the other side, in fact, I believe I heard the gentleman from Washington [Mr. DICKS] say this earlier today, that my amendment may actually send the marbled murrelet into extinction, and I just want to get on the record right now how absurd that contention is. According to the Fish and Wildlife Service, there are an estimated 18,000 to 35,000 murrelets in Washington, Oregon, and California alone, with several hundred thousand additional birds in Alaska and British Columbia.

The second point I want to make, particularly since the gentleman from California spoke first, to point the finger to one particular company, the gentleman may want to bad-mouth the majority owner of that particular company, but I want him to know he is talking about the largest private employer in the largest county in my congressional district, and that employment at that company has grown from approximately 950 employees at the time of the merger in 1986 to 1,600 employees as of last month, an increase of 650 living-wage jobs that cannot be easily replaced in our local economy.

So this debate is about private property, as I said earlier, and the families and jobs that depend on that private property, not about a particular individual property owner.

Mr. YOUNG of Alaska. Reclaiming my time, I had an opportunity, I wrote a good bill with the gentleman from California [Mr. POMBO] to solve this problem. But anybody who thinks the Endangered Species Act works, I would suggest he start reading it and seeing where this Government has gone out of whack, when they tell a woman she cannot take and raise grain on her ranch because there is a kangaroo rat. She stopped raising grain. The rats left because there was nothing to eat. It burned and burned the houses down in all the area.

This is the act that Members support. I am terribly disappointed to support an Endangered Species Act that does not protect the species, does not take and protect the private landowners, in fact, allows this Government to run amok. I am saying, let us change it. That is what I am saying.

Mr. KOLBE. Mr. Chairman, I have a feeling I am not going to get it, but I am going to propound it anyhow. I ask unanimous consent that all debate on this amendment be limited to 60 minutes, the time equally divided between the gentleman from Washington offering the amendment [Mr. DICKS] and the gentleman from California, and all amendments thereto.

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

Mr. MILLER of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, this amendment is about an individual, Mr. Hurwitz. It is about corporate ethics and corporate policy, and it is about special legislation that if you are rich enough, you are strong enough, you have enough lawyers and you have enough lobbyists, what you can get done in the Congress of the United States.

It was not about the families who are on the poster board here, because if they wanted to take care of those families, they could have. The driving force for this amendment is Mr. Hurwitz. Mr. Hurwitz, who would get exempted not 145 acres or 165 acres on the family spread. Not that, but 32,000 acres of California's redwood forest heritage that he seeks now to log in violation of the law.

But that is not anything new from Mr. Hurwitz. Because when Mr. Hurwitz had a pension fund, he ran the pension fund in violation of the law. When Mr. Hurwitz had an S&L, a savings and loan, he cost the taxpayers of this country a billion dollars, because he ran that in violation of the law. When Mr. Hurwitz had employees, he ran his company in violation of the law with respect to the labor law.

Mr. RIGGS. Mr. Chairman, point of order.

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

Mr. RIGGS. Mr. Chairman, is it appropriate under the rules of the House to charge individuals with crimes of which they have not been convicted?

Mr. MILLER of California. Mr. Chairman, if I may have regular order.

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

Mr. RIGGS. Mr. Chairman, I will make a point of order that the gentleman's comments are out of order because they amount to slander, in that the individual mentioned has not been convicted of any of the crimes.

Mr. MILLER of California. Mr. Chairman, I object. I ask the gentleman's words be taken down because he has no evidence that any of this is suggestive slander. It is a matter of public record what Mr. Hurwitz has done to the people of this company, the people of the community, and the people of our State.

The CHAIRMAN. Both gentlemen will suspend. The Clerk will first report the words of the gentleman from California [Mr. MILLER].

□ 1555

The CHAIRMAN. Does the gentleman from California [Mr. RIGGS] seek recognition?

Mr. RIGGS. Mr. Chairman, so we can move forward, I ask unanimous consent that the words in question be considered withdrawn.

The CHAIRMAN. The gentleman does not need unanimous consent to withdraw his objection to Mr. MILLER's words; all he needs to do is withdraw his demand.

Mr. RIGGS. I do so, Mr. Chairman.

The CHAIRMAN. Does the gentleman from California, [Mr. MILLER] withdraw his request?

Mr. MILLER of California. Mr. Chairman, I do. The gentleman from Arizona [Mr. HAYWORTH] informed me I was wrong, that the gentleman said I was ''slender.'' That is what I took offense at.

The CHAIRMAN. Both demands are withdrawn. The gentleman from California [Mr. MILLER] is recognized for the remaining 3½ minutes.

Mr. MILLER of California. Mr. Chairman, the Committee is not in order.

The CHAIRMAN. The slender Member from California wants order. The Committee will be in order.

Mr. MILLER of California. Mr. Chairman, this may be a painful biography to point out, but it is an important one, because it goes to the character of this amendment and it goes to the character of the company behind this amendment. Because every time this company has engaged a regulatory agency of this Government, the FDIC, who is worried about his banking practices, he has encountered them in court. The Office of Thrift Supervision, which was dealing with the taxpayers money, he has encountered them in court. The California Forest Practices Board, he has encountered them in court. And the Federal judge on forest practices, he has encountered them in court.

This man has engaged every law that he has been involved with in his company, and he has essentially violated them all or been charged with violating them all by regulatory agencies and the courts of this country. So what good does he do? He comes to the Congress of the United States, and to suggest that somehow the Members of this body, the Members of this body can be conned into allowing him to do something which nobody else gets to do in California, the Pacific Northwest, in dealing with the problems of our environment, he simply gets to escape his responsibility under the law. He simply escapes his responsibility under the law.

Now, they put a couple of families in the lifeboat with him to decorate it up, but the captain and the crew is Mr. Hurwitz and Pacific Lumber Co. They are the driving force, because they are the 33,000 acres that are being exempted here.

So what? So he can start practicing the forest practices that brought him in violation of the State law and the Federal law? No. We cannot have that in California. We treasure our redwoods, and so does this Nation. And you know why he is lumbering these woods? Why he is timbering these woods? He is timbering because he sold junk bonds and now he cannot pay the interest on those junk bonds that he destroyed a pension plan with, that he destroyed a wonderful company with, a company that used to take care of its employees' children by giving them college scholarships, a company that used to take care of you at Christmastime and Thanksgiving. Those employees were thrown out. They were bought an annuity and the annuity collapsed. But now he has to pay those bonds off.

He has been in my office, he has been in everyone's office, or his representatives have. He tried to shop one deal after another to avoid obeying the law. This is the court of last request. This body should not dignify this request. This body should turn down this request in the name of decency, in the name of this institution. This is so far out of the realm of responsibility it should not even befoul the aisles, befoul the aisles of this Congress, that this man would come here in the name of his not wanting to obey the law, to desecrate the redwoods, to desecrate forest practices, to desecrate these lands.

No, that should not be allowed. And when we talk about private property, let us talk about the small businessman in terms of the fisherman, the people that are fishing off of your coast and my coast, because when this man gets done logging on the streams, the salmon fisheries go to hell. What about those small business people? It is all entertwined. That is why it is called an ecosystem. That is why we are using Federal, State, and private lands to share the burden, to share the burden.

This is not the answer. This is wrong, it was wrong when it was introduced in the committee, and it was wrong when it has been brought to this floor, and it is wrong that you should have to take your time with it. Because this is not fair to the people in Oregon and Washington and California who are playing by the rules, the people who are trying to amend their practices.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

Mr. COOLEY of Oregon. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

Mr. Chairman, I oppose the Dicks amendment. I do not know what is happening in this debate. We seem to be off on an individual. We are not talking about the masses, the little people involved in this process. For too long private property owners of America have been asked to sacrifice property for government ventures. Nameless faces, bureaucrats who believe in quasi-science instead of sound principles, have trampled all over the constitutional guarantee of just compensation for the land that is taken for public use. This has to end.

In my 18 months in Congress, I have been astounded by the number of people who believe that all America's land

is theirs for the taking. How far has this gone? It has gone too far. We are involved in a debate now, we are talking about an individual in California. Let us talk about the little people in California and also in Oregon that have done nothing wrong. If somebody has done something wrong, let us get some legislation to punish them, but let us not punish the other people involved in this process by masking it to the point of where we are going to take the land away from the little people because we have somebody big who may or may not have done something wrong.

This bill contains commonsense language to protect the private property that the Government is asking to set aside for the marbled murrelet habitat. This provision only relates to 1 percent of all the area designated as critical habitat. Unfortunately, the opponents of this provision feel there is no such thing as private property. This is a radical measure. The private property in question is northern California, southernmost tip of the marbled murrelet migration.

With 4 million acres set aside for critical habitat in Oregon, in Washington, and California, is 1 percent of the habitat, the southernmost tip of the bird's migration, going to change anything? Not at all. I do not think so, especially when you consider the murrelet is mostly found in Canada and Alaska. What the opponent of private property rights ought to do is petition the Canadian Government to set aside millions of acres of land in their country for this critical habitat.

But, again, maybe they think that the bird simply stops at the border. It is the time for Congress to stand up and protect private property rights and not allow this discussion to focus on one individual who may or may not have had a problem. But think about the thousands and literally hundreds of small families as we have seen by the example that are being adversely affected by this piece of legislation.

I oppose the Dicks amendment.

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

Mr. Chairman, I rise in support of the Dicks-Stark amendment, and I want to salute them for offering it. It would strike the language from this Interior bill which obviously I think has been established in the debate so far will harm the marbled murrelet.

The bill prohibits the expenditure of funds to protect this endangered species that nests in the Head Waters Forest in California.

As a Californian, I rise in support of the amendment. How dare anyone try to pluck out the jewels in the crown of our State? Why does this bill give special treatment to one timber company at the expense of this endangered species and the Endangered Species Act?

The U.S. District Court in California has already stopped Pacific Lumber. Maybe the other side should have called this the Pacific Lumber amendment. The U.S. District Court in California already stopped Pacific Lumber from cutting crucial sections of this bird's habitat, because Pacific Lumber refused to comply with the Endangered Species Act. So it is not the Endangered Species Act that should be coming under the hammer today, it is Pacific Lumber. Now Pacific Lumber is asking the Congress to reverse that decision. Members, make no mistake about it. That is what the attempt is here today. I want to repeat that: Now Pacific Lumber is asking the Congress to reverse the court's decision.

Why are we being asked to reverse this decision? Because 1 percent of the marbled murrelet's total critical habitat designated by the Fish and Wildlife Service is on private lands in Washington, Oregon, and California.

Pacific Lumber is concerned that they will not be able to continue logging their logging activities in the area. Importantly, and this is something that every Member should listen to, a critical habitat designation does not in and of itself prevent logging or other activity; it simply triggers a process to ensure that any activity in the area does not adversely modify the habitat. That is a reasonable approach. I want to repeat that, that is a reasonable approach. There is nothing far-fetched or off the ranch about this. It is a reasonable approach.

Where there were once 60,000 marbled murrelets there are now only 2,000 to 5,000. Commercial logging has destroyed 95 percent of this nesting habitat. I think we have the responsibility to protect threatened and endangered species. They are a part of the cycle of our life. They are a part of the cycle of our life that God has given to us. It is not for us to desecrate, it is not for us to use up. The Riggs language in the Interior appropriations bill would doom this coastal bird forever, and I urge my colleagues to support the Dicks-Stark amendment.

Mr. Chairman, I rise in support of the amendment to strike language from the Interior bill which will harm the marbled murrelet.

This bill prohibits the expenditure of funds to protect the threatened marbled murrelet, a sea bird that nests in the Head Waters Forest in California.

Why does this bill give special treatment to one timber company at the expense of the marbled murrelet and the Endangered Species Act? The U.S. District Court in California has already stopped Pacific Lumber from cutting crucial sections of this bird's habitat because Pacific Lumber refused to comply with the Endangered Species Act.

Now Pacific Lumber is asking the Congress to reverse that decision.

And why are we being asked to reverse this decision? Because 1 percent of the marbled murrellet's total critical habitat designated by the Fish and Wildlife Service is on private lands in Washington, Oregon, and California. Pacific Lumber is concerned that they won't be able continue logging activities in the area.

Importantly, a critical habitat designation does not, in and of itself, prevent logging or other activity—it simply triggers a process to ensure that any activity in the area does not adversely modify the habitat. That's a reasonable approach.

Mr. Chairman, where there were once 60,000 marbled murrelets, there are now only 2,000 to 5,000. Commercial logging has destroyed 95 percent of their nesting habitat.

We have a responsibility to protect threatened and endangered species—they are part of our cycle of life. The Riggs language in the Interior appropriations bill could doom this coastal sea bird forever. I urge my colleagues to support the Dicks amendment.

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

Ms. ESHOO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to point out to my colleagues the reason that critical habitat was designated on private lands, and, by the way, in Washington, Oregon, and northern California it was only 1 percent of the lands, and it is because suitable nesting habitat on Pacific Lumber Co. lands in Humboldt County is the only available nesting habitat for the southern portion of zone 4. It is imperative to protect marbled murrelet habitat on corporate forest lands in northern California, because these lands provide a biological link for the murrelet populations between Redwood National Park to the north and the State redwood parks to the south. This is not being done in any mean-spirited way. It is being done to protect the marbled murrelet.

I was somewhat amazed by my friend from California suggesting that the murrelet, because it is surviving in Alaska, that we are not concerned about it. You have to understand under the law we have to protect these species throughout their range, and that is why you have got to protect them in northern California, Oregon, Washington, and Alaska. That is our law.

I would say to my colleague from Alaska, he is chairman of the committee. We have been waiting for him to come out with his amended bill. I understand that maybe the leadership on the majority side has had second thoughts about it, but I got to tell you this: To get up here today and say unequivocally that he does not support the Endangered Species Act I think is shocking. The Endangered Species Act is important to the future of this country, it is important to our biological diversity, it is important to the future of mankind. I think that we ought to think very, very carefully here today about a special exemption.

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

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

Mr. DOOLITTLE. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I just want to respond to the comments of the gentleman from Washington [Mr. DICKS] because this is the point I made earlier today. The gentleman claims that we have to have this 1 percent of private property to preserve the critical habitat for the murrelet toward the southern range of its existence.

But I want to point out again, 693,000 acres, 693,000 acres in Humboldt, Del Norte, and Mendocino Counties have been designated critical habitat, and almost all of that is on public lands, my colleagues. It is on public land. The Six Rivers National Forest, the Redwood National Park, the King Ranch National Conservation Area, and parcels of Bureau of Land Management land. In addition, 175,000 acres of State land, including the State redwood parks, the Sinkonyone Wilderness State Park, and some Mendocino coastal parks. What we are talking about here now is 29,000 acres owned by Pacific Lumber Co. and another 8,000 acres, smaller parcels, owned by nine other private property owners.

Mr. DOOLITTLE. Mr. Chairman, reclaiming my time, we have heard it represented and a number of very unkind things have been said about Mr. Hurwitz. I have never met Mr. Hurwitz. So I find it fascinating to see such intensity coming out of the other side. When Mr. RIGGS' predecessor offered the amendment 2 years ago on the Head Waters, we were going to spend $1 billion, and you all voted to pay Mr. Hurwitz $1 billion for some 56,000 acres. That was OK, because that is more Government land, and that is a positive good.

Mr. RIGGS. Mr. Chairman, if the gentleman will yield further, did I understand the gentleman correctly to say that in the last Congress my predecessor, Congressman Dan Hamburg, offered a bill that would have authorized Federal taxpayers to spend up to $1 billion to acquire 56,000 acres of productive timber land?

Mr. DOOLITTLE. That is exactly what I said.

Mr. RIGGS. And the two gentlemen from California who have been most outspoken, Mr. STARK and Mr. MILLER, voted for that bill?

Mr. DOOLITTLE. That is my understanding.

Mr. RIGGS. That sounds like a bailout for Charles Hurwitz.

Mr. DOOLITTLE. That was a bailout for Charles Hurwitz. That was OK in that day. Today Mr. Hurwitz is the subject of attack. I fought Mr. Hamburg on this, by the way.

I just want to point out when you want to shoot the rich, Mr. Hurwitz, it is the working person that takes the bullet. Here is a book on the Pacific Lumber Co. You heard they now have 1,600 employees, up by over 500 from when the merger occurred. You have the Blakeleys and the Andersons. You have the Phillips, a number of people, a whole book. These are flesh and blood people that work for a living. They are not the Fortune 500.

□ 1615

They are people that get up every morning and go to work and they are thankful they have a job. And this mean-spirited attack is going to basically throw these people out of work, just as has happened in my district with the shutting down of timber, and in the district of the gentleman from California [Mr. HERGER] as well as the district of the gentleman from California [Mr. RIGGS], and a number of districts throughout the Northwest.

And here the Clinton administration comes again. They are everybody's friend. Just like they did in their great timber summit, we lost two-thirds of the timber jobs; and with their growth proposal, we went to four-fifths of the jobs that were lost. I do not want that to happen to this area. These people are too important.

The gentleman from California [Mr. RIGGS] is seeking to exempt only 1 percent of the territory. And do not believe these representations that this is to get at Mr. Hurwitz for all those supposedly terrible things he has done. We are seeking to protect private property rights, the six ranches which are important.

They want to talk about Mr. Hurwitz and get the focus off the six ranches, the people who do not have the attorneys or the money for the attorneys and the accountants and so forth to do these habitat conservation plans. These are the people we seek to protect. And, yes, we seek to protect the employees in Mr. Hurwitz' company.

Mr. Hurwitz is wealthy. He will continue to be wealthy whatever happens on the floor today, but these people, when they are out of a job, will be on welfare and we do not want that. I strongly urge Members to defeat the Dicks amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair must admonish our guests in the gallery not to show demonstrations with applause.

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

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

Ms. FURSE. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I wanted to say to my two colleagues over there, there is a way for Mr. Hurwitz to get a certain program where he can continue to harvest on his entire property, and that is to do a multispecies HCP like every other responsible timber company is doing in the Northwest. But he will not do it because he wants to get special legislation either to exempt him or he wants to take it to court and raise a taking.

The reason this land is so important on this private property is because it has got the most nesting murrelets in the entire northern California area. That is why the judge, the scientists and everyone else said it is critical habitat and that is why we have to protect it.

Now, that makes sense to me, and I appreciate the gentlewoman's yielding.

Ms. FURSE. Mr. Chairman, reclaiming my time, the gentleman from California [Mr. RIGGS] is fighting for 10 individuals in his district. I think that is fine, but I am here to speak for thousands, thousands of people in Oregon, in Washington, and in California who depend for their livelihood on fishing. I am not going to use my own words, I will use the words of a man who is very well respected, Mr. Glen Spain, who represents the Pacific Coast Federation of Fishermen, and I quote:

> We urge you, on behalf of the commercial fishing industry, to oppose the Riggs rider and support stripping it out of the bill.

They go on to say:

> Anything that delays ESA-mandated recovery of the marbled murrelet is a direct threat to our industry and tens of thousands of coastal and inland jobs that we provide.

Mr. Spain goes on to say:

> The amendment, the Riggs amendment, is counterproductive, shortsighted, and will ultimately delay the steps necessary to minimize landowner impacts, not assist landowners in the long run.

Critical habitat designation does not stop logging activities on private land; it only assures that the impact on the murrelet is considered and assessed. Critical habitat only directly impacts Federal, not private, actions.

Now, Mr. Spain goes on to say, remembering he represents thousands of fishermen:

> If Congress wants to minimize the impact of this listing on our industries, Congress would be working towards a speedier designation of critical habitat, far more recovery funding, and for better science, not the reverse. We therefore urge you, on behalf of the fishing industry and the hundreds of thousands of jobs that we represent, to vote against the Riggs amendment and vote to strip it from the funding bill.

I agree, Mr. Chairman, that they are supporting thousands and thousands of jobs, and that is why I urge my colleagues, because of the Oregon, Washington, and California fishermen, to support the Dicks amendment, support private property rights, support jobs.

Mr. DICKS. Mr. Chairman, will the gentlewoman continue to yield?

Ms. FURSE. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, would the gentlewoman tell me where that gentleman that wrote the letter is from?

Ms. FURSE. The gentleman is the Northwest regional office representative. Now, they have offices in Sausalito, CA; El Granada, CA; Mendocino, CA; and Eugene, OR; and they do indeed represent the fishermen of the Nation.

Mr. RIGGS. Mr. Chairman, will the gentlewoman yield?

Ms. FURSE. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I thank the gentlewoman for yielding to me, and I have a copy of the same letter. And just to respond to the gentleman's question, he has clearly checked the box that says Eugene, OR, on the correspondence, so he is from Eugene, OR.

I want to make one other point the gentlewoman skipped over in quoting from the letter. The author says:

> The marbled murrelet is a sea bird which is also of great concern to fishermen because under the ESA our industry must go to extraordinary and sometimes expensive

lengths to avoid even accidental ''take'' of the bird in commercial fishing gear.

It is my understanding that murrelets are dying in fishing nets. And if we take the gentlewoman's logic out to its logical extension, perhaps we should ban commercial fishing because it is bad for murrelets.

Mr. DICKS. Mr. Chairman, if the gentlewoman will continue to yield, the gentleman is worried, the fisherman is worried that if we take the Riggs approach, instead of being threatened, the species will be endangered and there will be even more onerous restrictions put on the fisherman. That is why he is worried, because it has an adverse effect on that whole segment of the economy if it is endangered.

Ms. FURSE. Mr. Chairman, reclaiming my time, those are thousands of small, small businesses who have this. They are willing to go to the length of protecting the marbled murrelet, but they see no reason why one or two or maybe even ten companies should be relieved of that, that burden. They say, let us share the burden, let us not just have the fishermen carry the burden. Let us share it, as private property owners across my State, the gentleman's State and Washington State are prepared to do.

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

Mr. Chairman, I rise in strong opposition to the Dicks amendment and rise in strong support of the Riggs language adopted by the Committee on Appropriations.

I think finally, after we sift out the debate that has gone on today, and some of it, admittedly, has been quite mean-spirited, we finally find out that they let the cat out of the bag, and the fact is that some people are mad at a California timber company. So we are really going to show them. We are going to get the Fish and Wildlife Service after them, and we are going to list a bird that spends most of its life at sea.

Its nesting habitat is in Alaska and Canada, but we are going to fix this timber company. We will list some bird and we will take their land, and, oh, by the way, we are going to take several other farmers' land, and it makes no difference if we throw them out of an income.

I have sat by and I have listened for years to these dulcet, round, pear-shaped tones about how we can work with the Fish and Wildlife Service on establishing critical habitat on an individual's land. Well, just ask my people in Idaho or the people west of the 100th meridian how much the Fish and Wildlife Service works with private owners on the designation of private land for critical habitat.

Mr. Chairman, it simply does not work that way. Ask the hundreds of thousands of people who have been thrown out of work or had their businesses totally diminished because of listing of endangered species.

I think this has gone for enough, and I think that there are appropriate prosecuting attorneys who can certainly, if there is a valid case here against this lumber company, can certainly go after the lumber company. But we do not use the listing of an endangered species to go after a lumber company. That is a complete distortion of this system. I am thoroughly disgusted with it and I think we need to strongly support the Riggs language.

In addition to my support, the National Association of Realtors support the Riggs language and his position, and the Farm Bureau, the U.S. Chamber of Commerce, the American Forest and Paper Association all support the Riggs position.

I urge opposition to the Dicks amendment.

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

Mr. Chairman, I rise today in strong support of the amendment offered by the gentleman from Washington, Representative DICKS, and the gentleman from California, Mr. STARK.

My friends, we must correct the terrible provision included in this bill, a poison pill that will destroy the magnificent headwaters forest of northern California. By stripping the endangered species critical habitat designation from 37,000 acres of forest, the Riggs provision will allow logging to begin at will, logging in a pristine old growth forest which is home to many precious species, including a rare sea bird and the dwindling coho salmon.

The Riggs provision would lead to the extinction of the marbled murrelet, which, in California, has seen a population decline from over 60,000 birds to fewer than 5,000 today. These birds nest in the headwaters forest and rely on critical habitat designation for their survival.

The Riggs provision also threatens the endangered coho salmon. Mr. Chairman, the headwaters is home to some of the last coho salmon runs in California. If we do not pass the Dicks amendment, the murrelet and the coho could be gone forever.

Preserving these species is crucial not only to our ecosystem but to the commercial fishing industry in my district and in the district of the gentleman from California [Mr. RIGGS] as well. Under the Riggs provision, fishermen will see their salmon catch continue to decline and, eventually, die.

We must ask why. Why are we asked to swallow this poison pill, a poison pill which may send rare species into extinction? The unbelievable answer, Mr. Chairman, is for a special interest giveaway to Pacific Lumber. This is simply outrageous and it is not acceptable.

Mr. Chairman, the people of northern California and the Pacific Northwest know that we can successfully balance our environmental protection and economic growth. They are ready to work together on a common solution to our region's problems. The Riggs provision, however, leaves them out of the process, and in so doing, would set a disturbing precedent for our future and for our environment.

We do not want the headwaters forest to be destroyed. We do not want the Endangered Species Act and the Pacific Northwest forest plan to be undermined, and we are amazed that this is proposed in the first place, proposed for the sake of corporate special interests.

Mr. Chairman, this is not what the doctor ordered. We must refuse to swallow this poison pill and vote for the Dicks-Stark amendment.

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

Ms. WOOLSEY. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I appreciate the gentlewoman's yielding to me.

It is not like there is not a way for Pacific Lumber to deal with the Federal Government on this issue. They have sat down, but they have never negotiated in good faith to get a habitat conservation plan. Now, under a habitat conservation plan, they get 100 years of certainty about harvesting timber on their lands, and for that they give some protection to those species on the lands. Most of the protection for species in the Northwest will be done on Federal lands, so this is the constructive thing to do.

Companies in my State of Washington, Weyerhaeuser, Plum Creek, Murray Pacific, ITT, right here, all have worked out their problems with the Federal Government and the Fish and Wildlife Service in a negotiated settlement. But, again, Pacific Lumber has refused to do that, and it is because they think that either by going to court and filing a taking suit or by coming to Congress that they can get legislation enacted that takes away their responsibility. Every other company out there is doing this. We have never done this before under the Endangered Species Act, and I think it would be a terrible precedent to set.

I appreciate the gentlewoman's support of my amendment, and I hope that we can pass it here today.

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

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

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

Mr. RIGGS. Mr. Chairman, before the gentlewoman from California walks off the floor, I want to point out that she obviously did not read the bill, because on page 47 of the bill, section 116, beginning at line 3, we have the language of my amendment, and it says:

None of the funds made available in this act may be used by the Department of the Interior to continue or enforce the designation of any critical habitat for the marbled murrelet on private property in the State of California, excluding approximately 3,000 acres of redwood forest commonly known as ''Headwaters Grove'', located in Humboldt County, California.

□ 1630

The gentlewoman, of course, insisted on using the Headwaters Forest as a reference throughout her remarks.

Mr. POMBO. Reclaiming my time, I believe that the gentleman points out that the portion of this private property that was supposedly the ancient forest, the headwaters, redwood, the big redwood trees, is specifically exempted from the amendment that was adopted in committee. We have been talking about that on and off during this debate. But it was specifically exempted in committee.

Here we go again. I think that this debate has been very, very instructive. It really does outline what the debate has been over the Endangered Species Act over the past several years. That is what we want to use as the Endangered Species Act, which is supposed to protect fish and wildlife from becoming extinct. We want to use that to accomplish other goals. We have heard that we wanted to use it to accomplish something that the fishing industry wants. But more importantly, we have heard it said that we want to use the Endangered Species Act to punish this particular company, that we want to go after this company and punish them for whatever transgressions they have committed over the years, whatever it is, real or imagined that they may have done. We want to use the Endangered Species Act to achieve that goal.

