

wealth, but chose to fight for justice at all costs. At the young age of 22, he created an organization to promote racial integration of the then-segregated University of Houston where he studied as both an undergraduate and graduate student. He championed equal rights and self-empowerment throughout his years in both the public and private sectors. He constantly fought for justice and equality for people with disabilities and government, business, labor, and religious organizations. He knew that if people are provided with the proper resources, training and opportunities, disabled or not, they can achieve tremendous success.

□ 1515

Last year when I joined Justin for ADA anniversary celebrations in the Senate, he said, "Let us rise above politics as usual. Let us join together, Republicans, Democrats, Independents, Americans. Let us embrace each other in love for individual human rights. Let us unite in action to keep the sacred pledge: Liberty and justice for all."

Today I salute Justin Dart. I send my warmest condolences to his wife, Yoshiko, and I thank God for blessing us all for the powerful presence of such a luminous spirit, which lives on in each and every one of us.

As we will soon commemorate the 12th anniversary of the ADA, I urge all Americans to honor and celebrate Justin Dart.

Mr. OWENS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in conclusion, I would like to again thank the gentleman from Maryland (Mr. HOYER) for his sponsorship of this bill.

Justin Dart, with his wide-brimmed hat and in many other ways, liked to remind us that he was a Texan. His vision was broad and comprehensive like that of LBJ. He could also be as combative as Teddy Roosevelt.

Justin Dart was always politically alert, but he really operated above politics. He was a lifelong Republican who would not hesitate to make alliances with Democrats and others when he felt it was necessary. Justin was above politics. He really belongs with the ranks of Martin Luther King and Mother Teresa.

We are proud to recognize Justin Dart as one of the true champions of the rights of individuals with disabilities, and for his many other contributions to the Nation throughout his lifetime.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Maryland (Mr. HOYER) for presenting this resolution. I did not personally know Mr. Justin Dart, Jr., but I feel, through the eloquence of my colleagues, and having had the opportunity to assist and listen to them this afternoon, that I have a regret that I did not have the opportunity of meeting him personally. He must have been a very great man.

I encourage all of my colleagues to support this resolution in his honor.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from California (Mr. McKEON) that the House suspend the rules and agree to the resolution, H. Res. 460.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### PROVIDING FOR CONSIDERATION OF H.R. 5093, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 483 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 483

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendments printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with "Provided" on page 29, line 22, through page 30, line 11; page 68, lines 1 through 7. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion ex-

cept one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

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

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 483 is an open rule providing for the consideration of H.R. 5093, the Department of the Interior and Related Agencies Appropriations Act, 2003. The rule waives all points of order against the consideration of the bill, and provides 1 hour of general debate, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Appropriations.

The rule provides that amendments printed in the Committee on Rules report accompanying the resolution shall be considered as adopted in the House and in the Committee of the Whole. It waives points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in an appropriations bill, except as specified in the resolution.

The rule further provides that the bill shall be considered for amendment by paragraph, and waives all points of order during consideration of the bill against amendments for failure to comply with clause 2(e) of rule XXI, prohibiting nonemergency-designated amendments to be offered to an appropriation bill containing an emergency designation.

Finally, the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD, and provides one motion to recommit, with or without instructions.

Mr. Speaker, the purpose of H.R. 5093 is to provide regular annual appropriations for the Department of the Interior, except for the Bureau of Reclamation, and for other related agencies, including the Forest Service, the Department of Energy, the Indian Health Service, the Smithsonian Institute, and the National Foundation of the Arts and Humanities.

H.R. 5093 also appropriates \$19.7 million in new fiscal year 2003 budget authority, which is \$546 million above last year's enacted level and \$800 million more than the President's request. The bill also provides \$700 million in emergency FY 2002 budget authority for firefighting.

Specifically, the bill provides \$458 million for the National Wildlife Refugees, a \$60 million increase over last

year. National Park Service operations are funded at \$1.6 billion, which is \$117 million more than last year. In addition, the bill provides \$368 million, an increase of \$33 million, to reduce the Park Service's enormous maintenance backlog. Also, \$96 million is appropriated for the ongoing restoration of the Florida Everglades.

