

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

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

IF NOT NIGER, WHERE?

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

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

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

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

□ 1015

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

ANTI-SEMITIC SENTIMENTS ON RISE AMONG BRITISH ACADEMICS

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

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

So what has fueled this rise in academic anti-Semitism? One only needs to look at the policies of the Association of University Teachers, one of Britain's largest associations for higher education professionals. The AUT Web site states, "We also support the call by academics in the U.K. and else-

where for a moratorium on European Union and European Science Foundation funding of Israeli cultural and research institutions until Israel abides by U.N. resolutions and opens meaningful peace negotiations with the Palestinians."

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

IDENTITY THEFT

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

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

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

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

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

GENERAL LEAVE

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

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

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 319 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2691.

□ 1018

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

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

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

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

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

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

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

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

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

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

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

I yield to the chairman of the subcommittee.

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

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

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

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

Mr. Chairman, on June 23, 2003, President Bush signed into law the Zuni In-

dian Tribe Water Rights Settlement Act of 2003. This new law settles a long-standing dispute over the water rights of Zuni Heaven among the local, county, State, tribal, Federal and private interests and restores and protects the wetland environments that previously existed on Zuni lands. Specifically, this recently enacted law provides the Zuni people with the resources and protections necessary to acquire water rights from willing sellers.

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

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

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

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

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

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

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

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the House report accompanying this Act.

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

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than \$2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, \$2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101-593, of the funds available to the Forest Service, \$3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than \$300,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98-244, \$2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701-3709, and may be advanced in a lump sum to aid conservation partnership projects in support of the Forest Service mission, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-663.

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

Notwithstanding any other provision of law, any appropriations or funds available to

the Forest Service not to exceed \$500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed \$1,000,000.

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

The Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed \$15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

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

DEPARTMENT OF ENERGY
CLEAN COAL TECHNOLOGY
(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, \$86,000,000 shall not be available until October 1, 2004: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$609,290,000 to remain available until expended, of which \$2,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; and of which \$130,000,000 are to be

made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: *Provided*, That no project may be selected for which sufficient funding is not available to provide for the total project: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in 42 U.S.C. 5903d: *Provided further*, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further*, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further*, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, \$20,500,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104-106, \$36,000,000, to become available on October 1, 2004 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, \$879,487,000, to remain available until expended: *Provided*, That \$270,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99-509, such sums shall be allocated to the eligible programs as follows: \$225,000,000 for weatherization assistance grants and \$45,000,000 for State energy program grants.

□ 1030

AMENDMENT OFFERED BY MR. SANDERS

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

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

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

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

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

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

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

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

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

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

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

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

Mr. SANDERS. Will the gentleman do his best?

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

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

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

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

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

I thank the majority for their support for this amendment.

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

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

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

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

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

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.
The Clerk read as follows:

ECONOMIC REGULATION

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

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activi-

ties pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$175,081,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, \$5,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$82,111,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian

Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$2,556,082,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That \$18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That \$460,046,000 for contract medical care shall remain available for obligation until September 30, 2005: *Provided further*, That of the funds provided, up to \$27,000,000 to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed \$270,734,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2004, of which not to exceed \$2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further*, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian

Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$392,560,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That from the funds appropriated herein, \$5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to complete a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: *Provided further*, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: *Provided further*, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: *Provided further*, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: *Provided further*, That not to exceed \$500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed \$500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing inter-agency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed \$500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901-5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under

the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act) and Public Law 93-638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$13,532,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands parti-

tioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99-498, as amended (20 U.S.C. 56 part A), \$5,250,000.

