

An amendment by Mr. TAYLOR of North Carolina regarding funding for various accounts;

An amendment by Mr. BEAUPREZ regarding funding for wildland fire management;

An amendment by Mr. FLAKE regarding any Iowa State University project on mitigating emissions from egg farms;

An amendment by Mr. FLAKE regarding funding for ivory-billed woodpecker research;

An amendment by Mr. FLAKE regarding funding for Neosha National Fish Hatchery;

An amendment by Mr. FLAKE regarding funding for the Blackwater National Wildlife Refuge;

An amendment by Mr. FLAKE regarding Santa Ana River Wash program;

An amendment by Mr. FLAKE regarding staffing for the National Zoological Park;

An amendment by Mr. FLAKE regarding NFS recreation sites in North Carolina;

An amendment by Mr. FLAKE regarding citrus studies in Florida;

An amendment by Mr. FLAKE regarding the Pacific Crest National Scenic Trail;

An amendment by Mr. FLAKE regarding the Florida National Scenic Trail;

An amendment by Mr. FLAKE regarding the Continental Divide National Trail.

Each such amendment may be offered only by the Member named in this request or a designee, or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Interior, Environment, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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 don't intend to object, but I do want to point out to each and every Member that if this unanimous consent agreement is accepted by the body, the way I count it, that means that we will go to about 12 o'clock tonight before we begin to vote. I ask that Members remember that as they are entertaining their enthusiasm for offering a number of these amendments tonight. It just seems to me that Members need to know that this is going to take a long, long time; and we

would appreciate it being shortened by people whenever it is possible to do so.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 818 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. 5386.

□ 1553

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. 5386) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, with Mr. FOLEY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. PALLONE) had been postponed and the bill had been read through page 73, line 8.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

SEC. 201. None of the funds made available by this Act may be used in contravention of, or to delay the implementation of, Executive Order No. 12898 of February 11, 1994 (59 Fed. Reg. 7629; relating to Federal actions to address environmental justice in minority populations and low-income populations).

SEC. 202. None of the funds made available in this Act may be used in contravention of 15 U.S.C. 2682(c)(3) or to delay the implementation of that section.

TITLE III—RELATED AGENCIES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$280,318,000, to remain available until expended: *Provided*, That of the funds provided, \$62,329,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged

by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$228,608,000, to remain available until expended, as authorized by law of which \$9,280,000 is to be derived from the Land and Water Conservation Fund: *Provided*, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific contractual and grant details including the non-Federal cost share.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, \$1,445,659,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601-6a(1)): *Provided*, That unobligated balances under this heading available at the start of fiscal year 2007 shall be displayed by budget line item in the fiscal year 2008 budget justification.

WILDLAND FIRE MANAGEMENT (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for forest fire suppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, \$1,810,566,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal years 2006 and 2007 shall be transferred to the fund established pursuant to section 3 of Public Law 71-319 (16 U.S.C. 576 et seq.) if necessary to reimburse the fund for unpaid past advances: *Provided further*, That, notwithstanding any other provision of law, \$8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, \$296,792,000 is for hazardous fuels reduction activities, \$5,000,000 is for rehabilitation and restoration, \$22,800,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland

Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), \$43,000,000 is for State fire assistance, \$12,810,000 is for volunteer fire assistance, \$14,800,000 is for forest health activities on Federal lands and \$10,000,000 is for forest health activities on State and private lands: *Provided further*, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further*, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in the report accompanying this Act: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to \$15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That included in funding for hazardous fuel reduction is \$5,000,000 for implementing the Community Forest Restoration Act, Public Law 106-393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry appropriation: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$9,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That of the funds provided for hazardous fuels reduction, not to exceed \$5,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: *Provided further*, That funds designated for wildfire suppression shall be assessed for indirect costs on the same basis as such assessments are calculated against other agency programs.

AMENDMENT NO. 5 OFFERED BY MR. BEAUPREZ

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. BEAUPREZ:

In title III of the bill under the heading "WILDLAND FIRE MANAGEMENT (INCLUDING TRANSFER OF FUNDS)", insert after the first dollar amount the following: "(increased by \$28,700,000)".

In title III of the bill under the heading "NATIONAL ENDOWMENT FOR THE ARTS—GRANTS AND ADMINISTRATION", insert after the first dollar amount the following: "(reduced by \$30,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. BEAUPREZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

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

Mr. Chairman, simply put, this amendment will reduce funding for the National Endowment for the Arts by \$30 million and transfer those funds to the United States Forest Service to reduce the threat of catastrophic wildfires.

Earlier this week, I was pleased to support the passage of the Forest Emergency Recovery and Research Act because it will expedite the restoration of forest land affected by catastrophic wildfires. However, we can all agree that prevention comes first. Additional resources are needed if we are to get a handle on the wildfire crisis gripping the West.

In 2002, the American taxpayers spent over \$1.5 billion containing these devastating blazes. When Congress spends so much annually to put out wildfires, doesn't it make more sense to spend that money on additional thinning treatments that could help prevent these fires from starting in the first place?

According to the House Resources Committee, 190 million acres of BLM and Forest Service land are at risk to catastrophic wildfire. To put that in perspective, this area is larger than the States of California and Arizona combined.

The Wall Street Journal reported that parts of the National Forest system contained more than 400 tons of dry fuel per acre, or 10 times the manageable or appropriate level. Disease and insect infestation have also contributed to an increase in combustible fuels.

In Colorado alone, my State, surveys have recorded that approximately 1.2 million trees were killed by mountain pine beetle outbreaks in 2004. This is nearly 100 times the mortality rate reported in 1996, the first year a study was released by the Colorado Forest Service on pine beetles damage.

Unfortunately, beetle kill leaves behind the kind of timber that turns small fires into the kinds of infernos that have devastated Colorado and other western States in recent years, destroying homes, poisoning the air, scorching critical habitat, and choking streams and rivers with tons of soot and sediment.

Even with increased attention to thinning and fuel treatments efforts with legislation like the Healthy Forest Initiative, more funding is needed.

Since the majority of our forests are federally owned, the burden to protect our States and local communities from the devastating effects of forest fires lies with the Federal agencies designated to protect them. Congress must fully fund their needs.

The question arises, Why take funding from the NEA? I actually applaud the progress that has been made recently by the NEA in repairing a very damaged image in the view of many Americans. It is important, however, to recognize that only a small percentage of funding for the arts comes from the Federal Government. In 2001, Americans spent \$27 billion on non-profit arts funding. At \$124 million, the NEA funding is just a drop in the bucket for an art industry that seems to be doing exceedingly well.

Congress has to choose its fiscal priorities and obligations responsibly. This amendment amounts to one-tenth of one percent of total arts funding, but it is a massive help to ensure the safety of our western communities, prevent forest fires and save lives.

Anyone who has witnessed the devastation to life, property, wildlife, water and air from the monster that is a forest fire understands that investing in prevention infinitely outweighs the incalculable long-term costs of a forest fire. This amendment allows us to invest in prevention, Mr. Chairman, and I urge its adoption.