This entire listing of putting the marbled murrelet as threatened has been politically driven from the very beginning. I would like to read one thing here out of something that the Defenders of Wildlife has sent out, and my colleagues on the other side have used this extensively in their prepared floor statements. It says the marbled murrelets population in California, believed to have been about 60,000, is now estimated to be between 2,000 and 5,000 individuals.

One of the problems on this listing was the fact that Fish and Wildlife could not count the marbled murrelets. They had a real tough time counting them. They could not find the nests. They resorted to trying to count them as they would go out into the ocean to feed. They had a real tough time counting them. Yet today it is presented as fact that at one time, sometime in ancient history, we had 60,000 marbled murrelets in northern California because the Defenders of Wildlife put it in their piece of paper that they sent out. Even though they cannot count them today, in today's time they cannot count them, they have a tough time finding them, but somehow it is presented as fact that at some point they had that number.

Furthermore, this map here that I would like to bring to my colleagues' attention points out the land patterns in northern California, in this one particular section. The brown and purple areas represent publicly owned lands. We can see that the vast majority of this area is publicly owned. There is no doubt about it. But they went in here to this area and picked out one particular section of ground that they were going to go after, which just happens to be the land that is predominantly owned by one timber company. It also involves nine other private property owners, nine other small individuals, but they went after that one particular piece of land to further their agenda of trying to punish this one person.

They have been trying for years to get this piece of property. They were never able to get it through legislation, through buying it, through anything that they ever tried. So they resorted to the Federal Government's trump card, the Endangered Species Act. You find an endangered species, you get it on the list, somehow, some way, even if you have to use trumped up science to do it, even if you have to make things up, you get it on the list and then you go after the property, because that is the one thing that you can do, is to use the Endangered Species Act.

Unfortunately, my time has expired.

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

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

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

Mr. DICKS. Mr. Chairman, I would point out to the gentleman that the reason that the habitat has been, that this area was designated is because it is where the murrelets are living. It is their habitat. There are the old-growth trees. This is where they reproduce. It is not any vendetta or trying to get somebody. It is because that is where the species exist, that is where their habitat exists.

What I would say to the gentleman from California, when we cut the habitat down, the species populations go down. They have been going down at 6 to 8 percent per year. If we do not stop it, then we are going to lose that species in that particular area.

So I just wanted to point this out to my friend. This is no vendetta. This is trying to do what the law that Congress passed said we should do. That is to protect these species throughout their range.

I thank the gentleman for yielding to me.

Mr. BLUMENAUER. Mr. Chairman, I strongly support the amendment by the gentleman from Washington. I could not agree more with his words that are still echoing in this Chamber, that this is not to punish any single company. Indeed, I am concerned about the tenor here that sort of makes a cartoon process out of rules and regulations that a number of responsible timber owners in the Northwest are working with us to try and deal with the issues of environmental protection.

It is not about a handful of small property owners, as has been repeatedly documented throughout the course of this conversation. It is, rather, for the overwhelming benefit of the single large property owner.

It is not about using a process against somebody. This is what other companies are, in fact, doing. They have learned to use abitat protection plans and, in fact, even light-end timber companies are, in fact, advertising that point to their customers throughout the Northwest. To observe that there is no science involved when, in fact, what we are giving is a political fix to solve the problem primarily of one large owner really stretches credibility here in this regard.

If we adopt this approach, what we are suggesting to people is, rather than working in a cooperative fashion under the framework of the law, seek a political fix. Rather than working with the Government, with other landowners, with environmentally concerned citizens, seek a political fix. And if this political fix fails and, in fact, it goes through the progression of increased requirements for protection, what we will, in fact, have ended up doing is putting an even greater burden on the responsible private owners who have been playing by the rules because they are going to have to pick up the slack if it fails.

This Riggs proposal is a blow against cooperation and voluntary compliance. It sends the message to go to Congress to circumvent the laws. It is the wrong message to business. It is the wrong message to the environment, and it suggests that we are turning our backs on people who are committed to keep and improve our environmental protections.

Mr. DICKS. Mr. Chairman, if the gentleman will continued to yield, on this one point about this vendetta, here is a letter written by David E. Blockstein, Ph.D. and Chair of the Ornithological Society:

As the umbrella organization representing this Nation's 5000 ornithologists and students of bird life, the Ornithological Council recognizes that we all have to play our part if our wildlife resources are to survive in the 21st century. Our members have spent many thousands of hours studying endangered and threatened species like the marbled murrelet. Much of this time has been contributed on a voluntary basis. The central finding of this work is that without habitat, our wildlife will not survive.

Critical habitat designation is important because it provides direction to the Fish and Wildlife Service, if a private landowner applies for a Federal permit, such as an incidental take permit. By itself, critical habitat designation does not restrict action to the landowner. The Fish and Wildlife Service designates Federal lands for critical habitat first and will only designate private land as critical habitat if Federal lands are insufficient as in the case in northern California. If anything, the Fish and Wildlife Service has been too cautious when it comes to identifying critical habitat on nonFederal lands.

The Riggs rider is wrong for the following reasons: By depriving the government of one of its most important tools in species protection, it drives up the cost of recovering the marbled murrelet and increases the probability of extinction.

The Riggs rider sets a dangerous precedent that could be used to harm the recovery of other species.

Other States in the Pacific northwest and elsewhere have learned to live with the law and are trying to protect their wildlife species. It would be unfair to exempt northern California.

Other Members of Congress have avoided legislating through appropriations riders; Congressman Riggs should not have special privileges.

Please vote to delete the Riggs rider from the interior appropriations bill. David E. Blockstein, Chairman of the Ornithological Council.

That is not politicians speaking. Those are some of the Nation's finest scientists.

Mr. SMITH of Texas. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, I listened with great interest to our new colleague from Oregon and our good friend from Washington, the sponsor of this amendment. I listened with interest to the letter offered by the gentleman from the ornithological association.

I stand here in the well today representing the people of the Sixth District of Arizona, many of whom feel they are voiceless and powerless against an onslaught that is ofttimes offered in moderate tones, with the occasional playground taunt or the demonization of one personality.

In stark contrast to the assertion of my new colleague from Oregon, I would commend to him the words of my good friend, the ranking member from the Committee on Resources on his side of the aisle, who absolutely, tooth and nail, went after a private citizen for the sin of operating a company that provides jobs and, dare I say the word, yes, ''profits.'' But what we have to ask, Mr. Chairman, is this question, What is reasonable? What is fair?

Again, despite the letters, despite the playground taunts, despite the venom and vitriol, here are the facts. Take a look at the ownership of the acreage for this critical habitat designation, 2.9 million acres belong to the Federal Government; 706,000 acres belong to the State government; only 48,000 acres are private.

Mr. Chairman, it is a fair question to ask, Is it not reasonable to allow a true balance to exist, to let the fragile rural economies and the very downtrodden that side of the aisle purports to champion keep their jobs and their way of life? When, oh when, will we speak up for the disenfranchised who do not have the glitz and glamour of the Hollywood crowd on their side but a simple plea and request: Let us keep our jobs. Let us keep our way of life because we have an interest in the environment, too. We have an interest in seeing this society preserved and, yes, we love the true concept of conservation. Yes, that is an emotional plea backed up by a rational plea.

Mr. Chairman, I would implore the Members of this minority to rise up against this amendment. It is unfair, it is unreasonable.

Mr. SMITH of Texas. Mr. Chairman, reclaiming my time, I rise in opposition to the Dicks amendment. It will undermine private property rights. It will harm resource protection and conservation. It will impose a Washington-knows-best, one-size-fits-all approach.

If you support private property, resource protection and flexible commonsense regulation, you should reject this amendment. The amendment violates private property rights. Ninety-nine percent of the land for critical habitat of the marbled murrelet is on public lands. Only 1 percent is on private property.

The interior appropriations bill currently protects both the murrelet and the rights of private landowners. The amendment would undermine this careful balance. It would ignore and violate the constitutional rights of private landowners in California. That is why the amendment is opposed by the League of Private Property Voters.

By violating private property rights, the amendment will undermine environmental protection. The private landowners in northern California are good environmental stewards. They have worked over generations, both to productively use their land and to protect their natural resources. The amendment will sabotage their efforts. It will convert resources from environmental assets into financial liabilities. In so doing, it will harm the very species it claims to help.

One cannot protect species unless they work with landowners. The amendment punishes landowners for good environmental management.

□ 1645

By punishing landowners it harms species as well. If my colleagues are concerned about protecting the marbled murrelet, reject this amendment. The amendment rejects flexible regulation in favor of a Washington-knows-best, one-size-fits-all approach.

The current bill recognizes the private land is different from public land, so it applies different approaches to protect the marbled murrelet on private and public lands. The amendment rejects this flexible, reasonable approach. Instead it imposes a command and control, one-size-fits-all approach on all property regardless of who owns it.

If we really believe in commonsense regulation, if we really believe and support flexibility, if we really believe that the era of big government is over, as the President tells us, we must reject this amendment. Protect the environment, secure private property rights, ensure flexibility. Reject one-size-fits-all, Washington knows best, and oppose this amendment.

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

Mr. Chairman, I apologize for speaking on this amendment because I have not been on the floor during most of the debate, and undoubtedly at least some, if not most, of what I say will be repetitious. I had intended to participate, and only because I was in a markup was I not able to be here.

The point that I would like to make is that what the Riggs amendment does is intervene in the processes of an ongoing court case which has halted the logging on the property that is a subject of discussion here, and through the enactment of this legislation the processes of the court would be circumvented. Normally speaking, the Congress is reluctant to do this kind of thing, and I do not quite understand why they would be doing it in this particular situation.

Now I did hear the emotional remarks of our good friend from Arizona a few moments ago about how it was important to preserve the jobs and the profits created by the owner of this property who is doing so much for the economics of the United States. I think this is the same gentleman who presided over the bankruptcy of the sixth largest savings and loans in the United States which cost the taxpayers a billion and a half dollars. I cannot quite get so emotional about his claims to be providing this great civic service by overlogging the redwoods of northern California. Now I admit that he has a right to use his property in accordance with reasonable public standards, but I do not think he has a right to be proud of the great service he is doing until I can understand a little better why he was unable to conduct a successful savings and loan business to begin with.

Now we have this endangered species problem in southern California. It does not involve the forests. We have the kangaroo rat, the Delhi sand fly, a number of other things that the developers hate, but we learned to love them and to live with them in the same fashion that the gentleman from Washington [Mr. DICKS] has described in the Northwest. Basically the major developers and the private property owners have agreed that a simple device of multiple species habitat protection, worked out with the support and help of the local government, or the State government as the case may be, is the logical approach both to protecting private property rights and to preserving species.

Now if my colleagues do not agree it is useful to preserve endangered species, of course this kind of approach will not appeal to them very much. But I think that it would be unwise to publicly, take the position that our society is entitled to wipe out any species that it likes. I just do not think that will sell.

Now we have to this with good judgment, we have to respect property rights, we have to protect those who suffer a loss as a result of protecting endangered species. We try and do this in accordance with the normal workings of law, and I think this is the course we ought to continue to follow.

I think this amendment introduced by my good friend from northern California, Mr. RIGGS, to circumvent judicial processes, to secure special treatment for a rather small number of people, including the gentleman that we have been talking about, is really not the operation of law but an effort to circumvent the normal processes of our society, and I support the amendment to the gentleman from Washington [Mr. DICKS].

Mr. Speaker, I rise in strong support of the Dicks amendment to strike language added to the Interior appropriations bill which will allow the Pacific Lumber Co. to circumvent the Endangered Species Act on most of the land contained in the Headwaters Forest. This provision, which was added by the gentleman from California [Mr. RIGGS], would prohibit the Department of Interior from enforcing the designation of critical habitat for the marbled murrelet on lands exclusively within his district.

The Headwaters Forest is the largest remaining property owned old growth redwood forest in the world. It hosts numerous species, including the murrelet and the coho salmon. Now Congress is planning to provide a special exemption for Pacific Lumber—a company that has demonstrated reckless logging practices within the Headwaters Forest.

For over 100 years Pacific Lumber was owned by a company that operated under model sustainable logging practices. Well, as many of my colleagues know, in 1986, Charles Hurwitz orchestrated a hostile takeover of the Pacific Lumber Co., primarily through junk bonds. In the wake of the takeover, Hurwitz's United Savings Association of Texas failed, costing the taxpayers $1.6 billion. It was the sixth largest savings and loan failure in U.S. history.

Currently there are FDIC and OTS suits pending against Mr. Hurwitz and Maxxam Corp., which owns Pacific Lumber.

Pacific Lumber furiously increased the rate of logging in the Headwaters Forest, tripling the logging of redwood, especially old growth trees. After nearly exhausting the resources of this forest and facing numerous lawsuits and court orders to halt its destructive practices, Pacific Lumber laid off 105 workers.

The Fish and Wildlife Service recently designated lands as critical habitat for the marbled murrelet, and only 1 percent is privately owned. Only those lands that contain individual mature or old growth trees with occupied or potential nesting sites are included. Critical habitat is essential to protect enough area for the species to expand its range and recover to healthy population levels. A lengthy review and public comment period preceded the designation of the critical habitat. Based on that public comment, the boundaries were reduced from the 1995 proposal.

Through this provision, the Pacific Lumber Co. is merely trying to circumvent a Federal court order that halted logging in crucial sections of the habitat until a sufficient Habitat Conservation Plan has been completed. While I understand the concerns of the gentleman from California, I feel this exemption is irresponsible, and completely lacking any scientific justification, and I urge my colleagues to eliminate it by passing the Dicks amendment.

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

Mr. BROWN of California. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I appreciate the gentleman's support and again reiterate what underlies what the gentleman said. All the company has to do is go and sit down with the Fish and Wildlife Service. They work out a multispecies habitat conservation plan, and it takes some work to do it, there is no doubt about it, but there is a lawful way for them to have certainty, to protect the jobs, and that is what most responsible companies would do.

But to come here with this amendment which undermines a court decision, undermines the Endangered Species Act and frankly is inappropriate on this particular bill, I just think is a mistake, and I appreciate the gentleman's support.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Washington [Mr. DICKS] and I are often together in many areas, and I find that today we do oppose each other. I support the Riggs proposition that was put into the committee.

First of all, we need to look at the Endangered Species Act itself, and we should not be doing that quite vigorously in committee. The act was passed some years ago with the intent of not killing endangered species, of not destroying, going in and physically destroying those species. We got to the regulations. It turned out to be, after the regulations were completed, not to disturb the habitat of that species. Now that is broad as the whole world.

It is a long way from California to North Carolina, but in North Carolina we found the red cockaded woodpecker landing on a gentleman's land that by all the authorities, both regulators and nonregulators, was being managed in a businesslike, a professional and environmental way. There was 8,000 acres of land, and he won awards in doing it. The red cockaded woodpecker landed on it, built a nest, and in order to keep from disturbing the woodpeckers' habitat, they took a thousand acres of this land, set it aside. He could no longer harvest timber. He really could not do anything with it much. He went ahead and started harvesting the other 7,000 because he did not know when seven of the cousins of the red cockaded woodpecker might come over and take the rest of his land.

Now we do not know, and we did not know at that time, whether or not the red cockaded woodpecker was endangered at that time simply because the man manages land, harvests it, grazes it and so forth, but that was not the question. It was determined by the bureaucracy that it would disturb the habitat.

Now in the Pacific Northwest with the spotted owl we found that thousands of people were put out of work, we found that private property rights were taken in order to protect the owl. Some years ago I went out on a tour of the area. We found plenty of owls. We found finally that the owl probably was miscounted, that there were a lot more spotted owls than we thought. In fact they were quite more adaptable. We found them nesting in Kmart signs. So they had adjusted to their habitat pretty well. But that did not stop the fact that we destroyed tens of thousands of jobs in the Pacific Northwest and endangered private property rights.

Now let us look at the marbled murrelet and see whether or not we are talking about really the destruction of the marbled murrelet by setting aside this 1 percent. I was on the Interior Committee in question; the scientists coming in.

First of all, the marbled murrelet most of its life nests in the Aleutian Islands. There are no trees in the Aleutian Islands. So if it has to have trees, I asked the scientists, why, how did it get along in the Aleutians? They said it adapts. Well, precisely.

Most of the land of the nesting areas is along the coast, is already protected, so the seafaring marbled murrelet has habitat to come in and nest in in the coast. The 1 percent that we are talking about may not even be necessary at all.

In fact, if the 99 percent of public land that we now set aside is not enough to protect the marbled murrelet, why do we think 1 more percent of private property is absolutely essential to that at all, and there is no reason to say that we are going to destroy the marbled murrelet, even though its numbers may be decreasing, by defeating the Riggs position and taking this private property.

The only thing we know for certain is that we are treading on private property rights each time someone puts forth one of the 5,000, one of the 5,000 endangered species, and there are 5,000 out there endangered or listing. We can shut down the entire United States any time we want to put any of those endangered species forward, as we have the spotted owl, or as we have done with the marbled murrelet. We have to get some sense back into our Endangered Species Act, and we must stop taking people's private property under the guise of protecting endangered spices when there is very little scientific evidence at all.

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

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

Mr. DICKS. Mr. Chairman, I say to the gentleman, I would think the gentleman would be up here applauding the Fish and Wildlife Service for keeping the designation of critical habitat down to 1 percent of the land, 48,000 acres, Washington, Oregon, and northern California, and only in those areas where the recovery plan states that there is no Federal lands or there is no State lands to designate, and it happens to be that this area, this 40,000 acre area in northern California, has the best old growth habitat and a large number of murrelets, and so they felt that there was no other way to protect the murrelet in that area and keep distribution of the species without protecting this area.

And I would just point out even with the designation of critical habitat there really is no restriction. The company can go in and still get a habitat conservation plan, as the people of Georgia Pacific did very successfully on the red cockaded woodpecker.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. TAYLOR] has expired.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I appreciate the gentleman's courtesy. Is it really essential; in other words, is the marbled murrelet going to be destroyed if this 1 percent is not in? That would be the first question, and the second——

Mr. DICKS. And the scientists have said that there is a greater risk of extinction if we do not protect it in this area, and that is why they said we have got to designate it as critical habitat.

Mr. TAYLOR of North Carolina. If that is absolutely essential, then have we considered the taking and compensating? We are considering the taking. Then can we consider the compensation of the individuals, not just this individual, but the other ranchers and other private property owners?

Mr. DICKS. The gentleman from California [Mr. RIGGS] does not support this idea, so I do not know. I think we cannot do it, I guess. I would be perfectly willing to consider it.

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

Mr. Chairman, it seems to me this has been fairly thoroughly debated already. But one thing that has been, I think, given fairly short treatment is the question of fundamental equity between what is proposed to happen in California under the language of the gentleman from California and what is already the process for working out this same problem in the forests of Oregon and Washington. Questions of fundamental equity for the companies in those States that have gone the extra mile, have worked out with the government habitat conservation plans so as to avoid the proverbial train wreck. And I think it is very unfair to cut a special deal for this or any other particular company, given the efforts that are being made elsewhere in the Northwest to deal with this problem.

Second, I hope we will not revert back to the form that unfortunately was all too often the case in dealing with appropriations bills, and particularly this appropriation bill, in the last session of this Congress, namely loading down this bill with ill-advised environmental riders that are a real invitation to legislative deadlock which we simply do not have time for this year in particular. I think it was a failed strategy both substantively and politically for the majority last year; it is not going to be any better this year.

Finally, on the fundamental issue of the merits of the Endangered Species Act, Mr. Chairman, some very, very conservative and thoughtful scientists who work on environmental issues in my district have put the question to me about whether human activity has already made such changes in the natural environment on this planet that it may be beyond recovery.

□ 1700

Their answer to that question is we do not know yet. I think when we have doubts about that fundamental issue of whether human interference with natural systems may have put our survival in jeopardy, the question ought to arise whether we opt for a default position of further exploiting natural resources, or we opt for a default position of being very conservative about natural resources, including species, which are indicators of overall environmental health.

As my friend and my predecessor in this job I think has very profoundly observed, ''the economy is a wholly-owned subsidiary of the environment.'' We forget that at our literal peril.

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

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

Mr. DICKS. Mr. Chairman, I would again point out that there is a statement of the administration saying they strongly object to the language and provision concerning the designation of critical habitat to the endangered marbled murrelet on private lands in California. The provision adopted by the committee would adversely affect the administration's effort to achieve balanced implementation of the critical habitat designation for this species, and would set a dangerous and unsupportable precedent that would lead to costly and time-consuming litigation. I want the gentleman to know that the administration again strongly, as he knows, strongly opposes this rider.

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

Mr. SKAGGS. I yield to the gentleman from Wisconsin.

Mr. VENTO. Mr. Chairman, I want to commend the gentleman from Colorado, the gentleman from Washington [Mr. DICKS] for his amendment, and the gentleman from Colorado [Mr. SKAGGS] for his statement.

The fact of the matter is, in this instance, this has been a longstanding problem. This new owner of this particular parcel of land knew when he bought this land what the laws were. This is not something that changed, in fact, during the course of his ownership. The interest here, of course, is a special interest amendment that is being offered to, in fact, increase the value of the land at the expense of the Endangered Species Act and at the expense of the laws of the land that we have.

Is the Endangered Species Act perfect? No. Can it be improved upon? Yes. In a generic sense, I think it could. But to do it on this basis, with riders on appropriation bills for special interests, is inappropriate. I think the fact is that that law serves us pretty well if we look at all the resolution that has gone on. But if we are going to open the door up to special interest amendments, then we are going to find a disrespect for the laws of this land. That is what has happened.

On the basis of anecdotal stories here, we have heard again about the spotted owl, about the marbled murrelet, on the basis of this. This is the rejection of science. This is not the acceptance of a sound science process on this House floor. It is rejecting the facts and putting in place the special interest. The hell with the facts, full speed ahead. That is what this amendment is: business as usual for the special interests. This amendment ought to be adopted and this measure pulled from this bill.

Mr. SKAGGS. I thank the gentleman for his comments. It is a good reason to support the gentleman's amendments.

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

Mr. Chairman, I worked with the gentleman from Washington [Mr. DICKS] on national security and a lot of different areas. I know he is not mean-spirited and I know he does not mean this amendment in that direction, but let me describe how I feel the gentleman is wrong in it, at the same time he is right. I think there needs to be a balance. This particular amendment I do not feel is a balance. Let me explain why.

First of all, Mr. Chairman, I have never met, and I do not know the gentleman with this particular company that the gentleman is talking about, and I do not really care about him. I know there are a lot of jobs at stake with it, and I know in the State of California and in the State of Oregon and in the State of Washington there have been thousands of jobs lost. We look at the individuals that you are

talking about and focusing on one gentleman.

The things that the Democrat Party strives for, education, law enforcement, and those things, 94 percent of that is paid out of State revenues. All of those jobs, with the defense cuts in California, does the gentleman know how many jobs we have lost to the spotted owl and the gnatcatcher with the farmers, and with the Central Valley water project with the salmon and the farmers? It cost us $4 million because a kit fox lived under a bridge and we could not continue in San Diego. Those are the things we are talking about.

In this particular case, Mr. Chairman, it is more than just the bird. I look at the cases in California, where we had people wanting to just doze around their house because in fire season, you know how bad it is. They could not. They were told no because it was gnatcatcher country. Do Members know how many homes we lost? We lost 12 very valuable homes to people. Those are real people, I would say to the gentleman from Washington. In New Mexico, remember when the little boy was lost for 3 days and they would not let a helicopter land because it was a wilderness area?

That is wrong when we take private property and put it on a list, which we cannot pay for, and I think a more balanced way, and we have offered and I offered to help, and I think part of the new ESA is to have revenues where we can pay for these lands. But when we take a person's land, cannot pay for it, it goes on a list, and because of that it is devalued to 10 cents on the dollar, and the Government comes in and says I want to give you fair market value, that is wrong.

In this case, we are talking about real people. I do not care about the forestry people, but we have farmers, we have people who are going to lose their places, just like in all these other examples. I do believe that is wrong. Over 52 percent of California is owned by the Government. What is too much? In Idaho, I think it is somewhere close to 70 percent is owned by the Federal Government and set aside. There is a point to which, yes, we need to provide for the environment.

Mr. Chairman, first of all, I promised that I would yield to my friend, the gentleman from California, and then I will yield to the gentleman.

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

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding to me. I want to address my remarks to the gentleman from Washington [Mr. DICKS] who has repeatedly asserted throughout the debate tonight that somehow the largest of the 10 property owners who are affected by the marbled murrelet critical habitat designation, Pacific Lumber Co., which again happens to be the largest private employer in the largest county of my congressional district, although I know that does not count for a whole lot at times in our debates out here, but he has asserted that all they have to do is go down, see Fish and Wildlife, and get an incidental take permit under the Endangered Species Act, which would allow them then to selectively harvest in those areas where the murrelet has been detected.

The facts are as follows. By the way, I might add, I received a letter today. I know this may seem a little incredulous to some of you on the other side. I received a letter today. Pacific Lumber opposes the amendment, my amendment, which I offered in front of the Committee on Armed Services, because it believes it does not provide sufficient relief. They feel my amendment should have provided for just compensation for this regulatory taking.

Mr. Chairman, they go on and say: ''Pacific Lumber has worked diligently, without success, with the appropriate government agencies for years in an effort to ensure some economic return on and value from its timberlands which are considered habitat. It has spent over 3 years and $2.5 million in this regard, including substantial efforts to create an acceptable habitat conservation plan. Weyerhauser and Plum Creek,'' very important timber constituents of the gentleman from Washington [Mr. DICKS] ''are much differently situated land-wise and murrelet-wise than Pacific Lumber Co. Also, the government is working with Weyerhauser and Plum Creek to obtain an acceptable HCP or an acceptable land swap. This is very different from Pacific Lumber's experience. For example, the government has told Pacific Lumber that the only kind of permissible activities it would allow on its privately owned marbled murrelet habitat would be,'' from the Fish and Wildlife Service, ''noncommercial mushroom picking, Christmas tree cutting, rock collecting, and recreational fishing.'' These are not viable alternatives and would do little to sustain the company, its employment base, and its tax base.

The CHAIRMAN. The time of the gentleman from California [Mr. CUNNINGHAM] has expired.

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

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

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

Mr. DICKS. I appreciate the gentleman yielding to me.

Mr. Chairman, I would again point out that the designation of critical habitat has very significant meaning on Federal land, but when critical habitat is designated on private land, all it means is if you have to get a Federal permit, they have to take into account that you have got a murrelelet population and habitat on this particular land, only if there is a Federal nexus.

Having said that, there is also a way to deal with the problem of the fact that you have murrelets on the land. That is to do a habitat conservation plan. When you do the habitat conservation plan, and I would take umbrage at what has just been said about this, the company involved here did not negotiate in good faith with the Fish and Wildlife Service. I have talked to the people that were there. They said they made it very clear when they came through the door that they were interested in filing a suit on taking, a constitutional taking, and they were never willing to negotiate.

The CHAIRMAN. The time of the gentleman from California [Mr. CUNNINGHAM] has expired.

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

Mr. RIGGS. Mr. Chairman, will the gentleman yield.

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I have to rebut this contention. I have to ask the gentleman from Washington [Mr. DICKS] if he has had any personal contact with top level officials of the Pacific Lumber Company.

Mr. DICKS. No, I have not. But I have had contact with the top level officials of the Fish and Wildlife Service.

