

care, and the gentleman from Washington (Mr. NETHERCUTT) is a fine gentleman. The gentleman has offered amendments in the committee, and I have supported him a number of times.

This one is not the right thing to do. All great civilizations are known by their arts, their culture, their humanities, for hundreds of years after all of us leave. This country has not funded properly the arts and humanities in our country, so that our children can be beneficiaries of this great culture that we live in.

So do we now use a process to take away an amendment that was passed lawfully on this floor juxtapose it against an amendment we really do need, but not in this manner? I say to you, Mr. Chairman, it is the wrong way to do it and it is not proper; that as we go through the rest of the 5 or 6 months, or less than that, 3 or 4 months of this fiscal year, we will find that the budget receipts in our Treasury are larger than we thought they would be 3 months ago.

The country is doing well. Why should we have to choose between education and health care? Why should we have to choose between the arts and funding Native American health care? It is because the Republican Party wants to save hundreds of millions of dollars, nearly \$1 billion, I might add, for tax cuts that the American people have already said they do not want. They want you to fund education and housing and health care; they want you to fund the environment, roads and bridges and the like.

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So Mr. Chairman, the amendment, though it means good, is not the right thing to do. Let us fund Native American health care. They deserve it, for all the reasons that have already been mentioned.

But at the same time, let us adequately fund the arts and humanities, so that our children and grandchildren can attest to the fact that this is a great country, and that 100 years from now they will look at this 106th Congress and say that we stood up for what was right for our country and for our children.

Vote against the Nethercutt amendment, and let us continue with the work of this Congress.

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

Mr. Chairman, I think we all are talking at each other, not with each other. I think we are about ready to vote on this issue.

Let me just say sincerely, I voted with the gentlewoman from New York, and it is not because the gentlewoman from New York (Ms. SLAUGHTER) is my cousin. I think we ought to remember, as we talk across the aisle, that we are all Americans, and sometimes we are even family.

I am ready to vote with her again, not because she is my cousin, but be-

cause it represents my district. I am representing my part of the world in this body as I swore to do under the Constitution.

The gentleman from Washington (Mr. NETHERCUTT) is representing his district. I respect him for that. I respect him now as a representative under his constitutional powers. I have a little problem with the ridiculing and the attacking of us doing what we are supposed to do under our constitutional obligations.

I do not care who the gentleman from Washington defeated to get this seat. That is not the point. He does represent his district, and I expect him to do the best he can. He has found an opportunity to aggressively represent his district. The gentlewoman from New York has aggressively represented her district. We should not be attacking them for doing that. We should be celebrating the system working.

I just ask us to remember, this is what it is all about, representing our districts, and the cumulative impact of doing that. I would be remiss without bringing up one fact, we would all rather be somewhere tonight. I would have rather been at the graduation, of my children, Patrick and Briana, this week, but we are working on an education bill, we are working on an Interior bill. We are doing what we need to do.

I apologized to my children for not being there. I need that on the RECORD, and I apologize to the Members for sneaking this in. But I need to say sincerely, we have some opportunities to work together rather than sniping. Let us accept the fact that we do what we can, we represent our districts, and let us go together, out of the fact that all of us are doing what the public in our districts mandate and what the public wants us to do.

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

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

Mr. HORN. Mr. Chairman, I thank the gentleman for yielding to me. I believe basically that the will of the House is supreme, and what can be done by some of its committees certainly can be done by the whole body of the House.

We all know there is a rule that we cannot legislate on an appropriations bill. We get that through the Committee on Rules and it comes in here regularly when we vote the rule.

There are three traditional things we can do to get out of this situation. One is recommittal now. One is instruct the conferees. One is recommittal if the conference report comes back from the conference and does not satisfy anybody in here.

Again, I would suggest that by unanimous consent we add to the legislation, the Interior appropriations bill, that any amendment which has been adopted by a majority vote in the House will be funded in conference. I think that would solve it, because we know the

Senate is bringing in a much higher figure than we are.

REQUEST FOR MODIFICATION OFFERED BY MR. HORN TO THE AMENDMENT OFFERED BY MR. NETHERCUTT

Mr. HORN. Mr. Chairman, I ask unanimous consent for that language to be added, Mr. Chairman, out of order, out of rules, and out of everything else, to get this thing solved.

The CHAIRMAN. Is the gentleman from California suggesting an amendment to the Nethercutt amendment?

Mr. HORN. That is one way, and we could vote on it.

The CHAIRMAN. If that is the gentleman's desire, then the gentleman needs to have an amendment in writing to the Nethercutt amendment.

Mr. HORN. It is here if the Page is around.

The CHAIRMAN. The Chair understands that the unanimous consent request is a modification to the Nethercutt amendment.

The Clerk will report the proposed modification to the amendment.

The Clerk read as follows:

Modification of amendment offered by Mr. HORN:

At the end of the Nethercutt amendment add:

Any amendment which has been adopted by a majority vote in the House will be funded in conference.

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

PARLIAMENTARY INQUIRY

Mr. OBEY. Parliamentary inquiry, Mr. Chairman. Mr. Chairman, I just wanted the Clerk to re-read the amendment.

The CHAIRMAN. The Clerk will reread the amendment.

The Clerk reread the amendment.

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

Mr. KINGSTON. Mr. Chairman, is the gentleman from California (Mr. HORN) asking for unanimous consent, or is he amending the Nethercutt amendment?

The CHAIRMAN. At this point, the gentleman from California is asking unanimous consent.

Mr. KINGSTON. Reserving the right to object, Mr. Chairman, the concern I have is that there has been an insinuation that there was some victory on the floor, and that victory has been snatched.

There was a victorious battle, but there was not a victorious war. We can win one battle in legislative bodies and then lose it in the next moment. I do not think there should be apologies or handwringing about that.

If the Nethercutt amendment passes, then that is not the end of the road. I am not a big NEA supporter, but I am going to vote for the bill and I am going to get to the resolution in committee, in conference. That is the way life is in the legislature.

Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

## PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. OBEY. Mr. Chairman, I am trying to understand the status of the suggestion that was just made by the gentleman from California. Is the gentleman asking unanimous consent to offer an amendment? Is he offering an amendment?

The CHAIRMAN. The Chair's understanding was that the gentleman from California asked unanimous consent to make an amendment to the pending Nethercutt amendment. There was objection heard to that request.

Mr. OBEY. I thank the Chair.

Mr. HORN. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

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

Mr. HAYWORTH. Mr. Chairman, I object.

Mr. HORN. Mr. Chairman, I would hope we would have a tradition of at least letting debate occur on a parliamentary matter.

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

Mr. Chairman, I yield to my friend, the gentleman from California (Mr. HORN). Although the objection came it my way, it did not come from my lips.

Mr. HORN. Mr. Chairman, I did not want something that will harm the Nethercutt amendment. That was put on at the desk. I simply want that language in the appropriations report at the end of where we have a lot of these things, and it seems to me that is then an instruction to the conferees, whether it be the amendment of the gentleman from Washington (Mr. NETHERCUTT) or whether it be the amendment of the gentlewoman from New York (Ms. SLAUGHTER), that as long as it had the majority of the House it would be funded in conference.

In other words, we are asking to waive a lot of things that are blocking decision-making in a rational way. We have had great passion tonight, and everybody is right as far as I am concerned on that, but we have the problem of getting into conference and solving this problem, because we do not have the money at this point.

We will have when it is in conference, so that is why I would like the unanimous consent to put that language in there. It does not affect the gentleman from Washington (Mr. NETHERCUTT) nor the gentlewoman from New York (Ms. SLAUGHTER). We assume both will have a majority.

Mr. KINGSTON. Reclaiming my time, Mr. Chairman, I would say to my friend, the gentleman from California, while I did object to the language, I did not object to the gentleman's right to speak and offer it. That is why I wanted to yield the gentleman time.

Frankly, from my standpoint, this is just what the legislative process is

about. The Slaughter amendment was debated and passed. The money was laid on the table, as was the wording of the amendment. That also opens up a new avenue of danger, if you will, in terms of people coming up with ideas of how to spend that money.

I am going to support this. The gentleman can question my motives. I think people are not questioning it, they are probably already tired of my motives. If I was from New York City, I would support it. That is where 70 percent of the money goes.

But to me, Mr. Chairman, in the study of choice, it is not a good choice. I do not think the government needs to be in the NEA. We have billion dollars in a tax write-off for arts, we have millions of dollars in art purchasing, we spend millions on art education.

My dad is an artist. My daughter wants to be to be an artist. My wife is on a theater board. You can say I am against the arts because I do not support the NEA, but that is not true. I think it is a waste of money. I am satisfied to vote no against it. I voted against it in committee, I will vote against it in the conference committee.

It always gets bumped up in conference committee, it always survives. That is just the nature of it. We just have to roll with the punches. I am going to support the Nethercutt amendment.

That is only half the reason. I am also going to support it because of what he is doing. He has bumped up Indian health care services \$150 million over the time that he has been chairman of this committee. That is very significant. This year we were only able to increase it \$30 million, but this gives us an opportunity to put another \$22 million in it. It is a sound proposal.

Mr. Chairman, I think children on Indian reservations who need health care are a higher priority than elitists who want to hang out at certain art functions. I am not saying they are all artists, but I would say if the people in the NEA are poor and starving as compared to those on the Indian reservations, I do not understand what the definition of the words are.

I sat in the committees, I heard the tribes, heard the testimonies. I feel very solidly that that is where the money should go.

## ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would make this statement. The Chair cannot entertain a rules change order in the Committee of the Whole which is offered as a freestanding special order and not as an amendment to the pending bill.

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

Mr. Chairman, I have been asked by the leadership, the gentleman from Florida (Mr. YOUNG) who I have the highest regard for, and the gentleman from Ohio (Mr. REGULA), to bring this to a close and to have a vote on the amendment. I think we should do that.

I want to say that the gentlewoman from New York (Ms. SLAUGHTER) has

not been treated well here tonight on this process. I think it is very unfair.

I will ask this. We are going to have a motion to recommit in which the gentlewoman's amendment will be the central piece. I am urging the 25 Republicans who had the courage today to vote with us on this amendment, to vote for the motion to recommit. That way we can accomplish what the gentleman from California wanted. We can fund the \$22 million to help the Indians in this country who desperately need the help, and also fund the arts.

I think this is a fair compromise. I would like to see that, and I would hope that other Republicans would join with us tonight to make it more than just the 25 that joined us earlier today.

I ask for a vote on the Nethercutt amendment.

Ms. LEE. Mr. Chairman, I was sitting in my office watching this debate with a member of my staff who happens to be Native American. You cannot imagine how he feels listening to this debate on this amendment which once again sends a message to the Native American community that they really are not one of our nation's priorities. I rise to oppose this amendment because it is a slap in the face of American Indians.

My district has the largest concentration of American Indians. The 22 million dollars that is proposed for Native health care will never reach them. Not only do we under fund services for services on Indian Reservations, but we fund even less to urban Indian communities. Many of these urban Indians are forced to travel long distances for hours at a time just to access the most basic health care. Many of these services they are not able to access in the inner cities or urban areas because they cannot afford to. This is a disgrace. The amendment to direct \$22 million for Indian Health Care does not even scratch the surface of the needs in Indian country.

If the Majority really wanted to do something positive for Native Americans, this budget would have taken more consideration and care to provide funding to address diabetes, to fund maternal health care, to ensure that substance abuse and mental health services are sufficiently funded to make a difference.

To think that we are going to support such measly funding when compared to the needs of Native Americans and then try for more next year? I say this! Next year, when we reconsider this funding, many Native Americans will have died from diabetes, alcoholism, heart disease and HIV/AIDS! They can't wait till next year.

Soon we will take under consideration the Ryan White Care Act. Did you know that funding for HIV/AIDS care in many cases never reaches Indian Country.

HIV/AIDS care, that is subsidized by the Federal Government is billed to Tribes! That's right. Indians are not able to access ADAP with out being billed. HRSA funded services are billed to IHS or to Tribal Health Care programs. This is an outrage.

We all know how expensive HIV/AIDS therapies are. Yet, when it comes to the tribes, we don't give them nearly enough for those services. Those services have to come out of the IHS general budget! A budget that is already, desperately underfunded!

Last week we moved out of this house a bill for National Missile defense system that many

experts say won't even work. Billions of dollars! Yet we have the audacity to cut substantially Indian Health Services, and then, try to come back and make \$22 million look like we are doing the Tribes a favor?

Native Americans suffer disproportionately high rates of diabetes, substance abuse, unemployment, and in many cases have inadequate access to quality education. Why? Because we neglect to live up to treaties between the Government and Tribes throughout the country.

If we the Members of this House had the needs of Native Americans in mind, we would not have underfunded Native Americans by over \$300 million. We would not pit Native American health care against the arts and humanities. The best thing to do at this moment is to withdraw this amendment and offer another amendment to fund Native American health care, and not at the expense of programs that will also suffer the outcomes of this budget.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. NETHERCUTT).