SMITHSONIAN INSTITUTION SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, \$489,748,000, of which not to exceed \$46,903,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended; and of which \$828,000 for fellowships and scholarly awards shall remain available until September 30, 2005; and including such funds as may be necessary to support American overseas research centers and a total of \$125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further*, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further*, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, \$93,970,000, to remain available until expended, of which not to exceed \$10,000 is for services as authorized by 5 U.S.C. 3109: *Provided*, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities

of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further*, That balances from amounts previously appropriated under the headings "Repair, Restoration and Alteration of Facilities" and "Construction" shall be transferred to and merged with this appropriation and shall remain until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval from the Board of Regents or recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

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

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

NATIONAL GALLERY OF ART
SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$88,849,000, of which not to exceed \$3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$11,600,000, to remain available until expended: *Provided*, That con-

tracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS
OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$16,560,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$16,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$8,604,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$117,480,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including \$17,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account and "Challenge America" account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$120,878,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$16,122,000, to remain available until expended, of which \$10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Hu-

manities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants up to \$10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$1,422,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956(a)), as amended, \$7,000,000.

ADMINISTRATIVE PROVISION

None of the funds appropriated in this or any other Act, except funds appropriated to the Office of Management and Budget, shall be available to study the alteration or transfer of the National Capital Arts and Cultural Affairs program.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$4,100,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$7,730,000: *Provided*, That for fiscal year 2004 and thereafter, all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), \$39,997,000, of which \$1,900,000 for the museum's repair and rehabilitation program and \$1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$20,700,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments, charges, or billings may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments, charges, or billings and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2002.

SEC. 307. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2004, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bu-

reau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208, 105-83, 105-277, 106-113, 106-291, 107-63, and 108-7 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2003 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 309. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 310. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 311. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term “underserved population” means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Commu-

nity Services Block Grant Act (42 U.S.C. 9902(2)) (applicable to a family of the size involved).

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

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

SEC. 316. Amounts deposited during fiscal year 2003 in the roads and trails fund provided for in the 14th paragraph under the heading “FOREST SERVICE” of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a

subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 317. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 318. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2004, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska, and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 319. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency;

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for non-compliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 320. Prior to October 1, 2004, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 321. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 322. EXTENSION OF FOREST SERVICE CONVEYANCES PILOT PROGRAM.—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107-63) is amended—

(1) in subsection (b), by striking "20" and inserting "30";

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

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

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

SEC. 324. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide fire management services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire management activities: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts

or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 325. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal year 2004 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 580l), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa-50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: *Provided*, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to or during fiscal year 2004, the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary of Agriculture's statutory authority.

SEC. 326. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2004, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 327. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 328. PROHIBITION OF OIL AND GAS DRILLING IN THE FINGER LAKES NATIONAL FOREST, NEW YORK.—None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2004.

SEC. 329. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

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

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

Mr. TAYLOR of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through Page 150, line 23 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

SEC. 332. Section 315(f) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 110 Stat. 1321-200; 16 U.S.C. 4601-6a note), is amended—

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

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

AMENDMENT NO. 18 OFFERED BY MR. DEFAZIO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. DEFAZIO: At the end of section 332, relating to the recreation fee demonstration program, page 151, after line 6, insert the following sentence:

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

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

The CHAIRMAN. The point of order is reserved.

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

The CHAIRMAN. And any amendments thereto?

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

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

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

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

The CHAIRMAN. It is amendment 18.

□ 1045

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

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

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

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

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

There was no objection.

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

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

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

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

time to properly authorize the program before the expiration a year from next October.

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

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

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

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

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

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

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

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

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

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

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

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

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

Please oppose this amendment.

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

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

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

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

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

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

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

I have no problem paying a fee for a permit to plow the snow where I go skiing, and I do not know of anybody who does. I have no problem paying for developed campground areas, and I laud the effect of this program in that respect. But I resent the part of the program that says simply to take a walk out in the woods and look at trees in an undeveloped area, I have to go to some park ranger district somewhere

or some Forest Service office somewhere that I do not even know where it is, maybe, and buy a permit to put in my window and spend 50 bucks or so so I can take my family out. I represent the 12th poorest district in the United States, and over half of our land is Federal land, and this is a burden these people should not have to shoulder.