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

Mr. CUNNINGHAM. I yield to the gentleman from California.

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

We keep hearing about the magical, mystical HCP process. I guess if you own 400,000 acres in one block, it is much easier to come up with an HCP which will work, because you are allowed to rotate your cutting throughout the entire parcel.

Unfortunately for most small property owners, that is not an option. It is not available to you. You do not have the attorneys, you do not have the accountants, you do not have the biologists. You do not have the ability to adopt that kind of plan. I know the gentleman from Washington has worked very hard on HCP.

The CHAIRMAN. The time of the gentleman from California [Mr. CUNNINGHAM] has expired.

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

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

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. POMBO. I thank the gentleman for yielding.

Mr. Chairman, I have supported HCPs. As the gentleman is well aware, in my endangered species reform bill. We strengthened the HCP process so it would be capable of establishing HCPs

that would actually work. My colleague, the gentleman from southern California [Mr. BROWN], was down here before and he talked about the HCP process they established in southern California, which was a very painful and very expensive process that took years to come up with, and has shown everything that was wrong with the current Endangered Species Act in terms of an HCP.

Again, the problem is not the major property owners. The problem is not the larger developers. The problem is the small people, the individual property owners that do not have the ability to do that.

Mr. DICKS. Mr. Chairman, if the gentleman from California [Mr. CUNNINGHAM] will continue to yield, the administration has made it very clear that for the small people, they are going to be able to come in and file something and be able to be exempted. What they are trying to do is get an HCP on the big companies.

Mr. POMBO. Mr. Chairman, reclaiming my time, one of the worst possible things we could do to the Endangered Species Act is put in some arbitrary things and say if you have 5 acres or less, you are exempted from that.

Again, in looking at the land patterns in northern California, the brown and the purple are publicly owned lands. They are either owned by the Federal or the State government. We can look at this and tell that there is an abundance of Federal- and State-owned lands, publicly owned lands. The gentleman keeps talking about the Headwaters Forest and the great redwoods. It should be pointed out that we also have the Redwood National Park just a few miles from there that is already federally owned and has fallen into disrepair, like most Federal land.

I would like to quote one thing from the Defenders of Wildlife again in their thing that they sent out on this. They said that unlike other sea birds with nests in the sand, the marbled murrelet nests in branches 150 feet above the pine needle forest, in the column of trees. This is the property we are talking about, the private property. You would have a heck of a time finding that type of habitat that they insist they need for this bird.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Washington [Mr. DICKS]. I think the provision added in full committee by the gentleman from California [Mr. RIGGS] ought to be stricken from this appropriations bill. I think it is a special interest rider. We have a private calendar for the relief of individuals. Perhaps that rider ought to move to the private calendar.

At any rate, I think we are ready to vote, Mr. Chairman. We have spent more than 2 hours in debating this amendment. I would hope that we are just about through with it so we can get on with the rest of the bill.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding to me, as I rise in support of the amendment offered by the gentleman from Washington [Mr. DICKS]. In the interests of the gentleman's admonition for us to move on, I will eliminate some of my statement, but I do wish, in deleting my statement, that we will delete the Riggs rider in the Interior appropriations bill.

The Headwaters Forest is very important, Mr. Chairman. It is home to the largest private growth of giant redwoods anywhere in the world, as well as home to the endangered marbled murrelet, as we have discussed. The critical habitat of the murrelet in the headwaters is an essential link between Redwood National Park and Humboldt Redwood State Park, where the murrelet also depends on old growth forest for survival.

A few points on this. The great redwoods are a symbol of California's, indeed America's, magnificent natural wonders. Many of the trees are thousands of years old. They existed when Hannibal crossed the Alps. People come from all over the world to view these giant redwoods, and some of the trees would require many people to completely encircle them. They are truly natural wonders of the world.

Mr. Chairman, I think this is important to the point that has been made earlier. Once, 2.1 million acres of dense coastal redwoods covered the coast from the Oregon border to Big Sur in California. Today, original redwood occupies only 3.9 percent, of this former range, and the 48,000 acres we are talking about today is a large part of that 3.9 percent. The ancient groves are interdependent and support numerous species.

The Riggs amendment is a giant step forward in undoing the Endangered Species Act. The Riggs rider reduces protection of the marbled murrelet in northern California, and amounts to an outright assault on the Endangered Species Act, with the exclusive goal of protecting a major special interest that will gain financially from this rider.

□ 1715

It sets a dangerous precedent for other species and for the Endangered Species Act by opening up areas once protected.

As the gentleman from Washington [Mr. DICKS] has stated, adequate recourse currently exists for private landowners to have their grievances about the Endangered Species Act and critical habitats addressed.

The appropriate place for an endangered species amendment is in the authorizing process as the gentleman from California [Mr. POMBO] has suggested he is pursuing. We have done enough damage to our old-growth and ancient forests without contributing further to their destruction.

The Riggs rider would put the murrelet firmly on the road to extinction. If every Member of Congress sought to restrict coverage of the Endangered Species Act or circumvent its intent on a piecemeal basis, the ark would sink.

The Dicks amendment places the public interest over individual economic gain. The marbled murrelet and the Headwaters Forest contribute greatly to the richness of our world and the natural heritage we will to future generations of Earth's inhabitants.

Vote for the Dicks amendment to strike the Riggs rider from the bill. A vote against the Riggs rider is a vote for jobs, environmentally sound jobs.

Mr. Chairman, I rise in support of the amendment offered by Mr. DICKS to delete the Riggs rider in the Interior appropriations bill.

The Headwaters Forest is home to the largest private grove of giant redwoods anywhere in the world as well as home to the endangered marbled murrelet. The critical habitat of the murrelet in headwaters is an essential link between Redwood National Park and Humboldt Redwood State Park where the murrelet also depends on old-growth forests for its survival.

These great redwoods are a symbol of California's indeed America's magnificent natural wonders—many of the trees are thousands of years old. These trees existed when Hannibal crossed the Alps. People come from all over the world to view these great redwood giants; some of the trees would require many people to completely encircle them. They are truly natural wonders of the world.

Once, 2.1 million acres of dense coastal redwoods covered the coast from the Oregon border to Big Sur in California. Today, original redwood occupies only 3.9 percent of this former range, according to field work and satellite mapping. And the 48,000 acres, last remaining redwoods make up a large part of that small percentage.

The ancient groves are interdependent and support numerous species, many of which are endangered. It is the collective nature of species and their habitat that determine their preservation and survival. Endangered species, once listed as endangered, should not be victims of actions that restrict their environment and further endanger their status in nature.

The marbled murrelet once numbered 60,000 in California and has been reduced to between 2,000 to 5,000 birds. The reduction in numbers is directly linked to intense commercial logging which has destroyed over 95 percent of the marbled murrelet's nesting areas.

The Riggs rider is a giant step toward undoing the Endangered Species Act. The Riggs rider reduces protection of the marbled murrelet in northern California and amounts to an outright assault on the Endangered Species Act with the exclusive goal of protecting a major special interest that will gain financially from this rider.

It sets a dangerous precedent for other species and for the Endangered Species Act by opening up areas, once protected, for timber harvesting. Under the bill, only 3,000 acres would be protected—the headwaters grove.

As Mr. DICKS has stated, adequate recourse currently exists for private landowners to have their grievances about endangered species in critical habitats addressed. Section 10 of the act allows landowners to enter into long-term agreements with the U.S. Fish and Wildlife Service through habitat conservation plans. These plans allow landowners to secure some certainty on the use of their private property over a long-term, for as much as 100 years ahead.

Critical habitat primarily seeks to protect enough area for the species to expand its range and recover to healthy population levels. Critical habitat designation and enforcement are crucial to the recovery of every listed species.

The appropriate place for an endangered species amendment is in the authorizing process, not the appropriations process. We have done enough damage to our old-growth and ancient forests without contributing further to their destruction.

The Riggs rider would put the murrelet firmly on the road to extinction. If every Member of Congress sought to restrict coverage of the Endangered Species Act or circumvent its intent on a piecemeal basis, the ark would sink.

The Dicks amendment places the public interest over individual economic interest. The marbled murrelet and the Headwaters Forest contribute greatly to the richness of our world and the natural heritage we will to future generations of Earth's inhabitants.

The world is a poorer place for the loss of a species. Vote for the Dicks amendment to strike the Riggs rider from the bill.

A vote against the Riggs rider is a vote for jobs.

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

Mr. YATES. I yield to the gentleman from California.

Mr. RIGGS. I appreciate the gentleman yielding. I just want to point out to my good friend from California and fellow member of the Committee on Appropriations again since she was present the other night and will recall the debate, the amendment specifically excludes the Headwaters Forest.

So I do not understand why those on that side insist on repeating this contention that it includes the Headwaters Forest when it clearly, by the language of the bill, excludes 3,000 acres of redwood forest commonly known as the Headwaters Grove located in Humboldt County, CA.

Ms. PELOSI. Mr. Chairman, if the gentleman will yield further, the gentleman's original amendment was even more destructive than the way it was amended in committee because indeed he did not exempt the Headwaters Forest, these 3,000 acres.

This perfecting amendment from the gentleman from Ohio [Mr. REGULA] in his good intention to protect some of the acreage simply did not go far enough. The 3,000 acres does not begin to cover the area that needs to be protected. But I am pleased the gentleman from California [Mr. RIGGS] is pointing out that his original amendment was even more drastic.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. YATES] has expired.

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

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

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

Mr. DICKS. Mr. Chairman, I would just like to commend the gentlewoman for her statement. Yes, 3,000 acres are protected but there is at least 33,000 additional acres that are not protected. The Fish and Wildlife Service says that in order to protect the murrelet in this area where you have got a lot of old growth, you have got to have some private property designated. Again, I point out that in the three States, they only designated 1 percent but that 1 percent is critical to the survival of the marbled murrelet in northern California. That is why they did it. They did it with great apprehension, frankly. Again, the answer here to my colleagues and the other private companies that have done this, get a habitat conservation plan. Negotiate it. The people in southern California did it. The people in northern Washington State are doing it. It is not that hard to do.

What this is is an exemption that is going to then have every company in the country coming to all the Members saying, ''Why don't you get one for us.'' That is just not the way to do business.

The irony of all ironies is the gentleman from California [Mr. RIGGS] stating that Mr. Hurwitz is not satisfied with his amendment. If he is not satisfied with it, why is the gentleman offering it? Why does he not just withdraw it and accept my amendment?

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

Mr. YATES. I yield to the gentleman from California.

Mr. RIGGS. The reason I am offering it, I will be very clear again, is that we are talking about 10 property owners, 4 different companies and 6 small ranches. That is why. And because the principle involved here is the fifth amendment of the Bill of Rights to the Constitution.

Mr. DICKS. If the gentleman will yield further, the Fish and Wildlife Service has told me, and I have talked to the people in that region, they will sit down with those people, the small landonwers, and work this out. They are willing to sit down with Mr. Hurwitz and work this out.

Mr. RIGGS. Does the gentleman have that in writing?

Mr. DICKS. I have been told by people whom I have known and worked with for many years and we have worked successfully on getting the Murray Pacific HCP, so why do we not do it the old-fashioned way, do it right, instead of having this legislative rider that is going to cause all the problems for the Members of Congress in our areas?

The CHAIRMAN. The time of the gentleman from Illinois [Mr. YATES] has again expired.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time for debating this amendment terminate in 10 minutes with the two gentlemen from California who are on their feet having spoken being given that full time.

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

Mr. DICKS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. DICKS. I think a split of 10 minutes, 5 on each side; I will agree to that. They will agree to that.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment and all amendments thereto be limited to 15 minutes, half on this side and half on that side.

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

Mr. RIGGS. Mr. Chairman, I reserve the right to object to simply point out that many of our colleagues have now come to the floor to participate in this debate and I think we owe it to them to give them the opportunity to express their personal views. So I would seek a unanimous-consent agreement, but I would propose that we make it a little bit longer than the timeframe of the unanimous consent.

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

Mr. RIGGS. I yield to the gentleman from Illinois.

Mr. YATES. Twenty minutes. We have already debated it over an hour, I might say.

Mr. DICKS. Two-and-a-half hours.

Mr. YATES. This is only the third amendment to this whole bill.

The CHAIRMAN. What is the time request on each side?

Mr. DICKS. Mr. Chairman, I ask unanimous consent that we have 20 minutes, 10 minutes on each side.

The CHAIRMAN. What is the unanimous-consent request from the gentleman from Illinois?

Mr. YATES. The request is that all debate terminate in 20 minutes, 10 minutes on each side.

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

Mr. RIGGS. Mr. Chairman, reserving the right to object, I yield under my reservation to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Chairman, I thank my friend for yielding.

I am inclined to support this, but I would like to ask, Mr. Chairman, if it would be possible for those Members who are seeking the opportunity to speak on this amendment, if they could stand, raise their hands so that there would be some indication as to whether or not we should proceed with this measure. Members who, I guess, have already taken their time would not be included, this would be Members who have not yet taken an opportunity.

It appears that there are several Members, Mr. Chairman, who wish to

speak on this, so I would propose to my dear friend from Illinois that we extend it to possibly 30 minutes total so that those Members who wish to speak would have the opportunity.

Mr. YATES. Mr. Chairman, I ask unanimous consent that the time for debate on this amendment and all amendments thereto be limited to 30 minutes, 15 minutes on each side.

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

Mr. RIGGS. Mr. Chairman, reserving the right to object, I do so to clarify that I would then control the 15 minutes of time in opposition to the Dicks amendment.

Mr. YATES. And the gentleman from Washington [Mr. DICKS] will be in charge of our time on our side.

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

The CHAIRMAN. Without objection, the time for debate on this amendment and all amendments thereto will be limited to 30 minutes. The gentleman from California [Mr. RIGGS] and the gentleman from Washington [Mr. DICKS] each will control 15 minutes.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I yield 3 minutes to my good friend and northern California neighbor and colleague [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise in strong opposition to the Dicks amendment.

Mr. Chairman, the listing of the marbled murrelet is the capstone of efforts by extreme environmentalists to lock up private property in northern California. This small bird, which environmentalists claim is on the verge of extinction, actually has a habitat range that stretches all the way from California through Canada and into Alaska, where literally hundreds of thousands of murrelets can be found.

The thrust of the movement and this amendment is to move the battle to stop timber harvests from Federal to private property. Over 4 million acres of murrelet habitat already has been designated in Washington, Oregon, and northern California; 3.9 million of these acres are on Federal land.

Less than 1 percent of the critical habitat, approximately 48,000 acres, is located on private land. Seventy percent of this private property is owned by one property owner. This one property owner will have 33,000 acres of land locked up by an uncompensated taking unless this Congress has the courage to stop it.

Mr. Chairman, 3.9 million acres of critical habitat for a bird that thrives by the hundreds of thousands in Alaska through northern California. We do not need to confiscate 33,000 acres of private property to save the marbled murrelet.

Unfortunately, the extreme environmentalists do not see it that way. Extremist juggernauts like the Sierra Club have already declared open war on Federal timber harvests. Now they are setting their sights on private timber interests. Their work will not be done until every square inch of forest in North America has been converted to a park.

Mr. Chairman, every private property owner in the United States should pay close attention to this vote. Today, extremist policies are taking property from a northern Californian. Tomorrow, it might be a Georgian or a Floridian or even someone in New York or New Jersey who will lose their property rights for the sake of furthering an extreme environmental agenda.

Mr. Chairman, I urge my colleagues, especially those who champion private property rights, to stand up for the millions of private property owners in our country, to oppose policies that systematically rob Americans of their rights of self-determination, and to reject the extreme environmentalist agenda by opposing the Dicks amendment.

(By unanimous consent, Mr. REGULA was allowed to speak out of order.)

EVENING SCHEDULE

Mr. REGULA. Mr. Chairman, I want to let Members know what we have in mind. That is, there is about 25 minutes left on this amendment, and then there will be a vote. Then we have two amendments that will be offered that will be accepted by the ranking minority member and myself, and we will voice vote those. Then it would be our intent to roll votes after that for a rather sustained period.

This will allow people to have some idea of what is planned for the rest of the evening. We do hope to finish this bill tonight, and I think we can, if everybody works at it.

Mr. DICKS. Mr. Chairman, I yield myself 5 minutes.

The Chairman, first of all I am a little disappointed in the hysteria that I have been hearing about what this all means. I want to read again, so that all my colleagues have an understanding objectively, with passions lowered, what this means.

The Fish and Wildlife Service only designated non-Federal lands as critical habitat where Federal lands are limited or nonexistent where non-Federal lands are essential for maintaining marbled murrelet populations and nesting habitat. The U.S. Fish and Wildlife Service recovery plan stated that suitable nesting habitat on Pacific Lumber Co. lands in Humboldt County, CA, is the only available nesting habitat for the southern portion of zone four. This area has known nest sites and is situated in a key area close to the coast, with no Federal lands in the immediate area that are able to provide similar recovery distributions.

It is imperative to protect murrelet habitat on corporate forest lands in northern California because these lands provide a biological link to the murrelet populations between the Redwood National Park to the north and the State redwood parks to the south. Contrary to the assertion of the gentleman from California [Mr. RIGGS] that critical habitat designation amounts to a condemnation or taking of private land, the Fish and Wildlife Service action does not specifically prohibit logging or any other type of land use on those properties.

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

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

Mr. RIGGS. Does the gentleman's letter that he is reading from now make any mention of the nine other property owners who are affected by the marbled murrelet designation?

Mr. DICKS. The same remedies exist for them.

Mr. RIGGS. Does the gentleman's letter make any mention of those nine?

Mr. DICKS. Mr. Chairman, reclaiming my time, as I said to the gentleman, the other people that are affected besides your major company can go to the Fish and Wildlife Service and can get a habitat conservation plan. The Fish and Wildlife Service has said it is going to work with smaller landowners.

The most important areas, as the gentleman has mentioned, are the headwaters areas. The problem we have got here is that there is a legal and proper way to proceed. That is getting a multispecies HCP. What the gentleman is doing today with his amendment that was adopted in the full committee is trying to short-circuit the process.

I would again say to the gentleman, why is it that Plum Creek, Weyerhaeuser, Simpson and the Murray Pacific Co. are all able to negotiate with the Fish and Wildlife Service, and yet Mr. Hurwitz and Pacific Lumber are not?

□ 1730

It is because this gentleman is not interested seriously in reaching an agreement which would give him 100 years of certainty and the ability to log on his land. Now, we can work out the problems of the other small landowners.

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

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

Mr. VENTO. Mr. Chairman, I appreciate the gentleman from Washington yielding to me.

Mr. Chairman, the fact is that the Fish and Wildlife Service, under the Clinton administration, has actually made a commitment to exempt small landowners.

When we hear the discussion about landowners, the only reason this amendment has any effect in this bill is because of the large landowner exemption. This is a single-interest, special-interest exemption to this particular issue.

Mr. Chairman, I want to ask the gentleman from Washington [Mr. DICKS]

this. I heard some suggestion that there was some modification to the fifth amendment to the Constitution in this particular amendment. Now, the gentleman from California, our friend and colleague, and the gentleman from Washington, neither of my colleagues have amended the fifth amendment to the Constitution in this appropriation bill; have they?

Mr. DICKS. Reclaiming my time, even in the Committee on Appropriations, we are not that brazen, I would assure my friend from Minnesota.

Mr. Chairman, the point is here, there is not a taking, because the company can come in, they can get a habitat conservation plan. They can work out this problem with the Fish and Wildlife Service. They do not need to be exempted.

Mr. VENTO. Mr. Chairman, if the gentleman would yield to me further on this point of taking, there was an earlier court decision in this term of Congress.

Mr. DICKS. Sweet Home, Mr. Chairman.

Mr. VENTO. The Sweet Home decision. And it was suggested that this activity by the Fish and Wildlife Service constituted, that was the assertion, that it constituted a taking. The Supreme Court rejected that particular logic.

Mr. Chairman, I would just suggest to my colleagues that in fact we are in an era where we have this new information and knowledge. It obviously is difficult for some of us to come to grips with it. It means new limits and complications in the world of work and in the world of commerce. But the fact is it has the same logic as if water ran through your land that you did not have any responsibility to anyone as to where the water came from or what you did to it while it was on your land or the air quality issue. The same is true with these habitat areas that have these important species. Obviously they affect all of us. They affect the entire fauna and flora in these ecosystems that are critical, and that is why we have laws in place, because of the foresight of others that addressed those issues with sound science and economics.

Mr. RIGGS. Mr. Chairman, I yield myself 1 minute to point out, first of all, that under this administration we have seen a gradual erosion of private property rights. Many of us from the West, of course, vividly recall the broken promises of this administration, beginning with the Pacific Forest Conference, or whatever it was called, which has resulted in literally thousands of timber workers being unemployed today and on food stamps.

Mr. Chairman, I want to make one other point. The gentleman from Washington [Mr. DICKS] has repeatedly asserted that there is no other suitable murrelet habitat in the vicinity of these 37,000 acres. He has repeatedly asserted that, but in the immediate vicinity are 693,000 acres of publicly owned land which has also been designated as critical habitat for the marbled murrelet.

How many times do I have to repeat these statistics: 477,300 acres on Federal land and 175,000 acres on State land. That is not, that is not a lack of critical habitat in the immediate vicinity for the marbled murrelet.

Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from Washington [Mr. NETHERCUTT].

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for yielding me the time, and I want to respond to the comments of my friend from Washington, and he is my friend, on this issue. The gentleman from Washington [Mr. DICKS] has stated that it is all that a landowner has to do, is go in and get an HCP. Well, that cost of those timber companies who did that in my State hundreds of thousands of dollars to get that HCP. It is not that easy, in my judgment. They did it with great sacrifice, great time delays, and at a great cost of their corporate dollars, and that is very real.

It is easy for us to stand here in this body and talk about, well, just go get an HCP or just go down and negotiate with the Fish and Wildlife Service. That is not that easy in today's world. That is one of the problems that I think small owners, landowners face, first.

Second, I received a letter from the Farm Bureau. Now, I represent the eastern district of Washington, lots of farmers, lots of small farmers. This is what they said about this amendment of the gentleman from California [Mr. RIGGS] and this provision in the appropriations bill. The Farm Bureau supports this private property rights provision and urges its retention in the bill. The provision sets a valuable precedent that it is wrong for the Government to impose regulations that prohibit private landowners from harvesting a crop.

Third, I think all this debate really emphasizes is that we have got an Endangered Species Act in this country that needs very, very serious attention. We have ambiguities in the law that was passed in 1973. We are fighting this out today, this discussion between private property rights and the public interest in protecting critical habitat and protecting endangered species. They are both very, very important.

But I think what we really ought to be doing instead of fighting this debate on this amendment is addressing the issue, the greater issue of reforming the Endangered Species Act to make it work so that small landowners and private property rights and big companies and birds and fish and animals can coexist. I think they can, and I think we ought to really direct our attention to that effort.

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

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

Mr. RIGGS. The gentleman from Washington [Mr. DICKS] has repeatedly asserted throughout the day that the Endangered Species Act is working well in the State of Washington. The gentleman from Washington [Mr. NETHERCUTT] also represents a congressional district. Is it your opinion that the Endangered Species Act is working well in the State of Washington today?

Mr. NETHERCUTT. Reclaiming my time, I think we are frustrated in our State, whether it is the gentleman's district or mine. We are frustrated trying to make it work. Again, I want to make the point, it should work. We need to protect species. We need to protect private property rights. But under the current laws, we are all frustrated and it is costing everybody a fortune to make it work.

Mr. DICKS. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I would say to my friend from Washington, and he is my friend, that habitat conservation plans are a voluntary thing. A company like Murray Pacific, my good friend Toby Murray from Tacoma, WA, worked hard with my office, the Fish and Wildlife Service, everyone over an extended period of time to negotiate out a habitat conservation plan. I was there the day that that plan was approved. Toby Murray got up, conservative Republican, a business guy, solid as anyone. You would love him on your side of the aisle, and we would love him on our side of the aisle. He is providing good jobs for people.

He said this was the proudest thing that he had ever done, to be able to sit down with the Federal officials and to work out an agreement that would allow him on his private lands to protect salmon, to protect murrelets, to protect owls, to protect species, and yet still be able to do harvesting for the next 100 years. That is a win-win. Now, that is not an Endangered Species Act that is broken. That is an Endangered Species Act that is working.

I applaud this administration. I have opposed them on many things, and I think sometimes that they are, you know, too zealous. But in this area, they have been willing to sit down with the private sector, roll up their sleeves and come up with these habitat conservation plans. That is why I object to this approach, while all of my companies up there are doing it the right way, the way that the law lays out to do it, and they are succeeding.

Plum Creek is going to be next, then Weyerhaeuser and the State of Washington. Then if we can get this protection with the Federal option nine at the core, we protect the major Federal lands, the big landowners, then we can exempt most of the little landowners that both the gentleman from California [Mr. RIGGS] and I are both concerned about. They can be exempted because we will protect enough species on the Federal lands and on the major private landowners and the State lands to let the little people off without any requirements whatsoever. That is my goal.

Mr. Chairman, I am willing to work with the majority side in strengthening the habitat conservation provisions of the Endangered Species Act. But let us not go down the road of an exemption for one company that was taken in a hostile takeover, who comes here and asks for legislation and now they are not even satisfied with what the gentleman from California, [Mr. RIGGS] is trying to do for him. I think this is a terrible precedent.

We are all going to regret the day we do this. The administration says it will veto the bill over this. We have got a lawful way to proceed. We do not need to do this. This is a terrible mistake and we will rue the day that we did not protect the murrelet, did not protect the old growth redwood, and that we did not protect the Endangered Species Act.

I thought this was going to be the new majority now that we are going to look at environmental things in a little more responsible way, and that is why I was so upset by the comments that were made by the gentleman from Alaska [Mr. YOUNG], when he said flat out, as chairman of your Committee on Resources, that he does not support the Endangered Species Act.

I think we have got to sit here and say to ourselves, how can we say that? If biodiversity is not important, if protecting species is not important, even some of the most conservative Christians today in the church movement were standing up and defending the necessity to protect God's creatures. I say to the gentleman that protecting species is a responsibility of this Congress, and protecting the Endangered Species Act is the tool to do it.

Can we improve it? Yes. But to come in here today for one company and try to pass a social exemption is wrong, and the gentleman from California [Mr. MILLER] said it better than I can say it, but it is not the right way to proceed. If we want to change the ESA, let us go to the authorizing committee and change it. Let us not do it here in an amendment that has had no hearings, no process, no procedure. It is simply wrong.

The CHAIRMAN. The Chair would advise that the gentleman from Washington [Mr. DICKS], has 6 minutes remaining, and the gentleman from California [Mr. RIGGS], has 8½ minutes remaining.

Mr. RIGGS. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I say to the gentleman, suppose Pacific Lumber Co. jumped through all the hoops to get a habitat conservation plan, spent the hundreds of thousands of dollars and took the months or years to accomplish it. Do we have information that suggests what activities they might be permitted to carry out on their land, having spent the hundreds of thousands of dollars and the months to obtain such a plan?

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

Mr. DOOLITTLE. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, let me say again for the RECORD that Pacific Lumber Company was told by the Federal Government, quote, that the only kind of permissible activities it will allow on its privately owned marbled murrelet habitat would be noncommercial mushroom picking, christmas tree cutting, rock collecting and recreational fishing.

Mr. DOOLITTLE. And that is reasonable.

Mr. RIGGS. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. DREIER] my very good friend and a distinguished member of the Committee on Rules and the Chairman of the Legislative Task Force.