H.R. 5093 provides \$377 million for the Federal land acquisition, as well as \$154 million for Stateside land acquisition grants; \$150 million for urban parks, forests, and historic preservation; and \$100 million for State wildlife grants.

Notably, the bill provides \$50 million for landowner incentive and stewardship grants to help private property owners carry out habitat conservation measures required by the Federal Government.

Those of us who represent districts in the West have expressed our concern year after year about proposals to increase Federal landholdings in our areas. Several years ago, I coauthored an amendment with the distinguished gentleman from Ohio (Mr. REGULA) designed to put equal emphasis and dollars on maintaining the land and facilities the Federal Government already owns before acquiring even more.

Much of the local opposition to Federal land purchases in the West arises from concern about revenues lost when land moves off local tax rolls and into Federal ownership. I am pleased, therefore, that the committee has increased the Payments in Lieu of Taxes by \$30 million, to \$230 million in this year's bill.

In recognition of the important role energy conservation must play in strengthening our national security, the committee has also appropriated \$985 million for energy conservation, and \$300 million for weatherization and State energy grants.

Furthermore, the committee has fully funded the President's request for the National Endowment for the Arts and the National Endowment for the Humanities.

Finally, as a member from a State ravaged by wildfires in recent years, I would like to highlight the committee's efforts in the area of wildfire suppression in firefighting. The massive wildfires burning today throughout the western United States illustrate the grave need to actively and responsibly manage our forests.

Fire suppression will require a solid commitment by Congress and concerted efforts to overcome the forces currently encumbering Federal forest managers. This bill takes an important step to restore healthy, productive forests by appropriating more than \$2 billion to implement the National Wildfire Plan, including \$919 million for fire preparedness, \$581 million for fire suppression activities, and \$669 million for other fire-related operations, such as hazardous fuels reduction, restoring burned-out forests, and preventing and treating the problems of invasive insects.

On behalf of the brave men and women we depend on to fight wildfires and the citizens whose homes and livelihoods are threatened by wildfires, I thank the committee for the special attention it has devoted to this important matter.

Mr. Speaker, the Committee on Appropriations ordered H.R. 5093 reported by a voice vote on July 9. The subcommittee chairman, the gentleman from New Mexico (Mr. SKEEN) and the ranking member, the gentleman from Washington (Mr. DICKS), have requested an open rule, and the Committee on Rules is pleased that the resolution now before the House grants that request.

Accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the underlying bill, H.R. 5093.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I thank my colleague, the gentleman from Washington (Mr. HASTINGS), for yielding me the customary half hour.

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

Ms. SLAUGHTER. Mr. Speaker, this is an open rule that I will not oppose, and the underlying bill has the support of many from both sides of the aisle. Moreover, the minority was consulted throughout the process in developing the legislation, a trend we all hope will continue throughout the process of appropriations.

The bill provides \$19.8 billion in new discretionary spending authority for the Department of the Interior and related agencies. This is \$546 million more than last year, and almost \$900 million more than the President's budget request. Moreover, the committee provided an additional \$700 million to fight the western wildfires as emergency FY 2002 spending.

For the communities fighting these fires and for all who are still recovering from the devastation these fires have wrought, this is welcome news. Communities in Colorado, Arizona, Nevada, Oregon, and other parts of the West need to know that Washington has not turned a blind eye to their very real pain.

I commend my colleague, the gentleman from Washington (Mr. DICKS), the ranking member of the Subcommittee on the Interior of the Committee on Appropriations, for ensuring that this funding was included. I also strongly commend the gentleman from New Mexico (Chairman Skeen) and the gentleman from Washington (Mr. DICKS) for their success in the funding of a new conservation trust fund created in FY 2001. By including the \$1.44 billion, \$120 million above last year, authorized for conservation, Congress has kept a promise to expand funding for land acquisition, wildlife protection, and other preservation and conservation programs.

