

Dixon	McCrery	Sanders
Doolittle	McDade	Scarborough
Fawell	McIntosh	Schiff
Foglietta	Mollohan	Sisisky
Gekas	Moran (VA)	Smith (OR)
Gillmor	Morella	Souder
Gonzalez	Nadler	Stearns
Houghton	Owens	Stokes
Hunter	Payne	Torres
Kasich	Pombo	Towns
Klecza	Porter	Waters
Kolbe	Rangel	Weldon (PA)
Leach	Riggs	Whitfield
Markay	Rohrabacher	Young (AK)
Martinez	Roybal-Allard	Young (FL)
McCarthy (NY)	Ryun	

□ 0939

So the Journal was approved.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. LINDER. Mr. Speaker, is it not customary for lines forming to sign discharge petitions, that they do so along the side, so that they are not in the middle of the gentlewoman from New York who is trying to present a rule?

The SPEAKER pro tempore (Mr. MILLER of Florida). The Chair is advised the last several times discharge petitions were filed, the line of Members proceeded from the far right-hand aisle so as not to interfere with debate of the House.

The Chair will insist that Members not stand between the Chair and the Members speaking and that Members not congregate in the well during the debate.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2107, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 277 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 277

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

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

Mr. Speaker, House Resolution 277 waives all points of order against the conference report and against its con-

sideration. The rule also provides that the conference report shall be considered as read. The conference report for the Department of the Interior and related agencies appropriations bill for fiscal year 1998 incorporates a total of \$13.8 billion for the fiscal year 1998.

□ 0945

Mr. Speaker, the agenda of the majority has been misrepresented on a number of issues in the past, one of those issues being our commitment to preserving our natural treasures and the environment. In the 104th Congress, we passed a very proenvironment farm bill, a safe drinking water bill, and nine other major bills that had the support of countless environmental groups. Today we have before us a funding bill that takes care of our national parks and protects our environmental resources by providing funding increases for the national parks, the National Forest System, national wildlife operations, and Everglades restoration.

I am also very pleased that the Interior bill amends the recreational fee demonstration program that will now allow parks, forests, and other public lands to keep all the fees that are collected. This initiative, when combined with the \$362 million remaining from the \$699 million appropriation for the Land and Water Conservation Fund, will help address the backlog in maintenance on public lands.

We all want our children and grandchildren to enjoy the natural beauty of our Nation's treasures, and I believe that this effort will ensure a better maintained and operated parks system for future generations. Mr. Speaker, I am also pleased that the Interior bill includes funding increases for some quality museums and artistic institutions, including the Smithsonian Institution, the National Gallery of Art, the Holocaust Memorial Council, and the Kennedy Center.

I am not, however, supportive of the funding for the National Endowment for the Arts, which receives a \$1.5 million cut in this bill below last year's level. While I am disappointed that we were unable to hold the House position that I strongly supported, I am pleased that this bill contains some major oversight reforms of this agency. We all know that private donations and corporate sponsors provide billions of dollars to encourage an appreciation of the arts, and I simply do not believe we need to fund the NEA when these funds could be put to better use. I urge my colleagues to support this rule so we may proceed with the general debate and consideration of the merits of this very important bill.

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

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

This conference report has taken a long time to complete, Mr. Speaker,

because the Interior appropriations bill encompasses a number of controversial issues, including the arts and the environment. However, I would like to praise the conferees for their hard work in reaching agreement on the report language.

In particular, I am pleased that they ultimately saw fit to include in the report \$98 million for the National Endowment for the Arts, a funding level which more accurately reflects America's support for the arts than did the original House bill from which all NEA funding was struck on a point of order. It is essential that we continue Federal support for the arts because the arts enhance so many facets of our lives. From the educational development of our children to the economic growth of our towns and cities, we learn more every day about the ways in which the arts contribute to our children's learning.

One recent study showed that students with 4 years of instruction in the arts scored 59 points higher on the verbal portion and 44 points higher on the math section of the SAT's than did students with no art classes. New research in the area of brain development shows a strong link between the arts and early childhood development. At the University of California in Irvine, researchers found that music training is far superior to computer instruction in dramatically enhancing a child's abstract reasoning skills, which are necessary for the learning of math and science. Another recent study showed that doctors with music instruction had greater diagnostic abilities in using stethoscopes than did doctors without music training, and we were all quite surprised to find that the skill of listening and diagnosing with a stethoscope was missing in far too many of our physicians.

Obviously, arts education pays great dividends in a wide range of fields. No other Federal program yields such great rewards on so small an investment. The arts are also an integral driving force behind the economic growth of our Nation. The small investment that we make this year, \$98 million, will contribute to a return of \$3.4 billion or more to the Federal treasury.

The arts support at least 1.3 million jobs, not only in New York City or Los Angeles or Chicago, but in smaller cities like Providence, RI; Rock Hill, SC; and Peekskill, NY. These are just a few of the many towns and cities across our Nation whose economies have flourished, largely as a direct result of investments that have been made in the arts.

This is not a parochial issue. Members of the House received a letter earlier this year from Americans United to Save the Arts and Humanities, an organization of business leaders, expressing their strong support for NEA. In that letter the CEO of Xerox Corp., the chairman and CEO of Sun America, Inc., the chairman and CEO of Sara Lee

Corp. and over 100 other business leaders endorsed continued Federal funding for the NEA as well as the National Endowment for the Humanities.

While I support the funding for the NEA provided in this conference report, I must express concern over some of the report's other provisions that I believe will have detrimental effects on our environment. For example, the conference report includes a provision to remove the current cap on the use of purchaser road credits in the national forest system. This will encourage excessive road building in our national forests and will allow timber companies to log in remote areas. In addition, the national forest planning provision will interfere with the Forest Service's process of updating and revising its forest management plans, which is required by the National Forest Management Act. Furthermore, the log export rider will drastically reduce the effectiveness of the law that bans the export of logs from our national forests as well as from State-owned lands in the Pacific Northwest.

Another provision in the report allows money from the Land and Water Conservation Fund to be used by Federal land management agencies for the maintenance of existing holdings. The use of LWCF money to meet ongoing maintenance needs is inconsistent with the purpose of the law and would rob the LWCF of funds needed for new acquisitions, without crafting a lasting solution to the ongoing maintenance shortfalls.

Other language in the conference report sets out numerous requirements before the New World Mine and Headwaters acquisitions can move forward, and allows the authorizing committees to stipulate additional requirements for these projects. Given that general authorization already exists for these two acquisitions, any additional requirements are unnecessary and set a dangerous precedent for future acquisitions.

With those reservations, Mr. Speaker, I would like to thank my colleagues on the conference committee for their hard work in coming to an agreement on the report language and in particular for their efforts in regard to the NEA.

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

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. REGULA].

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

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time. This is the rule on the conference report on the Interior bill. I would urge all Members before we vote on the rule to take a good look at this bill. A lot of groups have worked on it, the White House, the staff from the authorizing committees of both Houses and the Committee on Appropriations and Members from both sides of the aisle,

have had input in this piece of legislation.

Obviously, there are things in here that people do not like. There are a few things I do not support. But this is the product of compromise. In a democracy we have to arrive at an agreement on legislation that we find is in the best interests of the United States of America. I think this bill very well qualifies.

I would point out also the breadth of the bill, that over three-quarters of the districts of the 435 congressional districts are impacted by provisions in this bill. I would urge Members to be sure that they understand the impact that this has on their own district.

I call this the "take pride in America" bill. There is so much in here that gives us a reason to take pride in our country. Last night the new concert hall, not the new concert hall but the refurbished concert hall in the Kennedy Center was opened. It was a magnificent evening, and a magnificent facility. It is there because of this bill in the past providing part of the money and also money coming from the private sector by way of contributions, a tremendous partnership of the people of this Nation to put together a concert hall we can all look to with pride and point to with pride.

They did something that I want to compliment them for doing. This was the opening night of the new hall or the refurbished hall, and they invited the people who did the work and their families to share the evening. What a great idea. Think of the pride those people felt that did all of the different things that made this concert hall, I think, the finest in the world today. They were there with their children, with their families. What a wonderful idea. We should do more of that.

I think it is "take pride in America" as you listened to that great symphony play and perform and to listen to Vernon Jordan recite the quotations from Martin Luther King with a background of the National Symphony, a very moving evening. We can take pride in America in this bill because we address diabetes problems in our Indian population. It is a care bill. We have extra money in here because this is a problem for our friends in the Indian population.