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

Mr. DREIER. Mr. Chairman, I thank my friend for yielding me the time, and since he mentioned I am on the Committee on Rules, it is great to see this marvelous testimony to the open amendment process we have gone through for the past several hours. Everyone is cheering for it, I can tell.

Mr. Chairman, let me say that as we look at this measure, I believe that what we have come to is actually a compromise. We continue to hear the terms veto bait and this is a special interest measure, but it is a bipartisan compromise. It includes the support of the Chairman of the Joint Committee on Fisheries and Aquaculture, a Democrat from the California State legislature who has spent time looking at this, and Chairman Hauser has concluded that the Riggs language is very appropriate.

It also enjoys the support of the inclusion of an amendment by the chairman of the subcommittee, who obviously dealt with this Headwaters question which continues to come to the forefront time and time again, and it is excluded. Mr. RIGGS has made that point very, very clear. But very, very important is the fact that this addresses the issue of private property rights while it is also looking at the environmental concerns, which my friend from Washington has just raised.

Mr. Chairman, I submit for the RECORD letters that have come from people who are actually witnessing this debate: Mary and Jack Walsh, who are property owners whose land was pictured here on the easel earlier, and people like Martin and Donna Gift, who I know are very interested in this debate and in fact are being victimized if we do proceed with this. Also a very thoughtful handwritten letter. It is handwritten, so I cannot read exactly. Donmarie Paddock-Bowers.

The letters referred to are as follows:

JACK WALSH, M.D.,
Eureka, CA, June 14, 1996.

DEAR CONGRESSMAN RIGGS: I am writing you in regards to the Marbled Murrelet Critical Habitat Designation which is currently impacting our family's property just north of Fortuna, California.

My wife Mary and I purchased this previously clear cut property in 1953 when the second growth market was just coming into its own. We never dreamed that we would see it logged in our lifetime. This summer, our son Pat, will have completed his ninth year of selective logging on a sustained yield basis. We are all very proud of our logging operation.

The property (880 acres), is completely surrounded by other second growth stands. Why we were arbitrarily placed in this Habitat Designation, without any input from our family or forester is beyond our imagination. (see aerial photos)

Just October, our forester, Ron Hunt wrote a detailed letter to Russell Peterson, State Supervisor of Fish and Wildlife in Portland, Oregon. He requested that our property be removed from Habitat Designation for obvious reasons. (no existing habitat) Several follow up inquiries were put off by the Fish and Wildlife Service. We have yet to hear any logical explanation as to why we were placed in the Habitat Designation. (see Ron Hunt's letter).

The arrogance of the Fish and Wildlife Service to arbitrarily begin drawing maps which impact our property, we feel is completely unjust. We have more than enough regulations to overcome in an attempt to properly care for our forest. We hope you can help us.

Sincerely,

DR. AND MRS. JACK WALSH.

GIFT RANCH,
Kneeland, CA, June 14, 1996.

Hon. FRANK RIGGS,
1st District, California,
Eureka, CA.

DEAR CONGRESSMAN RIGGS: I, along with my son Todd, am the current owner and manager of the Gift Ranch in Humboldt County, California. A significant portion of our ranch, 510 acres of grassland, brushland, and timberland have been included within the United States Fish and Wildlife Service (USFWS) marbled murrelet's ''so called critical habitate''. This arbitrary designation of our property will cause a great financial burden upon our families.

This ranch has been owned and managed by the Gift family for four (4) generations. We have been good stewards of this land and the land has rewarded us with a reasonable living. Currently, the ranch supports me, my wife, my son Todd, his wife, and his three young children.

Recently we, at considerable expense, obtained a long term timber management permit from the State of California. This contract with the state obligates us to grow our timber on a ''sustained yield'' basis. It requires that we do only selective logging and maintain existing wildlife habitate. One of the requirements of this permit was an extensive, and I mean extensive, wildlife review. Among the wildlife habitate reviewed was the marbled murrelet. Both public and private biologists agreed that due to the extensive grassland, hardwood areas, and young growth forestlands that our ranch was not murrelet habitate. Nowhere on this ranch is the type of old growth forests that are reported to be essential for murrelet habitate.

This appears to be another example of heavy handed government ''taking'' of private property with little or no justification. At least the government could have explained to us why my son's house and the 100 or so acres of grass and oak woodlands is so critical to the survival of the marbled murrelet which is a sea bird that nests in dense old growth forests near the Pacific Ocean, not 20 or so air miles away on a hot open south facing slope.

This designation will not allow us to harvest the timber (no matter how conservatively) that we need to supplement our livestock operations. With severely depressed livestock prices the managing of our timber resources is critical to our existence.

Every generation of Gifts have added assets to this ranch. These assets are usually in the form of innovative stewardship and/or acreage to the property. It seems odd that the government with its vast holdings and seemly unlimited resources must take land from the private individual non industrial landowner to provide ''so called'' habitate for the marbled murrelet and/or any other ''so called'' endangered species.

Sincerely,

MARTIN GIFT.

JUNE 14, 1996.

Congressman RIGGS,
Washington, D.C.

My name is Donnavie Paddock Bowers, I am 55 yrs old. My husbands name is Ben Bowers, he is 58 years old. We are living on what's left of my family's sheep and cattle ranch. Visualize a small ranch (440 acres) half wooded and half prairie, this is a small ranch—too small in our county to make a living on, so my husband has a job off the ranch to make ends meet. My parents had 2,500 acres originally and sold most of it off to retire, and kept enough of the ranch to run, to supplement their retirement which is what we had planned to do when Ben retires.

I am disabled and in a wheelchair, I have been diagnosed with 2 diseases, ''M.S.'' and ''Late Lyme Disease'' both of which are incurable diseases at this time. So we have large medical bills.

We are very concerned (half of our property 220 acres) has been put into the ''Marbled Murelet Habitat'' as seen on page #412, 413, and page #414. We feel that we will be so restricted over time that we won't be able to graze our cattle on our own land, and won't have this extra income that we desperately need to live on. This property is in my blood—''I love it''. It makes me ill to think it could be taken away from us. Why this ''marbled murrelet habitat'' bill or some other bills that could come up in the future. I have been fighting for the past 5 years to keep our ranch (part or all of it) from being included into the ''Headwaters Forest''. We can't get rich running this ranch, but do need the extra income.

Because of my disabilities I have to run the ranch from my wheel chair and my wheel chair accessible van. If we are forced off of our property at our ages and health we wouldn't be able to start over! But the biggest concern is losing my heritage which can't be replaced at any price! My family has been on this land for 113 years. I thank God every morning that I can live on this land that previous generations of my family lived here before me.

A few miles from house most of my relatives are buried, including Mom & Dad.

Please protect our personal & property rights. We voted for you to look out for us when you went to Wash., D.C., Please help us now.

I want to continue running this ranch from my wheel chair with my trusty dog named ''Teal'' at my side.

Thank you,

DONNARIE, PADDOCK-BOWERS.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 17, 1996.

LEADING CALIFORNIA DEMOCRAT AGREES—THIS HABITAT IS NOT FOR THE BIRDS!

DEAR COLLEAGUE: Later this week, you may be asked to vote on a provision now included in the Interior Appropriations bill that excludes 37 thousand acres of private land from the 3.9 million-acre critical habitat designation for the marbled murrelet. The murrelet is a small bird that sometimes nests in old-growth redwoods. Why then, did the Interior Department include 501 acres of land belonging to my constituent, Martin Gift, that is largely prairie, as well as other, similar private land? As you can see from the letter that follows, Democratic Assemblyman Dan Hauser, Chairman of the California Legislature's Joint Committee on Fisheries and Aquaculture, agrees that the designation is wrong.

If you favor protection of private property from government action that reduces value without compensation, then vote ''No'' on any amendment to delete the habitat limitation.

Sincerely yours,

FRANK D. RIGGS.

CALIFORNIA LEGISLATURE, JOINT COMMITTEE ON FISHERIES AND AQUACULTURE,
Sacramento, CA, June 17, 1996.

Hon. FRANK RIGGS,
Capitol Hill

DEAR CONGRESSMAN RIGGS: Mary Morgan of my staff has personally toured Martin Gift's ranch. This ranch has been in the family for four generations. It is my understanding that a measure is pending that would declare approximately 500 acres of their ranch as critical habitat. Their ranch is part of the 3.9 million acre designation for critical habitat that is included in the Interior appropriation bill for 1997.

I question the methodology that could have allowed this portion of their ranch to be included in this critical habitat designation. Scientists have never walked over this land or studied this land from the land. Aerial photos are not as accurate as land surveys. According to my staff person, clearly, almost one-half of this acreage is bare grassy prairie which is good grazing pasture. What tree would a marbled murrelet or spotted owl live in on the bare grassy prairie? On the remaining acreage, that is included in this critical habitat designation, there is some fir, very little redwood, some oak and pepperwood.

At the very least, their ranch should be deleted from the critical habitat designation. Moreover, given the shaky methodology that included their land, may be the best alternative is to exclude private land from this critical habitat designation?

Thank you for your thoughtful and timely consideration of this request.

Sincerely,

DAN HAUSER.

It seems to me that as we look at these very touching statements that have been made by these individuals whose rights are being jeopardized, if we pass this amendment by the gentleman from Washington, [Mr. DICKS], we have no choice other than to support private property rights, responsible environmental concerns, and we should move ahead and do this immediately.

□ 1745

Mr. DICKS. Mr. Chairman, I yield myself one minute.

Mr. Chairman, again, let us just talk a little bit about Pacific Lumber Co. Pacific Lumber Co. was once an outstanding practitioner of sustainable forestry. In 1985, Charles Hurwitz' Houston based holding company Maxim Corporation orchestrated a hostile takeover of Pacific Lumber using junk bonds financed by the notorious Michael Milken and his firm, Drexel, Burnham, Lambert. Almost immediately after the take over, Hurwitz raided the PALCO employees' pension fund and practically tripled the rate of cutting redwoods to pay off the loans and junk bonds used to finance the takeover. In justification of his actions, Hurwitz was quoted by Time Magazine as telling his new employees, ''There is the story of the golden rule: He who has the gold rules.''

Now, this seems to me not to be a company that deserves our help here today.

Mr. Chairman, I yield 4 minutes to my friend, the gentleman from California [Mr. MILLER].

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

Mr. Chairman, I think the gentleman makes an important point. There is in fact a right way to do business and a wrong way to do business.

My family, interestingly enough, logged in this area and logged for this company and settled in this area in the 1840's and taught school and were workers in the mills in Eureka and Scotia and that whole surrounding area for many, many years, before they moved down to the San Francisco Bay area. Our family is legend with the culture of the woods and what it meant to work in those woods, and it is a very important part of our state.

As the gentleman pointed out, at one time this was a company that people pointed to with great pride, not only because it took very good care of its resources, but because its schedule of cutting was based essentially on sustainable forestry before we knew the term here in the Halls of Congress.

But all of that changed one day when this company was subject to a leveraged buyout and the bottom line and interest rates took precedence over the workers, over the forest resources, and, unfortunately, also over the laws of this Nation that are there to protect workers, protect pension plans, protect labor rights, and to protect the futures of those families. That is long and legendary, and we have had some heated debate about that today.

But the fact of the matter is as we close this debate, this House of Representatives cannot be used in this fashion, because this is deciding simply you no longer want to play by the rules, as does every other company in California and the Pacific Northwest and many other areas of our country, as they struggle with endangered species.

Rather than try and reform that legislation, all that we have had so far is these extreme proposals that say ''you can't kill the species, but you can destroy the habitat.'' These extreme proposals that have caused Speaker GINGRICH now to announce that the Endangered Species Act changes are dead for this year, they will not be passed.

So now we are back with this kind of extreme proposal, that says simply you get yourself a lobbyist, you get yourself a lawyer, and you opt out of the system.

We really cannot present to the American people that that is the way you do business, because there are a lot of businesses in my area, there are a lot of home builders in my area, there are a lot of land developers in my area, that are struggling to put together habitat conservation areas. That is the way they do business. They will be able to build fewer homes or in different places or use parts of land and not other parts of land, because that is what they are required to do to present compatibility with the species and with the protection of our environment. That is the way those people are doing business.

They do not all get to run to the Congress and say ''Take us out.'' If this is about endangered species and this is about reform, we can talk about reform. What we were not able to talk about in the last session was the gutting of the Endangered Species Act.

We should not allow Mr. Hurwitz and Pacific Lumber Company to unilaterally, only for his purpose, to gut the Endangered Species Act. That is what this amendment does, for one particular party, for one particular purpose, that has been unable, unable, to decide to play by the rules and to obey the law.

I want to thank the gentleman very much for offering this amendment.

The CHAIRMAN. The gentleman from Washington [Mr. DICKS] has 1 minute remaining, and the gentleman from California [Mr. RIGGS] has 5½ minutes and has the right to close.

Mr. DICKS. Mr. Chairman, it is my amendment.

The CHAIRMAN. The gentleman from California is a member of the committee.

Mr. DICKS. Mr. Chairman, I am a member of the committee and I am a senior member of the committee. I have the right to close.

The CHAIRMAN. The gentleman from California [Mr. RIGGS] has the right to close, because he represents the committee position and is a member of the committee.

Mr. RIGGS. Mr. Chairman, I yield myself 30 seconds, simply to point out that Pacific Lumber Co., as I mentioned earlier, has grown from 950 employees in 1986 at the time of the merger to 1,600 employees as of last month, and over the past 10 years, this is no cut and run operation. I would say to the gentleman from Minnesota [Mr. VENTO], over the last 10 years the company has invested over $125 million in capital improvements and additions to equipment and machinery. It has purchased two sawmills, invested in additional timber lands, and has invested heavily in modernizing its facilities.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding time.

Mr. Chairman, I think everybody in this Chamber agrees we should not carelessly cause the extinction of animal or plant species. Unfortunately, this amendment, our current policy, makes it harder to save endangered species. I think it is important to realize that just because something is called an Endangered Species Act, it is not automatically effective in saving endangered species. In fact, over the last 20 years, that act has not been credited with saving a single endangered species.

Now, the reason is the act creates the wrong incentives. The most effective way to preserve a threatened species——

Mr. DICKS. Has the gentleman heard of the bald eagle?

Mr. SMITH of Michigan. The bald eagle was by DDT.

Mr. DICKS. The DDT did not save it. The Endangered Species Act saved it.

Mr. RIGGS. Mr. Chairman, reclaiming my time, the most effective way to preserve threatened species is by improving and expanding their habitat. One might expect that an endangered species law would reward people for creating habitat. It does not do that.

For example, it could pay people who establish breeding grounds for the spotted owl or the marbled murrelet. We do not do that. Instead, we punish those who happen to have endangered species on their property. It is the wrong way to go about it. It benefits all of society. We should not impose on small property owners the imposition that does us all good. We need to change our policy. It is not a good amendment.

Mr. RIGGS. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. POMBO], cochairman of the Speaker's task force on the environment.

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

Mr. Chairman, yes, it is true that this debate really is not about the Endangered Species Act. I wish we were debating the Endangered Species Act on this floor today, but we are not. We are debating about whether or not we should protect the private property rights of these few people.

What it really comes down to is that, yes, the gentleman from Washington [Mr. DICKS] is correct about one thing. When your property is designated as critical habitat, and it is private property, it is not immediately affected under the law, unless you want to use it. If you want to use it for anything, you have to go to the Federal Government to get permission to use it.

Mr. DICKS. Only if you want to take a species.

Mr. POMBO. If you want to use your property, you have to go to the Federal Government and get permission to use your property, or risk being taken under the Endangered Species Act and being prosecuted for taking an endangered species. You must go to the Federal Government to use your property.

So, fine. You do not have to go to the Federal Government, unless you want to use your property.

Now, under the marbled murrelet critical habitat listing it says they need 150-foot-tall trees. This is part of the private property that was so necessary to include under the Endangered Species Act to protect the threatened marbled murrelet, this property right here. You can tell that it is not a forest, it is not populated with 150-foot-high trees, and yet they insist that it must be protected. This is about private property rights. That is what this debate is all about, and that is what we must protect.

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

Mr. Chairman, I would ask my colleagues to support this amendment. The gentleman before said they cannot use the property. They can go in, they can get an incidental take permit; small companies are regularly exempted by this administration. The story here today is whether we are going to allow a special interest amendment to exempt one company from having to go through the lawful pattern that every other company is going through. The question is about the survival of the marbled murrelet in northern California. It is about protecting old growth redwood forests. The recovery plan of the forests of the Fish and Wildlife Service says that this habitat is critical.

Now, think of it: In three States we only designated 48,000 acres, most of which are Pacific Lumber. I think it is wrong to give them an exemption. I urge my colleagues to support the Endangered Species Act, to support the environment.

Now, this will probably be one of the most important environmental votes of the year. The administration has said that they will veto this bill if this rider is not taken out. Let us not mess up the Interior appropriations bill.

The CHAIRMAN. The gentleman from California [Mr. RIGGS] is recognized for 2 minutes to close.

Mr. RIGGS. Mr. Chairman, after much debate we finally found a point to agree on. This is probably the most important private property rights vote that we will have in the 104th Congress, and that is what this is about. Since 99 percent of the designated habitat is unchanged in my amendment.

Mr. DICKS. I said environmental vote.

Mr. RIGGS. This is not an endangered species debate. Instead, it is about the core differences here between those who seek to protect the rights of private property owners, including some longtime ranch families, and those who have little concern about government regulatory takings of property without compensation.

So that is what this debate is about. Let us put an end to the taking. Let us keep our promises. Let us not betray

rural America. If you were one of the 277 Members of this body who back on March 3, 1995, voted for the Private Property Protection Act, I urge you, I implore you, to reject the Dicks amendment, his motion to strike, and to stand firm for private property rights, stand firm for the small ranch families and rural America.

Mr. BROWN of California. Mr. Chairman, I rise in strong support of the Dicks amendment to strike language added to the Interior appropriations bill which will allow the Pacific Lumber Co. to circumvent the Endangered Species Act on most of the land contained in the Headwaters Forest. This provision which was added by the gentleman from California [Mr. RIGGS], would prohibit the Department of the Interior from enforcing the designation of critical habitat for the marbled murrelet on lands exclusively within his district.

The Headwaters Forest is the largest remaining privately owned old growth redwood forest in the world. It hosts numerous species, including the murrelet and the coho salmon. Now Congress is planning to provide a special exemption for Pacific Lumber—a company that has demonstrated reckless logging practices within the Headwaters Forest.

For over 100 years Pacific Lumber was owned by a company that operated under model sustainable logging practices. Well, as many of my colleagues know, in 1986, Charles Hurwitz orchestrated a hostile takeover of the Pacific Lumber Co., primarily through junk bonds. In the wake of the takeover, Hurwitz's United Savings Association of Texas failed, costing the taxpayers $1.6 billion. It was the sixth largest savings and loan failure in U.S. history. Currently there are FDIC and OTS suits pending against Mr. Hurwitz and Maxxam Corp., which owns Pacific Lumber.

Pacific Lumber furiously increased the rate of logging in the Headwaters Forest, tripling the logging of redwood, especially old growth trees. After nearly exhausting the resources of this forest and facing numerous lawsuits and court orders to half its destructive practices, Pacific Lumber laid off 105 workers.

The Fish and Wildlife Service recently designated lands as critical habitat for the marbled murrelet, and only one percent is privately owned. Only those lands that contain individual mature or old growth trees with occupied or potential nesting sites are included. Critical habitat is essential to protect enough area for the species to expand its range and recover to healthy population levels. A lengthy review and public comment period preceded the designation of the critical habitat. Based on that public comment, the boundaries were reduced from the 1995 proposal.

Through this provision, the Pacific Lumber Company is merely trying to circumvent a federal court order that halted logging in crucial sections of the habitat until a sufficient Habitat Conservation Plan has been completed. While I understand the concerns of the gentleman from California, I feel this exemption is irresponsible, and completely lacking any scientific justification, and I urge my colleagues to eliminate it by passing the Dicks amendment.

Mr. Chairman, I rise in strong support of the Dicks amendment. Since the start of the 104th Congress, the Republican majority has consistently attempted to ignore the nation's existing environmental protections. In this particular instance the Republicans would like to prohibit the Fish and Wildlife Service from enforcing critical habitat protections for the marbled murrelet in the state of California.

For those of you who are unaware, the marbled murrelet is an endangered seabird that nests in old-growth forests. In order to protect these endangered birds, the Fish and Wildlife Service recently designated roughly 4.5 million acres of forest in California, Washington, and Oregon as critical habitat areas. Yet, rather than encourage private industries to comply with these protections and enter into a multi-species habitat conservation plan, the bill before us today would exempt these companies in California from complying with these standards.

In addition to harming the Nation's efforts to protect these endangered birds, exempting Californians from these standards will undermine efforts in my own state of Washington to have owners of critical habitat areas enter into multi-species habitat conservation plans of their own. The Dicks amendment would strike these environmentally dangerous provisions. I would hope that the House supports his efforts.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. DICKS].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 257, noes 164, not voting 13, as follows:

AYES—257

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blumenauer
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Camp
Campbell
Cardin
Castle
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Cummings
Davis
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Ehlers
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gordon
Goss
Green (TX)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastert
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Holden
Horn
Houghton
Hoyer
Hutchinson
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
Klink
Klug
Kolbe
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pomeroy
Portman
Poshard
Pryce
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tate
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Zimmer

NOES—164

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brewster
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Everett
Fowler
Frisa
Funderburk
Ganske
Gekas
Geren
Gonzalez
Goodlatte
Goodling
Graham
Greene (UT)
Hall (TX)
Hancock
Hansen
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Istook
Johnson, Sam
Jones
Kim
King
Knollenberg
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCrery
McHugh
McInnis
McIntosh
McKeon
Mica
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Pickett
Pombo
Porter
Quillen
Radanovich
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Royce
Salmon
Schaefer

Seastrand	Stenholm	Vucanovich
Shadegg	Stockman	Walker
Shuster	Stump	Wamp
Skeen	Talent	Watts (OK)
Smith (MI)	Taylor (MS)	Whitfield
Smith (TX)	Taylor (NC)	Wicker
Solomon	Tejeda	Young (AK)
Souder	Thornberry	Young (FL)
Spence	Tiahrt	Zeliff
Stearns	Traficant	

NOT VOTING—13

Baesler	Hayes	Tauzin
Brownback	Lincoln	Thomas
Emerson	McDade	Torricelli
Fields (TX)	Peterson (FL)	
Gallegly	Ramstad	

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Messrs. BILIRAKIS, HALL of Texas, and MANZULLO changed their vote from ''aye'' to ''no.''

Messrs. CAMP, WELDON of Florida, KASICH, and CHRYSLER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. THOMAS. Mr. Chairman, on rollcall No. 253, I was unavoidably delayed, had I been present, I would have voted ''no.''

PERSONAL EXPLANATION

Mr. PORTER. Mr. Chairman, I was present on the floor and voted on rollcall No. 253. I intended to and thought I had voted in favor of the Dicks amendment, but on checking the RECORD find that I am recorded as ''no.'' Apparently, I inadvertently pressed the wrong button on the voting station. I wish to correct the RECORD to indicate that my intention was to vote ''aye.''

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. SKAGGS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SKAGGS: On page 22, line 1, strike ''$186,555,000'' and in lieu thereof insert ''$182,555,000''; On page 58, line 25, strike ''$358,754,000'' and in lieu thereof insert ''$354,754,000''; and on page 59, line 24, strike ''$499,680,000'' and in lieu thereof insert ''$507,680,000''.

Mr. SKAGGS. Mr. Chairman, this amendment would move an additional $8 million into some very important energy conservation programs in the bill. It would be offset by a $4 million reduction in the Mineral Management Services account and an additional $4 million offset against the fossil energy R&D program. The 8 million, it is my intention, would be divided, with 3 million to the Federal Energy Management Program, which makes tremendous difference in reducing the costs of operating Federal buildings and, therefore, a major contribution to our efforts to control the budget, and 5 million to the building equipment and materials program, which promotes major energy conservation programs in building construction around the country.

I have been pleased to work with the chairman on this.

Mr. Chairman, these en bloc amendments would increase by $8 million the funding for important energy conservation programs.

To do this, they would reduce by $4 million each the funding for leasing of oil and gas on the Outer Continental Shelf and for fossil energy programs.

One of the most serious shortcomings of this bill is the inadequate funding that it would provide for the programs managed by the Department of Energy's office of energy efficiency and renewable energy. These energy conservation programs return big dividends, including important reductions in the amounts that the Government must spend for energy. In other words, these programs help reduce budget deficits, while at the same time they also help reduce or avoid pollution in our air, water, and soil, lessen our dependence on foreign oil, and create jobs in American industry.

These programs have already been severely cut. The 1996 legislation reduced them by 25 percent below 1995. Now, on top of that, this bill would inflict an additional cut of nearly 10 percent. The result would be to seriously damage these programs—programs that have been successful in reducing the Federal deficit as well as helping to boost America's economic growth, improve the quality of our environment, and enable us to maintain world leadership in several technologies.

This amendment does not restore all the funds that these programs should have. In fact, even after the increase I am proposing, funding for the energy conservation programs will still be cut by more than $29 million from current levels. But while I would have liked to do more, at least my amendment will somewhat mitigate the injury this bill will do to these tested, successful programs which save both money and energy.

The offsets proposed in my amendment will not have serious adverse effects. Under the bill, large areas of the Outer Continental Shelf will remain under the longstanding moratorium putting them off-limits to oil and gas leasing. So, the proposed reduction in funding for the Mineral Management Service's offshore leasing program will not seriously hinder that program. And the proposed reduction in the fossil energy account can be absorbed by reducing the funds for work on an advanced natural gas turbine, which, even after the reduction, will receive $15 million more than President Clinton has requested and almost 30 percent more than this year.

As to the proposed increases, my objective is to add $3 million to the Federal energy management program, and $5 million to the building equipment and materials program. Each of these programs has a proven track record of success, yet each of them would be severely hurt by the cuts in the bill as it now reads. Even with the changes I'm proposing, each of these programs will receive less than they are getting in the current fiscal year, although the harm will be lessened.

FEDERAL ENERGY MANAGEMENT PROGRAM

The Federal Energy Management Program provides technical and other assistance to reduce the amount of energy the Federal Government uses. In other words, it enables the Federal Government to reduce its spending on heating, lighting, and other energy costs—which means it helps reduce the budget deficit.

These are not minor savings. The Energy Department estimates that in Colorado alone, the program has the potential to save $26.5 million annually, while creating 510 new jobs—savings and jobs that are at risk if my amendment is not adopted.

And Colorado is not the only place where savings and jobs are at risk without my amendment. To take just a few examples, the energy department estimates that: in California, without my amendment the bill puts at risk annual savings of more than $188 million, and some 3,500 new jobs; in Texas, without my amendment the bill puts at risk annual savings of more than $93 million, and some 1,700 new jobs; in Virginia, without my amendment the bill puts at risk annual savings of more than $82 million, and some 1,500 new jobs; in New York, without my amendment, the bill puts at risk annual savings of more than $51 million, and some 900 new jobs; in Illinois, without my amendment, the bill puts at risk annual savings of more than $40 million, and some 700 new jobs; in Arizona, without my amendment, the bill puts at risk annual savings of more than $23 million, and some 450 new jobs; and in Ohio, without my amendment, the bill puts at risk annual savings of more than $33 million, and some 600 new jobs.

We should not be so shortsighted. We should not jeopardize such savings and jobs.