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

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

The CHAIRMAN. The Chair is counting for a quorum.

Mr. HAYWORTH. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The demand for a recorded vote is withdrawn and the point of no quorum is withdrawn.

So, the amendment was agreed to.

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

#### 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, \$336,423,000, 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 notwithstanding any provision of law governing Federal construction, \$240,000 of the funds provided herein shall be provided to the Hopi Tribe to reduce the debt incurred by the Tribe in providing staff quarters to meet the housing needs associated with the new Hopi Health Center: *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

not to exceed \$500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing inter-agency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed \$500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

#### ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore 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: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That 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: *Provided further*, That 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: *Provided further*, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That 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: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further*, That 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, and 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, said amounts to remain available until expended: *Provided further*, That 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: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

#### OTHER RELATED AGENCIES

##### OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$8,000,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

##### 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, \$375,230,000, of which not to exceed \$47,126,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, including such funds as may be necessary to support American overseas research centers and of which \$125,000 is for the Council of American Overseas Research

Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further*, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further*, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of repair, restoration, 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), including not to exceed \$10,000 for services as authorized by 5 U.S.C. 3109, \$47,900,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further*, That funds previously appropriated to the "Construction and Improvements, National Zoological Park" account, the "Repair and Restoration of Buildings" account, and the "Repair, Rehabilitation and Alteration of Facilities" account may be transferred to and merged with this account.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

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

The Smithsonian Institution shall not use Federal funds in excess of the amount specified in Public Law 101-185 for the construction of the National Museum of the American Indian.

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.

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 serv-

ices 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, \$61,279,000, of which not to exceed \$3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$8,903,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

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

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$13,947,000.

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, \$19,924,000, 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, \$6,763,000.

Mr. REGULA (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 84, line 20, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

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The CHAIRMAN. Are there any amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

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, \$98,000,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, 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" ac-

count may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES  
GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$100,604,000, 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, \$14,656,000, to remain available until expended, of which \$10,259,000 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.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES  
OFFICE OF MUSEUM SERVICES  
GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, \$24,307,000, to remain available until expended.

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.

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), \$1,021,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956(a)), as amended, \$6,973,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$2,989,000: *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, \$6,288,000: *Provided*,

That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate for positions at level IV of the Executive Schedule, for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388 (36 U.S.C. 1401), as amended, \$33,161,000, of which \$1,575,000 for the museum's repair and rehabilitation program and \$1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST  
PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$23,400,000 shall be available to the Presidio Trust, to remain available until expended, of which up to \$1,040,000 may be for the cost of guaranteed loans, as authorized by section 104(d) of the Act: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$200,000,000. The Trust is authorized to issue obligations to the Secretary of the Treasury pursuant to section 104(d)(3) of the Act, in an amount not to exceed \$10,000,000.

TITLE III—GENERAL PROVISIONS

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

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. 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. 305. 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. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity un-

less the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c; popularly known as the "Buy American Act").

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(d) EFFECTIVE DATE.—The provisions of this section are applicable in fiscal year 2000 and thereafter.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2000.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: *Provided*, That if no funds are provided for the AmeriCorps program by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 311. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 312. (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, 2001, 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. 313. 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, and 106-113 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 2000 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 314. Notwithstanding any other provision of law, for fiscal year 2001 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" component of the President's Forest Plan for the Pacific Northwest, or the Jobs in the Woods Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands.

SEC. 315. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds \$500,000.

SEC. 316. All interests created under leases, concessions, permits and other agreements associated with the properties administered by the Presidio Trust, hereafter shall be exempt from all taxes and special assessments of every kind by the State of California and its political subdivisions.

SEC. 317. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 318. Of the funds provided to the National Endowment for the Arts—

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

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

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

SEC. 319. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 320. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

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

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

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

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

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

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

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

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

SEC. 321. No part of any appropriation contained in this Act shall be expended or obligated to fund new revisions of national forest land management plans until new final or interim final rules for forest land management planning are published in the Federal Register. Those national forests which are currently in a revision process, having formally published a Notice of Intent to revise prior to October 1, 1997; those national forests having been court-ordered to revise; those national forests where plans reach the 15 year legally mandated date to revise before or during calendar year 2001; national forests within the Interior Columbia Basin Ecosystem study area; and the White Mountain National Forest are exempt from this section and may use funds in this Act and proceed to complete the forest plan revision in accordance with current forest planning regulations.

SEC. 322. 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. 323. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 324. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers or the President's Council on Sustainable Development.

SEC. 325. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 326. Amounts deposited during fiscal year 2000 in the roads and trails fund provided for in the fourteenth 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 Secretary shall commence the projects during fiscal year 2001, but 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.

Mr. REGULA (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 102 line 9 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 327. None of the funds provided in this or previous appropriations Acts for the agencies funded by this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be transferred to or used to fund personnel, training, or other administrative activities at the Council on Environmental Quality or other offices in the Executive Office of the President for purposes related to the American Heritage Rivers program.

SEC. 328. 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. 329. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar: *Provided*, That sales which are deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar may be advertised upon receipt of a written request by a prospective, informed bidder, who has the opportunity to review the Forest Service's cruise and harvest cost estimate for that timber. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2001, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2001, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for

purposes of this amendment, a "rolling basis" shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded. Western red cedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 330. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 331. Notwithstanding any other provision of law, none of the funds in this Act may be used to enter into any new or expanded self-determination contract or grant or self-governance compact pursuant to the Indian Self-Determination Act of 1975, as amended, for any activities not previously covered by such contracts, compacts or grants. Nothing in this section precludes the continuation of those specific activities for which self-determination and self-governance contracts, compacts and grants currently exist or the renewal of contracts, compacts and grants for those activities or compliance with 25 U.S.C. 2005.

SEC. 332. In fiscal years 2001 through 2005, the Secretaries of the Interior and Agriculture may pilot test joint permitting and leasing programs, subject to annual review of Congress, and promulgate special rules as needed to test the feasibility of issuing unified permits, applications, and leases. The Secretaries of the Interior and Agriculture may make reciprocal delegations of their respective authorities, duties and responsibilities in support of the "Service First" initiative to promote customer service and efficiency. Nothing herein shall alter, expand or limit the applicability of any public law or regulation to lands administered by the Bureau of Land Management or the Forest Service.

SEC. 333. FEDERAL AND STATE COOPERATIVE WATERSHED RESTORATION AND PROTECTION IN COLORADO. (a) USE OF COLORADO STATE FOREST SERVICE.—Until September 30, 2004, the Secretary of Agriculture, via cooperative agreement or contract (including sole source contract) as appropriate, may permit the Colorado State Forest Service to perform watershed restoration and protection services on National Forest System lands in the State of Colorado when similar and complementary watershed restoration and protection services are being performed by the State Forest Service on adjacent State or private lands. The types of services that may be extended to National Forest System lands include treatment of insect infested trees, reduction of hazardous fuels, and other activities to restore or improve watersheds or fish and wildlife habitat across ownership boundaries.

(b) STATE AS AGENT.—Except as provided in subsection (c), a cooperative agreement or contract under subsection (a) may authorize the State Forester of Colorado to serve as the agent for the Forest Service in providing all services necessary to facilitate the performance of watershed restoration and protection services under subsection (a). The services to be performed by the Colorado State Forest Service may be conducted with subcontracts utilizing State contract procedures. Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to services performed under a cooperative agreement or contract under subsection (a).

(c) RETENTION OF NEPA RESPONSIBILITIES.—With respect to any watershed restoration and protection services on National Forest System lands proposed for performance by the Colorado State Forest Service under subsection (a), any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) may not be delegated to the State Forester of Colorado or any other officer or employee of the Colorado State Forest Service.

SEC. 334. None of the funds made available under this Act may be used to issue a record of decision or any policy implementing the Interior Columbia Basin Ecosystem Management Project not prepared pursuant to law as set forth in chapter 6 of title 5, United States Code.

SEC. 335. None of the funds provided in this Act, for the agencies funded by this Act, shall be expended for the purposes of design, planning or management of Federal Lands as National Monuments that are designated as National Monuments under the 1906 Antiquities Act, since 1999.

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

TITLE IV—FISCAL YEAR 2000 EMERGENCY SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount in fiscal year 2000 for "Wildland Fire Management", \$200,000,000, to remain available until expended, for emergency rehabilitation and wildfire suppression activities: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount in fiscal year 2000 for "Wildland Fire Management", \$150,000,000, to remain available until expended, for emergency rehabilitation, presuppression, and wildfire suppression: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

AMENDMENT OFFERED BY MR. NETHERCUTT

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

The Clerk read as follows:

Amendment offered by Mr. NETHERCUTT:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

None of the fund made available in this Act shall be used to implement section of this Act [as added by the amendment of Representative Dicks] except for activities related to planning and management of national monuments.

Mr. NETHERCUTT. Mr. Chairman, my amendment is offered as an opportunity to have the House take a second look at the debate that occurred earlier with respect to the Interior Columbia Basin Ecosystem Management Project. We have had a chance for the House to be fully informed, Members on both sides of the aisle, with respect to the particular amendment that was debated earlier.

I have had a chance to emphasize the importance of this issue to us in the northwest and the western States; and after deliberation, I felt it was appropriate that with that additional understanding that the House would have a chance to reconsider its prior judgment with respect to my amendment, and I believe again it is an important amendment to us in the West. I think it is appropriate that it be considered by the House and I would urge the adoption of the amendment so that this bill can move forward and proceed to conference and then we can have a complete discussion of all the issues in the bill at that time.

Mr. DICKS. Mr. Chairman, I rise in very strong opposition to the Nethercutt amendment.

Mr. Chairman, we had a vote on this today. We had, I thought, a very vigorous discussion. There was an hour set aside by the House. The gentleman from Washington (Mr. NETHERCUTT) had 30 minutes. I had 30 minutes. We had a number of speakers in the House voted on this issue, and we defeated the amendment by a very substantial majority.

Now, I am somewhat surprised that this late at night we would go back to this amendment again, but apparently we are going to do that. So let me say again why what the gentleman is trying to do, I think, is wrong.

First of all, the gentleman has had an amendment every single year to either block or slow down the administration's policy for developing a scientific program to protect the aquatic habitat, to protect the watersheds of the Western Pacific Northwest on the east side of the Cascade Mountains.

This affects 7 States. This has been going on, this process has been going on, 5 years. The purpose of it is that we have in the Northwest a number of seriously endangered species on the Snake River, which is in the heart of this area. We have four or five different species of salmon that were listed under the Endangered Species Act.

The gentleman from Washington (Mr. NETHERCUTT), from eastern Washington, from the fifth district, has been a strong opponent of taking out the Snake River dams. I have joined in that effort, along with the gentleman from Washington (Mr. NETHERCUTT), and others in our delegation, but I also believe that if one is not going to take out the dams then they have to do some things to protect the habitat of these areas in order to try to bring back these important endangered species.

The gentleman from Washington (Mr. NETHERCUTT) has offered an amendment that would block, after 5 years, the draft environmental impact statement from being implemented. That means we are not going to make any of the protections necessary. It is an environmental rider that has been used repeatedly in this particular bill. The administration is opposed to it. They have promised that this bill will be vetoed if this was in it, and we had a vote today. The vote was 221 to 206 on this issue.

So I feel that we are wasting the time of the House here, especially at 20 minutes to 11:00, and I would urge the House to again reject this amendment.

I think we had a good, fair fight earlier today. I think this amendment is unwarranted and unjustified, and I would urge the House to stay with its previous position.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The question is on the amendment of the gentleman from Washington (Mr. NETHERCUTT).