It is a take-pride bill because I noted this morning in the news that we have the highest percentage of home ownership ever in the history of this country, over 66 percent. That is one of the great American traditions, to own your own home. Part of that is trees, not a lot, but some of the trees that come out of our national forests, another great asset of America that is used to help build those homes.

It is a "take pride in America" because it provides for Indian hospitals, for Indian schools. It means that the native Americans have a chance to break out, to get an education, to get their health needs met.

I could go on at great length about this, but I think also it is something

we can point to with pride that this bill emphasizes maintenance. We recognize that we have to take care of what we have. So we do not try to buy up everything in sight, but rather to say not only selectively buy land or build facilities, but also let us maintain what is already in place. We have added money for maintenance. We have added money for improvements, such as we had noted last night in the Kennedy Center.

I want to address a couple of issues that are of concern to many members, because I think it is very important that we support the rule on this. First of all, the National Endowment for the Arts. I know this has been controversial. A little bit of history. In 1995, we did not have enough votes to pass the rule, so on the Republican side we made an agreement that we would provide 2 years of funding and then eliminate all funding.

Let me point out again, the bill that left the House did not have any money for the National Endowment for the Arts. I would also point out, that in every bill since 1995, the other body has said clearly, we do not agree with this, we are not going to be bound by anything the House does, and we are going to continue to put in funding for the National Endowment for the Arts. When we got into conference, the Members from the other body insisted on their numbers.

I would also point out at this juncture that the total amount of money here is far less than it has been historically. I think at one point we were up around \$170 million or more for the NEA. This bill has about \$98 million. If we take into account inflation, it is about half of what it used to be. It is almost \$40 million less than the President requested. But, also, in view of the Senate's insistence on their position, we put in conditions restricting the way this money would be expended.

□ 1000

First of all, we provide, and this is a suggestion from the gentleman from Illinois [Mr. YATES], and I think a good one, that there be three Members of each House on the board. We reduce the number of public Members from 26 to 14, add 6 Members of the House and Senate, just as we do with the Kennedy Center and with the Smithsonian. I think that is a very important element. It gives us oversight on a daily basis of the NEA.

We also recognize that the States have done an outstanding job, so we provide that instead of the States getting only 34 percent of the money, they will now get 40 percent of the money.

We also provide that no State can get more than 15 percent of the total available to the States. We want to spread this across the Nation. We provide that grants have to be made to companies that are not professional. Under the rules of the NEA, historically only professional companies could get grants. We said let's make these small communities across the United States, where

they have a volunteer ballet or a volunteer opera company, eligible for a little bit of help. So we have done that.

We have put in a strong educational component. We say we want these grants to have an educational impact. I thought, as I listened to the National symphony last night, I just wonder if one of those people performing as part of the symphony might have been inspired by an ensemble that went out from a local community, as they did in ours, and visited the schools. They got a small grant and went out with the small grant, the financing, with an ensemble, to tell students what a symphony is all about. Maybe one of those people last night had that kind of an impact.

We also eliminate seasonal grants and subgranting, because a lot of problems NEA has suffered was a result of their giving a grant which was then subgranted to another group or individual. For example, the experience in Milwaukee, that was a lump sum grant to the institution, and they in turn made a subgrant that we found objectionable. That cannot happen anymore, because we have addressed that problem.

I could mention a number of other things, but I think those are the important ones. More money to the States, spread this over the Nation, get the education component in, and limit what any one State can get, plus, of course, having the oversight of Members of Congress.

I might also add, we have reduced the overhead. We reduced the amount that can be spent on people downtown by \$566,000, and there is another feature in here, many of my colleagues who object to NEA say privatize it. Well, we start that. We have a beginning. We give the NEA authority to seek private funds. I think this could lead to an evolution of private financing for the National Endowment for the Arts.

I hope that in making decisions on this, that people will consider what we have done by way of restrictions to ensure that the NEA is focused on the cultural heritage of this Nation; that the NEA is focused on inspiring people to do things that are worthwhile, such as what we saw last night with the National symphony. The other area of contention is in the Forest Service area. I want to point out a few things here.

First of all, we have one of the lowest allowable cuts we have ever had. Just for example, about 10 years ago, we provided for 11 board feet to be cut. This bill limits it to 3.8 billion, a very substantial reduction. I think this should make those of you who are concerned about the environment very happy with this in the bill.

We also provide money to close more roads than we build. That is another very proenvironmental feature of the bill. We provide for forest health. We recognize that we need to have healthy forests for those that want to recreate in our forest, for those who want to enjoy the out of doors.

As a footnote, I might say that twice as many people use the National Forests for recreation as use the national parks, and that is one of the reasons that good roads are very important, because we do not want a family going out there with their kids to camp or to hunt or to fish, going off the road. We do not want these roads pushed through by a bulldozer so when you get the first rain the road goes down in the local creek. So we want them built to certain standards. That is the reason there is an element of Federal control.

We also want roads that when we have insect problems, disease prevention, fire suppression, that our people can get in in a safe way.

So I hope Members will give some thought to that as you make a decision on whether or not to support the rule and support the bill.

We also provide significant withdrawal funds for refuge maintenance. This does not get a lot of attention. But we provide money that they can build dikes, that they can make these facilities more accessible. I know that the Ducks Unlimited people are very supportive of the bill for the reason that we do that, and we are going to have the 100th anniversary of the Fish and Wildlife Service in the year 2003 and we are doing everything we can to make sure that the facilities are in first class condition.

I think there are a lot of positive things in this bill that I would recommend to Members.

One last comment. We have heard a lot about global warming in the last few days, and I think this is another very, very proenvironmental feature of this bill. People are talking about global warming.

How do you address global warming? By reducing emissions. What do we do in this bill? Under the energy section, we have a \$42 million increase for conservation programs. Conservation, burn less and do it more efficiently. Part of that is clean coal, part of it is the way we use natural gas and many other things.

But that is the real world of global warming, and that is conservation. We do it. We have increased by \$42 million the amount we can allocate to that.

Alternate fuels, new ways. Fuel cells, for example, new technology. Again, this bill provides funding for a number of critical programs, but I want to point out again one feature throughout the bill, and that is we want matching funds. On our energy programs, on the technological developments, we require a match from the private sector, so they, too, have a stake in what is done, and the same thing is true in other parts of the bill.

I think that this partnership approach is an important element in everything we do in terms of research.

There are a lot of other technological items in here, weatherization, which again is designed to conserve fuel to impact on the problem of global warming.

Just let me close by saying to all of my colleagues I am sure that you will find things you do not like about this bill. We all can find things. But we are one Nation, and, on balance, this bill I think overall is good for the United States of America. It is good for the environment. It is fair, it tries to address the problems that we have out there in a way, and we try to do it in a very economical way. That is the reason we were able to reduce the cost \$400 million under last year, while at the same time increasing the parks by \$79 million, increasing the forest by \$42 million, and I could go on.

One last feature I would mention is that we provide 100 percent of the fees collected at the parks, at the forests, in the Fish and Wildlife Service, at the BLM facilities, 100 percent stays in the service. It does not go to the Treasury. It used to go to the Treasury so there was no incentive.

Now, when the management of the parks collect a very modest fee from those parks or forests or any of those facilities, they get to keep it. If you do not think it is great, just talk to a park superintendent about how they have been able to do things that otherwise they were not able to do because of this.

I found one little interesting thing. I visited one of the parks out in California, and the people there told me that since they have had the fee program, vandalism has gone down. Why? Because the individual has got a stake in it.

When they are paying something, they realize that there is value to this. They take better care of it, and at the same time visitation was going up.

So this is a great policy issue that is part of this program, and this is a good bill. This is a good bill. Members should vote for it. It is important to all of us. It is important to the environmental future. It is important to the recreation future. It is important to the conservation, global warming, all of these things. This bill tries to address them in the best possible way.

Mr. Speaker, I urge Members to vote for the rule and vote for the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 7 minutes to the gentleman from Oregon [Mr. DEFAZIO].