BUILDING EQUIPMENT AND MATERIALS PROGRAM

The story is similar for the building equipment and design program. It funds research on advanced lighting, improved window technologies, and voluntary, market-driven initiatives to promote high-efficiency equipment.

Every year, 35 percent of all the energy used in our country goes to light, heat, and cool residential and commercial buildings. The goal of the building equipment and materials program is to cut in half the energy used for light, heat, and air-conditioning—reducing waste and reducing costs. One example of what's underway is the joint DOE–EPA ''Energy Star'' labels, a voluntary program for high-efficiency appliances. Another is promotion of advanced technologies like the superwindows with special coatings that cut down on energy transmission—technologies that have already saved American consumers more than $2 billion and that can save billions more.

Mr. Chairman, energy conservation, increased use of renewable energy, and increased energy efficiency should be bipartisan goals. I greatly appreciate the help and support of many of our colleagues, on both sides of the aisle, who share that view. It's been a pleasure to work with them, and I am confident that they will join in support of these en bloc amendments.

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

Mr. SKAGGS. I yield to he gentleman from Ohio.

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

Mr. Chairman, we have examined the amendment. We have no objection to it. We are willing to accept it.

I might say that in conference I would like to do some fine tuning as to where we move these accounts to get the most cost-effective way of accomplishing the goal.

Mr. SKAGGS. I thank the gentleman for his support very, very much.

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

Mr. SKAGGS. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I think it is a good amendment. Our side is willing to accept it.

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

Mr. SKAGGS. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, these are among the most cost-effective programs that the Federal Government has to offer. I think that the gentleman's amendment is very important and will be well received by the Federal Government. I thank the gentleman for propounding it.

I rise in strong support for the amendment offered by my colleagues, Mr. SKAGGS and Mr. EHLERS.

This amendment to restore a small portion of the energy efficiency budget is key to our Nation's environmental health and economic future.

The Skaggs-Ehlers amendment also cuts Government waste. The Skaggs-Ehlers amendment will return $3 million to the Federal Energy Management Program [FEMP]. FEMP's mission is to reduce energy use in the Federal Government, thus providing direct dollar returns to the taxpayer. FEMP provides at least $4 in lower Federal energy costs for every $1 spent.

The Skaggs-Ehlers amendment will also help mitigate deep cuts in DOE's buildings efficiency research programs which have thus far yielded billions of dollars in energy savings, consumer savings, and pollution prevention. DOE research and development of advanced technologies in lighting and windows, for example, have improved consumer choice while providing Americans the opportunity to reduce their energy bills and improve their quality of life.

These are critical needs and I look forward to working with the Department of Energy so that these additional funds will be targeted to these high results programs, such as lighting research and windows research.

These programs have been among the most successful programs in the Federal Government. I serve as a cochair of the bipartisan Alliance to Save Energy and in that capacity I have become very familiar with Federal energy efficiency programs. These are some of the most successful—that's why they enjoy the strong support not only of the Alliance to Save Energy, but companies in the lighting and windows industries, environmental groups, and many others.

I thank the chairman of the subcommittee, Mr. REGULA, for his leadership on these issues. I encourage my colleagues to vote in favor of the Skaggs-Ehlers amendment to cut Government waste and improve our environment.

Mr. SKAGGS. I thank the gentleman for his support.

Mr. PORTER. Mr. Chairman, I rise in strong support of this amendment. While research into alternative energy sources is extremely important, we must not lose sight of what we can do to lower our energy consumption today. Increased funding for energy efficiency programs within the Federal Government as well as for energy efficient building equipment and materials will dramatically reduce our country's energy demand at the present time.

By increasing funding for the Federal Energy Management Program or FEMP, we will reduce energy use in the Federal Government thereby providing direct dollar returns to the taxpayer. Currently, the Federal Government wastes more than $1 billion annually on unnecessary energy bills. Expanding FEMP will be an important step in eliminating this terrible waste. FEMP has reduced the annual U.S. Government energy bill by $4.4 billion since 1985 and provides at least $4 in lower energy costs for every $1 spent.

In addition to improving energy efficiency within the Federal Government, increased funding for building equipment and materials will improve options for the American homeowner to make their homes more energy efficient. Specifically the use of energy efficient lighting and windows will save the consumers significantly in their energy bills. In addition to providing consumers an opportunity to reduce their energy bills, these new materials and technologies will assist in pollution prevention.

As cochair of the Alliance to Save Energy, a nonprofit coalition of business leaders working to promote energy efficiency, I have become very familiar with the Federal Government's energy efficiency programs. Both FEMP and the building equipment and materials program are among the most successful.

I join together with the Alliance, companies promoting energy efficient building equipment and materials, environmental groups and many in supporting this amendment. I hope the rest of my colleagues will choose to do the same.

Mr. OLVER. Mr. Chairman, I rise today in strong support of the Skaggs-Ehlers amendment.

This amendment is sound environmental policy that saves the Government billions—yes billions—in energy costs in Federal buildings.

This amendment says that this Nation will not surrender in our war of independence from Persian Gulf oil.

With passage of today's amendment, we will begin to turn back the tankers that carry oil from the Middle East.

We will reassert our independence, and reduce the overseas reliance which has hurt our economy, and dragged us into war and conflict. We must end the high price—in lives and dollars—that has been placed on foreign oil.

This amendment also means that we might have a few less tankers navigating Prince William Sound, Narraganset Bay, and the Chesapeake.

This amendment takes significant steps toward improving and encouraging energy efficiency, and reducing our reliance on foreign oil.

This amendment offers a long-term, forward-thinking approach to energy policy.

This amendment signals that an energy efficiency strategy will become a larger and more important part of our Nation's energy picture.

By improving energy efficiency, families will be able to have more disposable income, save energy, and incorporate environmental protection into their way of life.

I urge you to vote to protect the environment and protect the wallets of working families by supporting the Skaggs-Ehlers amendment.

Mr. TORKILDSEN. Mr. Chairman, I rise in strong support of the Skaggs amendment to restore $8 million in funding to important energy conservation programs. This amendment would restore the Federal Energy Management Program [FEMP] and the Department of Energy's lighting research program to their fiscal year 1996 levels.

The House should lead by example by providing Federal buildings with energy efficient lighting systems. Today, the Federal Government is committed to cutting their energy usage in over 500,000 buildings by 30 percent over the next decade. Federal Energy Management Program funding plays a key role in meeting this objective.

The Federal Energy Management Program is a small but significant part of the effort to reduce this Nation's energy dependency. We all agree that energy resources will become increasingly scarce in future years. Let's do the right thing and pass the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. SKAGGS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CALVERT

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

The Clerk read as follows:

Amendment offered by Mr. CALVERT: Page 12, line 14, after the dollar amount, insert the following: ''(increased by $1,000,000)''.

Page 49, line 6, after the dollar amount, insert the following: (reduced by $1,000,000)''.

Mr. CALVERT. Mr. Chairman, I would like to thank Chairman REGULA for allowing me the opportunity to offer this amendment.

My amendment would simply transfer $1 million from the Forest Service general administration account to the U.S. Fish and Wildlife Service's Cooperative Endangered Species Conservation Fund. We are decreasing bureaucracy to bring money back to the local communities to help save endangered species.

The transferred money would be used to further the completion of habitat conservation plans and thus would serve two important purposes. It would provide lands as safe harbors for threatened and endangered species and bring us one step closer to creating multi-species preserves. It would also help protect American citizens from any negative effects of the Endangered Species Act by freeing them from various restrictions and fees. I would like to see acceptance of this amendment.

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

Mr. CALVERT. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we are prepared to accept this. It is a good amendment. This program in southern California has worked out very well, and it has become a model for about 200 others, other programs of a similar nature around the country. We think it is a very excellent way of showing how we can get a partnership with private, local, State, Federal, all working together to set up a habitat conservation program.

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

Mr. CALVERT. I yield to the gentleman from California.

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

Mr. Chairman, I would like to congratulate the gentleman on this very thoughtful amendment. One of the greatest burdens for those who are trying to attain the American dream of

homeownership in Riverside County, the area represented by my friend, Mr. CALVERT has been jeopardized by the Endangered Species Act and the overriding costs that have been imposed on those who are trying to be successful. This will in fact play a role in relieving, just a part, a part of that cost burden. I strongly support it and appreciate my friend's bringing forward this thoughtful amendment.

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

Mr. CALVERT. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Chairman, I strongly support this amendment. I appreciate the chairman supporting it because this will be a downpayment, a new innovative way of implementing our species management. This is multispecies management. It is the next progressive step in preserving endangered species. I think we may all disagree about different tactics, but the goal should be the same, supporting the species.

This act will help to pay for that new strategy and will show that we can truly update our approach and instead of being punitive and confrontational with many of our approaches like we have in the past, we are being cooperative and actually progressive with this.

I strongly support my colleague's amendment on this side. I thank him very much for those of us that have worked over 5 years at moving to multispecies management of our endangered species.

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

Mr. CALVERT. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, our side is willing to accept the amendment.

Mr. CUNNINGHAM. Mr. Chairman, I rise in support of the amendment offered by my friend and colleague from California, Mr. CALVERT to shift $1 million from the Forest Service General Administration Account to the Cooperative Endangered Species Conservation fund. This funding is very important to further California's Natural Habitat Conservation Plans [NCCP]. This multi-species approach to habitat and species conservation is a great improvement over the traditional command and control methods. It brings all parties together to protect the environment and private property rights.

Mr. CALVERT's amendment will enhance the program in California to develop conservation and development plans in nine separate areas in southern California that protect multiple species while allowing economic growth. In San Diego, our Multi-Species Conservation Plan encompasses over 55,000 acres in the San Diego region. I am encouraged by these efforts to protect the habitat of native plant and animal species, and I'm glad the Federal Government can lend support to our exceptional project.

Chairman REGULA has been extremely supportive of our conservation plan, and I am sure it will be a model throughout the country. I commend Mr. CALVERT for his amendment and urge my colleagues to join me in support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. CALVERT].

The amendment was agreed to.

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

Mr. Chairman, I rise to request a colloquy with chairman regarding the fate of the ongoing restoration work at Fort McHenry National Monument and Historic Shrine. I would ask that the chairman engage in such a colloquy.

Mr. Chairman, I am concerned that the committee has cut a $2.5 million line item in the Park Service's construction budget for the completion of a project that is now underway at Fort McHenry.

Last year, based upon a high priority request from the Park Service, $1.5 million was appropriated for work to preserve the underground bombproof rooms and power magazines at the fort as well as some of the more deteriorated walls and defenses of the structure. This year the Park Service requested $2.5 million to complete this project.

The action of the committee threatens the timely completion of the work that is now underway at the birthplace of our national anthem. I understand the pressures your subcommittee is under this year, but this was a 2-year high priority project requested by the Park Service that is being cut off in the middle. I would greatly appreciate your reconsideration of this project as this bill moves forward in conference with the other body.

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

Mr. CARDIN. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I understand the gentleman's concerns and his appreciation of the pressures we are under this year. I hope that in conference we will be able to seriously consider restoring the funding and see this important project through to completion in a timely manner.

Mr. CARDIN. Mr. Chairman, I thank the chairman for his comments.

AMENDMENT OFFERED BY MR. GOSS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GOSS: In the item relating to ''NATIONAL PARK SERVICE—LAND ACQUISITION AND STATE ASSISTANCE'', after the first dollar amount, insert the following: ''(increased by $15,000,000)''.

In the item relating to ''FOREST SERVICE—RECONSTRUCTION AND CONSTRUCTION'', after the first dollar amount, insert the following: ''(reduced by $15,000,000)''.

Mr. GOSS. Mr. Chairman, the purpose of this amendment is to increase the funds available to the National Park Service for necessary land acquisition, reducing the Forest Service construction account by the same amount. The amount is $15 million.

The reason that I am seeking this shifting of funds is to help provide money for Everglades restoration land acquisition that the Federal Government has promised. A $15-million increase in the Park Service's land and water conservation fund would pay for the top priority for Everglades land acquisition.

□ 1830

It is necessary to limit further degradation of the park and Florida Bay and to restore natural water flow which is critical to the long-term survival of the entire system. This is a plan that has been agreed upon by many participating parties and that the Federal Government has committed to.

Members should know that the State of Florida, its industry and its individual taxpayers, have made a solid financial commitment to Everglades restoration across the board. Over the estimated life restoration effort, which is a 15- to 20-year program, the State expects to spend $1.1 billion or 60 percent of the total cost, primarily from Florida taxpayers. The Federal Government is committed to $737 million, which is less than 40 percent over the same period, and the sugar industry will pay about $245 million in that period.

I think this demonstrates that Florida is the senior partner here and is really stepping up to pay more than its share. It is clearly living up to its end of the bargain.

The proposed source of funds we have chosen for this amendment is the Forest Service construction account, which saw an increase over last year's funding levels and includes the controversial road construction program. In fact, because it often costs more to build these roads then the Forest Service recovers in subsequent timber sales, many refer to the program as a subsidy. In my view they are right. The committee recommends that $62 million be spent on new timber roads next year. That is $15 million that we are talking about, represents 24 percent of that amount. But I ask Members to keep in mind that these construction programs are slated to have their funding levels increased over last year's amounts under the bill.

By comparison, land and water conservation funding has declined steeply over the past 2 years, and the Park Service's share is down $19.1 million since last year. An additional $15 million, in fact, will not even restore it to last year's levels, but it will help the Everglades and other areas seeking help with land acquisition. I think most Members agree that the Everglades is a national priority, and we do not want to end up taking a step backward from our level of commitment to restore them.

I am grateful for the excellent work done by the gentleman from Ohio [Mr. REGULA] in this committee this tough year. The bill before us does an excellent job of providing scientific and management resources necessary for the restoration effort we are talking about. It adds $13.8 million over last year's levels.

I know Members remember that Congress made a strong investment in Everglades restoration in the farm bill passed this year. The truth is that there is already, quote, a short list for those moneys for the farm bill that far exceeds the available dollars we have got. This short list does not include lands that were scheduled to be purchased through the normal process of this appropriations bill because language in the farm bill specifically discouraged that. The money, in fact, is not fungible, and it is already declared for other areas.

Mr. Chairman, at this time I would like to yield for a brief colloquy to the distinguished gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Is it in regards to the amendment?

Mr. GOSS. Mr. Chairman, I say to the gentleman I am querying on the amendment. I would like him to accept the amendment, but short of that, if the gentleman from Ohio can, I would like to know if he can give us some assurances on this bill.

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

Mr. GOSS. I yield to the gentleman from Ohio.

Mr. REGULA. I thank my friend, the gentleman from Florida [Mr. GOSS], for yielding, and I would say to him that we consider the Everglades restoration funding, including land acquisition, to be one of the very top priorities in our bill, and I might mention in the bill, and I am quoting from the report, ''the committee considers this,'' speaking of Sterling Forest, ''this and the Everglades restoration effort to be two of the highest priority projects in this bill.'' I understand that the pressing need for land acquisition is outlined by the State-Federal Everglades Task Force, and included in that were the National Park Eastern Expansion and the STA–1 watershed project.

It is clear that the State of Florida and its taxpayers have made a real commitment to this restoration project, and it is appropriate that the Federal Government live up to its responsibilities as well. I would point out that we have increased all other Everglades accounts by a total of $13.4 million, and most of this is for science.

Finally, while I cannot support this amendment, given the limited amount of money we have for land acquisition, I would pledge to work with the gentleman from Florida [Mr. GOSS] and the Florida delegation in conference to ensure adequate funding for Everglades land acquisition.

The CHAIRMAN. The time of the gentleman from Florida [Mr. GOSS] has expired.

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

Mr. GOSS. Mr. Chairman, I reclaim the time.

I accept the pledge, and it will be my intent to ask unanimous consent to withdraw my request for this amendment. However, Mr. Chairman, others wish to speak on it, so I would like to allow them to strike the last word to speak on it briefly, and I believe the appropriate procedure then is for me to yield back the balance of my time and hope to get recognition for my request as soon as they are finished.

Mr. SHAW. Mr. Chairman, I rise in favor of the amendment offered by the gentleman from Florida [Mr. GOSS].

Mr. Chairman, the gentleman from Florida [Mr. GOSS] has done tremendous work on this amendment. I certainly support it. It is certainly needed. We went through the arguments and the problems with the Everglades and the need for the restoration. I think he has very adequately set forth the determination, which is met with financial backing by the State of Florida and the taxpayers of the State of Florida, for the restoration of this most precious natural resource.

I think this is a good amendment. I would like to thank the gentleman from Ohio [Mr. REGULA], and I know the gentleman from Illinois [Mr. YATES] also has an interest in the Everglades.

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

Mr. SHAW. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I think it is a good amendment. I would be willing to accept it now. I do not know why the gentleman is going to withdraw it.

Mr. SHAW. Mr. Chairman, I wish that were to be the case, and I would like to comment, too, on the funding area for which the gentleman from Florida [Mr. GOSS] picked out in order to fund this amendment, and it is a construction of roads into new forests that have not been harvested. I have always looked at this with a great deal of skepticism as to why in the world that we are putting these roads to nowhere through our national forests and, in effect, selling off these, in many cases, very precious timber resources at a loss when we put the price of the road in there.

To me, I think we need to take a look, and I would hope that the Committee on Natural Resources would take a look, at reexamining our whole outlook as to how we manage our natural resources. We can certainly go in and, with some good forestry practices, we can cut our national forests. I am not necessarily opposed to that, but I think it is absolutely absurd to do this at a loss to the American taxpayers because we are losing the precious natural resources, being the national forests, and we are constructing roads to nowhere that really are not doing anybody any good, and we are losing money in the process. To me this makes absolutely no sense.

But to get back to the main thrust of the amendment, this is a very important amendment, and at this time I will not object should the gentleman from Florida [Mr. GOSS] want to withdraw the amendment based upon the colloquy with the gentleman from Ohio [Mr. REGULA].

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

Mr. Chairman, I want to thank the subcommittee chairman for his assurances to address the issue of funding for Everglades land acquisition in conference. This is an extremely vital issue for the State of Florida, and I look forward to working with the chairman through conference.

As the author of the amendment to provide $200 million for land acquisition in the Everglades earlier this year in the farm bill—it was not my intention, nor the intention of the Florida delegation, to have these monies undercut any future land acquisition funding through the normal appropriations cycle. As I stated during the debate on the conference report of the farm bill in House—''It is not my intent that these funds supplant any funds committed to South Florida for the purpose of Everglades restoration.''

In fact, the Florida delegation has sent several letters to the Interior Subcommittee stating that the Farm Bill money was a furthering of the federal commitment to restore the fragile Everglades ecosystem—not the end of this ongoing process.

Mr. Chairman, as part of the Everglades Forever Act passed by the Florida legislature, the State of Florida has invested over $850 million in Everglades and the agriculture industry has also pledged a commitment of up to $320 million. The Federal Government was the third part of the funding scheme for overall Everglades restoration—so we must retain that commitment.

I appreciate the committee's willingness to make Everglades restoration one of its highest priorities—however, I believe the lack of funding in this bill for land acquisition under the Land and Water Conservation Fund is inconsistent with this goal.

The Everglades ecosystem is a unique national treasure and its long term viability is critical to the water supply, quality of life, and economy for South Florida.

Therefore, today, it is important to remember that because South Florida is home to seven of the ten fastest-growing metropolitan areas in the country—Everglades restoration is clearly on a critical path.

And success will depend upon the federal government, the State of Florida, and all local, regional, and tribal interest working in tandem.

But to keep this process moving forward we must not neglect the federal role—so with the chairman's assurances that this issue will be addressed in conference it is my hope that the Everglades will continue to receive the land acquisition funds it needs in the upcoming fiscal year.

Mr. GOSS. Mr. Chairman, based on the assurance of the gentleman from Ohio [Mr. REGULA] and the dialog and the colloquy we have had, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there any objection to the request of the gentleman of Florida?

There was no objection.

The CHAIRMAN. The amendment of the gentleman from Florida [Mr. GOSS] is withdrawn.

AMENDMED OFFERED BY MR. RICHARDSON

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

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON: On page 10, Under the item ''UNITED STATES FISH AND WILDLIFE SERVICE'', under the item ''RESOURCE MANAGEMENT'', after the second dollar amount insert ''(increased by $5,000,000)''.

On page 58, Under the item ''DEPARTMENT OF ENERGY'', under the item ''FOSSIL ENERGY RESEARCH AND DEVELOPMENT'', after the first dollar amount insert ''(reduced by $5,000,000)''.

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

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

There was no objection.

Mr. RICHARDSON. Mr. Chairman, my amendment simply increases funding for the operations and maintenance of the National Wildlife Refuge System by $5 million. Let me say that my amendment is supported by the National Wildlife Federation, Trout Unlimited, the Wilderness Society, the Izaak Walton League, Defenders of Wildlife, the Freshwater Institute, the Wildlife Society, National Audubon Society, Wildlife Refuge Association, a variety of other hunting groups.

Mr. Chairman, the refuge system is the only system of national lands managed primarily for wildlife, including migratory waterfowl, songbirds and endangered species. It also provides unique opportunities for compatible wildlife oriented recreation including hunting, fishing, wildlife education and observation. In fact, 30 million people visit refuges, 5.7 million anglers use 250 refuges, and 1.3 million hunters use 270 refuges.

Mr. Chairman, I am taking a total of $5 million from the coal-fired plant. There have been a number of amendments here that went after some of the coal-fired and other fossil fuels. Mine simply takes 5 million, which is 5 million more than the administration requested.

The refuge system has for years suffered from inadequate funding and staffing to manage its exceptional resources.

□ 1845

In 1993 the Interior Department Inspector General documented a $323 million backlog in refuge maintenance projects. A growing number of refuges have been placed in custodial status. Furthermore, the report concluded that refuges were not maintained at a level sufficient to meet their goals. Many refuges today suffer with inadequate water supplies, insufficient staff and funding to implement plans to recover endangered species, restore habitat, or conduct even rudimentary inventories of their wildlife populations. The lack of adequate funding also threatens refuge recreation and interpretive programs. Inadequate operations and maintenance funds for national wildlife refuges have also resulted in reduced wildlife populations and fewer associated recreational opportunities.

Mr. Chairman, let me just state once again, my amendment adds only $5 million to the operations and maintenance of the National Wildlife Refuge System and takes this from fossil energy, $5 million that comes from an increase of $5 million from the administration request.

I want to commend the gentleman from Ohio, [Mr. REGULA] for the funding he has initiated on several of these programs, but I do think that we should go with the administration request. The refuges need the money. Environmental groups, hunting, fishing groups are for this amendment. They have sent a letter to all Members: Defenders of Wildlife, Fresh Water Institute, the Wilderness Society, Trout Unlimited, the National Wildlife Federation. Mr. Chairman, this is an important priority to give $5 million to the National Wildlife Refuge System.

Again, to my colleagues from the fossil energy areas, we are only taking $5 million over the administration request. Again, I believe this is a good amendment, an environmentalist amendment, a hunting and fishing amendment. But it deals constructively, in my judgment, with some responsible appropriations that the gentleman from Ohio has made in several of these instances. I do want to commend him. The numbers are a lot better, but I think with this amendment we can improve things. I would hope the gentleman would be supportive of this amendment.

Mr. Chairman, I insert the following for the RECORD:

LEAGUE OF CONSERVATION VOTERS,
June 19, 1996.

U.S. House of Representatives,
Washington, DC.

Re: FY Interior Appropriations—Support Environmental Protections.

DEAR REPRESENTATIVE: The League of Conservation Voters (LCV) is the bi-partisan political arm of the national environmental movement. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of Members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide and the press.

Over the next few days the House will be voting on the FY 1997 Interior Appropriations Bill. During consideration of this bill several amendments will be offered relating to the protection of the nation's environment and valuable natural resources. LCV urges you to support the following amendments:

Representatives Porter (R-IL) and Furse (D-OR) will offer an amendment to repeal Section 2001 of Public Law 104–19. This amendment repeals the so-called salvage logging rider included in the 1995 Rescissions bill which suspended all federal environmental and natural resource law for old growth timber sales in Washington, Oregon, and Northern California and salvage logging being conducted on Forest Service and BLM lands nationwide.

Representative Dicks (D-WA) will offer an amendment to strike the provision prohibiting the implementation of critical habitat designation under the federal ESA for the endangered marbled murrelet on private lands in the northern coastal area of California. If critical habitat in this California area does not continue to be designated, there is a strong likelihood of marbled murrelet extinction in northern California. Critical habitat designation on private land does NOT stop all activities, as such designation only impacts federal, not private, actions.

Representatives Kennedy (D-MA), Porter (R-IL), Miller (R-FL), Minge (D-MN), Royce (R-CA), Klug (R-WI), and Hostettler (R-IN) will offer an amendment to reduce wasteful funding for logging road construction in the National Forest System by eliminating funding for new Forest Service logging roads in Fiscal Year 1997. This amendment will save $48 million by eliminating funding for 550 miles of new timber roads.

Representative Skaggs (D-CO) will offer an amendment to restore $8 million to energy conservation for the Federal Energy Management Program and the high results building research programs which were cut disproportionally to the other severe cuts in the overall energy conservation budget. These programs save taxpayers billion of dollars in economic returns and energy savings while preventing tens of thousands of tons of air pollution.

Representatives Farr (D-CA) and Walker (R-PA) are each expected to offer amendments which would use the Department of Energy's Fossil Fuel Research and Development program as an offset. Rep. Farr will offer an amendment to increase the Land and Water Conservation Fund account by $134.6 million, and Rep. Walker will offer an amendment to provide an additional $62 million to the National Park Service's operating budget. While the conservation community supports each amendment, the Farr amendment is of higher priority because restoring funding to the Land and Water Conservation Fund would provide additional funds for all land management agencies, and renew the National Park Service's state assistance program. If the Farr amendment is defeated, LCV recommends approval of the Walker amendment which would improve funding for the national parks.

Representative Miller (D-CA) will offer an amendment to provide $10 million to restore the Park Service's Urban Parks and Recreation Program which was zeroed out in the Interior Bill.

Representative Richardson (D-NM) will offer an amendment to increase funding for the operations and maintenance of the National Wildlife Refuge System by $5 million, to be offset by a decrease of $5 million in the Advanced Pulverized Coal-fired Power Plant.

Representative Yates (D-IL) will offer an amendment to correct an environmentally damaging provision in the telecommunications Act of 1996 that could lead to a proliferation of huge antenna towers in our parks, wildlife refuges, and forests. This amendment would ensure that no such facility is approved without public notice and comment and a determination of consistency with other statutes governing the unit.

Representative Faleomavaega (D-AS) will offer an amendment to strike section 317 of the Interior Appropriations bill. That section declares to be legal a Forest Service permit for the construction of a third telescope in the critical habitat of the Mt. Graham Red Squirrel, despite three court rulings that it violates the ESA and NEPA. He

may also move to bar funds for Forest Service participation in the construction and operation of the third telescope.

LCV urges you to support these amendments to improve environmental protection and energy conservation. LCV's Political Advisory Committee will consider including votes on these amendments in compiling LCV's 1996 Scorecard.

Thank you for your consideration of this issue. If you need more information please call Betsy Loyless in my office at 202/785–8683.

Sincerely,

DEB CALLAHAN,
President.

COOPERATIVE ALLIANCE
FOR REFUGE ENHANCEMENT,
June 19, 1996.

DEAR REPRESENTATIVE: We are writing to urge you to support an amendment to be offered to the FY1997 Interior Appropriations bill by Representative Bill Richardson to increase funding for the operations and maintenance of the National Wildlife Refuge System. The operating budget for the Refuge System represents a tiny fraction of federal spending but management and protection of this system is one of the nation's most important wildlife conservation programs.