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

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

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

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

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

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

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

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

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

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

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

Mr. DEFAZIO. Mr. Chairman, I share a lot of the sentiments expressed by the chairman. But I would point out that both of these programs, both the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1100

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

So while I commend Chairman TAYLOR and all of the Appropriations Committee members

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

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

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

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

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

The point of no quorum is considered withdrawn.

Are there further amendments to this portion of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 333. Subsection (c) of section 551 of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 46011-61) is amended to read as follows:

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

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

(1) in subsection (b)—

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

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

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

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

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

(4) in subsection (f)—

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

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

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

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

(5) in subsection (g)—

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

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

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

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

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

AMENDMENT NO. 7 OFFERED BY MR. SESSIONS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

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

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

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

Let me make a couple of comments.

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

But I think banning it in its entirety from this or any other agency is prob-

ably ill-conceived because, after all, this is one of the pillars of the administration's management policies, of their agenda. This provision constitutes really an unprecedented intrusion in the executive management discretion.

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

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

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

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

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

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

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

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

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

□ 1115

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This is about taking measures to make sure our national treasures are not put at unneeded risk by brash privatization with unclear results. The section would not halt the many outsourcing studies currently ongoing, nor would it stop new outsourcing studies from

being commissioned before this bill is enacted. It would simply suspend privatization efforts in 2004 to allow the House Appropriations Committee to review an "in-depth" report on the results of pending privatization efforts.

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

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

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

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

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

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

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

Section 335 is bipartisan.

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

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

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

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

In the Interior subcommittee's report language, a bipartisan majority of lawmakers ex-

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

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

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

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The bipartisan language related to competitive sourcing was well-thought out and should remain in our bill. Congress must ensure that

our agencies are not spending untold millions of dollars related to outsourcing activities without any defined plan from the administration about what the goals are and how much money they intend to spend.

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

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

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

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

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

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

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

Mr. Chairman, I thank the gentleman from Texas (Mr. SESSIONS) and the gen-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

One example is the bark beetle infestation, which is currently affecting

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

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

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

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

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

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

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

□ 1130

AMENDMENT OFFERED BY MR. HEFLEY

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

The Clerk read as follows:

Amendment offered by Mr. HEFLEY:

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

SEC. _____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise

made available by a provision of law is hereby reduced by one percent.

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And then you get over to the Bureau of Land Management and there is another \$7 million for BLM fire that would be cut. So you have got \$23 million in wildfire funding and another \$7 million in BLM fire funding, and then

you get to the Forest Service and it is \$16 million, another \$16 million. Or maybe it is the two of those together is \$23 million. I think that is correct. The point is taking that kind of money out of this bill is just not right and it is going to go to conference. The House and the Senate are going to get back together. There is going to be a 302 allocation and we are going to fund the bill at the end of the day at the level that we have gotten an allocation for.

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

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

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

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

Mr. DICKS. Mr. Chairman, I hate to do this to the gentleman because I have the greatest respect for him, but it says here, "Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent." So it takes every line item and reduces it by 1 percent. That means \$23 million comes out of fire-fighting. I do not think that is what the gentleman intended because I have the greatest regard for him, but this is why we should vote against this amendment because of its unintended consequence because the language says one thing and the discussion and description of the amendment says another.

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

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

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

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

AMENDMENT NO. 5 OFFERED BY MR. MANZULLO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. MANZULLO:

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

SEC. _____. None of the funds made available in this Act may be used—

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

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

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

The CHAIRMAN. A point of order is reserved.

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

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

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

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

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

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 17 OFFERED BY MR. TANCREDO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. TANCREDO:

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

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

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

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

There was no objection.

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

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

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

□ 1145

To do that, we must thin our forests.