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

## RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 180, not voting 58, as follows:

[Roll No. 288]

AYES—197

Aderholt	Castle	Fowler
Archer	Chabot	Frelinghuysen
Army	Chambliss	Galleghy
Bachus	Chenoweth-Hage	Ganske
Baker	Coble	Gekas
Ballenger	Coburn	Gibbons
Barr	Collins	Gilchrest
Barrett (NE)	Combust	Gillmor
Bartlett	Cox	Goode
Bass	Crane	Goodlatte
Bateman	Cubin	Goss
Bereuter	Cunningham	Graham
Biggart	Davis (VA)	Granger
Bilbray	DeLay	Green (WI)
Bilirakis	DeMint	Gutknecht
Blunt	Diaz-Balart	Hall (TX)
Boehlert	Dickey	Hansen
Boehner	Doolittle	Hastert
Bonilla	Dreier	Hastings (WA)
Bono	Duncan	Hayes
Brady (TX)	Dunn	Hayworth
Bryant	Ehlers	Hefley
Burr	Ehrlich	Hergert
Burton	Emerson	Hill (MT)
Buyer	English	Hilleary
Callahan	Everett	Hobson
Calvert	Ewing	Hoekstra
Camp	Fletcher	Hostettler
Canady	Foley	Houghton
Cannon	Fossella	Hulshof

Hunter	Nussle	Smith (MI)
Hutchinson	Ose	Smith (NJ)
Hyde	Packard	Smith (TX)
Isakson	Paul	Souder
Jenkins	Pease	Spence
Johnson (CT)	Peterson (PA)	Stearns
Johnson, Sam	Pickering	Stump
Jones (NC)	Pitts	Sununu
Kasich	Pombo	Sweeney
King (NY)	Porter	Talent
Kingston	Portman	Tancredo
Knollenberg	Pryce (OH)	Tauzin
Kolbe	Quinn	Taylor (NC)
Kuykendall	Radanovich	Terry
LaHood	Regula	Thomas
Largent	Reynolds	Thornberry
Latham	Riley	Thune
LaTourette	Rogan	Tiahrt
Lewis (CA)	Rogers	Trafigant
Lewis (KY)	Rohrabacher	Upton
Lucas (OK)	Ros-Lehtinen	Vitter
Manzullo	Roukema	Walden
McCrey	Royce	Walsh
McHugh	Ryan (WI)	Wamp
McInnis	Ryun (KS)	Watkins
McIntosh	Salmon	Watts (OK)
McKeon	Sanford	Weldon (FL)
Metcalfe	Scarborough	Weldon (PA)
Mica	Schaffer	Weller
Miller (FL)	Sessions	Whitfield
Moran (KS)	Shadegg	Wicker
Myrick	Shaw	Wilson
Nethercutt	Sherwood	Wolf
Ney	Shimkus	Young (AK)
Northup	Simpson	Young (FL)
Norwood	Skeen	

## NOES—180

Abercrombie	Gordon	Olver
Ackerman	Gutierrez	Ortiz
Allen	Hall (OH)	Pallone
Andrews	Hastings (FL)	Pascrell
Baca	Hill (IN)	Pastor
Baird	Hinchee	Pelosi
Baldacci	Hoeffel	Peterson (MN)
Baldwin	Holden	Petri
Barcia	Holt	Phelps
Barrett (WI)	Horn	Pickett
Bentsen	Hoyer	Pomeroy
Berkley	Insole	Price (NC)
Berman	Jackson (IL)	Rahall
Berry	John	Ramstad
Blagojevich	Kanjorski	Reyes
Bonior	Kaptur	Rivers
Borski	Kelly	Rodriguez
Boswell	Kennedy	Roemer
Boyd	Kildee	Rothman
Brady (PA)	Kilpatrick	Roybal-Allard
Brown (FL)	Kind (WI)	Rush
Brown (OH)	Kleczka	Sabo
Capps	Kucinich	Sanchez
Cardin	Lampson	Sanders
Carson	Lantos	Sandlin
Condit	Larson	Sawyer
Conyers	Leach	Saxton
Coyne	Lee	Schakowsky
Cramer	Levin	Scott
Crowley	Lewis (GA)	Sensenbrenner
Cummings	Lipinski	Shays
Davis (FL)	LoBiondo	Sherman
Davis (IL)	Lowey	Sisisky
DeFazio	Lucas (KY)	Slaughter
DeGette	Luther	Smith (WA)
Delahunt	Maloney (CT)	Snyder
DeLauro	Maloney (NY)	Spratt
Deutsch	Markey	Stabenow
Dicks	Mascara	Stenholm
Dingell	Matsui	Strickland
Dixon	McCarthy (MO)	Stupak
Doggett	McCarthy (NY)	Tanner
Dooley	McGovern	Tauscher
Doyle	McKinney	Taylor (MS)
Edwards	McNulty	Thompson (CA)
Eshoo	Meehan	Thurman
Etheridge	Menendez	Tierney
Evans	Miller, George	Turner
Farr	Minge	Udall (CO)
Fattah	Mink	Udall (NM)
Forbes	Moakley	Visclosky
Ford	Mollohan	Waters
Frank (MA)	Moore	Waxman
Franks (NJ)	Moran (VA)	Weiner
Frost	Morella	Wexler
Gejdenson	Murtha	Weygand
Gephardt	Napolitano	Wise
Gilman	Neal	Woolsey
Gonzalez	Oberstar	Wu
Goodling	Obey	Wynn

## NOT VOTING—58

Barton	Greenwood	Meeks (NY)
Becerra	Hilliard	Millender-McDonald
Bishop	Hinojosa	Miller, Gary
Bliley	Hooley	Nadler
Blumenauer	Istook	Owens
Boucher	Jackson-Lee	Oxley
Campbell	(TX)	Payne
Capuano	Jefferson	Rangel
Clay	Johnson, E. B.	Serrano
Clayton	Jones (OH)	Shows
Clement	Klink	Shuster
Clyburn	LaFalce	Skelton
Cook	Lazio	Stark
Cooksey	Linder	Thompson (MS)
Costello	Lofgren	Toomey
Danner	Martinez	Towns
Deal	McCollum	Velazquez
Engel	McDermott	Vento
Filner	McIntyre	Watt (NC)
Green (TX)	Meek (FL)	

□ 2303

Mr. DOGGETT and Mr. KENNEDY of Rhode Island changed their vote from "aye" to "no."

Mr. BILBRAY changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MRS. KELLY

Mrs. KELLY. Mr. Chairman, I ask unanimous consent to return to title III, page 102 of the bill to offer a quick, noncontroversial amendment we have an agreement on.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mrs. KELLY:

Page 102, line 15, strike the first "or" and insert in lieu thereof of the world "and".

Page 102, line 16, strike the word "at" and insert in lieu thereof of the world "of".

Mrs. KELLY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

Mrs. KELLY. Mr. Chairman, I have a very simple amendment before us that clarifies a provision in the bill that pertains to the American Heritage Rivers Initiative and the Council on Environmental Quality. I have worked with all parties concerned on both sides of the aisle to ensure that this language clarifies the intent of this legislation.

Mr. Chairman, I yield to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, we have no objection to this amendment. I think it has been agreed to by both sides.

Mr. DICKS. We agree to the amendment on this side.

Mrs. KELLY. Reclaiming my time, I thank the gentlemen from Ohio and Washington for their support.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. KELLY).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. DEFAZIO  
Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. DEFAZIO:  
Insert before the short title the following:  
**TITLE V—ADDITIONAL GENERAL PROVISIONS**

SEC. 501. None of the funds appropriated or otherwise made available by this Act may be used to enter into any new commercial agricultural lease on the Lower Klamath and Tule Lake National Wildlife Refuges in the States of Oregon and California.

Mr. DEFAZIO. Mr. Chairman, earlier this year the House voted by an extraordinary vote of 407-1 on the National Wildlife System Improvement Act. We made it clear that wildlife conservation is the singular mission of wildlife refuges. Unfortunately, I believe that the case at the Klamath and Tule Lake wildlife refuge is otherwise. Numerous agricultural leases have been let and will continue to be let and the wildlife refuge has recently renewed the capability of farmers within the basin to use pesticides and herbicides which are considered problematic for salmon and other species.

I brought this amendment to the attention of the House in order to highlight this problem. What I would like to do is not take this amendment to a vote this evening if we could agree to go forward with a GAO report on the costs and benefits of the leasing arrangements in that basin and the impacts of the pesticide and herbicide application used by the farmers within the basin.

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

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

Mr. DICKS. Mr. Chairman, I told the gentleman that I would be glad to join him for this GAO investigation. I think it is a good idea.

□ 2310

Mr. REGULA. Mr. Chairman, I would certainly join my colleague in requesting a GAO report.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman.

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

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

There was no objection.

AMENDMENT NO. 22 OFFERED BY MR. DOOLITTLE  
Mr. DOOLITTLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. DOOLITTLE:

Insert before the short title the following:  
**TITLE V—ADDITIONAL GENERAL PROVISIONS**

SEC. 501. None of the funds appropriated or otherwise made available by this Act to the Forest Service may be used—

(1) to purchase a motor vehicle for the use of Forest Service personnel that is painted in the base color identified as Federal Standard 595, color chip no. 14260, or painted in any other base color, except the color white as made available by the manufacturer; or

(2) to paint any Forest Service motor vehicle in any base color other than white.

Mr. DOOLITTLE. Mr. Chairman, this amendment would prohibit the U.S. Forest Service from using any funds, appropriate or otherwise, to be used to paint their vehicles the green color described as Federal Standard 595, Color Chip Number 14,260.

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

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

Mr. REGULA. Mr. Chairman, I am prepared to accept this amendment. We are fully familiar with it.

Mr. DICKS. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DOOLITTLE).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. DEFAZIO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DEFAZIO:  
Insert before the short title the following:  
**TITLE V—ADDITIONAL GENERAL PROVISIONS**

SEC. 501. None of the funds appropriated or otherwise made available by this Act may be used to assess a fine or take any other law enforcement action against a person for failure to pay a fee for a vehicle pass imposed under the recreational fee demonstration program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 16 U.S.C. 4601-6a note), regarding parking at trailheads and dispersed recreation sites in the National Forest System.

Mr. DEFAZIO. Mr. Chairman, I would first like to recognize that the ranking member, the gentleman from Washington (Mr. DICKS) and the chairman, the gentleman from Ohio (Mr. REGULA), have been helpful in rectifying some of the problems with the recreation fee demonstration program. Last year, the gentleman from Oregon and I and others brought to the floor the fact that people were required to purchase a multiplicity of passes, up to six or eight different forest passes, just to recreate within their own State at a cost of \$25 each.

And after a meeting convened by the chairman, the gentleman from Ohio (Mr. REGULA) and the ranking member, the gentleman from Washington (Mr. DICKS), with the chief of the forest service and the assistant Secretary and other assorted bureaucrats, they did make the program better and simplify it; and I thank the two gentlemen for that.

But this amendment goes to another issue. There are certainly sites where

fees are appropriately charged, developed, recreation sites, campgrounds, special use sites for Park Service and all of those other sorts of developed sites with high costs.

But the question that this amendment raises before this House is whether or not we should charge people to drive their car on a logging road or an old forest service road, active or abandoned or even obsolete, and park by the side of the road and go for a hike in the woods, whether there is a trail there or not.

I think there is a real question of equity, but there is an even greater question of enforcement. The Forest Service is going driving 10 miles, 15 miles, 20 miles outside some of these roads to find that someone has not paid a \$5 fee and giving them a citation.

I had a woman in my district who parked where she had customarily parked just outside of an area being told that was all right. A new ranger came on, and they gave her a citation. She said okay, it is a warning. That is fine, I will leave. And the guy says she will have to pay the fee; she did not.

She went home, 2 days later, two Forest Service law enforcement officials showed up at her house to cite her. They threatened to handcuff her and take her away. This is the citation. This is absurd, what a waste of Federal resources. There are real crimes going on in the Federal lands.

Is this what our law enforcement officers should be doing? Should we be charging people to go out into dispersed areas just to park their car on a logging road? I believe not. In fact, an evaluation that was done by the Department of Interior and the Department of Agriculture at the requests of this body finds substantial problems with this program of enforcing dispersed recreation.

They cite the extraordinary costs, the loss of law enforcement personnel from other activities, the loss of revenue because the funds, if they collect any, in terms of penalties are forfeited and go not back to the agencies and not into this program.

The courts are refusing to hear these cases. The Federal judges and magistrates are saying, we are hauling people into my court for what? For failure to pay a \$5 fee to park their car on a gravel road out in the forest? This is absurd.

So I really would suggest that this amendment has great merit, to say that the extraordinary costs and the penalties that are being imposed are not merited for dispersed recreation, this is targeted, would not affect the parks, would not affect developed recreation sites, would not affect campgrounds but would merely say we are not going to charge people \$25, \$30 I guess now for the annual fee, or \$5 a day, to park their car somewhere in a remote area of the forest, where there are no recreation facilities.

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

Mr. DEFAZIO. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, the gentleman and I have had a discussion on this, and I think the gentleman has a good point. And what I would like to suggest is that we meet with the Forest Service and try to achieve a solution that is workable that respects the rights of your constituents.

The program is the demonstration program. As my colleagues know, the President has requested that it be made permanent. It would cost the Forest Service something like \$25 million a year, that goes in to trails and signage and a lot of very positive things that are important.

If the gentleman would be willing to withdraw, I will commit to working with him and the Forest Service to try to find a reasonable solution to the problem.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, I thank the gentleman for that. I do note that before I would consider that, the gentlewoman from California (Mrs. CAPPS) is particularly concerned. I would like to give her opportunity to speak on the amendment and then we can consider further conversation.

Mrs. CAPPS. Mr. Chairman, I move to strike the last word, and everyone, I beg your indulgence. I know the hour is late. But, again, this year I also come to the floor to discuss the Recreational Fee Demonstration Program in our national forests.

First, I do want to thank the gentleman from Ohio (Chairman REGULA); the ranking member, the gentleman from Washington (Mr. DICKS); and their subcommittee. I deeply appreciate maintaining and preserving our Nation's public lands.

I understand that the gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS) do not completely agree with my views or those of my constituents on this rec fee. However, I want to commend them for responding to my concerns on this issue.