Our diverse group formed last year out of strong support for the National Wildlife Refuge System. The 92 million-acre Refuge System is the only federal public lands system dedicated primarily to the conservation of fish and wildlife. Throughout most of its 93-year history, the Refuge System has been central to our nation's efforts to conserve migratory birds, endangered species, and other wildlife. National wildlife refuges also provide exceptional opportunities for environmental education and wildlife-oriented recreation, such as wildlife observation, hunting, and fishing.

We are deeply concerned, however, for the integrity of the National Refuge System. Chronic underfunding in past years has led to degradation of refuge habitats and wildlife populations and put at risk popular wildlife-oriented recreation programs. Some refuges now report that as much as 95 percent or more of their funding goes to salaries, utilities and other fixed costs. Some have even indicated that their FY95 funding levels are less than fixed costs. Exotic species, inadequate water supplies, and other problems plague many refuges, undermining their ability to meet their wildlife objectives. Management programs to help recover endangered, threatened, and candidate species, restore habitats and address resource threats are left unaccomplished on an increasing number of stations.

In September, 1993, the Department of the Interior's Inspector General issued a report that documented a $323 million backlog in maintenance projects (Maintenance of Wildlife Refuges, Report No. 93–I–1477). Inspectors found that the Service was not maintaining any of the refuges that it examined ''in a manner that would effectively enhance and protect wildlife and provide a safe and aesthetic experience for the public.'' The report concluded that ''refuges were not maintained at a level sufficient to meet [their] goals because Service funding requests for refuge maintenance have not been adequate to meet even the minimal needs of sustaining the refuges.''

The funding increase proposed by Rep. Richardson's amendment would begin to restore integrity to the National Wildlife Refuge System. Such an increase could allow for long-overdue habitat restoration, facilities repair, and wildlife protection and management and is essential to sustain and improve the quality of environmental education and wildlife-oriented recreation programs.

Sincerely,

James Wyerman, Defenders of Wildlife; Robert Putz, Freshwater Institute; Ronald Scott, Izaak Walton League of America; Evan Hirsche, National Audubon Society; Douglas Inkley, National Wildlife Federation; David Tobin, National Wildlife Refuge Association; Rollin Sparrowe, Wildlife Management Institute; Jim Waltman, The Wilderness Society; Thomas Franklin, The Wildlife Society; Steve Moyer, Trout Unlimited.

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

Mr. Chairman, I think the gentleman's concepts are well-meaning, but I simply have to point out that this would take this account $4 million over what the President has asked for, and he has not been shy in his requests. This would come out of our Fossil Energy Program. We have already cut $63 million from the 1996 levels. I think in the two votes we have had on the Fossil Energy Program, it is clear that the majority of this House feels we should maintain that program to protect our energy resources, to protect clean air, to protect jobs, to protect our energy independence.

While Fish and Wildlife obviously would spend it, let me point out that we gave this program, fish and wildlife resource management, $20 million more in this bill than we had in 1996. It is a 4-percent increase in the bill, while at the same time we were cutting fossil energy research by 14 percent. I do not think it is logical at this juncture to take another cut on fossil energy, which has already had a 14-percent cut, to add it to an agency that has had a 4-percent increase. It is a matter of balance. It is a matter of trying to achieve equity among the many responsibilities of the agencies funded in this bill.

For these reasons, Mr. Chairman, I would have to object strenuously to this amendment. Certainly I would think we would not want to go over the President's requests. We were within $1 million of that in the amount we put in the bill, and it is presently part of the proposal that is before us. I would hope that the Members would vote against this if we do have a rollcall vote.

Ms. McCARTHY. Mr. Chairman, I rise today in support of the amendment by my colleague from New Mexico to provide additional funding for the operations of the National Park Service.

One of the parks operated by the National Park Service, the home of former President Harry S. Truman, is located in my district in Independence, Missouri. Earlier this week I had the distinction of joining with Independence Mayor Ron Stewart, local preservationists, and National Park Service officials to announce that Harry Truman's neighborhood is one of the nation's 11 Most Endangered Historic Places.

Hundreds of thousands of tourists visit the Harry S. Truman Historic District each year to experience a living history lesson unlike any other. It is one example of our vital national treasures which must be preserved. Unfortunately, like the Truman Historic District, many of these treasures are endangered due to new development, and decades of deterioration and neglect.

The National Park Service is vital to the protection of preservation of historic landmarks like the Truman Home. The additional money provided by this amendment is necessary for the Park Service to perform its many operations. I urge my colleagues to support the National Park Service, and to vote for the Richardson amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

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

Mr. RICHARDSON. Mr. Chairman, on that I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 455, further proceedings on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] will be postponed.

Are there further amendments to title I?

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer amendment No. 33.

The CHAIRMAN. The Clerk will designate the amendment.

The Clerk read as follows:

Amendment No. 33 offered by Mr. VENTO: In the item relating to the DEPARTMENT OF THE INTERIOR—National Park Service—Operation of the National Park System, insert ''(increased by $23,480,000)'' after the third dollar amount.

In the item relating to RELATED AGENCIES—Department of Agriculture—Forest Service—Reconstruction and Construction, insert ''(reduced by $28,050,000)'' after the first dollar amount.

Mr. VENTO. Mr. Chairman, this is a good amendment, an amendment that talks about our fundamental priorities in this Congress in terms of the way we fund various activities, and enable and empower people to have the opportunity to use our resources.

In the bill before the House presented after a lot of work, I guess, by the appropriation committees, I know a lot of work, I think fundamentally that the priorities are out of balance. Many of us are very concerned about our forests and the rate of cutting. We had quite a debate in this last year on salvage harvest and the concerns that grew out of that in terms of the indiscriminate harvest of millions of board feet from our national forests without regard to the various laws that protect the species.

In this bill today, though, Mr. Chairman, we continue a subsidy of over $160 million in terms of the Forest Service appropriations, and the fact is that this appropriation largely goes to subsidize the construction of timber roads. In fact, my colleague, the gentleman from Florida [Mr. GOSS], had offered an amendment, which he subsequently withdrew, which others from Florida spoke about and began the discussion of the subsidization of timber harvest on our national forests.

This, of course, does not just involve the construction of the roads, is also involves what we call the restoration of roads. That is actually road closing. So the Forest Service, as an agency, in fact, runs a road system through our forests, which is actually much greater in many respects than our interstate system. We operate a great road system that is produced there largely on a subsidized basis by, in fact, the Forest Service itself, in fact, 370,000 miles of road within our National Forests.

The fact is when we get CBO to start scoring this, they do not even look at some of the facts in terms of the subsidies, because much of it, the advocates of forest road construction have been very clever in terms of their timber interests groups and others in this Congress and in this Government, in the way the budget scores this in terms of allocating these roads back to multiple use. Somehow these roads that are being constructed through these forests, roads to nowhere, as was pointed out, somehow have some great uses for recreation and other purposes.

The forest road construction in this bill is actually $164.1 million. This goes on year after year, the spending of this money, similar amounts, to subsidize the harvest, and very often I think in some cases the indiscriminate harvest, based on legislation that is now in place with regard to the forest salvage rider that was added to some appropriation and rescission bills last year.

What this amendment does is try to say straighten out those priorities, straighten out those priorities to meet the needs of the people of this country first, meet the needs that exist in the people's parks, the national park system. In this bill that is before us, they underfund the Park Service by $24 million less than what was asked by the administration.

What the Vento amendment does not take out all of the subsidy for the timber roads, timber companies, and the credits they use. We are saying to the timber interests is to stand on your own 2 feet. Take the receipts that you get from the forest that you harvest and in fact apply those, apply them as credits. If the timber harvest does not pay, if it does not pay enough, maybe we ought not to be adding that subsidy to them to the extent that we are in order to harvest this timber.

We do not take all the money out of there, we just say that we are going to meet the needs of the Park Service. The Park Service today has at least a $4 billion backlog, a $4 billion, with a ''b'', backlog of unmet maintenance needs.

This spring, as all of us look forward to enjoying our national parks again in 1996, we are faced with some pretty bad news, bad news about the closing and limits in terms of how we are going to be able to use the parks, because the parks did not have the resources to maintain some of the facilities they embrace and to keep them open to the general public for this particular recreational season, for this summer season. We are going to face increasing problems of limited park uses.

I realize that all of us support the parks, but the fact is that parks do not just need our enthusiasm and our lip service, they need real dollars. The Committee on Appropriations historically has done a very good job in terms of trying to respond to that. But in this case they fall $24 million short with a backlog of $4 billion in repair and maintenance. We are not going to catch up with that by spending money excessively in terms of our natural forests. This is a question of priorities. The Vento amendment transfers $24 million from the Forest Service account to the Park Service account to provide adequate funding for the park operations, based on the plan that was put before us by the administration.

My amendment does not change the total funding of the Interior appropriation bill. It simply changes the allocation of funds within the bill. My amendment is about setting priorities.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

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

Mr. VENTO. Mr. Chairman, my amendment is about setting priorities. Should be timber industry or the National Park Service get the preference when we allocate scarce Federal dollars. That is what this is about. The timber sales actually cost the Government money, forcing the American taxpayer to subsidize the timber interests. That is continuing business as usual with regard to this funding measure.

Timber purchasers can build roads in natural forests for logging purposes and then can receive purchaser credits. Often they do, so the Federal Government never receives anything back, so often the timber sales yield so low a bid in terms of dollars that the Government does no receive money. In fact, they have to put more money into harvesting the forest, to clearcutting the trees, than in fact we get back. So the taxpayer not only loses these wonderful verdant green forests, but we also lose our green dollars from our pocketbook, the taxpayers' dollars that have to go in there to subsidize this activity.

All we are saying is that the dollars in the appropriations, the Interior appropriation, ought to have a priority on the people's business, in the people's parks, in our national park system, which I think everyone would agree we would like to give more money to but we cannot do it because we are in a tough budget situation.

But we can do it here by facing up to these special interests and by providing the money to the Park Service first, and let the special interests try to do it on the basis of the free enterprise system. They like to give speeches about it. They like the part about making money and getting Federal Government subsidies. They just do not like the idea of taking risks.

It is time they start taking risks. It is time they start paying their own way in terms of these programs that we have, especially as they affect our natural resources. They are not just taking our dollars, they are not just cutting our forests, they are taking away America's legacy. They are allowing the despoiling of our national park system, the cultural natural resources, and they are cutting down the national forests in this Nation.

Mr. Chairman, I ask for a ''yes'' vote on the Vento amendment. Let us protect our national parks first.

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

Mr. Chairman, let us look at the facts on this. We heard a lot about the problems in the parks. I would point out that the Inspector General in his audit report documented item after item after item, and that is before our watch. What causes these problems? The failure to administer these programs carefully; the fact that money was spent helping out private property owners and concessionaires. Here it is. What we are trying to do in this bill is to ensure that we manage these parks well. I said at the outset, we want to bring the same kind of cost-effective management to our services that we ask the private sector to do.

Let me point out also that at this point we have just $2 million additional for this program, the Forest Service roads, whereas we have $55 million more in the Park Service. So we have recognized that. We have earmarked money for programs in the Park Service. It gets one of the larger increases in the bill, given the allocation that we had available.

Let me also mention a couple of other things. That is that all this money on the Forest Service roads is for reconstruction; not new roads, just reconstructing the roads that are there. Why is that important? Any of the Members that have worked on a driveway or any kind of road that is not paved discover that if you do not take care of it, you get erosion. Pretty soon we get stream impact from the washing that goes on in these roads if they are not reconstructed. So environmentally, it is very important that these roads be constructed properly to prevent the impact on the streams and the adjacent areas.

Second, and I have made this point in the general debate, our forests provide enormous recreation opportunities. They are multipurpose to the hunter, the fisherman, the camper, the Boy Scout, the bird watchers. All kinds of groups use our forests. In fact, the national forests have twice the visitor days of the national parks. How do they get there? How is the sportsman who wants to enjoy the outdoor delights of the forests in America to get there? They have to have a road, a reasonably safe road to utilize these resources.

To say OK, this does not make sense because of below-cost sales, ignores that fact that there is enormous value to society, to people, to have these roads available for all of the recreational resources. There were over 300 million visitors last year in the national forests. I think to make this kind of a switch does not recognize the needs of those visitors, does not recognize the polluting impact of failure to reconstruct these roads.

Again, we were very frugal in what we gave the road program as compared to what we gave the park program. I think it would be a big mistake in terms of priorities to adopt this amendment. I urge the Members to vote no.

□ 1900

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

Mr. Chairman, I rise in support of the Vento amendment which I understand would basically increase the National Park Service operations enough to bring the funding up to the President's request for fiscal year 1997, basically to stress that the Park Service operation funds, more funding essentially is needed for both operating national parks as well as to construct and maintain Park Service facilities that are used by many Americans.

In my own district the demand for outdoor opportunities and recreation services continues to grow, and yet funding for the Park Service is shrinking, which does not make any sense to me. I have in my own district the Sandy Hook unit of Gateway National Recreation Area, which is basically used by millions of people in the highly urbanized New York-New Jersey metropolitan area.

If I could just use that as an example, there are many needs right now at Sandy Hook that are not being met, not only in terms of facilities but even in terms of basic access to Sandy Hook. Just continued access to the park and sufficient water availability for fire fighting needs, for example, are a problem.

I did want to thank the chairman, the gentleman from Ohio [Mr. REGULA], because there is report language in the bill acknowledging the problem at Sandy Hook and recognizing that there is an access problem, and I do appreciate Chairman REGULA including that. But I have to say that I do think we need more money for the Park Service.

The Vento amendment would increase funding for the overall benefit of the American public and it takes it, I know, by reducing funding for construction of timber roads. But I do think that we need to recognize—and that is what the gentleman from Minnesota [Mr. VENTO] does—the fact that there is a need for more operational funds as well as for construction of facilities and other opportunities throughout the country.

I also wanted to say, I know we passed it by, but I did want to also support the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] with regard to the National Wildlife Refuge system. Again if I could use New Jersey as an example, we are faced with very serious environmental problems, many of which are the result of human accelerated environmental changes, especially due to the high population density in my State.

Whether it is coastal waters, migratory birds, fish or other wildlife resources under Federal trusteeship, it is only because of the national wildlife system that we have about five areas now in New Jersey that are protected. I was able to get a few years ago an extension of the service for another 2,000 acres of sensitive wetlands, but again there are a lot of unmet needs in my district as well as throughout the State. Until we are able to get some additional funding to the Fish and Wildlife service for acquisition, these needs are not going to be met.

I realize that we are dealing with budget priorities and we are trying to reduce the deficit, but I do think that this is one area where most Americans and certainly those in my home State feel that the priorities should be to provide additional funding rather than the level of cutbacks that we have seen in the last few years.

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

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

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding, and I want to thank the gentleman for his support.

I would just point out that the nearly $50 million in this appropriation of some $160 million dollars for Forest Service construction is for road credits. That would construct approximately 550 miles of new roads. The fact is that I am not surprised that the Forest Service needs reconstruction of roads. They have 379,000 miles of Forest Service roads. That is eight times the number of mileage in the entire interstate highway system, eight times the amount of roads.

So the fact that we have all of these roads and that they are somehow associated with recreation and they are there for some other purpose I think is ludicrous on the face of it. These are not there for any other reason. If my colleagues have ever flown over any area where these roads are located, it is to harvest the timber. That is why these roads are put in. They are there almost exclusively for that purpose. There may be some other tangential use that goes on with it but it is to support it on that basis.

I am not cutting all the dollars in this item. I am saying the first priority ought not to be to these roads but to our Nation's national parks. That is what this amendment is about. If you are for the national parks, vote for the Vento amendment.

If you are not for it, if you are for harvesting more of the forests and doing it at the expense of the taxpayer, eliminating future generations' legacy of forests and spending taxpayers' dollars to do it, then you can vote against it. But I think it is the wrong vote, and I think it is the wrong priority for this Congress.

Can the Forest Service or the Park Service use a better accounting system? Yes, and they have put it in place, but that is not what this issue is about. It is about the priorities, whether it is for the parks or for the special interest timber interests.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, over the years I served with the gentleman from Minnesota [Mr. VENTO] in the Interior Committee and worked with the gentleman there, I have tried diligently to teach forestry to him and I have not had much success. We are good friends and I appreciate his interest in this area and before I leave Congress it is a goal of mine to make clear to him what this program is all about. There is no subsidy in the forest road system.

First of all, the timber is sold by the national forests on a bid basis. The bid has two components. First of all, I bid what I am going to buy if I am a bidder for that timber that is put on sale by the Forest Service. Part of my bid includes the fact that I would be given credit for building a road to the Forest Service's specification, because the Forest Service in many cases plans to use that for recreation and other purposes. They may want it built to a much higher standard than you need to harvest the timber. They may plan to use it as their trail program. A great portion of the trails either for walking or horseback riding in our national forests comes from roads that were built to harvest timber and then kept and maintained for the purposes of recreation. So I get that credit.

If the Forest Service did not give that credit to the person bidding, then the bid would be lower, therefore, it would be the same thing. The Forest Service would have to build it themselves at the cost that they are giving me credit for, or they would give me credit and I would build it. So it is a wash. There is no subsidy. There is a wash to the program when you are bidding timber.

Unfortunately, what the gentleman from Minnesota [Mr. VENTO] is talking about, and he is confusing it to some extent, if you are taking $24 million in new money and transferring it over to the park, it does not come from the Forest Credit Program for road credit. What it comes from is the program to upgrade existing roads. They have over 1,700 miles of old roads that are already built that they are going to try to raise standards on.

This is an anti-environmental vote if Members vote with the gentleman from Minnesota [Mr. VENTO] because part of this money that he is going to be taking is being used to upgrade the environmental standards of that road. They

are going to reseed, try to cut sedimentation. Some of the money is going to be spent to upgrade the roads for recreational purposes, perhaps to raise weight limits on bridges and other areas to allow recreational vehicles to be involved. You are jeopardizing public safety and the environment by transferring the money over to the Park Service.

As the chairman of the Interior Appropriations Committee pointed out, there has been close to $55 million put into park maintenance. To many people in the United States, they really do not know the difference between national parks and national forests when it comes to recreation because they may go to a national forest and camp or fish or carry out all the same things they would do, hike, as they would do in a national park. If we cut the money for maintaining their recreational roads which the gentleman from Minnesota [Mr. VENTO] is suggesting into the national forest and give it to the national park, what have we accomplished? If more people are going to the forest, the people need that road improvement in the forest just as much as they would need maintenance in the national park. And so we are not making a statement for the recreational user by taking money out of a forest where they now recreate and putting it into a park maybe that has less recreational use.

Finally, I would like to point out, all this talk about subsidy, about losing money in national forests, the GAO—and the gentleman I think misquoted them a moment ago—pointed out, it documents that in fiscal year 1992 through 1994, we took in almost $3 billion. We spent just a little over $1.25 billion in administration costs and sale preparation for timber. So there was a substantial profit made by the U.S. Government.

It is dictated to use that profit several ways. First of all, $1.3 billion of it goes to the national forest fund. Almost $1 billion of it goes to the States where it is used for schools and government, State roads or county roads, given the case. $134 million goes in to maintain roads and trails for recreation. And then we have almost three-quarters of a billion dollars of it by law goes into reforest. Not all of that is reforesting areas that are cut. It may be reforesting areas that have burned, reforesting areas that have gone down with wind damage or disease.

We also show that for other erosion, brush removal, other things, we have $1.34 million that go into the Forest Service use of maintaining the forest. The taxpayer would have to pay that out of his pocket if it was not coming from the sale of timber.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. TAYLOR] has expired.

(On request of Mr. VENTO, and by unanimous consent, Mr. TAYLOR of North Carolina was allowed to proceed for 1 additional minute.)

Mr. TAYLOR of North Carolina. Mr. Chairman, to summarize I would say that to say that we are losing money by our timber harvest is not true. The homebuilders, the realtors, people who rely on the forest products to build homes know that it is not true and they know it is important for them to have a home.

This vote that the gentleman from Minnesota [Mr. VENTO] suggests is against public safety, as well as against the environment.

Mr. Chairman, I yield to the gentleman from Minnesota.

Mr. VENTO. I want to just turn to page 50 of the bill that the gentleman is commenting on and I want to point out it says on line 16 that not to exceed $50 million to remain available until expended may be obligated for the construction of forest roads by timber purchasers.

That is the $50 million that I am talking about. The issue of reconstruction and so forth is ahead of that. I am not suggesting in the amendment that I have that it ought to be taken all from that or all from the other area. I agree with the gentleman that there is a need to maintain roads, but I am just saying that it is a question of priority. There is $50 million in here for the construction of new roads, not just the credit program that the gentleman is talking about.

Mr. TAYLOR of North Carolina. Is the gentleman talking about $50 million for credit or $50 million for timber roads?

Mr. VENTO. It is provided that $50 million out of the $164 million is an obligation of direct spending, direct subsidy by this Congress to those timber interests.

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

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

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

Mr. Chairman, I think this is a classic case of what we do around here when all else fails, throw money at it. The fact is that the overall spending for our national parks has increased substantially over inflation in recent years. In fact, in the last 7 years alone, funding for national parks has increased by 69 percent. This bill continues that trend and authorizes an additional $50 million for park operating accounts. However, there are some concerns with allocating it. I do not see any reason just to throw money down a black hole because that seems to be the way we have done business around here for the past 40 years. We have tried to come up with a better way to manage the parks. H.R. 260, the bill of the gentleman from Colorado, Mr. HEFLEY, supported by myself, by former Chairman VENTO and MILLER was one that was shot down here. Some people tried to say it was a park closing bill, which is the greatest misnomer I have ever heard in my life. That contained in it some of the management procedures that were necessary to take care of it.

We are also working on a fee bill, which will allow the park superintendent to have in his own ability to spend the money himself without having to come back here or talk to somebody in Washington.

We are working on lot of things to increase the park. We have talked about the idea of having a professional in the park director's position, so a man who has been in park work who understands the problems can take care of it. All of those things respond to this. Why take another $50 million and throw it at the park? We have tried that before and it has not worked.

In other words, Congress could easily provide $25 million, $50 million or $100 million in any funding agency and no expectation that campgrounds would be reopened and visitor services restored. In fact, the National Park Service has stated itself it needs $800 million in additional operating funds which, if you look at it, you have to have a little skepticism in your mind.

□ 1915

Several years ago the National Park Service estimated it had a shortfall of over $500 million to repair employee housing. However, in testimony before the committee, the GAO said this: They could not find 1 in the 15 parks to justify their estimates for the housing shortfall, not one.

Mr. Chairman, I support, and I am sure most of us do, responsible increase for our parks and believe they are provided for in this bill. I support a fee increase. I support taking care of the parks. I do not support closing any parks, contrary to what has been stated around America by a few folks. But I do support taking care of these things, and I cannot see where this is going to help anything. I personally feel if we are going to do this right, we should go down the path we are going, a reasonable modest, approach, doing it with a fee bill, doing it with a management structure change which we are working on. I am trying to work in harmony with the minority on this. I do not think this does anything but take $50 million out of a much needed road project in the forests.

Mr. Chairman, I yield to my friend, the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's willingness to work, and I have been pleased to work with him for many years. In this case, we are going to agree to disagree.

Mr. Chairman, my concern here is we have to make tough choices. This is a tough choice. This choice is whether we want to continue a $164 million for Forest Service construction, roads, and the other activities in this particular account, or we want to transfer some of that to the Park Service.

The gentleman has been a leader in pointing out the backlog in the Park

Service. When I was chairman, the gentleman was pointing it out and many others. Four billion dollars, I said it is; there are many that would claim it is higher. But the Park Service, one of the major backlogs the have is the roads that people use to get in and out of the parks. So that is 100 percent for the people of this country, not just some sort of incidental use that might be used in rural Minnesota or out-State Utah.

My concern is the priorities here ought to be with the parks. I know the difference between a park and a forest. The gentleman from North Carolina [Mr. TAYLOR] suggests that most people do not. I think they do. I think they know the difference between a park and a forest. They know where you can cut timber and where you cannot and the nature of our parks. I just think that this is making a tough choice. Making a tough choice, that is what this is about. We are going to have to make these tough choices. We need to send a message to those that are cutting resources and taking resources out of forests that they are going to have to pay their own way, that we cannot keep them on this base of $164 million. This is going into the forest largely for the timber interests in this country.

Mr. HANSEN. Mr. Chairman, reclaiming my time, I agree with the gentleman that there have to be some tough choices. I have no problem with that. I submit to the House this is not the right choice. I think there are lot better ways to do it. I articulated three of them. If we had the time, I would like to get into this thing of road building. I think there is a lot better and easier way to do it. I urge a ''no'' vote.

The CHAIRMAN. The time of the gentleman from Utah [Mr. HANSEN] has expired.

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

Mr. HANSEN. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR of North Carolina. Mr. Chairman, the gentleman is trying to make believe that all recreation in this country in forests is done in the national parks. There is probably more recreation in forests than there is in national parks, and it is a multiple use. There is hunting, for instance, in the national forests, whereas in many parks there is no hunting. Most people are accessible to national forests far more than they are to national parks, and also many national parks have been put aside in limited type of recreational use.

If we cut recreational road money, which the gentleman is suggesting, for the forest, we will be denying people access to the forest for recreation while purporting to help them out in the park where we already put $50 million for maintenance, is that not so?

Mr. HANSEN. Mr. Chairman, reclaiming my time, the gentleman makes an excellent point. If people would take the time to study it, they would see there is more recreation in the Bureau of Reclamation, there is more recreation in BLM and there is more recreation in the Forest Service than there is in parks, and now we are taking away from where people go and spend their time. I think that is an excellent point the gentleman has made.

Mr. TAYLOR of North Carolina. If the gentleman will continue to yield, if we are improving those roads in the forests against environmental hazards, reseeding and so forth, is it not better to spend that money in the national forest on environmental improvements than spend it in the parks where environment is not a concern?

Mr. HANSEN. Mr. Chairman, that is how I would look at it.

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

Mr. Chairman, I have a colloquy with the gentleman from Ohio [Mr. REGULA] that we can deal with now in the interest of expediting things.

Santa Clara Day School in my district has received a grant from the BIA for facilities improvement and repairs. With these monies, Santa Clara would bring its elementary school, which was originally built in 1926, up to modern code. Although the school has already altered its plans to cut construction costs, Santa Clara will fall $1.2 million short of the monies needed to complete construction in accordance with BIA education standards.

I realize the chairman has done the best that he can on Indian construction funding in this bill, and I would ask that the BIA give consideration to Santa Clara with any discretionary funds available.

Mr. Chairman, I would be pleased to yield to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding to me, and I sympathize with the situation of the Santa Clara Day School. I, like the gentleman from New Mexico, would also hope that the BIA would give consideration to the school situation with any discretionary funds within school construction that may come available.

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

Mr. Chairman, I want to use this chart to illustrate how Forest Service timber sales have gone down. In 1990, we were almost at 10 billion board feet. In 1995, we were down here to less than 4 billion board feet. The reason for the roads and the money we put in is for reconstruction, not for contract sales, and the money that the gentleman is taking out for his amendment comes out of reconstruction. Why reconstruct these roads? It avoids siltation in streams. It avoids other environmental problems and, most importantly, it gives access to the recreational user. I reiterate the Forest Service has double the visitor days of the Park Service. These visitors are people who go out to hunt, to fish, to camp, the low-cost type of recreation. It is important that they have a decent road to get access to these facilities. Our forests offer a wonderful recreation asset and, therefore, I think it is important that we have roads.