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

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

Mr. Chairman, no one is a stronger supporter of the National Forests health and wildfire management. But this amendment goes too far. The amendment cuts the NEA funding drastically, and this is much too much of a cut.

The President's budget in the committee bill is a fair amount, is level funding with the fiscal year 2006 enacted level. We did raise it slightly and agreed to that.

But that remains to be seen. We should support the NEA. The reforms which this committee put in place are working. The new chairman of the NEA is doing an excellent job of ensuring that important works are supported and that funding is well distributed.

The bill makes a very strong contribution to the National Fire Plan. It is something that Members can be proud of. The bill increases overall wildfire funding \$80 million over last year. That includes a large \$70 million increase for Forest Service fuel reduction, and this is \$34 million above the 2005 level.

I agree with the gentleman that this work is essential, but the agencies can only ramp up so fast. So extra funding is not necessarily needed this year.

Mr. Chairman, the gentleman is incorrect when he says that the fire funding is down 14 percent from 2005. His calculations may have included the \$500 million in emergency funding provided that year. Not counting the emergency fire suppression funds, this bill is \$145 million above the 2005 funding level, and this is enough for these fiscally tight times.

I also want to point out that this bill has increased funding for forest health management, an important key for preventing forest fires by \$31 million above the President's request, and I want to point out that the Forest Service was able to carry over extra wild-fire suppression funds from 2005 to this year.

So they have or should have plenty of funds for the fire season absent a catastrophic season. Despite the good intentions behind this amendment, we do not need this additional increase for the fund's work at this time. We should not gut the administration's effort in the NEA.

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

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

Mr. DICKS. Mr. Chairman, I want to say to the gentlemen, our committee has been a great advocate for money for fire. There is \$2 billion, 579 million, for fire in the bill. \$500 million of the fire emergency funds are still available.

We just increased the NEA by \$5 million to \$129.4 million, and NEA still is \$40 million below its high point back in 1994. We fund programs in all States. This would be a devastating cut, and we do not need the money for fire. And I have offered amendment after amendment after amendment to put emergency fire money in when it is necessary.

Also, the agencies can borrow money internally if necessary to deal with the problem. So I urge a no on this amendment. I think it is well intended, but simply not necessary and would do great damage to the NEA.

Mr. Chairman, I urge a no vote.

Mr. BEAUPREZ. Mr. Chairman, I appreciate the chairman. I will be brief. I respect and appreciate the effort put forth by both the minority as well as the majority side of the committee on this issue.

But with all due respect, I would point out again that the private sector, and a very large private sector, supports our arts industry. The public sector, we in government, have an obligation to look after the government's assets and people's lives, and that is what is at stake with this amendment.

With all due respect to the comments that have already been made, no one looks after our national forests other than we in government, and I would encourage both the chairman and the ranking member at the next opportunity to come out to the West and visit and see the devastation the pine beetle damage has created in our forests. We are sitting literally on a matchbox awaiting someone to light the first match.

I urge the adoption of this amendment. I think it is common sense. I think it is about us in government establishing priorities to protect and defend our Nation's assets and our citizens' lives.

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

The Acting CHAIRMAN (Mr. BISHOP of Utah). The gentleman from North Carolina has 1½ minutes remaining.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1½ minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I thank the gentleman for yielding.

Mr. Chairman, I do not disagree with what the gentleman from Colorado is saying. There has been devastation in our forests. We do need the funding for firefighting and so forth. But I will tell you that taking it out of the NEA is the wrong place in the bill.

Mr. Chairman, they have done a tremendous job under the chairmanship of Gioia. They have brought the NEA back to what we originally intended it to be, and that is a means of getting the arts out to the rest of America, to rural America, particularly.

And if you will look at some of the programs that they have, their masters program and the Shakespeare program and others, they have done a great job of getting the rest of rural America exposed to those types of things. That is what the NEA is all about.

And yes, there is private organizations that fund a lot of these. But oftentimes it is in conjunction with private and public financing. Sometimes they just finance a very small portion of it. So I think that while I agree with the gentlemen's intent in terms of fire protection, taking the money out of the NEA, which is substantially below what it was in its high peak as was mentioned, I think is the wrong direction to go and would set this program back, when it is moving in the direction that we all hope it will go.

Mr. Chairman, I appreciate the gentleman's amendment, but I will be voting against it.

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

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

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

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

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

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CAPITAL IMPROVEMENT AND MAINTENANCE
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, \$411,025,000, to remain available until expended for construction, reconstruction, maintenance, and acquisition of, buildings and other facilities, and for construction, reconstruction, repair, decommissioning, and maintenance of forest roads and trails by the Forest Service as au-

thorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*, That up to \$15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: *Provided further*, That \$7,400,000 of the funds made available in section 8098(b) of Public Law 108-287, to construct a wildfire management training facility in San Bernardino County, shall be transferred within 15 days of the enactment of this Act to the Forest Service, "Wildland Fire Management" account and shall be available for hazardous fuels reduction, hazard mitigation, and rehabilitation activities of the Forest Service in the San Bernardino National Forest so long as this funding is used in addition to, and not in place of, all normal funding allocated to this Forest.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$7,500,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That the Forest Service may not use funds in fiscal year 2007, including funds made available in Public Law 96-586 or any other Act, to purchase land for the Homewood Conservation Project in Lake Tahoe, California.

ACQUISITION OF LANDS FOR NATIONAL FORESTS
SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$1,053,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND
EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts (16 U.S.C. 4601-516-617a, 555a; Public Law 96-586; Public Law 76-589, 76-591; and 78-310), pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST
AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$63,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR
SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for

subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96-487), \$5,311,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901-5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the House and Senate Committees on Appropriations and if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned and all wildfire suppression funds under the heading "Wildland Fire Management" are obligated.

The first transfer of funds into the Wildland Fire Management account shall include unobligated funds, if available, from the Land Acquisition account and the Forest Legacy program within the State and Private Forestry account.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b.

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

Not more than \$73,052,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of not less

than \$2,500,000 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, \$4,000 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, \$2,500,000 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 benefiting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than \$100,000 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, \$2,250,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefiting National Forest System lands or related to Forest Service programs. Such funds shall be matched on at least a one-for-one basis by the Foundation or its subrecipients.

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

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

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed \$500,000.

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

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed \$45,000,000, shall be assessed for the purpose of performing facilities maintenance. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

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, \$2,830,136,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That up to \$18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That \$536,259,000 for contract medical care shall remain available until September 30, 2008: *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 \$270,316,000 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 2007, of which not to exceed \$5,000,000 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 the Bureau of Indian Affairs may collect from the Indian Health Service and tribes and tribal

organizations operating health facilities pursuant to Public Law 93-638 such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.).

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, \$363,573,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That not to exceed \$500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed \$1,000,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed \$500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

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 ac-

count of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act) and Public Law 93-638, as amended.