Specifically, the fund provides \$100 million for State wildlife grants, \$30 million for urban parks and recreation recovery grants, \$60 million for Forest Legacy, \$44 million for North American Wetlands Conservation Fund, \$30 million for Save America's Treasures, \$46 million for historic preservation, \$50 million for Fish and Wildlife Service landowner incentive programs, \$36 million for urban forestry, and \$121 million for the Cooperative Endangered Species Conservation Fund.

This is an extraordinary victory for those who care about preserving our Nation's natural resources for future generations, and we thank the gentleman. But in other ways, the measure before us represents a lost opportunity, in its present form. In what is becoming an annual act of neglect, the committee failed to allow for the restoration of some of the unwise cuts made 7 years ago in the funding of those agencies responsible for the country's small but critically important arts and humanities education and preservation efforts.

The bill funds the NEA at \$116 million, a level almost 40 percent below the 1995 funding level.

□ 1530

The National Endowment for the Humanities is funded at \$126 million, almost 30 percent below the level in 1995. These funding levels fundamentally ignore the successful efforts by both NEA and NEH to broaden the reach of their programs and to eliminate controversial programs, the two reforms that were requested by the majority when they reduced the funding in 1995. It is time to recognize the success of these reforms and give these agencies the resources they need to meet this critical need.

This is penny-wise and pound-foolish. The NEA is essential to the part of the important link between education and the arts. The economic benefits we receive are enormous compared to our small investment in the NEA.

The Arts and Economic Prosperity Study conducted by Americans for the Arts reveals that the nonprofit art industry generates \$134 billion in economic activity annually. Over \$80 billion of the figure stems from related spending by arts audiences, at the parking lots where patrons leave their cars, at the restaurants where they eat before performances, at the gift shops where they buy souvenirs, and at the motels where they spend the night.

The \$232 million that the Federal Government has invested in the NEA and NEH has returned \$134 billion to Federal, State, and local economies. I cannot think of any Federal investments that yield that kind of return. Moreover, the public supports continued funding for the NEA because the NEA grants affect every congressional district. This funding is not concentrated in the handful of urban areas, but instead impacts hundreds of communities around the country.

The arts are not only good financial investment for our communities, they greatly benefit the growth and development of our children. A recent study entitled "Critical Links" conducted by the Arts Education Partnership shows that learning and the arts improves critical skills in math, reading, language development and writing, skills badly needed. For example, the study shows that learning dance and drama helped to develop skills and improve creative writing. Skills learned in music increase a student's understanding of concepts in math.

This body can ill afford the short changes that these vital programs provide when we have committed ourselves time and time again to improving the lives of our Nation's children. This is an inexpensive and most effective way to do that.

Mr. Speaker, during consideration of the underlying measure, I will work to ensure the programs are given a fighting chance. I will offer an amendment to give the NEA an additional \$10 million and an additional \$5 million to the NEA and urge my colleagues to support these efforts.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Alaska (Mr. YOUNG).

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

Mr. YOUNG of Alaska. Mr. Speaker, this will probably be the first day that I ever vote against a rule because I believe very strongly in the principle of this House that you do not legislate on appropriations, and this is what this rule allows, especially concerning the Commission on Native American Policy.

This is a bill that was introduced into the Committee on Resources and was never heard, never had a markup; and it appears in this legislation. I think that is inappropriate for this body. I believe, in fact, it is meddling with the American Native. There is not one American Native group that supports the provision of H.R. 2244. And to have us now, in appropriations, legislate is wrong.

I hope everybody has my understanding of the American Native and the injustice and wrong that has been done to them all these years by supposedly the Government of the United States, and this is yet another example.

This is an example where this Congress is going to say, we are going to review your activities. We are going to make recommendations and we are going to do to you what was not done by the Justice Department, by the BIA, the FBI, and the Office of Tribal Justice. We are now going to tell you what you have been doing wrong all these years. Now, that is not correct legislative process.