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

I want to give them an opportunity to put their money where their mouths are. If adopted, my amendment would transfer \$57 million to the Forest Service for thinning operations from the National Endowment for the Arts. While this amendment only reduces its budget, few programs seem more worthy of outright elimination than the National Endowment for the Arts. First created in 1965, the NEA has been one of the most controversial government programs on the books almost since its inception. The most notorious aspects of the NEA have been talked about for many years, and I will not go into them today.

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

In 1905, President Theodore Roosevelt's Agriculture Secretary James Wilson wrote a letter to the first chief of the Forest Service, Gifford Pinchot. In that letter Wilson wrote, "and where conflicting interests must be reconciled, the question should always be decided from the standpoint of the greatest good for the greatest number over the long run."

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

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

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

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

The CHAIRMAN. The gentleman is recognized for 5 minutes.

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

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

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

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

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

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

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

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

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

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

I thank the gentleman for yielding.

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 14 OFFERED BY MR. BLUMENAUER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. BLUMENAUER:

Add at the end, before the short title, the following new section:

SEC. _____. None of the funds appropriated or otherwise made available by this Act may be used to enter into any new commercial agricultural lease on the Lower Klamath and Tule Lake National Wildlife Refuges in the States of Oregon and California that permits the growing of row crops or alfalfa.

Mr. BLUMENAUER. Mr. Chairman, it has been over a year since we last considered this amendment. In that period of time we have come right back to an era of water shortage. Actually, we had a little rain, but the controversy continues.

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

stand that the water shortage did, in fact, contribute to the problem.

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

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

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

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

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

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

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

There was no objection.

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

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

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

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

Number one, the basin limitation is what we do virtually everywhere else on wildlife refuges where there are few refuges where farming is allowed but there are controls. If there is truly an agricultural or economic imperative

for some of the water-intensive crops, there is private land that is available in the region where people can pay market rate leases rather than having the ground cut out from underneath these private property owners by the Federal Government. It will be market rate, profits go to the local economy, and the Federal Government will not be wasting water on its land.

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

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

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

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

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

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

□ 1200

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

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

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

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

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

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

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

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

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

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

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

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

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

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

off occurred. In 2002, there were 132,000 salmon and 33,000 died.

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

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

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

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

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

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

Now, it is important to understand as well that even if we could find the water that was freed up by limiting crop restrictions on these 2,250 acres, it would not go to the refuges. It would

go to other uses having higher priority, which could include private farmland. The U.S. Fish and Wildlife Service realized this in their determination made in 2002. Environmental groups sued on that determination and were unsuccessful.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

are familiar visitors to their highly productive farms and ranches. Klamath Basin agriculture provides a veritable nursery for wildlife."

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

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

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

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

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

□ 1215

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

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

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

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

would be a benefit to the wildlife because of the refuges that existed there.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. WALDEN of Oregon. Mr. Chairman, I fully concur with the gentleman about basing this on science. In fact,

when we had the National Academy of Sciences review the biological opinions that set up the water cut-off in 2001, the initial findings came back and said the decisions by the government were not backed up by science, and we are waiting for the final review now.

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

Mr. DICKS. Was water temperature here an issue?

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

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

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

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

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

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

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

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

living by having the government dictate to them what they should be doing. This is the wrong place with the wrong solution.

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

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

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

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

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

Mr. Chairman, first two factual observations:

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

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

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

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

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

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

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

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

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

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

□ 1230

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

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

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

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

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

This amendment is targeted at the Klamath Basin—an area that has seen its farmers and entire economy devastated by actions taken

by the federal government. I have traveled to the Klamath Basin and seen the effects firsthand.

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

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

I urge my colleagues to oppose the amendment.

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

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

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

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

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HERGER) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

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

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

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

The amendment printed in the CONGRESSIONAL RECORD and numbered 1, which shall be debatable for 30 minutes

to be allocated as follows: 10 minutes to the proponent, 15 minutes to the chairman of the Committee on Appropriations, and 5 minutes to the ranking minority member;

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

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

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

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

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

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

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

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

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

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

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

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

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