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

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process. Personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full time equivalent level of the Indian Health Service below the level in fiscal year 2002 adjusted upward for the staffing of new and expanded facilities, funding provided for staffing at the Lawton, Oklahoma hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

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

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

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

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

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

NATIONAL INSTITUTES OF HEALTH NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in

carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, \$79,414,000, of which \$3,000,000 for individual project grants shall remain available until September 30, 2008.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986, as amended; and section 3019 of the Solid Waste Disposal Act, as amended, \$76,754,000, of which up to \$1,500,000, to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry: *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That funds paid for administrative costs to the Centers of Disease Control and Prevention shall not exceed 7.5 percent of the funding provided under this heading: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2007, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed \$750 for official reception and representation expenses, \$2,627,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$9,208,000: *Provided*, That the Chemical Safety and Hazard Investigation

Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further*, That in fiscal year 2007 and thereafter, notwithstanding any other provision of law, the Environmental Protection Agency Inspector General shall not serve as the Inspector General for the Board: *Provided further*, That up to \$600,000 of the funds provided herein may be used for personnel compensation and benefits for the Members of the Board.

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, \$5,940,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA
NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99-498, as amended (20 U.S.C. 56 part A), \$6,703,000.

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, \$517,094,000, of which \$10,000,000 is for facilities maintenance at the National Zoological Park; of which not to exceed \$9,964,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which \$2,077,000 for fellowships and scholarly awards shall remain available until September 30, 2008; 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 pay-

ments to independent contractors performing research services or participating in official Smithsonian presentations.

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, \$107,000,000, to remain available until expended, of which \$20,000,000 is for maintenance, repair, rehabilitation, and construction of facilities at the National Zoological Park, and 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.

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 the advance approval of the House and Senate Committees on Appropriations.

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 Committees on Appropriations.

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 approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

None of the funds in this or any other Act may be used to purchase any additional buildings without prior consultation with the House and Senate Committees on Appropriations.

None of the funds made available by this Act may be used to execute any contract or legal agreement with a for-profit entity which has the effect of significantly limiting access by the public to Smithsonian personnel or to Smithsonian collections unless such agreement has been publicly noticed at least 30 days prior to entering into such contract or agreement and has been approved by the Regents of the Smithsonian Institution after reviewing any public comments that have been received during the public comment period. This section does not limit the Smithsonian's existing authority to grant or deny any specific request, by any organization or individual for access, based on its judgment of the appropriateness of the use of Smithsonian resources being proposed in a specific application.

None of the funds in the Act shall be used to administer or otherwise facilitate the payment of compensation to any officer or employee of the Smithsonian or any of its subsidiary organizations at an annual rate of pay, including any bonuses or similar cash or in-kind amounts, in excess of the rate of pay of the President of the United States.

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, \$101,794,000, of which not to exceed \$3,239,000 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, \$14,949,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further*, That, notwithstanding any other provision of law, a single procurement for the Master Facilities Plan renovation project at the National Gallery of Art may be issued which includes the full scope of the Work Area #3 project: *Provided further*, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.

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, \$18,909,000.

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, \$19,800,000, 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, \$9,438,000.

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, \$124,412,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts

education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, including \$14,097,000 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: *Provided further*, That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108-108.

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, \$126,049,000, 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, \$14,906,000, to remain available until expended, of which \$9,648,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants up to \$10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson: *Provided further*, That 20 U.S.C. 954(e) shall not apply to grants and contracts funded solely with nonappropriated monies.

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), \$1,951,000: *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. 956a), as amended, \$6,534,000.

ADVISORY COUNCIL ON HISTORIC
PRESERVATION
SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$5,118,000: *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, \$7,623,000: *Provided*, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL
MUSEUM
HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), \$43,415,000, of which \$515,000 for the equipment replacement program shall remain available until September 30, 2009; and \$1,900,000 for the museum's repair and rehabilitation program and \$1,264,000 for the museum's exhibition design and production 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, \$19,256,000 shall be available to the Presidio Trust, to remain available until expended.

WHITE HOUSE COMMISSION ON THE NATIONAL
MOMENT OF REMEMBRANCE
SALARIES AND EXPENSES

For necessary expenses of the White House Commission on the National Moment of Remembrance, \$200,000.

TITLE IV—GENERAL PROVISIONS

SEC. 401. 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.

□ 1615

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

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

There was no objection.

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

SEC. 402. 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 other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 403. 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. 404. 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. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 406. 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 provided in, this Act or any other Act.

SEC. 407. None of the funds available to the Forest Service or the Bureau of Land Management may be used in fiscal year 2007 or fiscal year 2008 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 2005.

SEC. 408. (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, 2007, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

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

standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 409. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208, 105-83, 105-277, 106-113, 106-291, 107-63, 108-7, 108-108, 108-447, and 109-54 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 2006 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 410. 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. 411. Amounts deposited during fiscal year 2006 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. 412. 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. 413. Prior to October 1, 2008, 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. 414. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Min-

eral 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. 415. 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 through the end of fiscal year 2010 to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression. 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. 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. 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. 416. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, 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. Notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, 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 micro-business or disadvantaged business. 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. The terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101-624. The Secretaries shall develop guidance to implement this section. 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. 417. 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 appro-

priated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 418. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES.—

(1) Of the funds made available by this or any other Act to the Department of the Interior for fiscal year 2007, not more than \$3,450,000 may be used by the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2007 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the reprogramming guidelines included in the report accompanying this Act.

(2) Of the funds appropriated by this Act, not more than \$2,500,000 may be used in fiscal year 2007 for competitive sourcing studies and related activities by the Forest Service.

(b) COMPETITIVE SOURCING STUDY DEFINED.—In this section, the term "competitive sourcing study" means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

(c) COMPETITIVE SOURCING EXEMPTION FOR FOREST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2006.—The Forest Service is hereby exempted from implementing the Letter of Obligation and post-competition accountability guidelines where a competitive sourcing study involved 65 or fewer full-time equivalents, the performance decision was made in favor of the agency provider, no net savings was achieved by conducting the study, and the study was completed prior to the date of this Act.

(d) In preparing any reports to the Committees on Appropriations on competitive sourcing activities, agencies funded in this Act shall include all costs attributable to conducting the competitive sourcing competitions and staff work to prepare for competitions or to determine the feasibility of starting competitions, including costs attributable to paying outside consultants and contractors and, in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel, consultant, travel, and training costs associated with program management.

(e) In carrying out any competitive sourcing study involving Forest Service employees, the Secretary of Agriculture shall—

(1) determine whether any of the employees concerned are also qualified to participate in wildland fire management activities; and

(2) take into consideration the effect that contracting with a private sector source would have on the ability of the Forest Service to effectively and efficiently fight and manage wildfires.

SEC. 419. None of the funds in this Act or prior Acts making appropriations for the Department of the Interior and Related Agencies may be provided to the managing partners or their agents for the SAFECOM or Disaster Management projects.

SEC. 420. Section 331 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-196; 16 U.S.C. 497 note), as amended, is amended—

(1) in subsection (a) by striking “2006” and inserting “2007”; and

(2) in subsection (b) by striking “2006” and inserting “2007”.