The Interior Appropriations bill does not extend or make permanent this rec fee demo program, as was earlier rumored. I understand the importance of fully funding our forests and my congressional district hopes that we can work together to do just that without resorting to what we believe to be onerous fees.

Our national parks, national forests, and other public lands are unique treasures that should be enjoyed today and preserved for future generations. We must provide full and adequate funding for the protection of these priceless resources. But I must oppose the inclusion of the national forests in a rec fee demo program.

I have heard from thousands of my constituents who are opposed to the program which the Los Padres National Forest euphemistically calls the Adventure Pass. These citizens strongly believe, as do I, that these user fees

represent double taxation. These are public lands, and we should use public funds to support them.

□ 2320

Many of my constituents have expressed fears of a trend toward the privatization of our national forests. This is simply wrong. We need to keep these forests open for all of our citizens to enjoy, to take a hike in the woods, to enjoy a sunset, and experience the incredible beauty of the natural world.

As public servants, we must remember that the people we serve are not simply customers using our public lands, but are the owners of these lands. We need to find a more equitable way to support our national forests.

Some families in my district say the imposition of the so-called adventure pass has stopped them from going to visit the Los Padres National Forest, and I do not believe that is right, Mr. Chairman.

I urge the subcommittee to reject any attempts to make this program permanent in conference. Any extension of the rec fee demo program or change in its status should be made in regular order.

I want to work with the gentleman from Ohio (Chairman REGULA), the gentleman from Washington (Mr. DICKS), and the leaders of the authorizing committees to review this program and identify alternative ways to provide the necessary funding to maintain our forests. There are many ways we can go about doing this.

Last night, the gentleman from Oregon (Mr. DEFAZIO) offered an amendment which I strongly support which would have ended the rec fee program, while still maintaining full funding for our national forests. Today he is offering another amendment, and I understand the gentleman has agreed to work with him. I also support that effort.

I have introduced bipartisan legislation, the Forest Service Immediate Relief Act, which would terminate the Recreational Fee Demonstration Program at our national forests and offset the lost revenue by eliminating one timber subsidy.

Whatever the means, we must find alternative ways to fund our national forests without unfairly taxing the very people, like those in my district, who simply want to enjoy the beauty of their backyards.

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

Mrs. CAPPS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, let me make the same offer. I hope we can work out the problems, because the Forest Service is very happy with it generally and a lot of good things have happened. They used to collect fees and send them to the Treasury. At least now they keep them and the people that pay them get the benefits of it. That is what we are trying to do.

It is a demo program because we are trying to iron out the wrinkles. I know

in the case of the gentleman from Oregon (Mr. DEFAZIO), we did have some success where he had multiple forests. That part we have been able to work out. Perhaps we can find some solution to the gentlewoman's problems.

Mrs. CAPPS. Mr. Chairman, reclaiming my time, I look forward to working with the gentleman.

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

Mrs. CAPPS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to point out that last year we worked with the gentleman and we were able to get a Northwest Forest Pass enacted so that we could cut down on the duplicity, and I think it has made some progress. But we are glad to work with the gentleman from Oregon again this year and we would hope that we could have a quick vote on this amendment.

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

The amendment was rejected.

AMENDMENT NO. 50 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 50 offered by Mr. YOUNG of Alaska:

Insert before the short title the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. . Notwithstanding 36 Code of Federal Regulations 223.80 and associated provisions of law, the Forest Service shall implement the North Prince of Wales Island (POW) Collaborative Stewardship Project (CSP) agreement pilot project for negotiated salvage permits.

POINT OF ORDER

Mr. INSLEE. Mr. Chairman, I make a point of order.

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

Mr. INSLEE. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill, and therefore violates clause 2 of rule XXI. The rule states in part "no amendment to a general appropriation bill shall be in order if changing existing law."

Unfortunately, the amendment of the Chairman, who I have respect for, does give affirmative direction. In effect it imposes additional duties and it does modify existing powers and duties. I have concerns about the substance of the bill in waiving competitive bidding, but, more importantly I ask the chair to rule on my point of order.

The CHAIRMAN. Does the gentleman from Alaska wish to be heard on the point of order?

Mr. YOUNG of Alaska. Yes, Mr. Chairman, I do. It is very unfortunate that the gentleman, who serves on my committee, raises the point of order.

But I would like to suggest one thing. The Forest Service asked me for this amendment. It serves a point where the regulations do not allow the small sales for those that they believe should take place, especially blown down timber. The cost of putting up the sale and going through the competitive process would preclude most of these small operators, especially those in the environmental community that wanted this timber.

For the gentleman who says he is an environmentalist, I wish he had checked with the environmentalists. Apparently he did not. I think it is very unfortunate, but this is something asked for.

I will move a bill through the committee next Tuesday. The gentleman will have a chance to vote no on it, and I will beat him at that time and bring it to the floor under suspension. When that occurs, we will make this the law.

The CHAIRMAN. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that the amendment explicitly supersedes existing law. The provision therefore constitutes legislation, and the point of order is sustained.

AMENDMENT OFFERED BY MRS. WILSON.

Mrs. WILSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. WILSON:

Insert before the short title the following:

**TITLE V—ADDITIONAL GENERAL PROVISIONS**

SEC. 501. None of the funds appropriated or otherwise made available by this Act may be used by the Bureau of Land Management, the National Park Service, the Forest Service, the United States Fish and Wildlife Service, or the Bureau of Indian Affairs to conduct a prescribed burn on Federal land for which the Federal agency has not implemented those portions of the memorandum containing the Federal Wildland Fire Policy accepted and endorsed by the Secretary of Agriculture and the Secretary of the Interior in December 1995, issued pursuant to law, regarding notification and cooperation with tribal, State, and local governments.

Mrs. WILSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered read and printed in the RECORD.

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

There was no objection.

Mrs. WILSON. Mr. Chairman, this is a very simple amendment that requires Federal land management policy to be followed in the notification of State and local government for when they are going to be conducting prescribed burns. All it does is direct these land management agencies to follow the Federal policy that was signed in 1995, and they have not been doing so, and there are a lot of local governments who find out that prescribed burns have been set outside of their towns when members of the community call 911. We need to fix that.

Mr. Chairman, at this point I would like to engage in a colloquy with the chairman of the subcommittee.

As the chairman is aware, in 1995 the Secretaries of Interior and Agriculture adopted an interagency policy on wildland fire management. This policy included specific direction for their agencies to involve and inform communities concerning fire risk and the use of prescribed fire.

Mr. REGULA. Mr. Chairman will the gentlewoman yield?

Mrs. WILSON. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I am aware of this policy.

Mrs. WILSON. That policy has not been effectively implemented, as exemplified by the Los Alamos fire. In order to protect communities from wildland fires, it is essential that the agencies collaborate with State and local officials in communities to identify where the areas of high risk are and plan appropriate mitigation. These steps must be taken before agencies use prescribed fire in these high risk areas so that the State and local entities are informed of the risk and prepared to take action if needed.

Does the chairman agree?

Mr. REGULA. Absolutely. Yes, I agree this policy must be implemented and that the agencies have a direct responsibility to keep communities informed and involved.

Mrs. WILSON. I am sure the chairman is also aware that the Forest Service has just completed a comprehensive series of risk maps that rate forest lands nationwide for their risk of wildfire.

Mr. REGULA. Yes, I am aware of this work.

Mrs. WILSON. These maps will greatly assist in efforts to advise local communities of their proximity to high risk fire areas. I would expect, as a result of this amendment, that the agencies would use these maps to fulfill their responsibilities as laid out in the 1995 interagency policy.

Does the chairman agree that this is the purpose of the amendment?

Mr. REGULA. Absolutely, yes, I agree.

Mrs. WILSON. Communities must know if they are in high risk areas, and the agencies have a direct obligation to let them know. I appreciate the chairman's continued support and understanding on these important issues and I thank the chairman for his time.

□ 2330

AMENDMENT OFFERED BY MR. UDALL OF NEW MEXICO TO THE AMENDMENT OFFERED BY MRS. WILSON

Mr. UDALL of New Mexico. Mr. Chairman, I offer a perfecting amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL of New Mexico to the amendment offered by Mrs. WILSON:

Strike all after "Sec. 501." And in lieu thereof insert the following:

"None of the funds appropriated or otherwise made available by this Act may be used

by the Bureau of Land Management, the National Park Service, or the Forest Service to conduct a prescribed burn of Federal land for which the Federal agency has not implemented all provisions of the memorandum containing the Federal Wildland Fire Policy accepted and endorsed by the Secretary of Agriculture and the Secretary of the Interior in December 1995."

Mr. UDALL of Colorado (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. UDALL of New Mexico. Mr. Chairman, I have read the amendment proposed by the gentlewoman from New Mexico. Her amendment prohibits the Bureau of Land Management, the National Park Service, and the Forest Service from using these appropriations act funds for prescribed burns on Federal lands without notifying and cooperating with tribal, State and local governments. I believe this is an excellent idea.

In testimony before the Subcommittee on Forests and Forest Health, it was apparent this policy was not being followed, to the great detriment of the counties affected and the State of New Mexico.

I believe that all of the requirements of the prescribed burn policy should be followed, not just the notification requirement. There are many obligations in that policy and they are important, such as compliance with local and Federal air quality regulations governing contingency plans for possible loss of control, a public fire safety hazard analysis, or fire behavior analysis.

Mr. Chairman, in the spirit of cooperation, I would offer this perfecting amendment at this time.

Mrs. WILSON. Mr. Chairman, will the gentleman yield?

Mr. UDALL of New Mexico. I yield to the gentlewoman from New Mexico.

Mrs. WILSON. Mr. Chairman, I have no problem with this perfecting amendment and I accept it.

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

Mr. UDALL of New Mexico. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I want to commend both of these Members from New Mexico for their concern. This is a serious problem, and we want to do as much as we can to address it in the bill.

We did put in \$15 million in emergency firefighting money, and recognize that this could be a continuing problem. We are prepared to accept the amendment to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mr. UDALL) to the amendment by the gentlewoman from New Mexico (Mrs. WILSON).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico (Mrs. WILSON), as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 48 OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer amendment No. 48.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 48 offered by Mr. WELDON of Florida:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE —ADDITIONAL GENERAL PROVISIONS

SEC. . None of the funds made available in this Act may be used to publish Class III gaming procedures under part 291 of title 25, Code of Federal Regulations.

Mr. WELDON of Florida. Mr. Chairman, I ask unanimous consent that debate on this amendment be limited to 30 minutes, 15 minutes on each side.

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

Mr. DICKS. Reserving the right to object, Mr. Chairman, What is the agreement again?

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

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

Mr. KOLBE. Mr. Chairman, I would tell the gentleman, the gentleman has promulgated a request for unanimous consent at 30 minutes, 15 on each side. I am not sure if that is acceptable.

Mr. DICKS. Mr. Chairman, we will agree to that, and I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The gentleman from Florida (Mr. WELDON) will control 15 minutes, and an opponent will control 15 minutes.

The Chair recognizes the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is very simple. It assures that the integrity of a law that the U.S. Congress passed, the Indian Gaming Regulatory Act, or IGRA, is preserved and that States have the right to ensure that their concerns are fully adjudicated in the courts.

My amendment ensures that the States of Florida and Alabama have the right to have their cases fully adjudicated in the Federal courts before the Secretary of the Interior allows tribes to set up casinos in States that do not allow casino gambling.

Under IGRA, in order for Indian tribes to engage in casino gambling, tribes must have an approved tribal-

State compact. However, in April of 1999, the Department of the Interior set forth a process whereby Indian tribes may bypass State governments and appeal to the Secretary of Interior to allow them to set up a casino. This is the subject of a court case.

My amendment simply states, let the case run its full course before the Secretary approves a casino operation in a place like Florida or Alabama, which do not allow casinos. Florida and Alabama have filed suit against the Department arguing that the Department does not have the authority to issue these regulations in the first place. These regulations trample on the rights of States, and what could be worse, deny the States their full day in court.

On three separate occasions the people of Florida have voted against allowing casinos in their State. Now these regulations would establish a way for the tribes to bypass the will of the people of Florida and open casinos.

This is not a bipartisan issue. My amendment is supported by the Republican governor of Florida and the Democrat attorney general. I believe and the State of Florida believes the Department of the Interior has exceeded its authority granted under IGRA by issuing a regulatory remedy on a matter that both Congress and the Supreme Court have stated should be determined by the States.

My amendment would simply ensure that the State of Florida has the right to have its case fully adjudicated prior to the Department publishing procedures which would allow Indian tribes to open casinos in Florida.

What specifically does my amendment do? My amendment says that the Department may not publish procedures prescribed under the April, 1999 regulations. Publications of these procedures would permit the tribes to open casinos. My amendment allows the Secretary to go right up to that line, but may not cross it unless the courts have ruled in its favor.

Why is this amendment needed? Some correspondence from the Department indicates that the Secretary will not issue these procedures until the case has been decided. I am pleased to have in my possession a letter from the Secretary dated June 14 in which the Secretary says he will not publish those procedures until the courts have decided whether or not he has the right to do that.