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

Mr. Speaker, I rise in opposition to the rule and the conference report. Those who were here who remember the timber salvage rider, or those who were here in support of the timber salvage rider, one of the worse environmental votes of recent Congresses, and in fact something that was even disastrous for the industry that promoted it because of the backlash, will love this bill. Because this bill is rife with special interest, antienvironment riders, in addition to a rider which effectively repeals the ban on the export of Federal logs.

That is right, we are now going to supply the Japanese with logs from our

Federal lands. There is deep denial on the part of a few who promoted this amendment, particularly our colleague from Washington State, but that is true. I will read later from a report which documents that.

It has a provision that would prevent the Forest Service from updating and revising its forest management plans. No matter which side of the forest debate you are on, you should be opposed to that provision. Even if you want higher harvest on the Federal lands, you would freeze in place the current regime. You will not update the plans. You will fall in conflict with other Federal laws.

It overturns a court injunction against the Forest Service on one-half of the grazing leases on 11 southwestern national forests. It has a provision delaying the completion of the Pacific Northwest interior Columbia ecosystem management process, which may well put us again in conflict with the Endangered Species Act and bring more court injunctions against activities in the Pacific Northwest. It has a provision preventing the reintroduction of grizzly bears into the Bitterroot ecosystem and on and on.

Also, for the first time, it takes land and water conservation funds and not acquiring lands that we need to protect the wildlife of this country, sensitive wetlands and others that are threatened with development, taking things from the huge list of backlogs and land and water conservation funds. No. It gives \$10 million to Humboldt County in the district of the gentleman from California [Mr. RIGGS], and \$12 million for a road maintenance fund in Montana for the gentleman from Montana [Mr. HILL], and \$10 million to the State of Montana in terms of Federal mineral holdings. Why? To offset the impact of actual land water conservation purchases promoted by the administration for the headwaters area and in the new world mine.

These are payoffs, these are unprecedented, and a very, very bad use, and an unauthorized use of land and water conservation funds, but they are protected by the rule, as are these other unauthorized provisions in this bill.

But the worst and least understood provision is one that the Department of Agriculture's own inspector general, despite what some here will protest, who are apologists for the log exporters, say, and I quote, "They will effectively gut the 1990 law banning the export of unprocessed logs from National Forests in the West."

Let me repeat that. Effectively gut the 1990 law. She goes on to say? Her opinion, it would basically make enforcement dependent upon voluntary compliance, voluntary compliance, when there are millions of dollars to be made by diverting these scarce Federal resources into export to the Japanese, who do not harvest a single log. Fifteen thousand mills operating in Japan, 350 struggling to operate in the Pacific Northwest.

And, guess what? They do not cut any trees. Why? Because we give them the logs. And under this bill we will give them more logs and they will come off of our Federal lands. It will increase pressure on those Federal lands.

This is a horrible provision, a horrible precedent. Again, the apologists will say, no, we are just fussing it up a little bit. These 12 pages that we put in there, these provisions that the inspector general says will gut the law, they will not really gut the law; do not worry about it, or we will fix the problems later. Not a single hearing was held in the House or Senate by the authorizing committees. Not a single hearing. No discussion on things previously stuck in by the Senate. We are being told we cannot control the Senate.

□ 1015

Two Senators from Washington State and one Representative from Washington State are particularly promoting this provision. Again, they are denying the reality of it. We have the opposition of 60 national and local environmental groups to the provisions of this bill; we have the opposition of the National Carpenter's Union to this bill.

Mr. Speaker, I include for the RECORD these statements in opposition.

The material referred to is as follows:

UNITED BROTHERHOOD OF
CARPENTERS
AND JOINERS OF AMERICA,
Washington, DC, September 4, 1997.

Representative PETER A. DEFazio,
U.S. House of Representatives, Rayburn House
Office Bldg., Washington, DC.

DEAR REPRESENTATIVE DEFazio. The United Brotherhood of Carpenters and Joiners has always supported a ban on the export of raw, unprocessed timber from public lands. In response to our calls and those of American workers across the country, Congress approved a ban in 1990. Recently, language was inserted into the Senate FY 1998 Interior Appropriations bill that weakens this bill.

Through the practice of substitution, log exporters can export private, unprocessed timber while buying public timber to make up for the shortfall caused by their own exports. This practice was restricted in the 1990 legislation and any attempts to weaken it should be opposed.

The current Senate rider impacts the anti-substitution aspects of the law. These substitution limitations were included to prevent companies from circumventing the intent of the law by exporting private raw logs and then buying public timber to substitute for the exported logs. This policy was set to encourage companies to make a choice, within any given "sourcing area," between supplying their mills with federal timber or exporting private, unprocessed timber, not both.

The rider would alter the definition of these geographic sourcing areas and render the anti-substitution rules ineffective. The high economic value of these logs and the growing practice of transporting them long distances, between sourcing areas, have diluted the sourcing area limitations. This, along with the Senate rider will make it possible for companies to more easily export raw logs and purchase and process public timber.

Workers suffer when raw logs are exported. Not only do we lose the commodity itself, we

lose the manufacturing jobs that turn the raw logs into lumber used for construction and other value-added activities like furniture making.

Representative Peter DeFazio is circulating a letter to President Clinton and the Interior Appropriations Conferees urging them to oppose this weakening of the 1990 log export ban. On behalf of the 500,000 members of the Carpenters Union, I ask you to add your signature to this very worthwhile request.

Sincerely,

DOUGLAS J. MCCARRON,
General President.

SEPTEMBER 5, 1997.

President BILL CLINTON,
The White House, Pennsylvania Avenue NW,
Washington, DC.

DEAR MR. PRESIDENT: We urge you to oppose any amendments that may be included in the fiscal year 1998 Interior and Related Agencies Appropriations bill that would weaken the 1990 law banning log exports from federal and state lands in the West, or otherwise prevent the Forest Service from property enforcing the export ban.

As you know, in 1990 Congress overwhelmingly approved a permanent ban on the export of unprocessed timber from National Forests, Bureau of Land Management and state-owned lands in the Western United States. An important part of that law prohibits a log exporting company from purchasing federal timber for its mills as a replacement for private timber the company is exporting. This practice, known as "substitution," is little more than the backdoor export of federal timber.

A Washington State trade group representing the interests of large exporting firms is attempting to significantly weaken the 1990 law. The group has asked members of the House and Senate Appropriations Committees to support an amendment that would make it legal for a company to purchase federal timber as a direct substitute for private timber the company is exporting. Apparently, the Forest Service has drafted an amendment aimed at satisfying the log export lobby's concerns.

Every log exported from the Pacific Northwest increases the economic and political pressure to log the region's federal forests. The Northwest Forest Plan is already under severe stresses and strains from attacks from the timber industry and the 104th Congress. Overcutting federal lands resulted in wild salmon and ancient forest dependent wildlife headed for extinction. Now is not the time to allow for a backdoor to open for cutting down the forests owned by U.S. citizens.

The ban on log exports from public lands enjoys overwhelming support in the Pacific Northwest. Not only is export ban hugely popular, it is critical to the health of the Northwest's forest ecosystems. We urge you to defend the integrity of the 1990 log export ban by insisting that the total prohibition on federal and state log exports continue and that the Forest Service properly implement the ban on substitution.

Sincerely,

Steve Thompson (Box 4471, Whitefish, MT 59937) on behalf of, Bonnie Joyce, Friends of the Coquille River (OR); Adrienne Dorf, Gifford Pinchot Task Force (WA); Ellen M. Bishop, Grande Ronde Resource Council (OR); Bill Hallstrom, Green Rock Audubon Society; Julie Norman, Headwaters (OR); Rick Johnson, Idaho Conservation League; John Osborn and Steve Thompson, Inland Empire Public Lands Council; David Orr, John Muir Project of Earth Island Institute; Jim Britell, Kalmiopsis Audubon Society (OR); Tim Coleman, Kettle Range Conservation

Group (WA); Chris Magill, Kitsap Audubon Society (WA); Felice Pace, Klamath Forest Alliance (CA); Dave Stone, Lane County Audubon (OR); Amy Schlachtenhaufen, Lighthawk; Susan Crampton, Methow Forest Watch (WA); Alexandra Bradley, Quilcene Ancient Forest Coalition (WA); David Dilworth, Responsible Consumers of Monterey Peninsula; Cynthia Wilkerson and Owen Reese, Student Environmental Action Coalition; Bill Arthur, Sierra Club, Northwest Regional Office; Steve Marsden, Siskiyou Regional Education Project (OR); Cheryl Blevins, Southern New Mexico Group of the Sierra Club; David Biser, SouthWest Center for Biological Diversity (NM); David C. James, Spokane Chapter of Trout Unlimited (WA); Robert M. Freimark, The Wilderness Society; Ken Carloni, Umpqua Watersheds, Inc (OR); Stephen I. Rothstein, Univ. of California, Santa Barbara, Dept. of Ecology, Evolution and Marine Biology; Ben Watkins and Mary Schanz, Voices for Animals (AZ); Martin C. Loesch, Washington Wilderness Coalition; Steve Phillips, Washington Wildlife Federation; and Jeff Stewart, Washington's Eighth District Conservation Coalition.