SEC. 421. The Secretary of Agriculture may acquire, by exchange or otherwise, a parcel of real property, including improvements thereon, of the Inland Valley Development Agency of San Bernardino, California, or its successors and assigns, generally comprising Building No. 3 and Building No. 4 of the former Defense Finance and Accounting Services complex located at the southwest corner of Tippecanoe Avenue and Mill Street in San Bernardino, California, adjacent to the former Norton Air Force Base. As full consideration for the property to be acquired, the Secretary of Agriculture may terminate the leasehold rights of the United States received pursuant to section 8121(a)(2) of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 999). The acquisition of the property shall be on such terms and conditions as the Secretary of Agriculture considers appropriate and may be carried out without appraisals, environmental or administrative surveys, consultations, analyses, or other considerations of the condition of the property.

SEC. 422. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture or the Secretary of the Interior, including support personnel of the Department of Agriculture and the Department of the Interior, relating to wildfire management or wildfire suppression programs.

SEC. 423. None of the funds made available in this Act may be used to work on or enter into a contract with a private party to carry out, the Fire Program Analysis system, unless both the Secretary of Agriculture and the Secretary of the Interior certify, in writing to the Comptroller General, that this funding will accomplish the existing work plan, as determined by the Wildland Fire Leadership Council, and that State wildfire agencies will be full participants in the use and development of the system.

SEC. 424. Notwithstanding any other provision of law, no officer or employee of the Smithsonian Institution or any of its subsidiary organizations shall be compensated directly or indirectly at an annual rate of pay in excess of the statutorily established rate of pay of the President of the United States.

SEC. 425. (a) The Congress finds that—

(1) greenhouse gases accumulating in the atmosphere are causing average temperatures to rise at a rate outside the range of natural variability and are posing a substantial risk of rising sea-levels, altered patterns of atmospheric and oceanic circulation, and increased frequency and severity of floods and droughts;

(2) There is a growing scientific consensus that human activity is a substantial cause of greenhouse gas accumulation in the atmosphere; and

(3) mandatory steps will be required to slow or stop the growth of greenhouse gas emissions into the atmosphere.

(b) It is the sense of the Congress that there should be enacted a comprehensive and effective national program of mandatory, market-based limits and incentives on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions at a rate and in a manner that (1) will not significantly harm the United States economy; and (2) will encourage comparable action by other nations that are major trading partners and key contributors to global emissions.

POINT OF ORDER

Mr. YOUNG of Alaska. Mr. Chairman, I make a point of order.

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

Mr. YOUNG of Alaska. Mr. Chairman, I raise a point of order that the language contained in section 425 beginning with “the Congress finds that,” on page 125, line 3, through “contributors of global emissions” on page 125, line 25, violates clause 2 of rule XXI of the rules of the House representing prohibited legislation in appropriation bills.

The language that I have cited contains congressional findings and a sense of Congress on global warming. This language clearly constitutes legislation in appropriations bill, and such violates clause 2 of rule XXI.

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

Mr. DICKS. Mr. Chairman, I would like to be heard on the point of order. This is my amendment, and I want the gentleman to understand that this doesn't have anything to do with authorizing language either for Interior or for Agriculture and that this amendment is a sense of the Congress.

Now, I don't see, and it would seem to me that the gentleman from Alaska would be more concerned about the global warming issue because of the consequences for his State. So I am very surprised that he is offering this point of order against my amendment, and I would hope he would reconsider.

The Acting CHAIRMAN. Does the gentleman from Alaska wish to be heard further?

Mr. YOUNG of Alaska. I will not reconsider. The language clearly constitutes legislation on an appropriations bill, and you know I do not like legislation on appropriations bills, period. I have been up here before, and I will be up here again every time on legislation on appropriations bills.

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

The Chair finds that this section states a legislative sentiment of the Congress. The section therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the section is stricken from the bill.

AMENDMENT OFFERED BY MR. OBEY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:
Page 125, after line 25, insert the following new section:

SEC. 426. The amounts otherwise provided by this Act are revised by reducing the amount available for Environmental Protection Agency, Environmental Programs and Management, and increasing the amount made available for Environmental Protection Agency, Environmental Programs and Management, by \$1.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Alaska (Mr. YOUNG) each will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I offer this amendment simply to have an opportunity to comment on what has just transpired on the House floor.

My great mentor and friend through most of my public life has been Gaylord Nelson, the founder of Earth Day, and perhaps the greatest environmentalist who ever served in the United States Senate. Just before he died, I had my last conversation with him about environmental issues, and he made quite clear that he thought the greatest environmental threat to mankind over the next 100 years was the issue of global warming. And it is time this Congress face up to that fact and does something about it.

I don't know what it takes to have this government get off its you-know-what and start dealing with the most critical environmental problem that confronts the entire planet. If we just take a look at a few of the pieces of evidence that are lying all around: core drillings in glaciers around the world enable us to study bubbles that go back as far as 300,000 years, and we see that we have a higher concentration of carbon dioxide than we have had in the known history of the planet.

Since 1970, the duration and intensity of hurricanes has increased by 50 percent, the number of tornados in this country has now reached the highest number in recorded history, some 1,700 in one year. Two hundred western cities have broken heat records in the past 2 years.

Glaciers, which are serving really as the proverbial canaries in the mines, are trying to tell us something. Twenty-seven of the 38 glaciers in Glacier Park are gone, and the rest of them are likely to be gone before this century reaches its halfway point. The Larsen ice shelf, 700 feet thick, was expected to last 100 years; it suddenly began to collapse in two weeks. The Arctic ice cap has lost half of its thickness in the last half century. The Greenland ice cap, as was referred to on that side of the aisle earlier, is melting at a highly accelerated rate. And, if it goes, one third of Florida goes with it. It will be underwater. If it goes, it could shut down the major Atlantic Ocean current. The current that drives the gulf stream has already decreased 30 percent in 50 years, and that is driven by differences in temperature and salinity of the water.

So this to me is not just an environmental problem; it is a moral problem. It isn't going to affect my generation. All of you who are in my generation are going to be gone within 20 years. But it most certainly is going to affect our kids, it most certainly is going to affect our grandkids. And I would hope that we would demonstrate that we

care more about the welfare of the planet than we care about committee jurisdictional dung hills.

But what is apparent today is that this Congress is going to be prevented from making a simple statement of fact that humans and human activity are driving, at least significantly driving, the problem of global warming and that we have an obligation to do something on the national level and the international level to deal with it, and we have an obligation to do it now.

John Sawhill, who served a variety of Republican administrations in a variety of capacities, said this just before he died: "In the end, our society will be defined not only by what we create, but by what we refuse to destroy." And I think we ought to remember that when we think of this issue.

To me, I think we need to remember what those who were present saw in 1933 at FDR's inaugural when he took the oath of office on the very steps of this Capitol. He is remembered mostly for saying that "we have nothing to fear but fear itself." But the line that got the greatest reaction from the crowd at that time was when FDR said, "We need action, and we need action now." We most certainly do. And I regret very much that the gentleman felt it necessary to knock out this language. If he is going to do that, then I would suggest that the authorizing committees have an obligation to sit down with the White House and begin immediately, not 6 months, not 6 years from now, the real process of producing actions that will indeed save this planet from what is most assuredly going to occur if we continue the drift that is implied by this action today.