I appreciate the Secretary's letter, which I believe is an endorsement of the language in my amendment. They say the same thing. I am nonetheless compelled to offer this amendment, however, because we will have a new administration in 6 months, and we will have most likely a new Secretary of the Interior.

The next Secretary is not bound by Secretary Babbitt's letter. The new Secretary will be bound by the legislation passed by this Congress. That is why the adoption of this amendment is

needed. It will ensure that the policy I am advocating and that the Secretary supports will be followed.

I am very appreciative of the Secretary's support, and I certainly support him in this position.

To reiterate, my amendment maintains the status quo of IGRA. It ensures that tribes can still use the current Indian Gaming Regulatory Act process to engage in class 3 gaming. It preserves the right of Congress to pass laws and major policy changes. It continues incentives for tribes and States to pursue legislation to remedy differences over IGRA. It prevents the Secretary from bypassing or short-circuiting States' rights, and it protects States' rights without harming the tribes. It does exactly what the Secretary is calling to be done.

My amendment does not do the following: this amendment does not amend the Indian Gaming Regulatory Act. The Weldon amendment does not affect existing tribal-State compacts. The amendment does not limit the ability of tribes to obtain class 3 gaming as long as valid compacts are entered into by the tribes with the States pursuant to existing law.

I encourage my colleagues to vote in support of the amendment.

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

Mr. DICKS. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Washington (Mr. DICKS) is recognized for 15 minutes.

Mr. DICKS. Mr. Chairman, I ask unanimous consent to yield 6 minutes to the gentleman from Arizona (Mr. KOLBE), and I will control 9 minutes.

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

There was no objection.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KILDEE), who is an expert on these matters.

Mr. KILDEE. Mr. Chairman, I rise in strong opposition to the Weldon amendment.

Mr. Chairman, last year Members of this body defeated this amendment offered by the gentleman from Florida (Mr. WELDON) and the gentleman from Georgia (Mr. BARR) that would have prohibited the Secretary of the Interior from issuing alternative gaming procedures that would help tribes attain gaming compacts when States refuse to negotiate with tribes in good faith.

This amendment would keep the Secretary of Interior from fulfilling a congressionally mandated obligation that requires him to develop alternative class 3 gaming procedures.

Mr. Chairman, on April 12, 1999, the Secretary published a final regulation providing for class 3 gaming procedures that allows the Secretary to mediate differences between States and Indian tribes on Indian gaming activities. The Secretary developed the regulation because of a United States Supreme

Court ruling in Seminole Tribe versus Florida, which found that States could avoid compliance with the Indian Gaming Regulatory Act by asserting immunity from suit.

□ 2340

By enacting IGRA, Congress did not intend to give States the ability to forever block the compacting process by asserting immunity from suit. In fact, IGRA enables the Secretary to issue alternative procedures when the States refuse to negotiate in good faith.

The Weldon amendment would prohibit the Secretary from fulfilling his obligation under IGRA on grounds that it bypasses State authority. Nothing could be further from the truth.

The regulation gives great deference to the State's roles under IGRA. Only after the State asserts immunity from suit and refuses to negotiate would the regulation apply.

Mr. Chairman, I think it is particularly important to note that the regulation does not give tribes a right to conduct gaming, but only creates a forum where all interests, State, Federal and tribal, can be determined.

The Secretary's role would be subject to several safeguards, including oversight by the Federal courts.

In April of last year, one day after the regulation was published, the States of Florida and Alabama sued in the Federal District Court in Florida claiming the regulation was beyond the scope of the Secretary's authority under IGRA.

In May 1999, the Secretary wrote to the House and Senate Committee on Appropriations saying that he would refrain from implementing the regulations until the Federal Court resolved the authority question. Just yesterday, the Secretary wrote to the gentleman from Ohio (Mr. REGULA) stating that the Department would defer from publishing the procedures until a final judgment is issued in the Florida case whether by district court or on appeal.

The Secretary's letter should have alleviated the concerns of the gentleman from Florida (Mr. WELDON) since he intended to offer an amendment that would have kept the Secretary from publishing procedures until a final judgment was issued. Despite the Secretary's letter, the gentleman from Florida (Mr. WELDON) chose to offer this amendment which would keep the Secretary from moving forward with publishing gaming procedures during the 2001 fiscal year.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG), the very distinguished chairman of the Committee on Resources.

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

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman from Arizona (Mr. KOLBE) for yielding me this time.

Mr. Chairman, I rise in strong opposition to my good friend, the gentleman

from Florida (Mr. WELDON). I happen to be one of the last remaining sponsors of IGRA, and believe, in fact, that the bill has worked very well; the act has worked very well.

As we know, the States have to enter into compacts with the tribes that apply for gambling activity within that State. It has worked well in almost all States of the Union and, in fact, has given the American Indian tribes an opportunity to be economically advanced and has done a very good job in doing so.

Unfortunately, some of those States that have existing gambling have gotten involved in denying the tribal entities to have the right to enter into these compacts, in fact stonewalled them. As the Secretary has informed the chairman, that he is not going to issue any more regulatory actions or suggestions until the court makes that decision. So this amendment is unnecessary.

I believe, in fact, it impugns upon the sovereignty of the American Indians, which we granted them. I, for one, as an author of the original bill with Mr. Mo Udall, do take homage to the fact that we are trying to undo that act and unfortunately I understand the gentleman's desires but I think it does a disservice to the American Indians and to the act itself.

Now I will say that I am willing to go through the court process. I hope it does go through the process, and I think we will be found in favor of IGRA and the results will be the continuation where the Secretary can, in fact, force a State to do it, if they do not negotiate in good faith.

So I do rise in strong opposition to this amendment, suggesting it is unnecessary and unwarranted at this time.

Mr. WELDON of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I thank the gentleman from Florida (Mr. WELDON) for yielding me this time.

Mr. Chairman, I rise in strong support of the Weldon amendment. This common sense measure would instruct the Secretary of Interior not to publish any new onerous gaming regulations until our Federal courts have finished adjudicating cases presently pending. It is simply ludicrous to waste time and taxpayers' money on intrusive new regulations until we know the outcome of these cases. To myself and others concerned with States' rights, this premature rush to regulate is deeply troubling. I believe profoundly in the capacity of our Federal Government to do good, but it is imperative that we resist the pressure of over zealous Federal bureaucrats intent on regulating States' rights.

Additionally, at a time when we seek to maximize the efficiency and cost effectiveness of our Federal Government, why in the world do we allow the wasteful spending of taxpayers' dol-

lars? Why would we encourage work that may ultimately be rendered moot or duplicative?

Mr. Chairman, let us leave the Federal Government out of it. States and Indian tribal governments can resolve gambling issues within State borders. They certainly do not need the help of any cabinet secretary and they should not be forced to take it.

I encourage my colleagues, please support the Weldon amendment. It is the right thing to do for States, for taxpayers, for common sense.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Florida (Mr. WELDON). It would undermine our responsibility as Members of Congress, our trust responsibility to the first Americans of this Nation.

For many tribes, the resources that are provided by tribal gaming are their lifeblood. It has allowed them to begin to rebuild their homes, giving their children a quality education, treating their elders with adequate health care. Yet this Congress continues to shirk the responsibility towards Native Americans, turning a deaf ear to their pleas. It is a travesty that has resulted in the crumbling of overcrowded schools that no Member in this Congress would dare send their own children to. It has resulted in deteriorating unsafe homes that no one in this Chamber would allow their families to live in, and it has resulted in abysmal health care that would shock and outrage every single Member of this House if it was one of them or one of their constituents.

The thing that has allowed these tribal governments to provide for the things that this Congress has failed to do is tribal gaming. Two hundred years of Indian law jurisprudence have told us that this Congress and every single Member of this House has a responsibility to our first Americans, our Native Americans. This amendment is not so much about tribal gaming as it is about the trust responsibility that each of us has been sworn to uphold when we swore by the Constitution of the United States to uphold our responsibility, our trust responsibility, to our first Americans.

Mr. Chairman, I encourage all my colleagues to vote against this amendment, just as we did last year, and stand up for the first Americans of this country of ours.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to my distinguished colleague and friend, the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from Arizona (Mr. KOLBE) for yielding me this time.

Mr. Chairman, I rise as part of this bipartisan opposition to the amendment offered by my friend, the gentleman from Florida (Mr. WELDON).

Mr. Chairman, here we go again. It would be especially appropriate to remember the words written in this document, in article I, section 8, where the Constitution states as follows, "the Congress shall have the power to regulate commerce with foreign nations and among the several States and with the Indian tribes."

Mr. Chairman, that articulation, that enumeration, gives tribes sovereignty and sovereign immunity.

What is disturbing to hear from my good friend from Nevada earlier is the notion that somehow we should short-circuit or circumvent the process that involves the Federal Government, quite rightly, not only a body of subsequent case law but also in what this Congress has passed through the Indian Gaming Regulatory Act. And when it comes to Class III gaming IGRA was never intended to give the States absolute authority in this.

My friend from Florida admits it is before the courts right now. The process is working. I need not lecture my friends in elementary civics. We understand the separation of powers. Tonight we can reaffirm that separation, the sanctity of the judicial process and the promise already given by the appropriate authority vis-a-vis IGRA when we reject the Weldon amendment.

□ 2350

Stand for sovereignty. Stand for economic opportunity. Stand for the separation of powers to let the courts do their work and work their will. Reject the Weldon amendment.

Mr. WELDON of Florida. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding me the time. I rise in support of his amendment.

As my friend from Arizona just pointed out, this is a bipartisan debate with some serious questions. There are some real questions about how the voters of the State fit into this process. There are real questions about how State governments fit into that process. There are real questions that really go beyond this amendment. But the amendment is narrow. It is not complex.

Our friend from Florida just gave a long list of what the amendment does not do, and we should not get confused about what the amendment does not do. We should only talk about what the amendment does do. And before I go there, I might say, of course, the amendment does not prohibit the Secretary from doing anything in these two States if the Federal Government, if the Department wins its case.

Both the gentleman from Alaska (Chairman YOUNG) and the gentleman from Michigan (Mr. KILDEE) have pointed to a letter that the Secretary sent yesterday that said he did not intend to do anything until the case was over.

Well, if the amendment is not needed because the goal has already been agreed to, at least by this Secretary and at least for the next 6 months, if the amendment is not needed, surely it does no harm. If the amendment serves no purpose because the goal of the amendment has already been achieved, surely it does no harm to let the authorities in Florida and Alabama know that their cases will proceed.

And it also sends a message to the Department of the Interior if this case is not over at the time this Secretary happens to leave, that his desire in this case would continue to be what would determine what the Department can do, that these two States would be allowed to have their day in court, that these serious issues would be fully adjudicated, and that this would be determined before we moved further.

The Secretary says that the Department will defer from publishing the procedures in the Federal Register. We have this letter that does say that, and I think it probably is only binding for the Department during the tenure of this Secretary; but again, if it is not necessary, it is certainly not harmful. It would give these States the assurance they need. There are many questions in this area that go well beyond this amendment. But this amendment deals with an important question.

I urge my colleagues to adopt this amendment today.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank the ranking member for yielding me the time.

Mr. Chairman, I yield to my colleague, the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, I appreciate my colleague from South Florida yielding me the time.

Mr. Chairman, I rise in opposition to this amendment. The proposed gaming regulations will not force communities to accept casino-style gambling, as some of my colleagues assert.

Instead, the regulations will protect States' rights while affirming those rights which Congress clarified more than 11 years ago in the Indian Gaming Regulatory Act.

Mr. Chairman, the proposed gaming regulations will help resolve longstanding constitution disputes over Indian gaming and will only complicate the process. I urge its defeat.

Mr. HASTINGS of Florida. Mr. Chairman, I rise in opposition to the Weldon amendment.

To those who say that it upholds the Indian Gaming Regulatory Act, I urge them to read the act. The act does not give States the ability to unilaterally deny tribes access to class 3 gaming by refusing to negotiate.

In fact, it requires States to negotiate with tribes for class 3 gaming that is otherwise available in the State. If the State fails to do so, the act provides a mechanism through the

Secretary of the Interior for the tribe to have access to the kind of games that others in the State enjoy.

This matter arose in the district that I am privileged to serve, and yet the State of Florida has refused to negotiate with Florida tribes compacts for class 3 gaming. And it has done so with impunity.

It is time to give Florida tribes and those in other States a way to enforce the rights Congress affirmed more than 11 years ago in enacting the Indian Gaming Regulatory Act.

When the State of Florida asserted its sovereign immunity to a lawsuit that could have triggered secretarial procedures under the IGRA, it upset the balance Congress deliberately struck between the tribes' rights and the States' rights in the negotiating process. It also calls the constitutionality of the act to come into serious question.

I would remind my colleagues that if the IGRA is rendered unconstitutional, we go back to the Cabazon standard. If that happens, States will have absolutely no role in determining what kind of games tribes can have.

Mr. DICKS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

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

Ms. WATERS. Mr. Chairman, I am in opposition to the Weldon amendment.