Mr. Speaker, there are also a number of mills in the Pacific Northwest, including Boise Cascade, and 20 small independent companies in Oregon and Washington, who oppose the log export provisions.

Again, who supports it? Five very powerful large log exporting companies led by Weyerhaeuser in Washington State, two U.S. Senators from the State of Washington, and our colleague, the gentleman from Washington. That is about it. Those are the people who are promoting this, overturning the intent of Congress, a long-standing Federal law that says we are not going to take our logs and export them from Federal lands to a country, Japan, which does not harvest any trees of its own, and does not allow freely our finished products into its markets; no tariffs on our logs, but big tariffs and barriers on our finished wood products.

This is not a minor technical revision in the law. Again, according to the Department of Agriculture's inspector general, it will force the forests to rely on the voluntary compliance of timber exporters in order to enforce the ban. The ban will still stand, but they will not be able to enforce it. In fact, the IG's office states that this provision would allow exporters to directly export Federal timber, in the full knowledge that their chances of getting caught are near zero.

Mr. Speaker, I include for the RECORD the opinion of the inspector general from the Department of Agriculture into the RECORD, Ms. Rebecca Batts, director of the Rural Development and Natural Resources Division of the Department of Agriculture's IG office.

The material referred to is as follows:

REVIEW OF THE FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF ACT OF 1997

As requested by Jim Lyons, I have reviewed Title VI, H.R. 2107. I was requested to provide the quickest possible assessment, as the bill is currently in conference. Therefore, this evaluation reflects my preliminary conclusions only and does not reflect an "in-depth" assessment of the myriad factors that could affect implementation.

Implementation of the proposed bill will effectively gut the "Forest Resources Conservation and Shortage Relief Act of 1990." In essence, that act prohibited export of unprocessed logs harvested on Federal land and established limitations on the ability of an exporter to substitute unprocessed Federal timber for unprocessed timber exported from private lands. The amendments currently under consideration allow some direct substitution in Washington State, west of the Colville National Forest, the area where we have been told that most of the exports originate. A person could acquire federal timber, and, in the same area, export private timber if the timber originates from land he does not own or have an exclusive right to harvest timber for more than seven years. The Act also would allow a purchaser of federal timber to export private timber immediately after disposal of federal timber, without regard to the calendar year restriction currently in place. Under current law, this would have been deemed substitution. Further, the Act subjects certain basic internal controls (e.g., log branding and record keeping) to a cost-benefit test that may make restrictions difficult or impossible to enforce. Without these basic internal controls, the risk of commingling federal and non-federal timber escalates dramatically. With commingling comes an increased opportunity to divert non-export logs into the export market.

Enforcement of proposed bill will be so difficult that the Department will be dependent on the voluntary compliance of timber purchasers, exporters, and mills. Regulations developed to implement the current law were suspended by Congress, in part because of the perceived adverse effect on the Western Forests Products industry. The suspended regulations included key internal controls to enable the Department to enforce the ban on export or substitution. The controls were not significantly different than many currently in place as part of Forest timber theft prevention plans. For example, the suspended regulations required branding and painting of federal timber and reporting information about transactions involving federal timber.

The proposed law subjects the key controls of timber marking and reporting to a cost/benefit analysis—perhaps making it more difficult for the Forest Service to establish these controls which are specifically aimed at the detection of non-compliance. In essence, it will be necessary to demonstrate the existence of violations to obtain support for implementation of the controls. However, demonstrating violation will be nearly impossible, as the controls to allow detection of violations will not be in place. An additional, unintended effect of the requirement could result in Forest Service inability to enforce extant marking requirements aimed at ensuring compliance with domestic timber measurement issues (i.e., branding to ensure proper scaling and payment for federal timber.)

Current requirements mandate reporting of all federal timber acquired and each subsequent transaction involving that timber. The proposed bill would subject the requirement to a cost/benefit analysis and, if the requirement is imposed, allow for waivers in instances where audits have demonstrated

substantial compliance during the preceding year or where the transferor and the transferee enter into an advance agreement to comply with domestic processing requirements.

It will be extremely difficult for an audit to demonstrate that an entity had complied with domestic processing requirements in the absence of an effective system of internal control. Further, the conditions for a waiver will be almost impossible to assess in the subsequent years, when transaction reporting is no longer required, based on demonstrated compliance in the initial year. As a "worst case scenario" a purchaser could determine to strictly comply with domestic processing requirements for one year, carefully document compliance for that year, obtain a waiver for the subsequent year, and intentionally fail to document subsequent transactions. Without documentation and concomitant branding, it will be nearly impossible to identify noncompliance, and a purchaser may be able to violate the act with a reasonable certainty that he cannot be caught and prosecuted.

The second basis for a waiver is also problematic—an agreement between the transferor and the transferee to comply with domestic processing requirements. In essence, the Secretary will be saying "You do not have to report if you agree beforehand to obey the law." It would be an unusual timber purchaser or processor who would not be willing to state an intention to comply with federal law, regardless of actions the individual planned to take.

An additional area of concern is the definition of a violation to mean "with regard to a course of action." This could be interpreted to mean that enforcement official must demonstrate a pattern of behavior before taking action. As a result, even egregious "one-time" offenses very difficult to address.

A new category of violation is created in the proposed bill. A "minor violation" involving less than 25 logs and a total value of less than \$10,000 is to be redressed through the contract. In effect, this allows for lower fines to be assessed. It is unclear what effect "minor violations" would have on demonstrating a "course of action." If a pattern of minor violations was not sufficient to demonstrate a "course of action," then enforcement officials could be put in the very difficult position of documenting a series of events, each one individually exceeding 25 logs and \$10,000 in value, before prosecution.

The proposed bill requires a hearing prior to debarment—even in cases where a criminal conviction has been obtained (e.g., timber theft) or where a civil judgement has been obtained and no material facts are in dispute. Current debarment regulations permit debarment in these situations based on the administrative record. By changing this provision, the Act will allow a person convicted of timber theft, with outstanding civil judgements, to continue to bid on and be awarded federal timber contracts during the period of the proposed debarment. This course of actions seems unwise, at best.

Mr. Speaker, the radical overhaul of the law banning log exports from our public lands could never stand the light of day. That is why it is stuck into this bill with no hearings, no deliberation, and it was only done by a couple of Senators who we cannot control, along with the other antienvironment riders in this bill.

This is a bad precedent for the U.S. House of Representatives. Are we going to allow the Senate to do these sorts of things repeatedly on these bills, or are

we just going to let this cruise by by protecting those things in this rule? I hope not. Future conference reports will be even worse, more rife with special interest riders, if we in the House do not stand up for our prerogatives and oppose this rule.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado, Mr. DAN SCHAEFER.

(Mr. DAN SCHAEFER of Colorado asked and was given permission to revise and extend his remarks.)

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I want to talk about another point which is not brought up here today. I want to say that I am very personally disappointed that we now have a chance to stop another sale of our strategic petroleum reserve.

I understand when the Committee on Appropriations, over the objection of the Committee on Commerce, proposed a one-time sale, just a one-time sale of SPR oil to pay for the decommissioning of Week's Island in Louisiana. I remember at the time, I said, if you open the door, everybody is going to look at this as a giant piggy bank. All of a sudden, if you need some more money, let us sell some more SPR oil.

This is getting to be the fourth time now that we have gone into this oil reserve. It is about time we make a stop. This is emergency energy for this country, and here we are, dipping back into the oil reserve one more time. Mr. Speaker, I think the taxpayers in this country ought to know this. The oil that we have down there is about \$35- or \$36-a-barrel oil and we are turning around and selling it for about \$22.