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

Mr. YOUNG of Alaska. Mr. Chairman, I have the greatest respect for the gentleman who just spoke. My interest is in fact legislation on appropriation bills. And I do believe we have the opportunity to in fact have good hearings on this issue, because there is a difference of opinion.

Do me a favor, my friends, and go back and read 1972, 1973, 1974 and 1975. You were here, Mr. OBEY. I believe you were. I was. Maybe you weren't.

Mr. OBEY. Yes.

Mr. YOUNG of Alaska. We call that the Ice Age. Every scientist of any renown said we were faced with an ice age. It was irreversible. We were going to be faced with famines. The world was coming to an end. And we had to do something about it immediately. We had to do something about it as the Congress.

Check the records. That is the reality. What concerns me the most is the possibility of a fear tactic being implemented in the warming threat.

Let's have a good study. Let's have a debate and division of what is occurring by scientists. Let's look at the model. Yes, the Earth is warming, in some areas. I just read a report, in fact, that Greenland is cooling. The thing I

think strikes me the most is if you will take the time to study the globe, the world as we know it, and look at what has occurred in the past and possibly will occur in the future, we are now pumping 1 million barrels a day from Prudhoe Bay. Prudhoe Bay, the most northern part of this continent, we are pumping that oil.

Now, I ask you, my friends, if you studied science, where does oil come from? What occurred on this globe at that time to allow mastodons, ferns, tree stumps, a tropical atmosphere to be there to create that oil? And that is the reality.

I ask you, secondly, if you go back to the Ice Age, and we have had four ice ages, three majors and one minor, if you go to New Mexico 12 million years ago, there was 287 feet of ice in New Mexico. I won't ask you what created that ice. But I will ask each and every one of you and everybody watching and everybody talking this fear tactic what melted that ice all the way to the North Pole before mankind set foot on this continent. It certainly wasn't hair spray or freon or automobile emissions. It melted, 287 foot of ice, before we set foot.

I am a little bit concerned when everything that is wrong is our fault, that the human factor creates all the damages on this globe. That is pure nonsense. That is nonsense.

And so I am asking you, let's have the hearings, let's have the scientists, let's have some debate about really what is occurring here instead of having hysteria and saying it is all our fault.

And, by the way, it is always the fault of the Americans. It is never the fault of the bigger countries that burn as many barrels of oil as we are doing today, not per capita but as many barrels of oil, and burn the coal as we are trying to do. It is never their fault. It is our fault.

So let's have a sound debate about this issue and not be caught in this attitude that we must do something right now because we are the Federal Government. Let's do it the right way.

I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I knew we still had charter members of the Flat Earth Society walking around this country. I didn't realize there were quite so many in the United States Congress.

Mr. YOUNG of Alaska. I am just curious, were you referring to yourself?

Mr. OBEY. The rules don't allow me to say who I was referring to.

The gentleman says we should have studies, we should have hearings. Your party has controlled this Congress for 14 years. The time for studying is over. The time for studying is past. There is a huge scientific consensus that human beings are driving global warming. And James Hansen from NASA has told us that in his view we may have less than 10 years to deal with this problem before we hit a critical tipping point be-

yond which we will be facing catastrophe.

He may be right, and you may be right. If you are right, then moving to deal with this problem costs us very little. If he is right, not moving costs us everything. The gentleman refers to an ice age.

□ 1630

If you shut down the ocean currents' conveyors, you are going to have an ice age in one heck of a hurry. So I would suggest the gentleman has committee responsibilities. If he does not want this committee to meet our responsibilities, as we have tried to do, then it is about time you meet yours and actually do something about it rather than denying that this is a real problem.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself 2 minutes.

I thank the gentleman, again, for his presentation. I am glad he gave us an additional 2 years because the way I record it we have been in power for 12 years, not 14 years. I would gladly take two more. Maybe that is an omen of this next election, but I am just saying we have actually been going on 12 years.

Lastly, let us say this is not about the action itself. It is about legislating on appropriation, but I do, and ask you sincerely, I do not have jurisdiction with that committee. Thank God, I do not really run the White House, but I think we have to legitimately and not respond to the fear tactic. Read the book, *Controlled By Fear*. It is very interesting you can frighten people into doing most anything, including taking away the economy and the opportunity for future generations, easily done.

That is what I do not want us to fall into. If we are the driving factor, I am willing to accept that responsibility and do something of it, but again, go back to the history of this globe and what has occurred. It is ironic when I go into many of these States and I see seashells at 11,000 feet, seashells. This continent was covered with water at one time, retreated and allowed humanity to grow. Now, keep that in mind. Do not keep getting caught in the idea that everything that is here now is permanent. The Earth is a natural, evolving phenomenon.

That is all I am asking people to do. It is not to be caught into the fear and driving and say it is all our fault what is occurring. If that is the case through such studies, then let us accept that, but right now it has not been proven. There is a large division that says this is not happening because of humanity.

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

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

I would simply say to my good friend that just about the only scientists left in the world who do not recognize that this is a serious and real problem are

those who have an economic interest in not recognizing it, and that, in my view, is an absolute fact.

The gentleman talks about not wanting to fall into a trap. What you are going to fall into if we listen to the gentleman is sea levels 20 to 30 feet higher than they are now, and virtually every coastal city in the world is going to be under water, and New Orleans is going to be the norm rather than the unhappy exception. That is what the world is going to face if we do not deal with this problem and begin to deal with it while we still have time.

Mr. Chairman, how much time do we have remaining on each side?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 7½ minutes remaining. The gentleman from Alaska (Mr. YOUNG) has 9 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding.

I am sorry that the gentleman from Alaska has raised this point of order because planet Earth is warming. Climate scientists of all persuasions agree that the average surface temperature of the Earth has risen by about 2 degrees Fahrenheit since 1850, and all agree that the accurately measurable concentration of carbon dioxide in our atmosphere has risen from about 280 parts per million in 1850 to over 380 parts per million today. Furthermore, 75 of that 100 parts per million rise has occurred in just the last 40 years.

As a scientist, my attention became totally focused on global warming some 15 years ago by the elegant and powerful measurements of carbon dioxide trapped in ice cores taken as much as 2 miles deep from the great East Antarctica ice sheet.

Those data give a continuous 400,000-year record of concentration of CO₂ in the atmosphere at the time the snow that now makes up that great ice sheet fell. Through four successive cycles of deep cold followed by interglacial periods of warming, in the coldest part of each cycle the concentration of CO₂ in the atmosphere never fell below 190 parts per million, and in the warmest period of each cycle never rose above 280 parts per million.

Suddenly, within the last 40 years, concentration of carbon dioxide in our atmosphere has smashed through the 400,000-year maximum of 280 parts per million to a 380-part per million level and continues to rise.