Mr. Chairman, I rise to speak in opposition to the Weldon amendment, which would have a devastating impact on many Indian tribes throughout our nation.

The Weldon amendment would prohibit the Department of the Interior from implementing important regulations for mediating differences between states and Indian tribes on Indian gaming activities.

The Indian Gaming Regulatory Act requires Indian tribes to negotiate compacts with state governments for the operation of certain types of gaming facilities. In the event that states and tribes are unable to negotiate a compact, the Act gives the Department of the Interior the authority to mediate between the states and the tribes. The Department of the Interior's regulations are essential to ensure that tribes can operate gaming facilities when states refuse to negotiate compacts in good faith.

The supporters of this amendment claim that the Department of the Interior's regulations would "bypass" state authority. Nothing could be further from the truth. The regulations come into play only after a state has refused to negotiate a compact with a tribe. Furthermore, during the mediation process, the state has several opportunities to join the process and participate as a full party to the negotiations.

This amendment would encourage states to ignore their obligation to negotiate with tribes that seek to operate gaming facilities. It would permit states to refuse to negotiate gaming compacts and thereby prevent tribes from operating gaming even when other citizens and businesses in the state are permitted to do so. This unfairly discriminates against Indian tribes.

Gaming is to Indian tribes what lotteries are to state governments. Indian gaming revenues are used to fund essential government services including health care, education, law enforcement, tribal courts, economic development and infrastructure improvement. These revenues serve to promote the general welfare of the tribes and their members. Through gaming, tribal governments have been able to bring hope and opportunity to some of the country's most impoverished people.

I urge my colleagues to defeat this amendment.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to this amendment.

The gentleman from Florida (Mr. HASTINGS) has this exactly right. The Indians had this right to unilaterally engage in gaming as a result of the Cabazon tribe. This Congress came and stepped in and created a process which would involve the States to try to develop compacts for class 3 gaming and, therefore, restricted the rights of the Indian tribes.

What we have now seen is that in those States and in my own State for several years where the Indians have had that right, they have worked on that right, the States have simply refused to negotiate in good faith with those tribes.

We recognize that the States have sovereignty, and that is exactly what IGRA was designed to do, as the gentleman from Arizona said. It was designed to create a basis in which we could deal with the impasse between those tribes. That is what was attempted in this case. The States sued. We developed a sovereignty. And that is the point in which the Secretary is supposed to do it.

The States have now come along and sued as to whether or not the Secretary has any authority to do this. And this is again tampering restriction with the rights of the tribes under IGRA and under the basic rights in the Cabazon case.

I would urge that we oppose this amendment.

Mr. DICKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK) to give us some perspective on the importance of this issue.

Mr. FRANK of Massachusetts. Mr. Chairman, I could have sworn about an hour ago Members were knocking each other down in a race to the microphone to talk about how much they love the Indians. And now we have a bill, which is, as we know, despite the technicalities, aimed at retarding the Indians' ability to have gambling.

People watching C-SPAN could be forgiven if they thought they had turned to the American Movie Classics and were watching one of those bad old movies where the Indians win in the first reel and then they get ambushed by all the white guys in the second reel. We are into the second reel of a bad movie here.

Whatever happened to all this pro-Indian stuff? And it is not only a bad movie, it is a bad movie if this amendment passes with a surprise ending. Because we have a concern for Indian health which some people want to beat by giving them more Federal money.

We are saying, let us help Indian health by letting the Indians get into business and support themselves and make some money. And I think gambling has probably done more to help Indian health than the underfunded health service. So let us not have a surprise ending where the Republican House says, hey, enough of this self-sufficiency, enough of this making money on your own, let us give you a little more Federal funding.

Mr. WELDON of Florida. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I just want to make it very, very clear that this Member supports the States having a say in this. And to imply that anybody in this Chamber is anti-gaming I think is to me inaccurate, to say the least.

Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. SHAD-EGG).

□ 0000

Mr. SHADEGG. I thank the gentleman for yielding time.

Mr. Chairman, I suppose I should begin by pointing out that some of us believe that Indian economic development is in fact very important, but we are concerned that Indian gambling is not the best form of Indian economic development. I personally feel we ought to be doing a great deal more toward Indian economic development, and I have introduced three different pieces of legislation to do that. But I think causing the Indian reservations to be solely dependent on gambling is not necessarily prudent economic development for the Indian people nor do I believe the only thing we should be doing to assist them in economic development is to promote gambling.

I want to raise a technical point. The gentleman from Michigan (Mr. KILDEE) some time ago rose and said that in writing IGRA, this Congress clearly contemplated this situation and that in writing IGRA, this Congress specifically wrote that we would in fact allow the United States Secretary of Interior and the administration to authorize Class III gaming if a State chose not to negotiate with the tribe.

That may well be true although I think it is not in fact true, but I want to make the point that in enacting IGRA, this Congress acted unconstitutionally and indeed in this very case, in *Seminole Tribe v. Florida*, the United States Supreme Court ruled specifically that way, because in enacting IGRA, this Congress, in its attempt to advance gaming, waived the States' rights to assert their 11th amendment immunity. Under the 11th amendment to the United States constitution, States are immune from being sued. They may not be sued under the U.S. Constitution.

Notwithstanding that, the Constitution says that, this Congress tried to waive the immunity. The United States Supreme Court has already said that our attempt to do so was unconstitutional. If they said that was unconstitutional, then why would we have at the same time, having said that we waived the State's right and allowed them to be sued, we are going to create a separate procedure?

The reality is the litigation that the gentleman from Florida (Mr. WELDON) is referring to would not be going forward if the gentleman from Michigan (Mr. KILDEE) were correct. The reality is that this issue is in dispute and that the gentleman from Florida's amendment simply preserves the status quo.

I urge my colleagues to support the Weldon amendment.

The CHAIRMAN. The gentleman from Florida (Mr. WELDON) has 3 minutes remaining. The gentleman from Arizona (Mr. KOLBE) has 2 minutes remaining and the right to close.

Mr. WELDON of Florida. Mr. Chairman, I yield myself such time as I may consume.

I want to explain to my colleagues here how I got into this issue. As most of them know, it is not common for me to come to the floor at midnight with what seems to be an obscure issue. I have a little town in my district, Kissimmee, Florida. It is right outside of Disney World. One of the tribes is looking at putting a casino there.

Now, it has been said by one of my colleagues from Florida that the State of Florida has not been negotiating in good faith with the tribe. The fact is we have had three Statewide ballot referendums in the State of Florida, and this issue has gone down in smoke three times. We all say the will of the people should be sovereign. The height of this building is the highest in the city because the founders believed the power of the people was supreme. The people of the State of Florida have spoken very, very clearly.

Now, we all talk about special interests and how we do not like special interests. As far as I am concerned, if a group of people who are interested, be they, I agree, an unfortunate and discriminated against group like the Indians somehow nonetheless want to go around the will of the people of the State of Florida and put Class III gaming in a very, very family friendly environment, I do not think that is right.

Now, if the gentleman from Michigan's comments that IGRA somehow provided for this regulatory remedy were correct, then there would be no case in court. The judge would have thrown the case out. He would have said the Secretary can proceed with this. But no, this case is being disputed because IGRA, I believe, is not sufficiently clear. My interpretation of IGRA is that the Secretary cannot do this.

All I am asking is that we as a Congress say, let this case work its way toward the courts. Let us not have a Secretary of the Interior issuing a procedure that would allow the Secretary to go around the law as intended in IGRA and let the will of the people of the State of Florida prevail. Might I also add that our previous Democratic governor, Lawton Chiles, a man whom I respect, took the same position that I am taking here today. So this is not a Democrat versus Republican issue. I believe this is an issue of letting the court work its will. This is an issue of letting the will of the Congress speak.

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

The CHAIRMAN. The gentleman from Arizona is recognized for 2 minutes.

Mr. KOLBE. Mr. Chairman, I think the bipartisan nature of this debate has been shown just by the speakers from my State of Arizona with three of us in the same party on opposite sides of this issue. There is clearly a lot of debate about this and fair debate, I think. I think we have heard some good discussion here tonight.

I think the gentleman from Michigan (Mr. KILDEE) laid out the very technical and kind of legalistic arguments about this. I want to answer a couple of the things that were said here tonight, but I also want to say very clearly that the effect of this legislation is to say to the Indian tribes, "There will be no gaming until this issue is settled, no gaming whatever, you won't proceed anywhere in the country."

I am going to come back to that in a second. I think it is important to understand that while many of us may have concerns about the way some of the Indian gaming has proceeded, we need to also understand that it has brought about some wonderful economic development and wonderful improvements in the lives of people on Indian reservations.

I have one small tribe in my community that has used the money that they have had from Indian gaming to improve the lives of their citizens, to improve the health care of children, the education of children. They have used some of the money to jump start economic development by allowing for the creation of a high-tech company, to fund a high-tech company to move onto the reservation to provide very skilled kinds of jobs on the Indian reservation. This is a company that would not have been able to get financing, venture capital financing if it had not been for the Indian gaming money that that tribe had. It has made a difference. It is making a difference for that tribe.

Now, there were a couple of things that have been said here I think that need to be corrected. My friend from Missouri spoke about the fact that this is a narrow and not a broad piece of legislation. He also said if the Secretary has said he will not issue the regulations, why worry about it, then? Why not just go ahead?

The answer is very clear to that, Mr. Chairman. The reason is because this legislation would preclude even States where the tribe and the governor want to go ahead, where there is no question, they would not be able to move ahead.

In answer to the last question of my friend from Arizona who spoke about the fact that the courts struck this down, they did not strike down the right of the Secretary to promulgate regulations.

Mr. Chairman, we should defeat this amendment. We should allow the process to move forward. I urge a no vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. WELDON).

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

## RECORDED VOTE

Mr. WELDON of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 167, noes 205, not voting 62, as follows:

[Roll No. 289]

AYES—167

Aderholt  
Andrews  
Archer  
Armey  
Bachus  
Ballenger  
Barr  
Bartlett  
Bass  
Bateman  
Bereuter  
Berkley  
Biggett  
Billirakis  
Blunt  
Bonilla  
Boswell  
Brady (TX)  
Bryant  
Burr  
Burton  
Buyer  
Canady  
Cannon  
Castle  
Chabot  
Chambliss  
Chenoweth-Hage  
Coble  
Collins  
Combust  
Cook  
Cox  
Cramer  
Crane  
Cubin  
DeLay  
DeMint  
Dickey  
Doolittle  
Duncan  
Dunn  
Edwards  
Ehlers  
Emerson  
Everett  
Fletcher  
Fossella  
Fowler  
Franks (NJ)  
Frelinghuysen  
Ganske  
Gibbons  
Gilchrist  
Gillmor  
Goode

Goodlatte  
Goodling  
Goss  
Graham  
Green (WI)  
Gutknecht  
Hall (TX)  
Hansen  
Hastings (WA)  
Hayes  
Hefley  
Herger  
Hill (MT)  
Hobson  
Hoekstra  
Hostettler  
Hulshof  
Hunter  
Hutchinson  
Hyde  
Isakson  
Istook  
Jenkins  
Johnson (CT)  
Johnson, Sam  
Jones (NC)  
Kasich  
Kelly  
Kingston  
LaHood  
Largent  
Lewis (KY)  
LoBiondo  
Lucas (KY)  
Lucas (OK)  
Manzullo  
McHugh  
McInnis  
McIntosh  
McKeon  
Mica  
Miller (FL)  
Moran (KS)  
Myrick  
Northup  
Norwood  
Obey  
Ose  
Packard  
Pease  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Pombo  
Porter

Portman  
Price (NC)  
Quinn  
Rahall  
Reynolds  
Riley  
Roemer  
Rogers  
Rothman  
Roukema  
Ryan (WI)  
Ryun (KS)  
Salmon  
Sanford  
Saxton  
Scarborough  
Schaffer  
Sessions  
Shadegg  
Shaw  
Shays  
Shimkus  
Sisisky  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Souder  
Spence  
Spratt  
Stearns  
Stenholm  
Stump  
Sununu  
Talent  
Tancredo  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Thune  
Tiahrt  
Traficant  
Upton  
Vitter  
Walsh  
Wamp  
Watkins  
Watts (OK)  
Weldon (FL)  
Wexler  
Weygand  
Whitfield  
Wicker  
Wolf  
Young (FL)

Abercrombie  
Ackerman  
Allen  
Baca  
Baird  
Baker  
Baldacci  
Baldwin  
Barcia  
Barrett (NE)  
Barrett (WI)  
Bentsen  
Berman  
Berry  
Bilbray  
Blagojevich  
Boehert  
Boehner  
Bonior  
Bono  
Borski  
Boyd  
Brady (PA)  
Brown (FL)  
Brown (OH)  
Callahan  
Calvert  
Camp  
Capps  
Cardin  
Carson  
Clement  
Condit  
Conyers  
Coyne  
Crowley  
Cummings  
Cunningham  
Davis (FL)  
Davis (IL)  
Davis (VA)  
DeFazio  
DeGette  
DeLahunt  
DeLauro  
Deutsch  
Diaz-Balart  
Dicks  
Dingell  
Dixon  
Doggett  
Dooley  
Doyle  
Dreier  
Ehrlich  
English  
Eshoo  
Evans  
Farr  
Fattah  
Foley  
Forbes  
Ford  
Frank (MA)  
Frost  
Galleghy  
Gejdenson  
Gekas  
Gephardt