This is not a good deal for the American taxpayer. This should be stopped as soon as we possibly can. Mr. Speaker, I am in a position here where I think we have some really good things in this bill, but when we look at the possibility of taxpayers in this country getting ripped off, I think this is a good illustration of it. They are getting ripped off.

So therefore, I think what we have to do is go back and review this again. We had a tremendous discussion prior to this bill going to conference, so I would just say now that this rule should not allow the sale of SPR oil. It should not allow it. It is a ripoff to the taxpayers.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I am supporting this rule, and I am going to support this bill. If the administration vetoes it, I will speak to override the veto. I do not want to do so because I think that this bill is perfect. It is not. There are many items in this bill that I believe should not be here. I agree with the gentleman from Oregon [Mr. DEFAZIO] on the log export question. I think that is outrageous. I also think there are a number of other giveaways in this bill.

But I have to say that I honestly believe that on this side of the aisle we

did the best job we could negotiating on this bill, given the fact that the people who are quarterbacking the congressional lobbying for the administration are Little Leaguers. I cannot help that. All I can do is work with what God gives me. So we are doing the best we can under the circumstances.

There is no question, in my view, that the administration gave away far more than they should have, both to some interests in this country and to some individual Members of Congress. We hear a lot of talk from the White House about the money that they are going to save on the line-item veto, for instance.

This bill is a classic example of how the executive branch of Government, regardless of party, will, in the present and in the future, use the line-item veto and use their other powers in order to leverage more spending in a bill, because this bill contains at least three items which are out-and-out gifts to individual Members of Congress in order to facilitate the ability of the administration to spend almost \$700 million in additional money.

Mr. Speaker, I will support this bill, because in the public interest it is the best we can do under the circumstances. But I for 1 minute do not want to leave the impression that I in any way am thrilled by the content of much of it. I am not. I think on balance it deserves to be supported because the gentleman from Ohio [Mr. REGULA] and the gentleman from Illinois [Mr. YATES] have done the best job they could under the circumstances, but I cannot help the fact that we have had a sometimes pitiful approach from the other end of the avenue.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

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

Mr. GOSS. I thank the distinguished gentleman from Georgia for yielding time to me.

Mr. Speaker, I rise to support this rule, this bill, and engage in a brief colloquy with my friend, the gentleman from California, Chairman YOUNG, on a matter involving Outer Continental Shelf drilling.

Mr. Speaker, I have long been interested in the question of oil and natural gas drilling off the coast of the State of Florida. Each year for well over a decade Congress has adopted a moratorium on oil and gas activities in some of our Nation's sensitive waters, and this year's moratorium is included in the conference report before us. We all agree, this is not the best way to do this.

The moratorium does not provide a long-term solution to the principal problem affecting the OCS program. Notably, the current OCS regime does not provide States and localities with sufficient involvement in decisions that can greatly affect them, in the minds of many.

I have introduced legislation which would establish a joint Federal-State task force to resolve this issue. The task force would be charged with reviewing the scientific and environmental data available, commissioning further studies if necessary, and then making a permanent policy recommendation based on sound science.

Others have other views. I would yield to the distinguished chairman for his comments on that.

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

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

Mr. YOUNG of Alaska. Mr. Speaker, I appreciate the gentleman's concerns in OCS matters, particularly with respect to the Gulf of Mexico bordering his State of Florida. I agree that leasing moratoria, such as in this conference report, are not a fully satisfactory way to address our policy for oil and natural gas exploration and development in the OCS.

As chairman of the authorizing committee of jurisdiction, I would like to remind my colleagues of the considerable contribution that oil and gas from the OCS makes toward meeting our Nation's energy needs. Therefore, I am interested in a thorough review of the provisions of H.R. 180, and other bills which would authorize permanent closures of portions of the Outer Continental Shelf, in order to weigh the benefits of oil and gas development versus the potential risks to coastal and shelf resources.

I assure the gentleman that the Committee on Resources will hold a hearing on this issue during the next session of Congress.

Mr. GOSS. Reclaiming my time, Mr. Speaker, I thank the gentleman profusely for all of those interested in this issue.

Mr. YOUNG of Alaska. If the gentleman will continue to yield, I would like to say that I rise in support of this rule and this bill. This is of great interest to the gentleman from Wisconsin [Mr. OBEY]. There is a lot in this bill I do not necessarily agree with, either, but this is the work of what I call compromise and working with different factions. I believe this is the best we can do.

There are some parts of it in which I may not agree with the gentleman from Illinois [Mr. YATES], who has done a yeoman's job, but he also has some parts that he does not agree with me. However, this is a good piece of legislation that should be passed.

I urge our colleagues to understand one thing. If this does not pass, a lot of things that are in there will not be available when we go back to the table. I think it is the right thing to do. We should do it. I compliment the gentleman working on it.

Mr. GOSS. Reclaiming my time, Mr. Speaker, I would like to echo the sentiments, and congratulate the gentleman from Illinois [Mr. YATES] and the gentleman from Ohio [Mr. REGULA] for

good work under very difficult circumstances. I urge passage of the bill when it comes time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER].

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

Mr. HEFNER. Mr. Speaker, I rise in support of this rule, but the comments that I have have absolutely nothing to do with this rule.

Back in May of this year, my brother's wife passed away after a long bout with cancer. I asked for and received permission to be out to attend the funeral. The gentleman from Georgia, at the onset of this debate, said that it had been misrepresented, that the minority had misrepresented so many things around here. I thought this would be a good time to talk about misrepresentation.

There was a press release sent to the newspapers in my district that said that BILL HEFNER had voted against a bill that would cause a train wreck, and would have corrected that. I was not here. I had an excused absence. When I called the NRC, they said they would probably issue an apology or a correction. I approached the gentleman from Georgia and I was told, grow up, this is my job.

If that is the procedure we are going to use in this House, if we talk about comity, it was a very serious thing for me, for a death in my family, as it would be for anybody in this House. And if that is the way politics is going to be played around this place, I think it is a real tragedy for comity in this House.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. DICKS].

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

Mr. DICKS. Mr. Speaker, I want to rise in strong support of the Interior appropriations bill and this rule. We have had a very difficult conference, but we came out of it with \$98 million for the National Endowment for the Arts. I think that is a tremendous accomplishment, and something that we could very well lose if we go back into conference.

Second, we came out with \$699 million for the Land and Water Conservation Fund, to take care of some very important national priorities. That money could also be lost, and I think probably will be lost, if this conference report is defeated. The other body, people in the other body, senior Members, say they will not put that money in again if this bill does not go through.

To my colleagues, on the question of substitution in the West and on the question of log exports, I believe what we did in this bill is actually going to strengthen the ability to keep public timber at home.

□ 1030

Also, it will allow the free movement of private timber in the Northwest, which will allow more of it to be domestically processed.

Mr. Speaker, let me point out the bottom line is that under the law that was passed in 1990, at the end of last year the State of Washington would have been able to export 25 percent of its State's logs. What this ban does is say, no, we are going to keep public timber, State and Federal, at home. We are not going to allow it to be exported. Fifty-three percent of those sales of State timber in Washington State go down to Oregon, 53 percent.

Mr. Speaker, we did not hear our former colleague, Mr. Wyden, or we have not heard the gentleman from Oregon [Mr. SMITH] or anybody else from Oregon up here denouncing this bill, because they recognize it will mean more timber for small businesspeople in the State of Oregon.

Mr. Speaker, I frankly am outraged by the deceit that has been put in and surrounded on this particular provision. This is a good provision.

Mr. LINDER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to say, "Thank you, Honorable Congressman SIDNEY YATES." I rise today to applaud the inclusion and protection in this legislation of the National Endowment for the Arts. For anyone to think this was an easy fight, they were not here. For anyone to think that this is not an important fight, they do not know the arts.

Mr. Speaker, everywhere I go in the 18th Congressional District there are people who are saying thank goodness for the gentleman from Illinois [Mr. YATES] and the effort to retain the \$98 million in this provision.

Mr. Speaker, the fight will continue, but at least we have made the stand. This is an important part of this conference report. The most important part, however, should be that the fight must continue to not undermine the National Endowment for the Arts as it is being directed to be done.