We did not put a lot of money in. We added, I think it was, $2 million, and we added $55 million to the parks. It is an equitable balance and for that reason, I would oppose the amendment.

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

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

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding, and I could not agree more with the idea. I would like to close some of the roads. I think that is really where we ought to be putting some dollars, because I do not think in the long run you can keep 379,000 miles of road open and maintained properly, because they do, in fact, disturb the watersheds of all of these areas and they are unnatural and there are a lot of problems with them.

I understand the restoration to maintain the roads. We ought to be closing the roads. Restoration, not just the reconstruction. The problem with all of that is these roads were put in place and to an extent not 379,000 for recreation. There may be some for recreation, nothing to that. The other aspect is, it just is an indication of past problems where we did not require those that were harvesting the timber to pay for an adequate closure of those roads and for the maintenance of them in the future. So we are faced with the problem of what historically has been the policy here.

My concern here, of course, is that there is in this bill, appears to be, $50 million for new road construction. It says of the $164 million that $50 million is for new road construction, and that is the basis. Of course, I am not taking all the dollars out of here. I would point out that yes, the Forest Service is used for recreation, but I think obviously our parks are also used for that. It is not a question just of numbers here. I think it is a question of what our priorities are and who ought to pay, more out of the credits, more out of the timber.

Mr. Chairman, the saw timber is going down because they have eliminated the forests in this Nation. They have eliminated them. They started out in our area in Ohio and Minnesota and cut all the white pine and moved all the way west, and guess what, we are running out of it now. That is why those numbers are down, because we do not have those forests left that were eliminated 100 years ago. They have not come back.

Mr. REGULA. Reclaiming my time, if I am to believe the Forest Service, the sustained yield is greater than the cut, and therefore we are growing more board feet every year than we are cutting. The reason these numbers are

going down is that we are recognizing the value of the forest for recreation, a high priority. There has been less pressure to cut timber. Just as recent as 1990, we were up almost to 12 million board feet, now we are down to 4. But these roads are there and we have to take care of them. The gentleman's amendment takes the money out of the reconstruction account.

Mr. VENTO. Mr. Chairman, if the gentleman would yield further, he is saying this bill does not mandate the harvest, as some of the bills in the 1980's mandated the harvest of an amount that was over and above the professionals. That is a positive aspect of this bill. But I obviously contend in my amendment the priorities are correct.

Mr. REGULA. Reclaiming my time, I would hope that Members would oppose the amendment.

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

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

Mr. DICKS. Mr. Chairman, I rise and reluctantly oppose this amendment. The reason I am opposing it is that this cut of forest road money will result, by an estimate from the Forest Service, in a billion board feet reduction in the timber harvest program, our timber sale program. We only have 4.9. It is dramatically lower than it was historically.

So if we take this money out of the roads, there is a corresponding reduction in timber sales. When you have that corresponding reduction in timber sales, it reduces the revenues to the Government and to local communities.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. REGULA} has expired.

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

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

Mr. VENTO. Mr. Chairman, if this would result in a reduction of a billion feet of harvest, that means in essence we are subsidizing. If we were not putting the money in, that means those sales would not be sustained by their own credits, by their own revenue. That means that we are then subsidizing one-fourth of the timber in this bill. If the Forest Service numbers are correct, that is what that literally means, is that we are subsidizing it, because you cannot harvest it in the absence of the dollars of the Committee on Appropriations.

So that I think is a pretty good message to the timber industry that we expect them to carry their own weight, we do not expect taxpayers, if we do not have break-even sales. I think with timber prices up and other factors, we ought to get off the subsidy in terms of these roads. We ought to at least make these programs pay for themselves. I do not think it is the recreation user that is the problem here.

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

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

Mr. DICKS. Mr. Chairman, one point I will make is you have to judge the sales on a sales-by-sales basis. In most of the sales we are making money, and without the roads, you cannot do the sales. So I do not see where there is a subsidy at all.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, again I would like to point out in the area of subsidy, if you order a table to Minnesota, the gentleman did, or if you bought it at an auction, and at that auction they said, all right, you are getting the table for $100 and we will ship it, or you can pay at $90 and we will pay the shipping cost of $10. It is the same thing when we are talking about giving credits for timber roads, there is no subsidy.

We get the highest bid for the timber. If the credit was not given for the road, then the timber bid would be lower to include the road. The Forest Service wants the road built to their specifications, and that is why they give a credit for it. So there is no subsidy to the timber industry. It is a credit that is given when the road is built.

Now, let me go on to the second thing where you can see by this chart the enormous drop in forest products. In fact, the Sierra Club, which the gentleman speaks out for many times, wants no cutting in our national forests. Now, if we cut, if we stop all cutting in our national forests, and we have almost done that because we are down to about 20 percent of our national forests now that can be considered for harvest, that is an antienvironmental position. I have not yet been able to persuade my friends on the right of that, all of them.

But take this podium, it is made out of wood. We can make it out of wood or plastic or metal. If we make it out of the renewable resource of wood, it is much easier to make, takes less energy to make, it is easily recyclable. If we make it out of plastic, then we have to fight to get the oil out of the Middle East. We have to spill it two or three times on the way. It is more toxic in the manufacturing process and it is harder to recycle. That is saying nothing against plastic, because plastics are going to be needed. I am just saying if you start limiting your options, the same thing with metal, it takes 8 times more energy to produce a table with metal than it does with wood. It is much harder to recycle.

Mr. Chairman, we are at a section of choices. If we follow the leadership of these folks who want all timber harvests stopped in the national forest and certainly if we do away with credits for roads, if we do away with any types of work with the Forest Service, because that is where a large portion of the timber is in the forest, which is different from the national parks part, then we are going to create far more environmental problems than we have solved in that manner.

□ 1930

Second, I would just say one other thing. If you look at our chart to the left, today we get three-quarters of a billion dollars of our reforestation, which contributes enormously to forest health, from the timber funds, the $3 billion that we take in saving timber. Our States and local communities get almost $1 billion to operate their schools primarily and for their local uses that would have to be made up by the American taxpayer. We have $134 million in erosion control and other programs that would have to come out of the taxpayers' pocket, and many other parts of improvements in our forest that come from the $3 billion we take in from the timber sale program, plus we provide lumber for houses that would have to come from sensitive areas like the rain forest and other parts of the world.

We are provided with one of the best managed forests in the world and we have the best technical science in the world. So if we stop harvesting the national forest, we are going to have a forest health problem and going to have an economic and environmental disaster because of the jobs lost and because of the damage we do to the environment, having to use substitute finite products rather than renewable products.

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

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

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding and his continued effort to get me to see things his way. As a biologist, I try to get the gentleman to see things my way as well.

I believe that these programs ought to stand on their own. The fact is you go to that auction house, you do not start off with the Government giving you an extra $164 million in order to build the roads.

Mr. TAYLOR of North Carolina. Mr. Chairman, reclaiming my time, what you are saying is the roads are built to government specifications. They either give you the credit for building the roads, or your bid is going to be lower because you are only going to pay a certain amount for that product.

Mr. VENTO. Mr. Chairman, if the gentleman will yield further, first of all, they may be built to government specifications, but there is a variety of reasons for that in terms of what happens with the rain and what happens with the erosion and other factors.

The other issue is we do not pay for the restoration, the closure of the road. We do not pay for the maintenance of the road with that timber harvest. Why are we putting money here if these activities do not pay for themselves? Is it not time to make tough choices?

Mr. TAYLOR of North Carolina. Mr. Chairman, reclaiming my time, does the gentleman recognize that a great portion of the recreation that people go to fish, hunt, camp or picnic, they go to those areas on roads built under the program, as well as a great portion of our trails?

Mr. VENTO. I do not think 379,000 miles of it.

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

Mr. Chairman, let me try to persuade my friend from Minnesota one more time. I think the focus of this debate has been on timber harvesting and timber harvesting road construction. I think the gentleman should understand that roads in the national forests are used by millions of Americans. They allow them access to over 121,000 miles of hiking trials, 96 wild and scenic rivers, 120 scenic byways, 397 designated scenic wilderness areas, over 18,000 recreational facilities, including boat ramps, campgrounds, and picnic areas. That is the use of roads in national forests.

They provide not only access for recreation, but for wildlife and fisheries projects, for fire protection, and for monitoring water quality. People have to get into these forests and understand what the water quality is. They provide for many other aspects of ecosystem management. For timber harvesting, certainly, but roads are really a necessary tool for environmental management in the national forests.

As with regard to the amount of roads we are building versus those we are eliminating, in 1994 the Forest Service permanently closed, ripped up, restored, almost 2,300 miles among needed roads to productive forest land, as I said, in 1994, but they built only 519 miles. So we have a net loss of roads of 1,780 miles in 1994. That happened also in 1995 and 1996.

Mr. VENTO. Mr. Chairman, if the gentleman will yield, they only have 378,000 miles of road left. We are very concerned about it.

Mr. NETHERCUTT. Mr. Chairman, reclaiming my time, I understand that. But there is a reason we have those roads. It is not just to rape the land and hurt the forest; it is to get people into the recreation areas and the places they are entitled to be in this area. What we are doing is increasing the road construction a very, very little amount for 1997.

I really think it is shortsighted to just say all roads are bad and we have to eliminate roads and put the money someplace else. I think it makes sense to do this.

Mr. VENTO. If the gentleman will yield further, my amendment cuts $28 million out of this account of $164 million. I would just read from page 74 of your committee report. ''The committee recommends $97 million for road construction areas, $2 million above the 1996 act. This includes $59 million for timber roads and $26 million for recreation.''

So apparently you recognize the difference in this report. You can see the disparity. It is not as though there is a denial of the facts. In other words, you do articulate that. And $12 million for general purpose roads. So the bulk of this money, $50 million set aside again for road credits, timber harvest gives us $164 million total. It is clear that is articulated. This is for the subsidy in terms of what goes on in terms of timber harvest. That is the point here.

Mr. NETHERCUTT. Mr. Chairman, reclaiming my time, I understand the gentleman's point. Really, one cannot just specify only timber roads as being bad. I think there are road systems in this great land of ours that are very valuable to the use of Americans, whether it is timber harvesting, recreation or other reasons. It is a good thing we are fixing some of these roads, they are in disrepair. We are trying to use this money for proper, not improper, purposes, and we ought to reject this amendment. I urge my colleagues to do so.

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

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

Mr. MILLER of California. Mr. Chairman, I rise in strong support of the Vento amendment. The fact of the matter is, we are sitting here with somewhere in excess of 350,000 to 370,000 miles of roads in our forests, and we claim that we have closed 2,300, and we have built 500 miles in the last year. And 600 years from now perhaps we will have closed those roads. All of those roads should not be closed, but let us not pretend by a huge amount of money currently being spent is being spent on road closure, and let us not pretend that all of this money all of a sudden is here for the purposes of recreation.

In fact, there is a line item within the bill that provides $26 million for recreation roads. Not all of the roads that are built in the forest are necessary for hunting and fishing, because in fact if you come with me to the Sierras, if you four-wheel across the Sierras, you have roads that are 50 or 60 yards from one another. Not all these roads are in fact necessary.

But what we have is a situation where if you want to buy timber from the Federal Government, the Government says, ''Come in and get it; we will build you the roads or give you a credit for building the roads.'' That program is costing us $109 million a year.

Now, if you are a private landowner and you have 500 acres or 1,000 acres or whatever to sell of timber, the person who buys the timber comes in and builds the road. The gentleman from North Carolina might be right that they deduct that from the price of the timber, so that is the real value of the timber.

We are like the auction house that says, ''You can either pay $100 or $90. Do you want us to ship it or not?'' We say, ''Pay us $90 and we will pay to ship it.'' That is what is not fair about this.

What you do not have is you do not have reflection of the real value of timber, because you have the Federal Government subsidizing the activity to extract it. Even if we provide a credit or we build the road, the fact is that 20 and 30 years later we are maintaining those roads. So the cost of that timber far exceeds and continues far beyond the harvest of that timber.

So that is why we find ourselves stuck with more than $1 billion to log these forests over the last several years than the timber sales brought in. And what does that mean? That means that as this committee struggled to meet the demands of the National Park System in this country, they fell $23 million short. As they struggled to repair the elevator in the Washington Monument, as they struggled to do health and safety repair work at some of our parks, as they tried to provide a transportation system and all that, they still fell $23 million short.

Let us not pretend that there is an equivalency here about the maintenance and the care of these national parks and these forest roads. There simply is not. We had that fight last session when we had a park commission bill on this floor. I was a supporter of that. That was one of the worst bipartisan drubbings we had. Why? Because the American public sent a message to every member of this Congress, except me, I guess, and a few others, that somehow they did not even want to consider the closure or the reconstitution of those parks and monuments. What they want us to do is have them open and available and put forth in first class shape.

We cannot report to the American public this summer that that is the condition of our national parks. In California and elsewhere, we have campgrounds that are closed, we have campgrounds that are not accessible, we have repairs that are not made, we have bridges that are not safe, and we have trails that are unsafe for families to walk in those national parks.

That is not to pit the national parks against the national forests, because that is not fair, because in many areas they serve essentially the same purpose. But the suggestion that somehow all of this money is really there so that we can keep the national forest open for hunting, fishing and recreation, just is not the case.

The fact of the matter is, what we have here is a very substantial subsidy that does not exist in the private sector in the timber world. It does not exist in terms of providing us a true reflection of the real cost of these timber sales, and that is why the GAO and others have come to us time and time again and talked about the loss of revenues for the taxpayers in the presentation of this.

We can better use that money in an area of much higher priority for the people of this Nation, and that is to present to them their parks in the seasons that they use them in first class shape for the use by them and their families.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

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

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

Mr. MILLER of California. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, the gentleman made a statement that we take in $1 billion less than it costs in the Forest Service in our timber program. Is the gentleman familiar with the GAO report that the gentleman from Illinois [Mr. YATES] requested that said we take in roughly $3 billion, and it costs $1.25 billion to prepare the sale and administer the forest, which gives us a $2.7 billion profit? So, $1 billion goes to State governments, and $1 billion then goes for forest health, reforestation, erosion, and so forth.

Mr. MILLER of California. Mr. Chairman, reclaiming my time, those payments to the State government under our budgeting procedures are not considered a cost to the program. I appreciate that. If you say that is not a cost and you take it off the books, then you are running a surplus.

Mr. TAYLOR of North Carolina. The cost is $1.25 billion according to GAO.

Mr. MILLER of California. That is not an allocated cost.

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

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding, because it is the same GAO study on page 1 that suggests that we collect $3 billion, we distribute $2.7 billion under law, or 90 percent of it goes back out, but it costs $1.3 billion for administering it. So the end result is that we have an outlay of $4 billion that takes place and an influx of $3 billion. So it costs us $1 billion in the 2 years to administer the programs from 1992 to 1994. You have a $1 billion net loss. This is part of it right here.

Mr. MILLER of California. Mr. Chairman, reclaiming my time, the point is we can continue that loss or we can make up a shortfall. This deals with the national parks, this deals with the presentation of these national parks, this deals with the experience that our constituents and their families expect when they go to those parks.

In our Committee on Natural Resources we constantly listen to the concerns about the backlogs in maintenance and effort, and people constantly are coming to our committee and passing authorizations for this program and handing it off to you and the Committee on Appropriations. That is why there is a shortfall. But nobody considered that when they asked us to pass those bills and expand those parks and participate in that.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

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

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

Mr. MILLER of California. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, a couple of things. I would like to give the gentleman a gentle reminder that for 40 out of the last 41 years, the budget has been controlled by his party, and if there is a $4 billion backlog, I believe that that accrued during the time that his party was in charge.

The second point I would make is that the president of his party requested $366 million for repairs and reconstruction of the parks. We put in $369 million. In other words, we put in $3 million more than the president requested. Why? Because we believe, and we agree with the gentleman, repairs and maintenance of the parks, all the functions of these agencies, is vitally important. We have tried to take care of that and address that problem. I just want to get the facts out on this.

Mr. MILLER of California. Mr. Chairman, reclaiming my time, it is not about denying those facts. That is a historical record. As we see on this floor, we have had historically very strong bipartisan support for roads in the forest. That is how the parks have suffered.

□ 1945

Because as your committee has had its allocation and it has had to divvy it up, the forest interests have been here with their special interest hands out and they have garnered most of the money, and the parks have fallen further and further behind, and we have listened to this in our committees.

It is not a question of which party is in power or not, it is a question of whether we will meet our obligation to the parks. And try as the gentleman might, we were still unable to meet our obligations in terms of the construction requests necessary for the maintenance of these parks. And I do not fault the gentleman, but I think it is a question, as we started out this afternoon, and it seems like 3 days ago that we started talking about setting priorities. We are suggesting this is a higher priority to the American public than the continuation of these roads in the forests would be to in fact provide for the proper maintenance of roads and other facilities inside of the national parks.

I thank the gentleman not only for his comments but for all his hard work and for making all these horrible and terrible and tough decisions.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

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

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

The CHAIRMAN. Pursuant to House Resolution 455, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. VENTO] will be postponed.

The point of no quorum is considered withdrawn.

Are there further amendments to title I?

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MILLER of California: In the item relating to the DEPARTMENT OF THE INTERIOR-National Park Service-National Recreation and Preservation, insert ''(increased by $10,000,000)'' after the dollar amount.

In the item relating to DEPARTMENT OF ENERGY-Fossil Energy Research and Development, insert ''(reduced by $10,000,000)'' after the dollar amount.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes and that the time be equally divided.

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

Mr. MILLER of California. Mr. Chairman, reserving the right to object, can we do 15 minutes? I may not use it, but I do not have any idea. I had other requests for time and I do not know if Members will be here or not.

Mr. REGULA. Mr. Chairman, I withdraw my unanimous-consent request and make a unanimous-consent request that all debate on this amendment and all amendments thereto close in 15 minutes and that the time be equally divided.

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

There was not objection.

The CHAIRMAN. The gentleman from California [Mr. MILLER] will be recognized for 7½ minutes and the gentleman from Ohio [Mr. REGULA] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume, and I want to thank the gentleman for his consideration.

For the second time in a row, the committee has recommended zero funding of the urban parks and rehabilitation program. As a result, once again we are seeing a long backlog of restoring the deteriorating urban

recreation facilities and that backlog will continue to grow.

In 1995, there were almost 200 applications filed for this inexpensive but important program. Failure to provide any funding for the urban parks program is unacceptable at a time when after-school recreational opportunities for millions of children have disappeared from our cities and suburban communities. We know the hours of 3 to 6 p.m. now are some of the most dangerous times not only for our children, but for our neighborhoods and for our families. The prime hours for gang activities, crime and violence are when children are without school, parental supervision, or constructive opportunities.

A Carnegie task force report entitled ''A Matter of Time'' found that, other than infancy, the period of early adolescence is the most critically important time for the development because so much physical, social, emotional, and moral development is compressed into such a short period of time with our adolescents.

The National Urban League just recently reported that the hours from 3 to 6 p.m. is the peak time for violent youth crime and sexual activity among adolescents. Parents throughout this Nation are rightly concerned that during these critical hours of each day while these parents are working, and working out of necessity, their children have nowhere to play, nowhere to receive instruction, nowhere to learn proper values and behavior.

All of us can hearken back in my generation to the time when we had after-school recreation programs, where we had city recreation programs, where we would go to the ball field or go to the arts center and do these programs. We could all hearken back to people who helped us, coaches and mentors and people who talked to us about life, talked to us about sportsmanship, talked to us about cooperation. The facilities to provide that in many of our urban areas has fallen into disrepair.

What this program is is a program of partnership where the cities put up 30 percent of the money and make application to the Federal Government to reclaim, to reconstruct, to repair many of the recreational facilities that are in their communities. The communities that have made application are from the entire spectrum across the landscape. They are small towns, they are small cities, they are large urban areas, they are parts of counties that are seeking this kind of effort.

This effort, when we presented it 2 years ago to the Congress, was approved overwhelmingly. It was approved overwhelmingly on a bipartisan basis. It was approved because it had the interest of the private sector, it had the support of major league baseball, it had the support of the MBA, it had the support of the sporting goods manufacturers, and it had the support of law enforcement agencies. It had the support of many of the agencies, of nonprofits, Boys Clubs and Girls Clubs, the Girl Scouts and Boy Scouts, other agencies that provide these services, Big Brothers and Big Sisters to the young people of this country.

We see these crisis hours in our community growing. We see them growing in concerns among parents, parents who unfortunately, because of economic need, are not able to be home in their communities after hours. They are not able to be there to supervise their children.

They are looking for alternatives. We see national summit after national summit. We have seen discussions between the President and young people, between congressional leaders and young people, and always we get back to the fact there is not much to do. When we couple that with what we now see in the crime statistics, this program is a small but important and effective effort to try and to change the destiny of these young people and to reclaim these facilities. That is why this program has received such overwhelming support.

This is not just about big recreational facilities in a few big cities. These cities run from Hialeah, FL; Peoria, IL; Kokomo, IN; Lynn, MA; Grand Rapids, MI; Kalamazoo, MI; Poughkeepsie, NY; Marietta, OH; Chattanooga, TN; Bellingham, WA, and when I have the handout, the list goes on and on and on.

What are these cities asking for? They are asking for this Federal Government to serve a partner and a catalyst because, in fact, this is the money around which an additional effort can be organized to try to reclaim our communities and our neighborhoods.

This is part of the war on crime. This is part of the war on drugs. This is a part of the socialization of our young people. This is a part of getting our young people to appreciate teamwork, participation, and constructive engagement with others. This is a part of transmitting values from adult populations to an adolescent population. This is a part of one generation, an older group of people, mentoring and coaching a younger group of people, about building teams, about building communities, about building volunteer spirit.

These are grants. These grants do not keep these facilities open. These grants allow us to reclaim them, the disuse, the lack of repair and turn them into a catalyst for community action, for community organization and for youth activities.

So I would hope that what we are asking is that we would take $10 million out of the fossil fuel accounts, and many Members who voted against those early amendments have suggested to me that they will vote to support this amendment. This in only 4 percent of that account, but the multiplier effect of these projects that have been submitted from every State across the Nation, the multiplier effect far exceeds, far exceeds that small amount of money and its contribution to the fossil fuel accounts.

We have heard the arguments about the fossil fuel account. We are at a time when that industry clearly has the ability to shoulder an additional burden. Make no misunderstanding about it, this is an American priority. This is about our streets, our neighborhoods, our children and our families. This is about where we live, it is about where our constituents live.

A woman said to me the other day in a town hall meeting, I am so afraid of my neighborhood, an elderly woman. She said, Because they are home, but their parents are not home. There is no nowhere for these children to go. That is when the trouble starts.

That is what the urban parks and recreation program is about. That is what was recognized by the private sector, who joined in their support, and by the sports organizations and by the police organizations as they joined in their support for this effort, as well as many of the oldest nonprofit service organizations that have supported our children throughout the history of this Nation.

Mr. Chairman, I would urge my colleagues to support this amendment.

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

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

Mr. Chairman, those are nice sounding words. I was interested when the gentleman said he had overwhelming support. His overwhelming support does not include his President. In the President's budget he made absolutely no request for money for this program. His overwhelming support did not include the former chairman of this subcommittee, the gentleman from Illinois [Mr. YATES].

In 1995, the last time Mr. YATES served as chairman, there was no money put in this program, because even he recognized that these parks are a local responsibility. Our responsibilities are with the national parks. And with 369 units, we have our hands full.

Let me point out that the State parks, the local parks, the tennis courts, the swimming pools are a local responsibility.

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

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

Mr. DICKS. Mr. Chairman, our recollection is that the gentleman from Illinois [Mr. YATES] put money into the bill but it was rescinded by the new Congress. I think that is the history here.

Mr. REGULA. Mr. Chairman, reclaiming my time, I believe the gentleman is correct, we did rescind the fiscal year 1995 funds, but in 1990 and 1993 the gentleman from Illinois [Mr. YATES] had zero funding.

Mr. DICKS. But, Mr. Chairman, if the gentleman would continue to yield, Mr.

YATES has been a strong supporter of this.

Mr. REGULA. I understand that, but the point I am making is that while he was a strong supporter in recognizing the priorities in several of those years, he decided that we did not have adequate money and that we should first of all take care of our national parks, and that is the point I would make. And, again, the President did not put it in his budget.

These are local responsibilities. It is nice to do if we have plenty of money. We do not have plenty of money, and I do not think that we should trade the fact that under the fossil research program we can protect our jobs, energy dependent jobs and that we can protect the clean air programs that result from that. We can protect our energy independence.

We should not trade that off for local tennis courts, and that is exactly what this amendment does. It says let us take money out of a program that has already had a 14-percent cut and add it to taking care of local responsibilities. Nice to do, nobody quarrels with that, but it is not the responsibility in this bill to meet those needs.

Therefore, Mr. Chairman, I would strongly oppose this amendment because I think that we need to maintain our fossil energy research program. I think that we need to let the local communities understand that it is their responsibility to build the tennis courts, to build the swimming pools, to do the local parks. I hope that my colleagues will vote against this amendment.

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

Mr. MILLER of California. Mr. Chairman, I yield myself the balance of my time, and in 30 seconds I would say that I always knew the gentleman from Ohio was never a rubber stamp for our President, but let me just say that in this budget we do an awful lot for local communities, because the forest monies we talked about earlier go to schools and public maintenance out west.

We may not want to talk about that in the rest of the country, but the fact of the matter is this entire budget deals with local governments and we can choose. This is a priority. The gentleman may not like this priority, but this is a priority of the American people because this is about their neighborhoods and about crime.

All of the evidence is starting to emerge that these are facilities that our neighborhoods need. That is why this program is included in the crime bill, too. The gentleman might have voted against that, but the fact of the matter is that is what the police chiefs and others have said they wanted in their arsenal to fight crime and to work with young people. I would hope the gentleman would take this and support this amendment.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume, and I would just point out that this is an authorizing problem and I think the authorizing committee should deal with it. We have a responsibility to deal with the national parks and we have a responsibility to deal with the needs of fossil energy research. We have done that to the best of our ability in a very balanced way.

□ 2000

I think this amendment, while it is a nice thing to do, is not an appropriate response given the priorities that we have had, judgments we have had to make in this bill. I hope my colleagues would oppose this along with these other amendments because we have a balance. Let us not change that. It is not in the best interests of the people of this Nation to do so.

Ms. DELAURO. Mr. Chairman, I rise in support of the Miller amendment which will reduce Federal assistance for the fossil energy industry to help fund parks in urban areas through the National Park Service's National Recreation and Preservation Program.

As the representative of an urban area in Connecticut, there are few greater needs then maintaining and improving parks. Parks benefit everyone in the community, but most of all, it benefits our children. Ours is a time that forces young people to confront adult problems at earlier ages. That's why it's so important that we give our children park space to have fund and enjoy childhood in a safe, clean, and secure setting.

Many, many Connecticut parents in my congressional district have expressed to me the No. 1 challenge they face is having someplace where their kids can go after school. Parents need to know that their kids have someplace safe to go to. They need to know that their children are not out somewhere getting into trouble. Parks offer children the opportunity to have good clean fun and they give parents the peace of mind that their kids are okay.

But this bill contains no funding for urban parks. Zero. Nothing. What message are we sending to the hardworking parents in this country when we deny them this one small opportunity to do something positive about one of their greatest fears?

The Miller amendment is a responsible effort to respond to the concerns of America's hard-pressed parents. For the modest funding level of $10 million, we will provide communities the opportunity to help families cope with the day-to-day pressures that besiege them.