NOES—205

Gilman  
Gonzalez  
Gordon  
Granger  
Gutierrez  
Hastings (FL)  
Hayworth  
Hill (IN)  
Hilleary  
Hinchee  
Hoeffel  
Holden  
Holt  
Horn  
Houghton  
Hoyer  
Inslee  
Jackson (IL)  
John  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick  
Kind (WI)  
King (NY)  
Klecza  
Knollenberg  
Kolbe  
Kucinich  
Kuykendall  
Lampson  
Lantos  
Larson  
Latham  
LaTourette  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
Lowey  
Luther  
Maloney (CT)  
Maloney (NY)  
Markey  
Mascara  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCrery  
McGovern  
McKinney  
McNulty  
Meehan  
Menendez  
Metcalf  
Miller, George  
Minge  
Mink  
Moakley  
Mollohan  
Moran (VA)  
Morella  
Murtha  
Napolitano  
Nethercutt  
Ney

NOT VOTING—62

Barton  
Becerra  
Bishop  
Bliley  
Blumenauer  
Boucher  
Campbell  
Capuano  
Clay  
Clayton  
Clyburn  
Coburn  
Cooksey  
Costello  
Danner  
Deal  
Engel  
Etheridge  
Ewing  
Filner  
Green (TX)  
Greenwood

Hall (OH)  
Hilliard  
Hinojosa  
Hooley  
Jackson-Lee  
(TX)  
Jefferson  
Johnson, E. B.  
Jones (OH)  
Klink  
LaFalce  
Lazio  
Linder  
Lofgren  
Martinez  
McCollum  
McDermott  
McIntyre  
Meek (FL)  
Meeks (NY)  
Millender  
McDonald

Miller, Gary  
Moore  
Nadler  
Neal  
Owens  
Oxley  
Payne  
Rangel  
Ros-Lehtinen  
Sensenbrenner  
Serrano  
Shows  
Shuster  
Skelton  
Thompson (MS)  
Toomey  
Towns  
Velazquez  
Vento  
Watt (NC)

□ 0028

Ms. PRYCE of Ohio, Mrs. THURMAN, and Mr. SWEENEY changed their vote from "aye" to "no."

Mr. SALMON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, before we vote, I simply want to rise to remind people why so many of us will vote against this bill on final passage.

The bill is \$1.7 billion below the President's request, and \$302 million below fiscal 2000. That applause says an awful lot about those folks and their values.

Mr. Chairman, it is \$485 million below the request for Indian affairs. It will cause major reductions in personnel for both Indian schools, hospitals, and clinics. Are the Members not clapping now? Why do they not clap at that, too?

Mr. Chairman, this bill cuts land acquisition \$736 million below the level which this House voted just a month ago and sent out their press releases about.

It includes anti-environmental riders on the Columbia Basin plan deleted earlier by the Dicks amendment, it fails to include increases for the arts approved earlier today in the Slaughter amendment, and even if it did, even if it did, \$22 million worth of good news cannot overcome \$2 billion of ignored responsibilities.

For the Forest Service, it is \$96 million below last year; it is \$100 million below last year for maintenance for parks or refuges or forests.

I have to say, I know the gentleman from Ohio. I know if he had his druthers, this bill would not look like this. But the problem is that the way this House is operating under the instructions that it is operating, good people have to bring bad legislation to this floor. We have the responsibility when that happens to vote against it until it becomes good legislation, and that is what we intend to do tonight.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this bill. I would just restate to my colleagues, this is a fiscally responsible appropriations bill. I would hope we could get to the vote and pass the bill.

The CHAIRMAN. The Clerk will read the final lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2001".

Mr. POMEROY. Mr. Chairman, I rise tonight in opposition to H.R. 4578, the fiscal year (FY) 2001 Interior Appropriations bill. I believe this legislation falls short in protecting our natural resources and meeting the health care and education needs in Indian Country.

This legislation, which funds \$14.6 billion for our nation's natural resources, national parks, and programs for Native Americans, is 10 per-

cent less than President Clinton's FY 2001 Budget request. Specifically, this legislation provides \$340 million less than the Administration's request for our National Park Service system. With our national parks already facing serious budget cuts and much needed infrastructure repairs, I believe it is wrong for us to shortcut this important component of our nation's aesthetic beauty.

I also believe that improving the living conditions of Native Americans must be one of our top priorities. Unfortunately, the bill before us contains a significant shortfall in funding to meet the critical health care and school construction needs in Indian Country. The bill today is \$186 million below the President's request for the Indian Health Service and \$180 million below the President's request for school construction. With populations of Native Americans growing, and a general movement back to the reservation, Tribal governments are feeling growing pressure to meet the basic needs of their people, and are trying to stretch too few resources too far. In order to meet the current health care needs of tribes an IHS budget of \$8 billion is needed. Further, over the decades, the BIA school system have been the victim of neglect, and the price is now steep to make these schools safe and adequately equipped for today's students. Of the 185 BIA schools, most are in need of either major repairs or new construction at an estimated cost of over \$2.4 billion. Unfortunately, the bill fails to address either of these critical needs in Indian Country and we simply cannot continue down this path any longer.

Mr. Chairman, in these times of a booming economy, I believe we can do better by providing more funding for our nation's national resources and meeting the needs of Indian Country. I urge my colleagues to vote no "on" this legislation.

Mr. DAVIS of Illinois. Mr. Chairman, on May 17, 2000 the Field Museum of Chicago unveiled the largest and most complete T-Rex skeleton ever found, Sue. Sue as she is named was found by the renowned fossil hunter Sue Henderson, who discovered the 67 million year old Tyrannosaurus Rex in 1990, where it lay buried within Cheyenne River Sioux backlands in the Black Hills of South Dakota. The Field Museum purchased Sue for \$8.1 million at auction with assistance from McDonald's Corporation, Walt Disney World Resort, the University of California System and other private donors.

Sue is an unprecedented scientific find that opened in Chicago on May 17th. It has rested in Union Station here in Washington, D.C. and is scheduled for a nationwide tour which includes Boston, Honolulu, St. Paul, Columbus, Los Angeles, Toledo, Louisville, Dallas, Seattle, Milwaukee, and other cities during the next three years. Sponsored by McDonald's Corporation as its millennium gift to the nation, the traveling exhibition will ensure that the entire nation has the opportunity to experience and to learn from this fossil.

With the fourth most important fossil collection in the world, the Field Museum is seeking federal funds to help construct a new Hall of Paleontology and Earth Science in which to install Sue and to support related exhibits, research and educational programming. The Illinois Delegation has joined in signing a letter urging support for federal funds for Sue.

Mr. HUTCHINSON. Mr. Chairman, I rise to offer my enthusiastic support for the Federal-

State Partnership of the National Endowment for the Humanities. The Federal-State Partnership is a collaborative endeavor of the NEH and fifty-six state humanities councils. Its mission is to ensure that all of the nation's citizens, wherever they may live, benefit from locally designed humanities programs that are crafted with the concerns and needs of each state's citizens in mind. This partnership channels federal funds directly to the states so they can grant money to local areas where they will have the greatest benefits.

The results that I have seen are quite impressive. The federal funds that go to the Arkansas Humanities Council are channeled to all parts of our state, impacting both large and small communities. A grant given to Deer, Arkansas illustrates this very well. Deer is a very small rural town in the hills of Newton County that received money for a program to purchase books that encourages parents and students to read together. They will also have a week-long event that celebrates the area's cultural heritage.

Mr. Chairman, I commend the chairman of the Interior Appropriations subcommittee for sustaining the funding for the Federal-State Partnership. It is my hope that in the future we can increase our commitment to programs like the Federal-State Partnership which direct funds to successful programs, like the Arkansas Humanities Council, at the state level to support community based programs and services.

Mr. LANTOS. Mr. Speaker, I rise in opposition to H.R. 4578, the FY 2001 Interior Appropriations Bill. This bill is seriously flawed. It shortchanges critically needed natural resource conservation programs and contains a number of anti-environmental legislative riders that will undermine our nation's land management and environmental protection programs.

H.R. 4578 cuts more than \$300 million from current levels in important programs which protect endangered species and preserve and maintain our national wildlife refuges, national forests, and national parks. The bill also attacks the protection of national monuments and prevents the establishment of new national wildlife refuges.

As the stewards of America's lands and environment, Congress must fulfill its obligation to future generations and ensure that our parks, wildlife refuges, forests and range lands are protected, preserved and maintained. This legislation does not do this. It does not adequately provide for the maintenance of our federal lands and historic treasures, and it cuts funding for new federal land acquisition of important natural resource lands threatened by development.

I am particularly concerned about the anti-environmental riders which have been attached to this bill. The riders affect the full range of environmental issues—from protecting our public lands to undermining our clean water laws to exposing our children to toxic chemicals. Mr. Speaker, we must oppose these backdoor riders which weaken our environmental laws which are critically important to our children and communities. We must not allow the narrow interest of those who seek special exemptions, subsidies or funding limitations to erode the quality of our public lands and our quality of life.

Mr. Speaker, this legislation also funds for our nation's critically important arts and humanities education programs to historically low

levels. H.R. 4578 would fund the National Endowment for the Arts (NEA) at a level 40 percent below 1995 levels and the National Endowment for the Humanities (NEH) at a level 33 percent below 1995 levels.

In summary, Mr. Speaker, H.R. 4578 funds our critically needed natural resource conservation programs at insufficiently low levels. It contains legislative riders that will undermine our nation's land management and environmental protection programs. I strongly urge a NO vote against final passage of the bill.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 524, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to. The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. DICKS  
Mr. DICKS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DICKS. In its present, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DICKS moves to recommit the bill H.R. 4578 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

On page 66, line 21, after the amount insert "(increased by \$22,000,00)".

On page 85, line 7, strike "\$98,000,000" and insert "\$113,000,000".

On page 85, line 21, strike "\$100,604,000" and insert "\$105,604,000".

On page 86, line 19, strike "\$24,307,000" and insert "\$26,307,000".

Mr. DICKS. Mr. Speaker, I will be very brief. I was proud to be a cosponsor of this amendment.

What this would do would be to take the Slaughter amendment, \$15 million for the National Endowment for the Arts, \$5 million for the National Endowment for the Humanities, and \$2 million for museum services.

Ms. SLAUGHTER. Mr. Speaker, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from New York.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, since the Arts Caucus could not present its amendment this evening, we will give Members one chance this evening to vote for or against art and humanities. This is the very same proposal that passed today. It is a vote on art. It passed today by 207 to 204 with bipartisan support. If Members supported it today, they should support it this morning.

Mr. Speaker, these funds do not support a \$9 billion industry, as stated earlier this evening, but exist to bring beauty, truth, history, and hope to those who might have no other exposure to them. This includes the NEA programs that are presently on Indian reservations.

It is also money in the bank. The \$98 million spent last year will bring back to the Federal Treasury \$4 billion to \$5 billion this year. An investment with a return like that deserves to be increased.

I urge a yes vote on the motion to recommit.

The SPEAKER pro tempore. Is the gentleman from Ohio (Mr. REGULA) opposed to the motion to recommit?

Mr. REGULA. Mr. Speaker, I am opposed to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. REGULA) is recognized.