Let me also acknowledge the Honorable Jane Alexander for her continued strength to interact with legislators and to press the point that the National Endowment for the Arts is not special interests, it is not arts for the big cities, it is art for the rural communities and centers around this Nation which provide the access to arts in school, to give exposure to young artists, to provide the legacy and the continuation of our culture.

Mr. Speaker, this bill does raise some concerns for me, great concerns, environmental concerns. But I do believe that there has been such a strong com-

mitment and effort to preserve and protect the National Endowment for the Arts that preserves and protects our culture, that I would argue that this is an important rule and that we must move forward.

Mr. Speaker, the National Endowment for the Arts has been under attack for a number of years. I hope this legislation will get us reformulated in our strategy to increase its funds, to recognize its stand for the preservation of our culture and legacy and fight against the radical right that want to destroy the arts of this Nation.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MILLER].

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

Mr. MILLER of California. Mr. Speaker, I rise in opposition to the rule and to the conference report because, as has been the case with past appropriations bills, this report is riddled with indefensible and unsound and undebated provisions that represent a direct assault on the environment and the resources of this country.

Mr. Speaker, I want to concur in the statements of the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations, that the negotiations on behalf of the White House have been completely bungled and mishandled and the result is a bill that is very, very damaging to America's environment.

Mr. Speaker, I appreciate all of the work that has been done on the arts, and the arts has become the compelling reason to vote for this legislation. But the arts should not be allowed to destroy the environment in that same legislation.

In fact, Mr. Speaker, what we have here is a piece of legislation that is terribly detrimental to the environment. It completely destroys the \$700 million in "priority Federal land acquisitions" because of the conditions placed on those acquisitions. The report inappropriately delays these important acquisitions, even though the Land and Water Conservation Fund already provides the ample authority for these acquisitions. Moreover, the use of any of the remaining funds of the \$700 million can easily be blocked by the actions of a small number of Members.

I also object to the outright political payoffs included in this bill to benefit local Members of Congress in the areas of the acquisition. Humboldt County, where the headwaters of the beautiful ancient rain forest is located, is given \$10 million even though there is no concrete evidence that this amount had any relationship to any projected economic losses or that this money will be used to compensate any injury in timbering as a result of the acquisition of these lands.

But even more egregious is in the case of Montana, where \$12 million is

earmarked for highway funds as the result of the acquisition of the New World Mine and then another \$10 million is promised to that State. But understand this, that if the Governor does not act on that \$10 million and does not accept it, he is then offered some coal deposits that may have a value to the taxpayers of this country of \$226 million in royalties and bonus bids. So if the Governor sits on his hands, the taxpayers lose \$220 million. No hearings, no discussions. That is what is going on in this legislation.

Mr. Speaker, we have also embarked on a new approach here that we now have Federal acquisitions that are expensive enough, of major environmental assets in this country, that now we are going to start compensating people for imagined loss even though the track record is in most instances where we acquire lands for national parks and monuments and wilderness areas, the fact is that the local economy is dramatically stimulated because visitors from throughout America and throughout the world come there to visit these newly designated sites. As we see in the case of Death Valley and the parks and monuments in California, in southern Utah, the economy is springing forth because of that. But now we are going to compensate these economies with a gift of tens of millions of dollars because we imagine that they might suffer some losses.

Mr. Speaker, I am also terribly disturbed about what this does in terms of the timber programs and the timber management of our national forests and lands. We had very close votes in this House on stopping the construction of new timber roads, and yet what we see when they went to the conference committee, they just disregarded the votes in this House and now we have gone beyond the President's budget. The tragedy is that we will see more destruction of more lands in the Nation's timberlands.

The administration had proposed eliminating the road credits, but in fact we did not do that in this legislation. We headed in the opposite direction. This report, as pointed out by the gentleman from Oregon, makes it easier to export logs off of Federal lands, as the Inspector General report tells this Congress. But, again, this step was taken with no hearings, no public review, no discussion about the ramifications of this.

This report also obstructs the efforts for ecosystem planning in the Columbia River Basin. It interferes with the implementation of the grizzly bear program in Idaho under the Endangered Species Act, and it overturns court injunctions helping grazers in the Southwest.

Mr. Speaker, that is the problem with this legislation, that once they got it out of the House, once they got it out of the House where it was a fairly decent bill with respect to the environment, the conference committee

went crazy and the administration just badly handled these negotiations. The result is that we now have once again the Interior Appropriations bill with antienvironmental riders on it, the same kind of riders that were added 2 years ago when the Republican majority shut down the Government over this legislation. We now see this legislation with the same kind of riders and we cannot get an answer out of the President of the United States of whether or not he will sign the bill.

Mr. Speaker, this bill should be rejected. The rule should be voted down.

Mr. Speaker, I include for the RECORD information from the Greater Yellowstone Coalition.

DOES THE INTERIOR APPROPRIATIONS BILL
GIVE AWAY \$10 MILLION OF FEDERAL COAL?

No. It gives away far more than that.

The bill requires the Secretary of Interior to give away either \$10 million worth of federal coal agreed to by the Governor of Montana and the Secretary, or the Otter Creek tracts. If the Governor does not agree to take \$10 million worth of coal approved by the Secretary, the Secretary must give the Governor the Otter Creek tracts—which are worth far more than \$10 million.

The Otter Creek tracts cover 10½ square miles and include reserves of 533 million tons of coal. Similar coal sells for \$8-9 a ton at the mine mouth. The bonus bids alone on such tracts average roughly 4 cents per ton—or \$21 million. But the real value lies in the 12½% royalty the federal government would collect on the value of the coal mined. The value of the coal is \$8/ton 533 million tons, or \$4.26 billion, of which the federal government would collect 12½%, or 532 million dollars. Under present law, 50% of that would be sent to the state government. This coal would have returned \$266 million to the Treasury. This is what the Interior appropriations bill conveys to the State of Montana for no consideration.

ISN'T THIS AN ACCEPTABLE PRICE TO PAY TO
ACHIEVE THE BUY OUT OF THE NEW WORLD
MINE, WHICH THREATENS YELLOWSTONE NATIONAL PARK?

No, because that purchase will never be consummated if it is tied to this giveaway. The purchase agreement is tied to the settlement of a Clean Water Act lawsuit brought against the gold mining company by local community interest groups. Settlement of the lawsuit is a prerequisite of the purchase. But several of the plaintiffs are strongly opposed to new coal development in the presently unmined area of the Otter Creek tracts—and will not agree to a settlement if it will lead to mining the Otter Creek tracts. They agreed to a settlement with the gold miners—but not with coal mining of presently unmined ranchlands.

For more information, call Russ Shay at 202-544-3198.

GREATER YELLOWSTONE COALITION,
Bozeman, MT, October 23, 1997.
President, WILLIAM JEFFERSON CLINTON,
The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: We write to urge you to veto the FY98 Interior Appropriations bill that will soon be on your desk. The provision in the bill requiring that 500 million tons of federal coal be given to the state of Montana as a prerequisite for completing the New World mine agreement is completely unacceptable and only serves to hold Yellowstone National Park hostage to pork barrel politics. If developed today, the coal reserves

named in the bill would generate at least \$250 million in royalties each to the federal treasury and the State of Montana.

Through your leadership, the conservation community and Crown Butte Mines, Inc. found a way to amicably resolve a potentially explosive, expensive and debilitating debate over a mine proposed on Yellowstone's doorstep. The agreement signed in your presence on August 12, 1996 in Yellowstone National Park was a win for all parties. It protected Yellowstone forever from the threat of industrial mining and its resulting water pollution. It protected Crown Butte's property rights and it called for \$22.5 million in pollution clean-up in the mining district which will protect human health and create jobs.

The 1996 agreement was embodied in principle in a tentative pact reached between the Administration and Congressional leadership two weeks ago. This proposal, which funded the agreement, also contained funds for the Beartooth Highway and called for a study of mineral resources in Montana.

Now, in a last-minute political maneuver, Representative Rick Hill and Senator Conrad Burns have included a provision in the FY98 Interior Appropriations bill that requires that coal or other mineral assets be given, free, to the state of Montana. This provision not only fleeces the American taxpayer by requiring that property owned by us all be given away, it brings significant new controversy to a process that has been marked by cooperation.

Coal development in eastern Montana has a long and contentious history. Coal mining adversely affects ranchers property rights and the water they depend on for their livestock operations. Coal mining changes the character of local communities and puts significant strains on community infrastructure and resources. It also changes patterns of public use, putting off-limits to entry land that was used for recreation, hunting and fishing.