Mr. Speaker, many families in this country are working harder and harder to make less and less. Barely getting by has replaced the American dream as the daily preoccupation. A two-income household was a rarity just a generation ago, and now it is the norm. These families have to keep up with the pressures of the job and raising the kids. It's about time they got a break.

Investing in parks is but a small step to give them that break. Let's provide our communities with safe and clean parks for the kids of our urban families to go. And let's give America's parents a little peace of mind.

I urge my colleagues to vote for the Miller amendment.

Mr. FOGLIETTA. Mr. Chairman, I rise in strong support of the Miller amendment to restore funding for the urban park program. It helps us achieve two goals. First, we can help revitalize and strengthen economically distressed communities making them more pleasant places to live. At the same time, we can reduce urban crime by giving our city youth alternatives to crime, drugs, and gangs.

When Phoenix basketball courts and other recreation facilities are kept open in the summer months until 2 a.m., police calls reporting juvenile crime drop by as much as 55 percent. When the gyms start closing early in the fall, the crime rate goes up again. Midnight recreation programs range from basketball to swimming and have over 170,000 participants, costing an average of 60 cents per youth.

In Fort Myers, FL, juvenile arrests have dropped by 28 percent since 1990 when the city began STARS—Success Through Academics and Recreational Support for young adolescents.

In my own district in Philadelphia, police launched a program to help neighborhood volunteers clean up vacant lots and plant gardens, and burglaries and thefts in the precinct dropped by an astounding 90 percent from 40 crimes per month to an average of 4 per month. The small investment that Mr. MILLER has requested—$10 million—can bring such dividends, bringing green to neighborhoods and reducing crime.

I urge my colleagues to vote ''yes'' on the Miller amendment.

Mr. OLVER. Mr. Chairman, I rise in support of the Miller amendment to restore funding for the Park Service's National Recreation and Preservation Program.

This program offers urban families brief refuge from the scenic pollution of urban blight, temporary refuge from the degradation of joblessness, and temporary refuge from the fear of stray bullets.

To many of the millions residing in urban centers, Yellowstone is a million miles away—the Grand Canyon—a place they once saw in a film strip in elementary school. But the urban park, the ideal of visionaries like Edward Olmstead, is a place where urban dwellers can find some open space to throw a frisbee, ride a bike, or just feed the pigeons.

Some of our urban parks even offer pools for families to get away from their non-air-conditioned apartments and cool off a bit. They're the places where the likes of a future Michael Jordan or Marcus Camby learn to play basketball. Where the Mo Vaughns hit their first home runs.

The funding in this amendment provides grants for renovation of urban recreation centers. Many of these facilities are in such poor shape that they endanger kids' safety and health.

These grants help repair, reconstruct, and rehabilitate these facilities so that they can remain open to the public.

In the past these grants have provided recreation for the disabled, repaired swimming pools, resurfaced tennis and basketball courts, purchased picnic tables, created arts and crafts areas, fitness trails, and bocci courts for seniors.

I urge you to support the Miller amendment. If you choose to vote against urban parks, and cite the quest for a balanced budget as your reason, just keep in mind the vote last week when this body gave the Defense Department $11 billion more than requested.

If you choose to vote against this amendment, you will certainly know why the swimming pool won't be open this year—and why the water fountain will remain out of order.

Support the Miller amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

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

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 455, further proceedings on the amendment offered by the gentleman from California [Mr. MILLER] will be postponed.

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

Mr. Chairman, I would like to clarify a point in the report language of the bill.

The report language on the Codes and Standards program would require the Department of Energy to achieve consensus between interested parties before proceeding with any rulemaking, including those mandated by the Energy Policy Act of 1992.

As Members know, DOE has worked long and hard with manufacturers this year to rethink and revamp its process for promulgating rules to allow much greater industry input into rulemaking. The process improvement efforts will soon come to fruition.

I am concerned that a strict interpretation of consensus conveys to any company, organization or interested individual the right to veto any proposed standard, even if DOE has gone the extra mile to address industry concerns or even if there is a broad industry acceptance of the proposal.

Mr. Chairman, what does consensus mean in this context?

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

Mr. WALSH. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, consensus in this case means that all participating parties need to be involved in the rulemaking process. We are trying to hold the department's feet to the fire to follow through on its process improvement efforts and then to conscientiously avoid repeating mistakes it has made in the past.

Some of these have included not paying enough attention to ways in which the burden on manufacturers can be eased, failing to incorporate real world market information into their economic analysis and taking inordinately long amounts of time to issue standards.

Our goal is to make sure that DOE solicits and seeks to address the concerns of manufacturers which then have to live with these standards while successfully complying with the law.

Mr. WALSH. Mr. Chairman, can we clarify the language in conference to reflect the requirement for consensus is not just a rephrasing of the moratorium that we had last year but a standard of rigor which will be expected of DOE in future rulemakings?

Mr. REGULA. Mr. Chairman, if the gentleman will continue to yield, I look forward to working with the gentleman to achieve clarification of this report language in conference with the Senate.

Mr. WALSH. Mr. Chairman, I thank the gentleman.

AMENDMENT OFFERED BY MR. RICHARDSON

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

The Clerk read as follows:

Amendment offered by Mr. RICHARDSON:

On page 15

Under the item ''NATIONAL PARK SERVICE'', under the item ''OPERATION OF THE NATIONAL PARK SYSTEM'', after the 3d dollar amount insert ''(increased by $15,579,000)''.

On page 50

In the item relating to RELATED AGENCIES—Department of Agriculture—Forest Service—Reconstruction and Construction, insert ''(reduced by $20,000,000)'' after the first dollar amount.

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

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

There was no objection.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

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

Mr. OBEY. Reserving the right to object, Mr. Chairman, what is the request?

Mr. REGULA. Mr. Chairman, will the gentleman yield.

Mr. OBEY. I yield to the gentleman from Ohio?

Mr. REGULA. Mr. Chairman, that the debate be limited to 10 minutes.

Mr. OBEY. Mr. Chairman, I am reluctant to object, but given the fact that this involves taking money out of roads, I do object.

The CHAIRMAN. Objection is heard.

Mr. RICHARDSON. Mr. Chairman, my amendment increases funding by $15 million for our national parks. It basically makes it the same level as what the Clinton administration requested for the national parks. Let me just state that I am taking these funds from Forest Service roads and not from fossil energy research, as was stated or printed in some document.

Mr. Chairman, when is an increase not an increase? When you add up the funds being appropriated to directly support our national parks. The Committee on Appropriations has made it a point to trumpet that there is a 3-percent across-the-board increase for parks. Members should be aware that providing only a 3-percent increase will mean our national parks will have less money in which to operate in fiscal year 1997 than they had in fiscal year 1996. Why? Because the 3 percent does not even cover such basic operational costs as the pay and retirement cost increases, inflation, and uncontrollables.

In addition, the bill cuts back on the amounts the National Park Service requested for resource stewardship, visitor services, maintenance, and park support, leaving the individual parks to pick up the costs that would otherwise be covered by these programs.

When it comes to our national parks, we can and should do more. The Richardson amendment funds the additional $15.5 million the administration requested in operational increases for individual national parks. Again, what my amendment does is simply raises the amount $15 million to conform with what the Clinton administration requested for this fiscal year.

These are the nuts and bolts funds for our national parks and not the bells and whistles.

The Richardson amendment is only a small down payment on what is needed for our national parks. The amendment funds the rangers, the interpreters, the camp grounds, and the trails. The Committee on Appropriations may say that we cannot afford this, but I find it interesting that they found the money to earmark from park funds $650,000 for Lackawanna County, PA, $200,000 for a study of the Robert Russa Morton High School in Virginia, and $100,000 for a German-American cultural center. Americans expect our national parks to be a funding priority.

I think funding our national parks is a higher priority than spending over $164 million to build more Forest Service roads. Again, I am not decimating the road programs for forests. It is a $15 million decrease that would be moved to the national parks.

There are already a quarter of a million miles of forest roads. We can and should take a small portion of these funds to make sure that our national parks are better cared for.

Mr. Chairman, over the last year in the authorizing committee and in the appropriating committees and in the media and in the public there has been a debate about our national parks. No. 1, everybody agrees that they are important and that they are national treasures. But everybody agrees that they are not being funded properly, that there is crime in some areas, that there is not enough money for law enforcement in our parks. We do not have enough for park housing, for Rangers to maintain many of these jewels. Without necessarily going into the debate we had on a bill that was called the park closure bill, apart from that, I think the very least we should do is fund the parks to what the administration requested.

This is not going to be enough. There are already proposals on the table to raise money for the parks through increased fees. There is also a proposal, a creative proposal the National Park Foundation has initiated which would

fund from partnerships between the public and private sector some of the parks. But in the meantime, it just strikes me that we should move these funds from Forest Service roads. There is already a lot of timber harvesting going on. We have got a whole system of roads being built.

The budget is a healthy one for Forest Service roads. Let us just move the $15 million. We are not talking about changing a lot of operations that are existing, move them into the parks. Our parks need the money. We keep having these debates that we are not funding the parks properly.

What my amendment is simply doing, again, it is funding the national parks at the level requested by the Clinton administration. It is not enough, obviously. We have had stories everywhere where in each State, in each region of the country that somehow our parks are not getting the right funding.

There is not enough money for maintenance. The parks are overcrowded. We have got 260 million Americans visiting the parks again. Let us support the Richardson amendment which just beings the money for the Clinton administration request. It is not coming out of fossil energy as was originally printed.

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

Mr. Chairman, we have heard this song before. It sounds very attractive. We are going to take the money out of the roads, put it in the parks. We talked about 260 million visitors in the parks. Let me point out, once again, that the Forest Service gets twice, double, twice the visitor days of the Park Service. So if we are talking about providing recreation for the people of the United States, it is vitally important that we have adequate, safe roads so they have access to these recreational opportunities.

I think that it is not a good use of the resources available to us to decimate the road program in order to put more money in the parks.

Let me point out we have put an additional $55 million in the parks. This money that is being subjected to being moved is for reconstruction of roads. Why reconstruction? Because if we do not reconstruct these roads, you get a washing effect, gullies that end up silting up the streams. It has an adverse environmental impact on the streams, on the fishing, on the recreational opportunities. I think it is just a poor use of our resources to make this kind of a transfer.

I have to say that we in the subcommittee listened carefully to the priorities of the various agencies. The Members collectively made judgments as to what represented a fair balance among the various needs that confronted us. We gave the parks a lot more money because there is heavy usage.

But also, we gave money, provided money to reconstruct these roads that are absolutely essential to the recreation opportunities of millions and millions of Americans. I think it would be a mistake in judgment now at this point somehow to reduce the environmental protection of our streams that results from reconstructing the roads and also limiting the recreational opportunities of the 300 million people that visit the national forests.

I hope that my colleagues would vote ''no'' on this amendment. Let us keep this delicately crafted balance that we have between the Forest Service and the parks and between the parks and Fish and Wildlife and the other agencies.

Mr. VENTO. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, this is a good amendment that my colleague, the gentleman from New Mexico [Mr. RICHARDSON] has offered. Even if you took both the Vento amendment and this amendment, you would still have $12 million in road construction and maintenance money for the Forest Service in this budget. The fact is that this then would meet the request of the administration in terms of construction and would meet the request of the administration in terms of operation.

If you want to argue, if you want to meet the needs of the Park Service, I think the people's parks should have a priority over these subsidies that we are providing in terms of the timber harvest, in terms of that they are only doing restoration work. In fact we ought to have no money in this bill for new road construction. We should insist that the Forest Service sales actually pay for themselves, that the bid prices ought to be adequate.

If someone is cutting timber on private land, they do not get a Government subsidy to build roads to that particular timber. They have to pay for it out of the receipts that they get in terms of the timber. Why should we treat our national forests any different than that? We should in other words be dealing with it on the basis of dollars and cents. The fact is that there are innumerable types of assistance and subsidy in terms of management of those forests.

The dollars for recreation are separate dollars in this Forest Service budget for recreation roads, for administrative roads. We are talking about the pure subsidy that goes to the timber, to the sales, to the timber harvests that are given in credits. The fact is we have 379,000 miles of road in the forests.

□ 2015

That is not for recreation; that is for harvesting the timber, and the fact is that those roads represent a tremendous liability. They are destroying our watersheds in these national forests. They obviously represent a great threat to the quality. We ought to be spending the dollars, we need to spend money because past congresses insisted on constructing these roads, not taking care of them, and then requiring restoration dollars in addition to that that we have to pay for it today.

That is why we have got nearly 400,000 miles of these roads, because nobody paid attention to what is going on. It was just put in the roads, cut the timber and not worry about it, and that is the same attitude that is persisting in spending these types of dollars. We have got to hold these timber companies and the way that they treat these forests accountable, and we are not doing that. We are just saying to do it on a basis.

We do not cut all the money out of here for roads and construction. In fact, we leave $125 million, and, as my colleagues know, many would argue it all ought to come out. But we got to send a message here. We got to send a message that the people's parks come first, that they come first in terms of the construction and maintenance needs that they have, that they come first in terms of operation. If we do not pay for operation, for the interpreters, for the Park Service people, we cannot keep them safe.

We had a terrible incident that occurred here in terms of the Blue Ridge Parkway on the Appalachian Trail, where a constituent or person from my State was victimized, and others, and so I think we have got to make more certain that these areas are as safe as possible. We have got to have these dollars in place, and we do not have them today.

We do not have them today, and we can do it. We can do it by changing and sending a message and letting these timber industry folks pay for their own roads by funding the operation of the parks, by funding the construction of the needs we have. We simply have to address this.

We need to send a message tonight by voting for the Richardson amendment and voting for the Vento amendment.

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

Mr. Chairman, my colleagues, I hope we could be clear about what we are talking about in this situation, both with this amendment and also with the earlier amendment by the gentleman from Minnesota [Mr. VENTO], because by transferring money from the Forest Service construction and reconstruction account into the Park Service we are effectively, and perhaps this is an unintended consequence, turning our Federal forest lands into Federal park lands, and in our part of the world we do not need more park land. We have hundreds and hundreds of thousands of acres that are permanently preserved in the Federal and State park system of the California north coast. We have literally thousands of acres that are permanently preserved and are off limits from any timber harvesting of any kind.

So we like to believe that our Federal forest lands in northern California are important, important for providing

a resource and a timber commodity that is used by virtually every American, and certainly important in terms of providing jobs in our home districts.

Now let me just tell my colleagues a little bit about timber jobs, since we so easily shift the focus in our debate on this floor from jobs to other issues. But in terms of what we are talking about in terms of jobs, between 1989 and 1994 we have had 223 mills closed, timber mills in the Pacific Northwest. Forty-two of those mills are in my district and that of my neighbor to the east, the gentleman from California [Mr. HERGER]. That means that we have lost nearly 20,000 jobs in our timber industry, and that does not count the indirect jobs, the service and support jobs, that we have also lost. And colleagues, this is catastrophic for us that represent these communities, a point we were trying to make earlier today in the debate on the Dicks amendment. Since 1994, these communities have been decimated.

Now I also want to point out to my colleagues that during the years since the listing of the spotted owl in the Clinton-Gore option, the so-called northwest forest plan, these entire communities have been devastated, and we have yet to demonstrate, and I defy anybody here tonight, we have yet to demonstrate that any of the pain and suffering has been necessary or has had any measurable benefit for the spotted owl. Here is why I am particularly concerned and why I say that this transfer would have the effect of turning these productive forest lands into Federal park land.

This is all part of a recent extremist trend in the so-called mainstream environmental movement in this country. Just a few months ago the Sierra Club, by a vote of 2 to 1 of its membership, voted to ban all logging on Federal forest lands. So I ask how long until the extremists openly call for a total ban on timber harvesting on Federal forest lands? That is why we are worried when there is an attempt to transfer money out of the construction and reconstruction accounts of the Forest Service.

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

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

Mr. RICHARDSON. Mr. Chairman, I just want to point out to the gentleman from California [Mr. RIGGS] that we are not giving the Park Service money to purchase new parks. What we are doing is simply funding existing parks. I just want to make that absolutely clear.

And we are not talking about decimating the Forest Service system. We are talking about $15 million. It simply moves the Park Service request to what the administration, the Clinton administration, requested. But it is for funding of individual parks, not purchasing new parks.

Mr. RIGGS. Mr. Chairman, let me ask the gentleman, does he support the position that was recently taken by the Sierra Club?

Mr. RICHARDSON. No, I do not.

Mr. RIGGS. In favor of an outright ban on all logging on Federal forest lands——

Mr. RICHARDSON. No, I do not.

Mr. RIGGS. A position so extreme, that says we should not even harvest a dead, dying, or diseased tree?

Mr. RICHARDSON. Not at all. I have substantial timber harvesting in my State. No, I do not support that.

Mr. RIGGS. Mr. Chairman, I am going to conclude by saying I am very concerned about these amendments because again I think they reflect an environmental policy direction in the Federal Government that is a very real threat to our way of life in northern California. I hope my colleague can understand because this is very sincere, and it is from the heart, why those of us believe that this administration, backed by its democratic allies in the Congress, is still waging a war on the West, and we want it to stop. It has been too much.

The survival of our way of life depends on developing sound environmental laws that are based on sound science and protect private property rights, and I personally am going to continue to fight for those kind of changes. I am going to oppose this amendment and the amendment by the gentleman from Minnesota [Mr. VENTO].

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

Mr. RIGGS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I just want to assure the gentleman that, first of all, I do not look for a banning of all timber harvest, and this is based more on economics than it is based on anything else. The fact is that I understand the gentleman's need for jobs and employment in this area, but I think, as my colleagues know, the jobs and dollars that are spent in the Park Service also produce jobs. The dollars spent in the Park Service also produce economic activity. It is a question of what these dollars subsidize.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

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

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

The CHAIRMAN. Pursuant to House Resolution 455, further proceedings on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] will be postponed.

If there are no other amendments to title I, 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, $179,000,000, to remain available until September 30, 1998: *Provided,* That unobligated and unexpended balances remaining in this account at the end of fiscal year 1996 shall be merged with and made a part of the fiscal year 1997 Forest and Rangeland Research appropriation.

Mr. SCHAEFER. Mr. Chairman, I ask unanimous consent to make a point of order on page 61 of title II.

The CHAIRMAN. Is there objection to entertaining a point of order on page 61?

Mr. OBEY. Mr. Chairman, what was the unanimous-consent request?

The CHAIRMAN. The gentleman from Colorado asked unanimous consent to transact a point of order on page 61 of the bill.

Mr. DICKS. Reserving the right to object, Mr. Chairman, could the gentleman from Colorado tell us what the point of order is?

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

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

Mr. SCHAEFER. Mr. Chairman, yes, I would be very pleased to.

Page 61, beginning on line 2 and ending on page 61 line 11, based on the ground that such provision would constitute legislation in an appropriation bill in violation of rule XXI, clause 2, of the rules of the House.

Mr. DICKS. Mr. Chairman, we are not there yet.

The CHAIRMAN. Does the gentleman from Washington still reserve his right to object?

Mr. DICKS. This has not been cleared with us. I would have to object at this point.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk read as follows:

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 pest management activities, cooperative forestry and education and land conservation activities, $148,884,000 to remain available until expended, as authorized by law.

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, for ecosystem planning inventory, and monitoring, and for administrative expenses associated with the management of funds provided under the heads ''Forest and Rangeland Research,'' ''State and Private Forestry,'' ''National Forest System,'' ''Wildland Fire Management,'' ''Reconstruction and Construction,'' and ''Land Acquisition,'' $1,259,057,000 to remain available for obligation until September 30, 1998, and including 50 per centum of all monies received during the prior fiscal year 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 and unexpended balances in the National Forest System account at the end of fiscal year 1996, shall be merged with and made a part of the fiscal year 1997 National Forest System appropriation, and shall remain available for obligation until September 30, 1998: *Provided further,* That up

to $5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed.

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

Mr. CHAIRMAN, it is my understanding that we have rolled these votes. We now have found, and it is my understanding that we would vote these amendments before we go further into title II.

Is that correct?

The CHAIRMAN. The gentleman is correct.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 455, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The earlier amendment offered by the gentleman from New Mexico [Mr. RICHARDSON], amendment No. 33 offered by the gentleman from Minnesota [Mr. VENTO], amendment No. 21 offered by the gentleman from California [Mr. MILLER], and the later amendment offered by the gentleman from New Mexico [Mr. RICHARDSON].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. RICHARDSON

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] on which further proceedings were postponed and on which noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 200, noes 220, not voting 14, as follows:

[Roll No. 254]

AYES—200

Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bartlett
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blumenauer
Blute
Boehlert
Bonior
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Burr
Camp
Cardin
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cummings
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Goodling
Gordon
Green (TX)
Greenwood
Gunderson
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Hoyer
Inglis
Jackson (IL)
Jacobs
Jefferson
Johnson (SD)
Johnston
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kleczka
Klug
LaFalce
Lazio
Leach
Levin
Lewis (GA)
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martini
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Peterson (MN)
Petri
Porter
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torkildsen
Torres
Towns
Upton
Velazquez
Vento
Visclosky
Volkmer
Walker
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Williams
Wilson
Woolsey
Yates
Zimmer

NOES—220

Abercrombie
Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barton
Bass
Bateman
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Bono
Borski
Boucher
Browder
Bryant (TN)
Bunn
Bunning
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
English
Everett
Ewing
Fowler
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goss
Graham
Greene (UT)
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kennelly
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lucas
Martinez
Mascara
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Pickett
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Radanovich
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Scarborough
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Traficant
Vucanovich
Walsh
Wamp
Watts (OK)
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

NOT VOTING—14

Brownback
Clinger
Emerson
Fields (TX)
Gallegly
Lantos
Lincoln
McDade
Payne (VA)
Pelosi
Peterson (FL)
Ramstad
Tauzin
Torricelli

□ 2046

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

Messrs. PETRI, BENTSEN, GENE GREEN of Texas, MANZULLO, SMITH of Michigan, BILBRAY, BARTLETT of Maryland, INGLIS of South Carolina, TAYLOR of Mississippi, CONDIT, and ORTIZ changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. VENTO

The CHAIRMAN pro tempore (Mr. DIAZ-BALART). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota [Mr. VENTO] 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 is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 242, not voting 14, as follows:

[Roll No. 255]

AYES—178

Ackerman
Andrews
Baldacci
Barrett (WI)
Bartlett
Becerra
Beilenson
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blumenauer
Blute
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Chabot
Chapman
Chrysler
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Cummings
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Durbin
Edwards
Ehlers
Engel
English
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Gutierrez
Gutknecht
Harman
Hastings (FL)
Hefley
Hilliard

Hinchey
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klug
LaFalce
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martini
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Porter
Portman
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Souder
Spratt
Stark
Stokes
Studds
Talent
Tejeda
Thompson
Thurman
Towns
Upton
Velazquez
Vento
Visclosky
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Williams
Wise
Woolsey
Wynn
Yates
Zimmer

NOES—242

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barton
Bass
Bateman
Bentsen
Bevill
Bliley
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chambliss
Chenoweth
Christensen
Clayton
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehrlich
Ensign
Everett
Ewing
Fawell
Fazio
Foley
Fowler
Franks (CT)
Frisa
Funderburk
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
Martinez
Mascara
Matsui
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Poshard
Pryce
Quillen
Radanovich
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Tanner
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Volkmer
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—14

Brownback
Clinger
Emerson
Fields (TX)
Gallegly
Lantos
Lincoln
McDade
Payne (VA)
Peterson (FL)
Ramstad
Tauzin
Torres
Torricelli

□ 2054

Mr. FOLEY, Mrs. CLAYTON, and Mr. ROSE changed their vote from ''aye'' to ''no.''

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 21 OFFERED BY MR. MILLER OF CALIFORNIA

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. MILLER] 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 199, noes 223, not voting 12, as follows:

[Roll No. 256]

AYES—199

Abercrombie
Ackerman
Allard
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blumenauer
Blute
Boehlert
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chabot
Chapman
Chrysler
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cummings
Cunningham
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Engel
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Goodling
Green (TX)
Greenwood
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoke
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
LaFalce
LaHood
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Petri
Porter
Quinn
Rangel
Reed
Richardson
Rivers
Roemer
Ros-Lehtinen
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Tanner
Taylor (MS)
Tejeda
Thompson
Torkildsen
Torres
Towns
Upton
Velazquez
Vento
Visclosky
Walker
Wamp
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weller
Whitfield
Wilson
Woolsey
Wynn
Yates
Zimmer

NOES—223

Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
English
Everett
Fowler
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Gordon
Goss
Graham
Greene (UT)
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kelly
Kim
King
Klink
Klug
Knollenberg
Kolbe
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
Mascara
McCollum
McCrery
McHale
McHugh
McIntosh
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Pickett
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Radanovich
Rahall
Regula
Riggs
Roberts

Rogers
Rohrabacher
Rose
Roth
Roukema
Royce
Salmon
Scarborough
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Traficant
Volkmer
Vucanovich
Walsh
Watts (OK)
Weldon (PA)
White
Wicker
Williams
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—12

Brownback
Clinger
Emerson
Fields (TX)
Gallegly
Lantos
Lincoln
McDade
Peterson (FL)
Ramstad
Tauzin
Torricelli

□ 2103

Mr. MCKEON and Mr. WAMP changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. RICHARDSON

The CHAIRMAN pro tempore (Mr. DIAZ-BALART). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON] 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 203, noes 218, not voting 13, as follows:

[Roll No. 257]

AYES—203

Ackerman
Allard
Andrews
Baesler
Baldacci
Barrett (WI)
Bartlett
Becerra
Beilenson
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blumenauer
Blute
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Castle
Chabot
Chapman
Chrysler
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cummings
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Duncan
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Gutierrez
Harman
Hastings (FL)
Hefley
Hinchey
Horn
Hoyer
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klug
LaFalce
LaHood
Lazio
Leach
Levin
Lewis (GA)
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martini
Matsui
McCarthy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Petri
Pomeroy
Porter
Portman
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Rohrabacher
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Skaggs
Slaughter
Souder
Spratt
Stark
Stokes
Studds
Talent
Tejeda
Thompson
Thurman
Torkildsen
Towns
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Whitfield
Williams
Wilson
Woolsey
Wynn
Yates
Zimmer

NOES—218

Abercrombie
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barton
Bass
Bateman
Bentsen
Bevill
Bliley
Boehner
Bonilla
Bono
Brewster
Browder
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Doyle
Dreier
Dunn
Durbin
Edwards
Everett
Fazio
Fowler
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Geren
Gillmor
Goodlatte
Goodling
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Istook
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kim
King
Kingston
Klink
Knollenberg
Kolbe
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lucas
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Pickett
Pombo
Poshard
Pryce
Quillen
Radanovich
Regula
Riggs
Roberts
Roemer
Rogers
Roth
Roukema
Royce
Salmon
Scarborough
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Tanner
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Traficant
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
White
Wicker
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—13

Brownback
Clinger
Emerson
Fields (TX)
Gallegly
Lantos
Lincoln
McDade
Peterson (FL)
Ramstad
Tauzin
Torres
Torricelli

□ 2111

Mrs. ROUKEMA changed her vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. KOLBE. 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. LAHOOD) having assumed the chair, Mr. DIAZ-BALART, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that Committee, having had under consideration the bill (H.R. 3662) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1997, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3666, VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

Mr. QUILLEN, from the Committee on Rules, submitted a privileged report (Rept. No. 104–630) on the resolution (H. Res. 456) providing for consideration of the bill (H.R. 3666) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 2115

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 455 and rule XXIII, 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. 3662.

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. 3662) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1997, and for other purposes,