So the first time since I have been in this body with the minority, when we

were, and now with the majority for the last 8 years, I am going to vote against the rule because it is the wrong rule. And for those of you in the office, think about it for a moment. It can be you the next time. It can be you the next time where you look up one morning and find out something that you feel very strongly about and that is the American Native population or some other group that you feel equally as strong about, and a bill that has never had a hearing, never any input, no ramifications is now in an appropriations bill. I thought we were above that.

And to the Committee on Rules members, I suggest to you, where did this come from and why? Ask yourselves that.

So I am asking Members listening to this today, vote "no" on the rule, make them come back with a rule that protects the prerogative of the authorizing committee. This rule does not do so.

Mr. Speaker, I rise to oppose the Rule. Section 141 of H.R. 5093 constitutes legislating on an appropriation bill.

H.R. 2244 was introduced by the gentleman from Virginia (Mr. WOLF) in this Congress with the exact same language to create this Commission. The authorizing Committee has chosen not to take up this bill for consideration.

This proposed Commission on Native American Policy would ask whether Indian gaming benefits Indian communities, whether Tribal government gaming is regulated, and whether Tribal government is influenced by organized crime. I would like to point out, that at the gentleman from Virginia's request, the federal government—through the National Indian Gaming Impact Study Commission (NGISC), the Justice Department, and the National Indian Gaming Commission (NIGA) has already addressed these questions a number of times.

In contrast to what was stated by the author of this provision, I want to point out that Indian gaming benefits Tribal communities. The NGISC found that gaming is the only proven method of stimulating economic development in Indian country.

I also want to emphasize adamantly that Indian gaming is well regulated. In a July 3, 2002 Memo from the U.S. Justice Department's Office of Inspector General (with the Criminal Division, the FBI, and the Office of Tribal Justice) found that Indian gaming is not influenced by organized crime. Additionally, the Department of Justice (DOJ) Office of Organized Crime wrote to the Senate Indian Affairs Committee on July 25, 2001, confirming the Inspector General's report in its own independent report. Also, the \$5 Million NGISC study found that Indian Gaming is not unduly influenced by organized crime—confirming DOJ reports. Tribes reimburse States over \$40 million on State regulated Tribal gaming and have spent over \$160 million on Tribal regulation of Indian gaming.

The gentleman from Virginia's provision is wasteful and unnecessary. Millions have already been spent on the creation and study of the NGISC for the same issues. The \$200,000 appropriations request to create yet another Commission to study Indian Gaming would not permit the Department of the Interior to accomplish a meaningful study. Lastly, the

money for the Commission would come out of the Bureau of Indian Affairs (BIA) "available funds", which could be used for much needed trust administration rather than a study intended to reach pre-established conclusions. BIA is already underfunded in many of its program areas, and we do not need to request another duplicative study on Indian Gaming.

I urge my colleagues to vote to delete Section 141 from H.R. 5093, the Interior Appropriations bill for fiscal year 2003.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me time.

Mr. Speaker, I rise in support of this rule, in support of the underlying bill; and I wanted to commend the chairman and ranking member of the Subcommittee on the Interior and the Committee on Appropriations for drafting this bipartisan bill.

Mr. Speaker, I hope that more funds shall be made available in the future to meet the many critical needs addressed by this bill and to expand programs that benefit our environment and conserve our resources; however, for fiscal year 2003, I believe that this bill has done great service to the country and restored most of the short-sighted cuts recommended in President Bush's original budget proposal.

There are just a few areas where slightly more remains to be done, and I strongly urge my colleagues to support the amendment that will be offered by the gentlewoman from New York (Ms. SLAUGHTER) and the gentleman from Washington (Mr. DICKS) to provide an additional \$10 million for the National Endowment for the Arts and \$5 million for the National Endowment for the Humanities.

Mr. Speaker, in 1995 funding for the NEA and NEH was cut by more than 40 percent. Even though \$116 million is provided in H.R. 5093 for the NEA, that amount is still \$46 million below the 1995 level. NEH funding is similarly inadequate.