Because of the controversial nature of coal development, the federal government has taken a very open and public approach to coal. Areas proposed for leasing go through extensive public review with all values considered. None of this is true of the provision in the FY98 Interior Appropriations bill. No public hearings were held on this provision, no public input sought. Giving coal to Montana is a backroom deal, pure and simple. It will benefit a few at the expense of many.

We are in firm support of the 1996 New World agreement. It is an agreement crafted to protect Yellowstone and its water. Coal has nothing to do with the agreement or in protecting the Park. As plaintiffs to a Clean Water Act lawsuit against Crown Butte Mines, Inc., we urge that you veto the bill and insist that Congress send to you legislation that implements the historic agreement signed in Yellowstone.

Sincerely,

Michael Clark, Executive Director,
Greater Yellowstone Coalition; Jim Barrett, Board Member, Beartooth Alliance; Tom Throop, Executive Director, Wyoming Outdoor Council; Joe Gutkoski, President, Gallatin Wildlife Association; Julia Page, President, Northern Plains Resource Council; Tony Jewett, Executive Director, Montana Wildlife Federation; Betsy Buffington, Associate Representative, Sierra Club; Sean Sheehan, Northwest Wyoming Resource Council.

Mr. LINDER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I appreciate the generous grant of time. I would like to go back to the issue of log exports, because the gentleman from Washington [Mr. DICKS] tried to obfuscate the issue a little bit.

Mr. Speaker, let us say it in simple language. The Inspector General of the Department of Agriculture, a qualified attorney, one versed in the laws of the land and the restrictions on the export of logs at the Department of the Government charged with implementing restrictions on the export of logs harvested on Federal lands says, and perhaps the gentleman can understand this language, "Implementation of the proposed bill will effectively gut the Forest Resources Conservation and Shortage Relief Act of 1990."

She goes on at great length. I realize it is two pages, single space, and it might be difficult for some to understand. But in those two pages she comes to no different conclusion. This effectively repeals restrictions on the export of Federal logs so that we can become a log exporting colony of Japan where they do not harvest trees. I do not think that is right. I do not think it is good even for those log exporting companies in Washington State that are pushing this, because it is going to bring about a backlash if this goes into place.

Mr. Speaker, when people see the scarcity of logs coming off of Federal lands being diverted into a foreign market which does not allow the import of our finished products, it only wants our raw materials so it can protect its own dying and inefficient industry, outrage will run high in the Pacific Northwest and I believe across the Nation.

Mr. Speaker, this is wrong. This is the effect of this legislation. The gentleman from Washington who spoke so eloquently was also an eloquent supporter of the timber salvage rider when it first passed. I was an outspoken opponent when it first passed. A year later, the same gentleman was an eloquent proponent of repealing the timber salvage rider, the one that he had supported so eloquently the year before, because he said he could not have anticipated the impact.

Mr. Speaker, it is the same here. I urge Members to read the single spaced, two-page report. If we pass this legislation, not only will we have the giveaways of our oil, not only will we violate the Land and Water Conservation Fund and do a couple of blatant payoffs to a number of congressional districts, not only will the other anti-environment riders contained in this legislation go forward, we will repeal the ban on the export of logs from Federal lands. Plain and simple. We cannot deny it. That is the bottom line.

So if Members want to vote for anti-environment riders, if they want to vote for a giveaway of the Elk Hills Naval Petroleum Reserve, if Members love those sorts of things, if they want to give away the authority of the

House of Representatives to the Senate and protect unauthorized provisions in this bill, if we want to set that precedent, if we want to roll over for the Senate, then vote for the rule.

But if Members do not, if they want to protect our prerogatives and protect the taxpayers and protect the environment, then Members will vote "no" on this rule.

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

Mr. LINDER. Mr. Speaker, urging all of my colleagues to support this rule, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore [Mr. MILLER of Florida]. The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 247, nays 166, not voting 20, as follows:

[Roll No. 527]

YEAS—247

Allen	Dicks	Hill
Andrews	Dingell	Hilliard
Archer	Dooley	Hinojosa
Armey	Doyle	Hobson
Baessler	Dreier	Horn
Baker	Dunn	Hoyer
Ballenger	Edwards	Hyde
Barcia	Ehlers	Jackson (IL)
Barrett (NE)	Ehrlich	Jackson-Lee
Bartlett	Emerson	(TX)
Barton	Engel	John
Bass	English	Johnson (CT)
Bateman	Eshoo	Johnson (WI)
Berry	Etheridge	Johnson, E. B.
Bilbray	Ewing	Kanjorski
Bishop	Farr	Kaptur
Blunt	Fawell	Kasich
Boehlert	Flake	Kelly
Boehner	Foglietta	Kennelly
Bonilla	Foley	Kildee
Borski	Forbes	Kim
Boucher	Ford	King (NY)
Buyer	Fowler	Kingston
Callahan	Fox	Klecza
Camp	Frank (MA)	Klink
Campbell	Franks (NJ)	Klug
Canady	Frelinghuysen	Knollenberg
Cannon	Frost	Kolbe
Castle	Galleghy	LaHood
Chambliss	Ganske	Lantos
Clement	Gekas	Latham
Clyburn	Gilchrest	LaTourette
Coble	Gillmor	Lazio
Collins	Gilman	Leach
Combest	Goode	Levin
Cook	Goodlatte	Lewis (CA)
Cooksey	Gordon	Linder
Costello	Goss	Livingston
Cox	Granger	LoBiondo
Cramer	Greenwood	Lofgren
Crapo	Gutknecht	Lucas
Cummings	Hall (OH)	Manton
Danner	Hamilton	Mascara
Davis (FL)	Hansen	Matsui
Davis (VA)	Harman	McCollum
Deal	Hastert	McCrery
DeLauro	Hastings (FL)	McDade
DeLay	Hastings (WA)	McHugh
Deutsch	Hayworth	McInnis
Diaz-Balart	Hefner	McIntyre

McKeon	Quinn	Stokes
Meek	Radanovich	Sununu
Metcalf	Rahall	Tauscher
Mica	Ramstad	Tauzin
Miller (FL)	Redmond	Taylor (NC)
Moakley	Regula	Thomas
Moran (VA)	Reyes	Thompson
Morella	Riggs	Thornberry
Murtha	Rodriguez	Thune
Nadler	Rogers	Tiahrt
Neal	Ros-Lehtinen	Trafigant
Nethercutt	Roukema	Turner
Neumann	Sandlin	Upton
Ney	Sawyer	Visclosky
Northup	Saxton	Walsh
Norwood	Sensenbrenner	Wamp
Nussle	Serrano	Waters
Oberstar	Sessions	Watkins
Obey	Shadegg	Waxman
Ortiz	Shaw	Weldon (PA)
Oxley	Sherman	Weller
Packard	Shimkus	Wexler
Pappas	Shuster	White
Parker	Sisisky	Whitfield
Pastor	Skaggs	Wicker
Peterson (PA)	Skeen	Wise
Petri	Skelton	Wolf
Pickett	Smith (MI)	Woolsey
Pombo	Smith (NJ)	Wynn
Pomeroy	Smith (TX)	Yates
Porter	Snowbarger	Young (AK)
Portman	Solomon	Young (FL)
Pryce (OH)	Spence	