Mr. REGULA. Mr. Speaker, let us get on with the vote.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. DICKS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 188, not voting 63, as follows:

[Roll No. 290]

AYES—184

Abercrombie	Carson	Farr
Ackerman	Castle	Fattah
Allen	Clement	Forbes
Andrews	Conyers	Ford
Baca	Coyne	Frank (MA)
Baird	Cramer	Franks (NJ)
Baldacci	Crowley	Frelinghuysen
Baldwin	Cummings	Frost
Barcia	Davis (FL)	Gejdenson
Barrett (WI)	Davis (IL)	Gephardt
Bass	DeFazio	Gilman
Bentsen	DeGette	Gonzalez
Berkley	Delahunt	Gordon
Berman	DeLauro	Gutierrez
Bilbray	Deutsch	Hall (TX)
Blagojevich	Dicks	Hastings (FL)
Bloehert	Dingell	Hill (IN)
Bonior	Dixon	Hinchey
Borski	Doggett	Hoeffel
Boswell	Dooley	Holden
Boyd	Doyle	Holt
Brady (PA)	Edwards	Horn
Brown (FL)	Ehlers	Hoyer
Brown (OH)	Eshoo	Inslie
Capps	Etheridge	Jackson (IL)
Cardin	Evans	John

Johnson (CT)  
Kanjorski  
Kaptur  
Kelly  
Kennedy  
Kildee  
Kilpatrick  
Kind (WI)  
Klecza  
Kolbe  
Kucinich  
Kuykendall  
Lampson  
Lantos  
Larson  
Leach  
Lee  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Lowe  
Luther  
Maloney (CT)  
Maloney (NY)  
Markey  
Mascara  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McGovern  
McNulty  
Meehan  
Menendez  
Miller, George  
Minge

Mink  
Moakley  
Mollohan  
Moore  
Moran (VA)  
Morella  
Murtha  
Napolitano  
Oberstar  
Obey  
Olver  
Ortiz  
Pallone  
Pascrell  
Pastor  
Pelosi  
Peterson (MN)  
Phelps  
Pickett  
Pomeroy  
Porter  
Price (NC)  
Rahall  
Ramstad  
Reyes  
Rivers  
Rodriguez  
Roemer  
Rothman  
Roukema  
Roybal-Allard  
Rush  
Sabo  
Sanchez  
Sanders  
Sandlin

NOES—188

Aderholt	Gillmor	Pease
Archer	Goode	Peterson (PA)
Armey	Goodlatte	Petri
Bachus	Goodling	Pickering
Baker	Goss	Pitts
Barr	Graham	Pombo
Barrett (NE)	Granger	Portman
Bartlett	Green (WI)	Pryce (OH)
Bateman	Gutknecht	Quinn
Bereuter	Hansen	Radanovich
Berry	Hastert	Regula
Biggert	Hastings (WA)	Reynolds
Billrakis	Hayes	Riley
Blunt	Hayworth	Rogan
Boehner	Hefley	Rogers
Bonilla	Herger	Rohrabacher
Bono	Hill (MT)	Ros-Lehtinen
Brady (TX)	Hilleary	Royce
Bryant	Hobson	Ryan (WI)
Burr	Hoekstra	Ryun (KS)
Burton	Hostettler	Salmon
Buyer	Houghton	Sanford
Callahan	Hulshof	Saxton
Calvert	Hunter	Scarborough
Camp	Hutchinson	Schaffer
Canady	Hyde	Sessions
Cannon	Isakson	Shadegg
Chabot	Istook	Shaw
Chambliss	Jenkins	Sherwood
Chenoweth-Hage	Johnson, Sam	Shimkus
Coble	Jones (NC)	Simpson
Coburn	Kasich	Skeen
Collins	King (NY)	Smith (MI)
Combest	Kingston	Smith (NJ)
Condit	Knollenberg	Smith (TX)
Cook	Largent	Souder
Cox	Latham	Spence
Crane	LaTourette	Stearns
Cubin	Lewis (CA)	Stump
Cunningham	Lewis (KY)	Sununu
Davis (VA)	Lucas (KY)	Sweeney
DeLay	Lucas (OK)	Talent
DeMint	Manzullo	Tancredo
Diaz-Balart	McCrery	Tauzin
Dickey	McHugh	Taylor (MS)
Doolittle	McInnis	Taylor (NC)
Dreier	McIntosh	Terry
Duncan	McKeon	Thomas
Dunn	Metcalf	Thornberry
Ehrlich	Mica	Thune
Emerson	Miller (FL)	Tiahrt
English	Moran (KS)	Trafficant
Everett	Myrick	Vitter
Fletcher	Nethercutt	Walden
Foley	Ney	Walsh
Fossella	Northup	Wamp
Fowler	Norwood	Watkins
Galleghy	Nussle	Weldon (FL)
Gekas	Ouse	Weldon (PA)
Gibbons	Packard	Weller
Gilchrest	Paul	

Whitfield Wilson Young (AK)  
Wicker Wolf Young (FL)

NOT VOTING—63

Ballenger Hall (OH) Millender-  
Barton Hilliard McDonald  
Becerra Hinojosa Miller, Gary  
Bishop Hooley Nadler  
Bliley Jackson-Lee Neal  
Blumenauer (TX) Owens  
Boucher Jefferson Oxley  
Campbell Johnson, E. B. Payne  
Capuano Jones (OH) Rangel  
Clay Klink Sensenbrenner  
Clayton LaFalce Serrano  
Clyburn LaHood Shows  
Cooksey Lazio Shuster  
Costello Linder Skelton  
Danner Lofgren Thompson (MS)  
Deal Martinez Toomey  
Engel McCollum Towns  
Ewing McDermott Velazquez  
Filner McIntyre Vento  
Ganske McKinney Watt (NC)  
Green (TX) Meek (FL) Watts (OK)  
Greenwood Meeks (NY)

□ 1253

So the motion to recommit was re-  
jected.

The result of the vote was announced  
as above recorded.

The SPEAKER pro tempore (Mr.  
PEASE). The question is on passage of  
the bill.

Under clause 10 of rule XX, the yeas  
and nays are ordered.

The vote was taken by electronic de-  
vice, and there were—yeas 204, nays  
172, not voting 59, as follows:

[Roll No. 291]

YEAS—204

Aderholt Emerson Largent  
Archer English Latham  
Army Everett LaTourette  
Bachus Fletcher Leach  
Baker Foley Lewis (CA)  
Ballenger Fossella Lewis (KY)  
Barrett (NE) Fowler LoBiondo  
Bartlett Franks (NJ) Lucas (OK)  
Bass Frelinghuysen Manullo  
Bateman Gallegly Mascara  
Bereuter Ganske McCreery  
Biggart Gekas McHugh  
Billbray Gilchrest McInnis  
Billrakis Gillmor McIntosh  
Blunt Gilman McKeon  
Boehlert Goode Mica  
Boehner Goodlatte Miller (FL)  
Bonilla Goodling Mollohan  
Bono Goss Moran (KS)  
Brady (TX) Graham Morella  
Bryant Granger Murtha  
Burr Green (WI) Myrick  
Burton Gutknecht Nethercutt  
Buyer Hastert Ney  
Callahan Hastings (WA) Northup  
Calvert Hayes Norwood  
Camp Hayworth Nussle  
Canady Hill (MT) Oberstar  
Cannon Hilleary Ose  
Castle Hobson Packard  
Chabot Hoekstra Pease  
Chambliss Holden Peterson (PA)  
Coble Horn Petri  
Coburn Houghton Pickering  
Collins Hulshof Pitts  
Combest Hunter Pombo  
Cook Hutchinson Porter  
Cox Hyde Portman  
Crane Isakson Pryce (OH)  
Cubin Istook Quinn  
Davis (VA) Jenkins Radanovich  
DeLay Johnson (CT) Rahall  
DeMint Johnson, Sam Ramstad  
Diaz-Balart Jones (NC) Regula  
Dickey Kasich Reynolds  
Doolittle Kelly Riley  
Doyle King (NY) Rogan  
Dreier Kingston Rogers  
Duncan Knollenberg Ros-Lehtinen  
Dunn Kolbe Roukema  
Ehlers Kuykendall Ryan (WI)  
Ehrlich LaHood Ryun (KS)

Salmon Souder Upton  
Sanford Spence Vitter  
Saxton Stearns Walden  
Scarborough Stump Walsh  
Schaffer Sununu Wamp  
Sessions Sweeney Watkins  
Shadegg Talent Watts (OK)  
Shaw Tancredo Weldon (FL)  
Shays Tauzin Weldon (PA)  
Sherwood Taylor (MS) Weller  
Shimkus Taylor (NC) Whitfield  
Simpson Terry Wicker  
Skeen Thomas Wilson  
Smith (MI) Thornberry Wolf  
Smith (NJ) Thune Young (AK)  
Smith (TX) Traficant Young (FL)

NAYS—172

Abercrombie Gephardt Pallone  
Ackerman Gibbons Pascrell  
Allen Gonzalez Pastor  
Andrews Gordon Paul  
Baca Hall (TX) Pelosi  
Baird Hansen Peterson (MN)  
Baldacci Hastings (FL) Phelps  
Baldwin Hefley Pickett  
Barcia Herger Pomeroy  
Barr Hill (IN) Price (NC)  
Barrett (WI) Hinchey Reyes  
Bentsen Hoeffel Rivers  
Berkley Holt Rodriguez  
Berman Hostettler Roemer  
Berry Hoyer Rohrabacher  
Blagojevich Insee Rothman  
Bonior Jackson (IL) Roybal-Allard  
Borski John Royce  
Boswell Kanjorski Rush  
Boyd Kaptur Sabo  
Brady (PA) Kennedy Sanchez  
Brown (FL) Kildee Sanders  
Brown (OH) Kilpatrick Sandlin  
Capps Kind (WI) Sawyer  
Cardin Kleczka Schakowsky  
Carson Kucinich Scott  
Chenoweth-Hage Lampson Sherman  
Clement Lantos Sisisky  
Condit Larson Slaughter  
Conyers Lee Smith (WA)  
Coyne Levin Snyder  
Cramer Lewis (GA) Spratt  
Crowley Lipinski Stabenow  
Cummings Lowey Stark  
Cunningham Lucas (KY) Stenholm  
Davis (FL) Luther Strickland  
Davis (IL) Maloney (CT) Stupak  
DeFazio Maloney (NY) Tanner  
DeGette Markey Tauscher  
Delahunt Matsui Thompson (CA)  
DeLauro McCarthy (MO) Thurman  
Deutsch McCarthy (NY) Tiahrt  
Dicks McGovern Tierney  
Dingell McKinney Turner  
Dixon McNulty Udall (CO)  
Doggett Meehan Udall (NM)  
Dooley Menendez Visclosky  
Edwards Metcalf Waters  
Eshoo Miller, George Waxman  
Etheridge Minge Weiner  
Evans Mink Wexler  
Farr Moakley Weygand  
Fattah Moore Wise  
Forbes Moran (VA) Woolsey  
Ford Napolitano Wu  
Frank (MA) Obey Wynn  
Frost Olver  
Gejdenson Ortiz

□ 0109

So the bill was passed.  
The result of the vote was announced  
as above recorded.  
A motion to reconsider was laid on  
the table.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I yield to  
my friend, the distinguished gentleman  
from Texas (Mr. ARMEY), for the pur-  
pose of inquiring about the schedule.

Mr. ARMEY. I thank the gentleman  
for yielding.

Mr. Speaker, I am pleased to an-  
nounce that the House has completed  
its legislative business for the week.

The House will next meet on Monday,  
June 19, at 12:30 p.m. for morning hour  
and 2 p.m. for legislative business. We  
will consider a number of measures  
under suspension of the rules, a list of  
which will be distributed to Members'  
offices tomorrow. On Monday, no re-  
corded votes are expected before 6 p.m.  
We will also consider H.R. 4635, VA-  
HUD appropriations for fiscal year 2001  
on Monday under an open rule. Mem-  
bers should expect to work until about  
9 p.m. on VA-HUD Monday evening.

On Tuesday, June 20 and the balance  
of the week, the House will consider  
the following measures:

H.R. 4601, the Debt Reduction and  
Reconciliation Act of 2000;

H.R. 4201, the Noncommercial Broad-  
casting Freedom of Expression Act of  
2000;

H.J. Res. 90, withdrawing the ap-  
proval of the United States from the  
agreement established in the World  
Trade Organization;

H.R. 4516, Legislative Branch appro-  
priations for fiscal year 2001;

H.R. 4461, Agricultural Appropria-  
tions Act for fiscal year 2001;

Departments of Commerce, Justice,  
State and Judiciary Appropriations  
Act for fiscal year 2001.

Mr. Speaker, we have just completed  
a very productive week in the House. I  
want to thank my colleagues for all  
their hard work. Obviously, next week  
we have laid out another very ambi-  
tious schedule for the House; and so I  
would caution my colleagues to be pre-  
pared to work late nights Monday  
through Thursday.

Mr. Speaker, I wish all my colleagues  
a good weekend back in their districts  
and a happy Father's Day.

Mr. HOYER. I thank the gentleman  
from Texas (Mr. ARMEY) for the infor-  
mation. I note that the prescription  
drug bill is not on the calendar for next  
week, Mr. Leader; but I am wondering,  
notwithstanding that, can the gen-  
tleman confirm for us the discussions  
we have had that, because this is a  
matter of such importance to the  
American people, that when the bill  
does come up, that the minority will at  
a minimum have the opportunity to

NOT VOTING—59

Barton Hall (OH) Millender-  
Becerra Hilliard McDonald  
Bishop Hinojosa Miller, Gary  
Bliley Hooley Nadler  
Blumenauer Jackson-Lee Neal  
Boucher (TX) Owens  
Campbell Jefferson Oxley  
Capuano Johnson, E. B. Payne  
Clay Jones (OH) Rangel  
Clayton Klink Sensenbrenner  
Clyburn LaFalce Serrano  
Cooksey Shows  
Costello Lazio Shuster  
Danner Linder Skelton  
Deal Lofgren Thompson (MS)  
Engel Martinez Toomey  
Ewing McCollum Towns  
Filner McDermott Velazquez  
Green (TX) McIntyre Vento  
Greenwood Meek (FL) Watt (NC)  
Gutierrez Meeks (NY)