The Slaughter-Dicks amendment partially restores funding to these two vital programs. The reasons to support and expand these programs are well documented. The NEA provides critical support for arts education, which has been proven to increase skills in math, reading, language development, and writing.

Grants provided by the NEA and NEH leverage millions of dollars each year in private support for arts projects all across this country.

The NEH has embarked on numerous projects to preserve our Nation's cultural heritage. It is the Nation's largest source of support for research and scholarship in the humanities.

According to a recent study by the Georgia Institute for Technology, the arts industry generates millions of jobs and \$134 billion in economic activity every year. Let me repeat that figure: \$134 billion annually.

In Worcester, Massachusetts, the nonprofit arts community generates over \$48 million annually. It supports 1,445 full-time jobs and generates over \$1 million in local government revenue and over \$3 million in State revenue.

Over the past 4 years, the Worcester community has benefited from \$215,000 in NEA grants. These grants help mount exhibits in the Worcester Art Museum and in the Higgins Armory Museum. They brought arts exhibits to the public schools and school children to the community art centers and museums. Similar grants also supported the Attleboro Art Museum and community arts programs in central Massachusetts.

The NEH at the same time helped to protect some of our Nation's most precious documents and historical archives, which are preserved and displayed at the American Antiquarian Society in Worcester. Other NEH grants supported seminars on history and culture for K through 12 school teachers at the University of Massachusetts in Dartmouth and at Holy Cross College in Worcester.

These programs enrich our cultural heritage, strengthen our educational programs, stimulate our teachers and our children, and contribute to the economic well-being of our communities.

Mr. Speaker, I urge all of my colleagues to support the Slaughter-Dicks amendment when it is debated later on in the Interior bill, and I urge my colleagues to support the rule.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. REGULA), a former chairman of this subcommittee.

Mr. REGULA. Mr. Speaker, this is a good bill, but the rule has a serious flaw and let me point that out. I want to go back to WRDA, which was passed by an overwhelming majority in the year 2000 to do a restoration of the Everglades, and I quote from it: "The framework for modifications and operational changes to the Central and South Florida project that are needed to restore, preserve, and protect the South Florida eco-system," that is the Everglades, "while providing them for other water-related needs of the region, including water supply and food protection."

Now, today's bill, and this is in the wisdom of the chairman, the gentleman from New Mexico (Mr. SKEEN), and I quote, "Activities of the restoration, coordination and verification team as described in the final feasibility report and programmatic environmental impact statement for the comprehensive review of the Central and Southern Florida project shall be directed jointly by the Secretary of the Army," that is the Corps of Engineers, "the Secretary of the Interior," because this is a national park and it is a national resource. It belongs to all the people of this Nation. "And the South Florida water management district, " because the way that water is managed is important to the people in South Florida.

However, the rule makes it possible and as I understand it there will be a point of order against that section I just read. Now, the net effect of that is to take the Secretary of the Interior out of the management. But I thought we were doing this to preserve the Everglades. And who has a greater stake as an agency than Interior? This bill provides \$100 million of Interior money that is collected by taxes from people in 50 State, not just Florida, but 50 States. In the Interior bills in previous years, we have appropriated approximately \$1 billion from all the people in the United States. Who better can speak on their behalf on matters of the eco-system, which is provided in WRDA, and matters that are important to the south Florida system, the Everglades? And yet this point of order will take the Secretary of the Interior out of play.

That is wrong. That is absolutely wrong, and I think that is a real flaw in this rule. And I believe that the only way we can correct that and pass this good bill is to defeat the rule and let this section be protected. The Secretary of the Interior who speaks for all of us who are paying the bill, a former head of the Corps of Engineers, estimated it might cost as much as \$80 billion to restore the Everglades. Let us divide that by four, \$20 billion to do the restoration and vision in WRDA, and yet we will not let the Secretary of the Interior have a voice? We will take that individual out of play?

It is not just this Secretary of the Interior. This is going to be a long-term project, and unless the Secretary of the Interior is in on the ground floor, this will not work. I think we ought to go back, pass a rule and protect the section that gives the Secretary of Interior a voice as the present bill includes, thanks to the wisdom of the chairman and the members of the subcommittee.