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Abercrombie	Graham	Pascarell
Ackerman	Green	Paul
Aderholt	Gutierrez	Paxon
Bachus	Hall (TX)	Pease
Baldacci	Hefley	Pelosi
Barr	Herger	Peterson (MN)
Barrett (WI)	Hilleary	Pickering
Becerra	Hinchey	Pitts
Bentsen	Hoekstra	Poshard
Berman	Holden	Price (NC)
Blagojevich	Hooley	Riley
Bliley	Hostettler	Rivers
Blumenauer	Hulshof	Roemer
Bonior	Hutchinson	Rogan
Boswell	Inglis	Rohrabacher
Boyd	Istook	Rothman
Brady	Jefferson	Roybal-Allard
Brown (FL)	Jenkins	Royce
Brown (OH)	Johnson, Sam	Rush
Bryant	Jones	Sabo
Bunning	Kennedy (MA)	Salmon
Burr	Kennedy (RI)	Sanchez
Burton	Kilpatrick	Sanders
Calvert	Kind (WI)	Sanford
Capps	Kucinich	Scarborough
Cardin	LaFalce	Schaefer, Dan
Carson	Lampson	Schaffer, Bob
Chabot	Largent	Schumer
Christensen	Lewis (GA)	Scott
Clay	Lewis (KY)	Shays
Clayton	Lipinski	Slaughter
Coburn	Lowey	Smith, Adam
Condit	Luther	Smith, Linda
Conyers	Maloney (CT)	Snyder
Coyne	Maloney (NY)	Spratt
Crane	Manzullo	Stabenow
Cunningham	Markey	Stark
Davis (IL)	Martinez	Stearns
DeFazio	McCarthy (MO)	Stenholm
DeGette	McDermott	Strickland
Delahunt	McGovern	Stump
Dellums	McHale	Stupak
Doggett	McKinney	Talent
Doolittle	McNulty	Tanner
Duncan	Meehan	Taylor (MS)
Ensign	Menendez	Thurman
Evans	Millender	Tierney
Everett	McDonald	Torres
Fattah	Miller (CA)	Towns
Fazio	Minge	Velazquez
Filner	Mink	Vento
Furse	Moran (KS)	Watt (NC)
Gejdenson	Myrick	Watts (OK)
Gephardt	Olver	Weldon (FL)
Gibbons	Owens	Weygand
Goodling	Pallone	

NOT VOTING—20

Bereuter	Cubin	Hunter
Bilirakis	Dickey	McCarthy (NY)
Bono	Dixon	McIntosh
Brown (CA)	Gonzalez	Mollohan
Chenoweth	Houghton	

Payne
RangelRyun
SchiffSmith (OR)
Souder

□ 1106

Messrs. STUPAK, BARR of Georgia, BURTON of Indiana, MORAN of Kansas, HULSHOF, PAXON, PICKERING, CALVERT, PEASE, BENTSEN, KENNEDY of Rhode Island, Mrs. LOWEY, Mrs. THURMAN, and Ms. SLAUGHTER changed their vote from "yea" to "nay."

Messrs. MCINNIS, DAVIS of Virginia, and COX of California changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMTRAK REFORM AND PRIVATIZATION ACT OF 1997

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to House Resolution 270 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2247.

□ 1108

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. 2247) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, with Mr. THORNBERRY, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, October 22, 1997, all time for general debate had expired.

Pursuant to the rule, the Committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered as read.

The text of the Committee amendment in the nature of a substitute is as follows:

H.R. 2247

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Amtrak Reform and Privatization Act of 1997".

TITLE I—PROCUREMENT REFORMS

SEC. 101. CONTRACTING OUT.

(a) AMENDMENT.—Section 24312(b) of title 49, United States Code, is amended to read as follows:

"(b) CONTRACTING OUT.—(1) When Amtrak contracts out work normally performed by an employee in a bargaining unit covered by a contract between a labor organization and Amtrak, Amtrak is encouraged to use other rail carriers for performing such work.

"(2)(A) Amtrak may not enter into a contract for the operation of trains with any entity other than a State or State authority.

"(B) If Amtrak enters into a contract as described in subparagraph (A)—

"(i) such contract shall not relieve Amtrak of any obligation in connection with the use of facilities of another entity for the operation covered by such contract; and

"(ii) such operation shall be subject to any operating or safety restrictions and conditions required by the agreement providing for the use of such facilities.

"(C) This paragraph shall not restrict Amtrak's authority to enter into contracts for access to or use of tracks or facilities for the operation of trains."

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 254 days after the date of the enactment of this Act.

SEC. 102. CONTRACTING PRACTICES.

(a) BELOW-COST COMPETITION.—Section 24305(b) of title 49, United States Code, is amended to read as follows:

"(b) BELOW-COST COMPETITION.—(1) Amtrak shall not submit any bid for the performance of services under a contract for an amount less than the cost to Amtrak of performing such services, with respect to any activity other than the provision of intercity rail passenger transportation, commuter rail passenger transportation, or mail or express transportation. For purposes of this subsection, the cost to Amtrak of performing services shall be determined using generally accepted accounting principles for contracting.

"(2) Any aggrieved individual may commence a civil action for violation of paragraph (1). The United States district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce paragraph (1). The court, in issuing any final order in any action brought pursuant to this paragraph, may award bid preparation costs, anticipated profits, and litigation costs, including reasonable attorney and expert witness fees, to any prevailing or substantially prevailing party. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

"(3) This subsection shall cease to be effective on the expiration of a fiscal year during which no Federal operating assistance is provided to Amtrak."

(b) THROUGH SERVICE IN CONJUNCTION WITH INTERCITY BUS OPERATIONS.—(1) Section 24305(a) of title 49, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) Except as provided in subsection (d)(2), Amtrak may enter into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes only—

"(i) if the motor carrier is not a public recipient of governmental assistance, as such term is defined in section 13902(b)(8)(A) of this title, other than a recipient of funds under section 5311 of this title;

"(ii) for passengers who have had prior movement by rail or will have subsequent movement by rail; and

"(iii) if the buses, when used in the provision of such transportation, are used exclusively for the transportation of passengers described in clause (ii).

"(B) Subparagraph (A) shall not apply to transportation funded predominantly by a State or local government, or to ticket selling agreements."

(2) Section 24305(d) of title 49, United States Code, is amended by adding at the end the following new paragraph:

"(3) Congress encourages Amtrak and motor common carriers of passengers to use the authority conferred in sections 11322 and 14302 of this title for the purpose of providing improved service to the public and economy of operation."

SEC. 103. FREEDOM OF INFORMATION ACT.

Section 24301(e) of title 49, United States Code, is amended by striking "Section 552 of title 5,

this part," and inserting in lieu thereof "This part".

SEC. 104. TRACK WORK.

(a) OUTREACH PROGRAM.—Amtrak shall, within one year after the date of the enactment of this Act, establish an outreach program through which it will work with track work manufacturers in the United States to increase the likelihood that such manufacturers will be able to meet Amtrak's specifications for track work. The program shall include engineering assistance for the manufacturers and dialogue between Amtrak and the manufacturers to identify how Amtrak's specifications can be met by the capabilities of the manufacturers.

(b) ANNUAL REPORT.—Amtrak shall report to the Congress within 2 years after the date of the enactment of this Act on progress made under subsection (a), including a statement of the percentage of Amtrak's track work contracts that are awarded to manufacturers in the United States.

TITLE II—OPERATIONAL REFORMS

SEC. 201. BASIC SYSTEM.

(a) OPERATION OF BASIC SYSTEM.—Section 24701 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(b) IMPROVING RAIL PASSENGER TRANSPORTATION.—Section 24702 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(c) DISCONTINUANCE.—Section 24706 of title 49, United States Code, is amended—

(1) by striking subsection (b);

(2) by striking "NOTICE OF DISCONTINUANCE.—(1) Except as provided in subsection (b) of this section, at" and inserting in lieu thereof "TIME OF NOTICE.—At";

(3) by striking "90 days" and inserting in lieu thereof "180 days";

(4) by striking "a discontinuance under section 24704 or 24707(a) or (b) of this title" and inserting in lieu thereof "discontinuing service over a route";

(5) by inserting "or assume" after "agree to share";

(6) by striking "(2) Notice" and inserting in lieu thereof "(b) PLACE OF NOTICE.—Notice"; and

(7) by striking "section 24704 or 24707(a) or (b) of this title" and inserting in lieu thereof "subsection (a)".

(d) COST AND PERFORMANCE REVIEW.—Section 24707 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(e) SPECIAL COMMUTER TRANSPORTATION.—Section 24708 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(f) CONFORMING AMENDMENT.—Section 24312(a)(1) of title 49, United States Code, is amended by striking "24701(a)".

SEC. 202. MAIL, EXPRESS, AND AUTO-FERRY TRANSPORTATION.

(a) REPEAL.—Section 24306 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

(b) CONFORMING AMENDMENT.—Section 24301 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(o) NONAPPLICATION OF CERTAIN OTHER LAWS.—State and local laws and regulations that impair the provision of mail, express, and auto-ferry transportation do not apply to Amtrak or a rail carrier providing mail, express, or auto-ferry transportation."

SEC. 203. ROUTE AND SERVICE CRITERIA.

Section 24703 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.