Since 1850, burning of fossil fuels, coal, oil and natural gas has increased 100 times to produce energy as the world has industrialized to serve the world's more than 6 billion and growing population. The scientists who do climate research understand that much of the ever increasing concentration of CO₂ in the atmosphere since 1850 must be attributed to burning those fossil fuels to produce the energy that drives industrialization.

With this chart, let me touch one facet of the climate crisis that we are dealing with. 6.3 billion people, on average, produce four tons of CO₂ every year. That comes to a total of slightly more than 25 billion tons of CO₂ produced every year. Our 290 million people produce 20 tons per person, and China, with its almost 1.3 billion people in 2003 produced 2.7 tons per person of CO₂.

We all know that China is industrializing at a growth rate of 8 to 10 percent per year. China is on track to pass the U.S. as the largest economy in the world in 20 to 25 years, and China is determined to give its people a chance at this high standard of living that we enjoy.

Consider a hypothetical case. If every country except China stayed exactly where they are on population and energy usage, and China alone industrialized to our level, using the same mix of energy sources that the U.S. uses in emitting the same 20 tons of CO₂ per person that the U.S. emits, it is a simple calculation to reach a number by taking the 1.3 billion Chinese and multiplying it by the difference between 20 and 2.7, 17.3 additional tons per person, and that comes to 22.5 billion tons of added CO₂ over what is presently emitted by the whole world. That is 90 percent as much as is being produced by the whole world today.

The industrialization of China alone would increase by 90 percent the concentration of CO₂ in our atmosphere and would at least increase the atmospheric CO₂ by at least another 100 parts per million.

That simple example tells why climate scientists are so concerned about the lack of effective measures to curb CO₂ emissions, to develop new technology, to produce energy that does not produce CO₂, to increase efficiency of present technology and, frankly, to conserve energy.

The sense of the Congress resolution on which a point of order has been raised recognizes the looming crisis that human life faces if we continue to produce the energy needed by methods that disrupt the Earth's climate by adding humongous amounts of CO₂ into our atmosphere. It is a critical first step in any effort to address global warming.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank and appreciate the gentleman from Alaska for the time.

The issue that we are debating here, this sense of Congress, is to ask the Members of Congress to take a look at a potential problem of global warming that human activity is causing by burning fossil fuel and adding increasing amounts of CO₂ to the atmosphere that helps with the greenhouse effect.

Carbon dioxide makes up less than 100th of 1 percent of the atmosphere, a very, very tiny amount. Yet that tiny

amount has a large impact on the heat balance or the climate of the planet, and so if you can take an analysis, which we can, without dispute from the scientific community, over the past 10,000 years, you can actually go back 5 million years, but if you look at the last 10,000 years, we have increased in CO₂ by a natural amount from 180 parts per million of CO₂ to 280 parts per million. It took 100 years to increase the amount of CO₂ in the atmosphere by 100 parts per million.

But then if you look at the last 100 years, especially the last 50 years, we have increased it by another 100 parts per million. Now, that is a tiny amount. It is another very small percentage. It took 10,000 years to increase it by 100 parts per million. It took really less than 100 years to increase it another 100 parts per million, which can be directly attributed to human activity burning fossil fuel.

Now, it is still a very tiny amount. Even if the human input to the increasing CO₂ is only 4 percent, when we are working at levels of hundredths of a percent, that 4 percent is significant.

So we are seeing, as a result of the change in increase in CO₂, warming temperatures of the atmosphere, warming temperatures of the oceans, receding glaciers, and that is not to scare people.

We, as adults, always want better science for our students in our schools. We need better science here on the House floor. If you look at the Greenland ice sheet 25 years ago, 20 cubic miles of that ice sheet was flowing into the North Atlantic. Today, just a few decades later, 53 cubic miles a year of the Greenland ice sheet is flowing into the North Atlantic, and like the gentleman from Wisconsin said earlier, if the Greenland ice sheet were to go, and it is growing, we should recognize a potential for a 23-foot increase in the sea level.

So, all we are asking for on the House floor is let us look at the data. Let us acknowledge our future.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to remind people, this is an appropriations bill, and we can go through the process. I think the debate has been good. We have had some good presentations. It is just a matter of difference of opinion, and some day we will decide who is right, and when I become the correct one I hope you all recognize that.

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

Mr. OBEY. Mr. Chairman, let me yield the remaining 2 minutes of my time to the distinguished gentleman from Washington (Mr. DICKS), who was the originator of the language which was stricken.

Mr. DICKS. Mr. Chairman, I am going to be brief here.

The reason I offered this global warming amendment is because I believe this is a serious problem. When

you have six former administrators of the Environmental Protection Agency saying this is a reality, when you have just heard Congressman GILCHREST talk about the increases in parts per million of carbon dioxide, and when you have the visible evidence of our glaciers melting, the Greenland ice sheet is melting at a faster rate, the polar bears are dying because there is not enough ice. I mean at some point can the majority here not figure out we ought to have some study, we ought to look into this, that this is a real issue that affects everyone on the Earth?

While Alaska melts away, their Congressmen will be down here in D.C. and everybody will be wondering whatever happened to Alaska.

All I am saying is this is a serious problem, and it is time for serious people to get serious, including the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

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

Mr. YOUNG of Alaska. Mr. Chairman, I just want to remind him, if you look at any of the studies that are taking place now, the polar bear pack is very healthy and, in fact, increasing. Keep that in mind. Read something that really has some merit to it. Do not just read the fear tactic. This is science from the Fish and Wildlife people. Read that. They will tell you we are increasing the numbers, not decreasing. Where you got this idea, I have no idea. Because someone told you that.

Mr. DICKS. Mr. Chairman, I do not think you and I will be here to figure out who was right. I would rather do some serious research about it now than wake up 10 years from now and find out if we would have acted back in 2006 and done something about this, we might have been able to save all of humanity.

I mean, this is real and it is an important issue, and I hate to see it be treated so frivolously by the gentleman from Alaska.

□ 1645

Mr. OBEY. Mr. Chairman, I yield for the purpose of a unanimous consent request to the gentleman from New Mexico (Mr. UDALL).

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

Mr. UDALL of New Mexico. Mr. Chairman, I support keeping the language in because, as the gentleman from Washington has said, it is very, very important to deal with this problem.

Mr. Chairman, I am extremely disappointed that the Rules Committee did not protect the global warming language in the Interior Appropriations Bill. Global warming is real and human activities are largely to blame. Many scientists believe the erratic and record-breaking weather events we are seeing across the country, such as the prolonged droughts in my home state of New Mexico, are the direct re-

sult of global warming. The United States must act, and we must act soon.

The language that was removed from the Interior Appropriations Bill today declared the need for a mandatory cap on greenhouse emissions. Stripping this language further shows the lack of political will of the House of Representatives on this issue. Mr. Chairman, global warming is perhaps the biggest problem that present and future generations of Americans will face. We cannot leave this to our children.

Our colleagues in the Senate have already begun the much needed debate on this issue. In fact, they passed a sense of Congress exactly the same as the one that was stripped today. In addition, they held a day-long climate change forum that gathered stakeholders on this issue, including the leadership of numerous top American companies such as GE and Walmart. Many positions and recommendations for federal greenhouse gas control legislation were aired and debated. It is way past time for the House of Representatives to join the debate. At this point, Mr. Chairman, our neglect has become a dereliction of duty.

Several pieces of legislation have already been introduced on the monumentally important and complex issue of global warming. Certainly, it will take considerable time, effort and investment to mitigate the negative effects of greenhouse gas emissions. And, this must be done equitably and without unnecessary harm to hard-working Americans.

Fortunately, much is already known on what we can do. Research and development on creative solutions to global warming has been underway for some time. Indeed, there is a lot of optimism that we can control the worst effects if we make the commitment. Many companies, states and cities around the country have begun the process. The United States House of Representatives remains silent.

We have not had a single hearing on global warming legislation. In the mean time, the United States continues to increase its greenhouse gas emission levels and China and India are developing fossil fuel dependent, carbon-intensive economies at astounding rates. Mr. Chairman, the process must begin. The United States must be a leader on this issue.

Included in the list of legislation foundering in the House is a bill that the Gentleman from Wisconsin, Mr. PETRI, and I introduced. H.R. 5049, the Keep America Competitive Global Warming Policy Act, is a bipartisan policy that will address greenhouse gas emissions but not put America's jobs at risk. This monumental step of putting a price on carbon will stabilize and eventually reduce emissions, finally putting the United States on the road toward curbing the effects of global warming.

Mr. Chairman, I urge the House of Representatives to immediately begin the debate on solutions to global warming.

Mr. OBEY. Mr. Chairman, I want to congratulate the gentleman from Alaska. He always does the best job possible in selling a very bad case.

Mr. PETRI. Mr. Chairman, I would like to take this opportunity to encourage the House to seriously look at the issue of climate change.

I agree with many of my colleagues who have spoken today on the need to address global warming and that any national policy should not significantly harm the United States

economy and encourage comparable actions by other nations.

That is why I am the lead cosponsor of Congressman TOM UDALL's Keep America Competitive Global Warming Policy Act. This legislation is a mandatory, economy wide, cap-and-trade all greenhouse gas reduction policy.

It sets a reasonable standard for emissions and allows companies to buy the time they need to meet reduction requirements without incurring irreparable harm.

The bill will maintain U.S. competitiveness by encouraging research and innovation as well as tie increases in the price of an emission allowance to the emissions-reducing actions of developing countries.

So I hope at some point we can come together and begin the discussion in a thoughtful, bipartisan manner and work to address this issue.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The amendment was rejected.

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

TITLE V—SUSPENSION OF ROYALTY RELIEF

SEC. 501. (a) REQUIREMENT TO SUSPEND.—The Secretary of the Interior shall suspend the application of any provision of Federal law under which any person is given relief from any requirement to pay royalty for production oil or natural gas from Federal lands (including submerged lands), for leases occurring in any period after the date of the enactment of this Act with respect to which—

(1) in the case of production of oil, the average price of crude oil in the United States over the most recent 4 consecutive weeks is greater than \$34.71 per barrel; and

(2) in the case of production of natural gas, the average wellhead price of natural gas in the United States over the most recent 4 consecutive weeks is greater than \$4.34 per thousand cubic feet.

(b) DETERMINATION OF MARKET PRICE.—The Secretary shall determine average prices for purposes of subsection (a) based on the most recent data reported by the Energy Information Administration of the Department of Energy.

POINT OF ORDER

Mr. PEARCE. Mr. Chairman, I rise to make a point of order.

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

Mr. PEARCE. Mr. Chairman, I make the point of order that the language contained in section 501 of the bill violates clause 2(b) of rule XXI and constitutes legislation on an appropriations bill.

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

If not, the Chair will rule. The Chair finds that this section contains language imparting direction to the Executive.

The section therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the section is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 502. RENEGOTIATION OF EXISTING LEASES.—The Secretary of the Interior shall seek to renegotiate each existing lease authorizing production of oil or natural gas on Federal land (including submerged land) that was issued by the Department of the Interior before the date of the enactment of this Act as necessary to modify the terms of such lease to ensure that any suspension of a requirement to pay royalties under such lease does not apply to production referred to in section 501(a).

POINT OF ORDER

Mr. PEARCE. Mr. Chairman, I rise to make a point of order.

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

Mr. PEARCE. Mr. Chairman, I make the point of order that the language contained in section 502 of the bill violates clause 2(b) of rule XXI and constitutes legislation on an appropriations bill.

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

If not, the Chair will rule. The Chair finds that this section contains language imparting direction to the Executive.

The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the section is stricken from the bill.

AMENDMENT OFFERED BY MR. HINCHEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HINCHEY:

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

TITLE ____—ADDITIONAL GENERAL PROVISIONS

SEC. ____ None of the funds made available in this Act may be used to issue any new lease that authorizes production of oil or natural gas under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et. seq.) to any lessee under an existing lease issued by the Department of the Interior pursuant to the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note), where such existing lease is not subject to limitations on royalty relief based on market price.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from New York.

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

Mr. Chairman, the amendment I have at the desk is a simple one. It says that none of the funds made available in this act may be used to issue any new leases that authorize production of oil or natural gas under the Outer Continental Shelf Lands Act to any lessee under an existing lease where such lease is not providing the proper royalties based upon market price.

We have a situation here where the American public is being gouged for

the price of oil on two separate occasions, once at the gasoline pump and once when their oil and natural gas is being drilled and obtained by oil companies that are not paying the royalties on those leases. This is something that needs to stop.

We have right now over 1,000 leases, roughly 1,032 leases, to major oil companies to drill in the Outer Continental Shelf and elsewhere, and there is no provision for those oil companies to pay royalties on the product owned by the American citizens that is being taken out of the ground, whether it is dry or under the Continental Shelf. That needs to change. We are losing roughly \$1 billion a year, and unless this is changed over the course of the next 20 years, we will lose more than \$20 billion.

So we need a situation that is going to address this, and this amendment will do so. It simply says that anyone who is interested in having leases to extract oil or natural gas from the Outer Continental Shelf, and they have already leases upon which they are not paying the proper royalties, is not going to be permitted to take those new leases.

Those new leases provide for royalties between 12 and 16 percent. The royalties are on a product that is owned by the citizens of this country, whether it is the oil or the natural gas; and any oil company that is taking those products out of the ground, out of public lands, taking this public property and not paying royalties on it should not be provided with additional leases unless they are willing to pay royalties both on the additional leases and the leases that they already have.

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

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

The CHAIRMAN. The gentleman is recognized for 15 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I stand to oppose this amendment offered by the gentleman from New York. In committee, the gentleman from New York offered an amendment that conditioned eligibility for future leases on renegotiation of price thresholds in old leases. Today's amendment seeks to obtain the same coercive result by indirect.

I share the gentleman's concern about the lack of price thresholds in leases negotiated by the Clinton/Gore administration in 1998 and 1999. The Department of the Interior's Inspector General has appropriately launched an investigation into this, as has the Resources Committee. However, these leases were valid legal contracts signed between the government and these companies in good faith. They paid hundreds of millions of dollars in bonus bids for these leases, bidding on the basis of the royalty relief that they were being offered.

If the lessees seek to maintain their valid legal rights under these contracts, the amendment would penalize them for doing so, in violation of their due process rights under the Constitution. At best, the amendment is an invitation to litigation, which the government will likely lose at a high cost to the taxpayer. A more dire impact will be the lack of development of energy resources that America badly needs.

The amendment would disqualify many companies from bidding on new leases. Remember, these leases were valid leases signed by the government, legally binding. They are contracts. So what we are going to do is penalize these companies because they are abiding by their legal contracts.

Sure, we want them to negotiate. We want them to renegotiate. We would like them to pay the royalties. But the Clinton/Gore administration at that time put these contracts in place. They were signed by the companies. They were signed by the government. And now we are going to go in and say if you don't renegotiate, then you are not going to be eligible for any of these contracts. If you don't pay royalties on these contracts, wherein you are doing exactly what you are required to do by law, if you don't pay royalties voluntarily, then you are not going to be eligible for any of the new leases that are out there.

To me, that is discrimination against those companies. Sure, we would like them to pay the royalties. We think they should. We think they should renegotiate, but I don't think you can go in and break the contract that the government signed with these companies by pressuring them with the threat of not being eligible for future leases.

Mr. Chairman, this is a bad amendment and we should reject it.

Mr. HINCHEY. Mr. Chairman, I just want to point out to my friend from Idaho that the Congressional Research Service has told us that the enactment of this amendment would not constitute a taking of existing leaseholders' rights, and goes on to say that this amendment is perfectly appropriate and should be adopted.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

What is it about the marketplace that the Republicans don't understand? You signed a valid lease, although there is some argument about it. But you have a valid lease and now you want to lease the space next door. You leased a couple hundred thousand square feet, and you leased a thousand square feet, and now you want to lease next door. The economy has changed and now the land is available and so the landlord says to you, I think we will do is, we will do a wraparound lease. You want this?

This is done all the time. It is done all the time in the business world. Various assets at various prices are combined, and the landlord thinks about extracting what he can at that time when you come to renegotiate. This happens all the time in the real estate field, all the time in the minerals field.

All we are saying to the government is, these people have such a huge advantage because of the failure of the cap, we don't think they ought to get any additional leases. They can keep those leases without the caps and not lease, or they can negotiate those caps with the government to be like the rest of the oil companies and they can lease. This is a business transaction. It just happens to be a business transaction on behalf of the people of the United States of America who own these lands.

What is it about the marketplace that you think at \$70 a barrel you need royalty relief? I think you are confusing this with the idea that the oil companies are somehow royalty and we must bow down to them. At \$70 a barrel, the conservative chairman of my committee, the Resources Committee, said nobody deserves royalty relief. The President of the United States says at these prices nobody deserves royalty relief. And here you are on the floor of the House of Representatives arguing for people who get \$70 a barrel.

I talked to the CEOs of these companies when this royalty relief came up, and most of them thought it was balderdash. Most of them thought it was about trying to rescue a couple of companies that made some real bad decisions in the gulf shelf when oil was a bad price. Fine, we agreed that under \$34 a barrel you can have some royalty relief. Oil today, my friends, maybe you haven't been out of the Chamber here, it is \$70 a barrel; and that is why we are asking the marketplace to work on behalf of the taxpayers of the country who are paying \$3.50 for gasoline.

The gentleman's amendment should be unanimous in this House on behalf of people who are buying gas and com-

muting to work and are paying that price every day. Why do they now have to pay it through this tax break through this royalty relief?

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

Mr. SIMPSON. Thank you, Mr. Chairman. I appreciate what the gentleman from California was saying, but he was wrong. Just dead wrong.

These leases were signed by the government. They were legal leases. They were valid leases. All we are saying is that the government ought to keep its word. When they sign a contract, they ought to honor the contract. The gentleman is absolutely wrong. Congress and the government should keep their word when they sign a contract. That is all we are saying.

Do we want them to pay royalty on this? Certainly we should, and I do not know why in the world the Clinton/Gore administration, the Clinton/Gore administration, let these leases go without any royalty. I do not know why they did that, but the reality is that they were signed contracts. And all we are suggesting is that you should not penalize those companies that actually signed these contracts in good faith. You should not penalize them for future leases. Why should we penalize them? There is absolutely no reason why we should penalize them. We should honor our word and our contracts, and then we should go forward.

We hope, we hope that they will renegotiate for leases, but this is not giving a break to those companies. That is not what we are intending. We hope they renegotiate. That is the reality.

Mr. HINCHEY. Mr. Chairman, the Bush administration has allowed these leases to continue for 5 years, and they haven't renegotiated them. I would just like to draw that to the attention of my friend from Idaho.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. You have a loan on your home. You

have a second mortgage on your home and you want a new line of credit. It is a valid line of credit and it is a 4 percent loan. What does the bank tell you? We want you to pay it off, and the new rate is 7 percent or 6 percent.

People renegotiate these contracts all the time. You just refuse to negotiate them on behalf of the taxpayers. You renegotiate them all of the time on behalf of the oil companies. We do it all of the time.

This is what people do when they want to refinance their homes. The banker says, here are the new rules. You can stick with your loan and be happy as you are; but if you want another \$50,000 out of your house, here are the points you have to pay. People understand this.

Why don't you let the marketplace work for once and why don't we run the government like a business, like so many of our constituents stand up and tell us to do. We now have an opportunity. We now have an opportunity, and you are refusing to take the opportunity on behalf of the taxpayers.

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

Mr. SIMPSON. I am sorry the gentleman from California left the floor. We do renegotiate all the time, but it is up to me to decide whether I want to renegotiate or not.

What we are doing is imposing a penalty on these companies if they choose not to renegotiate. And I really don't care what CRS says. I don't think they are a bunch of attorneys down there. All I know is that in Idaho, we believe that when you write a contract you abide by the contract. We have written a contract. We ought to abide by it.

We are the Government of the United States. If you can't trust us to abide by the contracts we sign, why should we trust anybody else to?

Mr. HINCHEY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

NOTICE

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LARSON of Connecticut (at the request of Ms. PELOSI) for today on account of a family medical emergency.

Mr. LEACH (at the request of Mr. BOEHNER) for today on account of giving a commencement address in his district.

Mr. SHADEGG (at the request of Mr. BOEHNER) for today on account of traveling with the President of the United States to Arizona.

Mr. FLAKE (at the request of Mr. BOEHNER) for today on account of traveling with the President of the United States to Arizona.

Mr. FRANKS of Arizona (at the request of Mr. BOEHNER) for today on account of traveling with the President of the United States to Arizona.

Mr. HAYWORTH (at the request of Mr. BOEHNER) for today on account of traveling with the President of the United States to Arizona.

Mr. KOLBE (at the request of Mr. BOEHNER) for today on account of trav-

eling with the President of the United States to Arizona.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.