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

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

Mr. DICKS. Mr. Speaker, I want to associate myself with the substance of what the gentleman said. This year I went down to Florida, visited the Everglades, met with the top officials because this is a major program for our subcommittee and for the country, as the gentleman points out quite properly. And I completely concur with the gentleman that we should have the Secretary of the Interior as an equal player, and we need to have this Florida water modification program moved forward in order to get water back into the Everglades and into the Florida Bay.

Mr. Speaker, I just wanted to tell the gentleman I am very sympathetic to what he has to say and I appreciate him yielding.

□ 1545

Mr. REGULA. Mr. Speaker, reclaiming my time, such time as is left, and I thank the gentleman for his comments.

If the Secretary of Interior is not part of the management system, the emphasis will be on water, water for everything but the Everglades, and yet I think the people in the United States assume that we are going to restore the Everglades. The one individual who is a key player in all of that will be the Secretary of Interior, and that individual deserves a place at the table.

I would urge Members to support a rule that leaves this section that is in the bill as put there by the wisdom of the chairman.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I am supporting the bill today but understand that the Committee on Rules has chosen not to protect the language that has just been mentioned on the Florida Everglades restoration project. It is my hope that the language remains in the bill and that the language is ultimately adopted.

I would say that this certainly could have an impact on the committee's judgments in the future about the funding levels for this project if, in fact, this language is stricken. I just say that to give everyone fair warning.

The project is one of the most important environmental projects this subcommittee has ever undertaken, but we are at a critical juncture. The chairman and I feel very strongly that the Secretary of Interior has an equal voice, the Army Corps of Engineers and the Florida Water Management District. We have appropriated over a billion dollars in this bill over the course of the project and believe that this language ensures that.

I strongly support this year's bill and sincerely hope that the committee's guidance is maintained.

I also wanted to mention that in the question of the National Endowment for the Arts, we will have an amendment today. The gentlewoman from New York (Ms. SLAUGHTER) and I and others are cosponsoring this amendment at a time when our economy is under great stress.

I think it is very interesting to point out to the membership that there was a very comprehensive economic study done about arts and economic prosperity, and the figure here is that the total economic impact of the arts in our country is \$134 billion, and it provides, I think, 4.27 million jobs, and at a time when our economy is hurt, I think we ought to remember that this sector is growing and is very vibrant. One of the reasons for it is the fact that this Congress has stayed with this program and added critical funding.

Also, I would like to point out to my colleagues that a couple of years ago we had had a big fight over CARA, and myself and the gentleman from Wisconsin (Mr. OBEY) offered an amendment creating a conservation trust fund, and at that time, the total spending in the country on conservation was \$752 million if we added together the

money in the Interior bill and the money in the Commerce-Justice-State bill.

I want to report to my colleagues that in this bill, there is \$1.44 billion for these conservation categories, and also, there will be significant additional funding over in the Commerce-Justice-State portion which takes us up to \$1.92 billion. So I think we have kept our commitment to the House that we would fund these programs in a more substantial way and including one program, the West Coast Salmon Recovery Initiative, and I want all Members of the House to know that I was out testing the waters this weekend, and the recovery initiative is doing quite well.

I disagree with my colleague. I think we should move ahead, pass the rule, and I hope that nobody will object to these important Everglades provisions.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I thank the gentleman from Washington for yielding me the time, and I rise this afternoon reluctantly to oppose the rule that we have before us today, and I want to cite a couple of problems that I see with the rule.

The first is actually, in my judgment, not the biggest of the problems that we have. The first, however, does require, I think, some observation, and that is, that we have added \$700 million to this as an emergency measure to fight fires, apparently. This has been done despite the fact that there is no such request from the administration. This has been done despite the fact that evidently most, if not all, the fires are out, and although there probably is some need for some firefighting funds, this is probably considerably more than what is needed.

Frankly, where this belongs, and there probably is a need for some funds for firefighting, but it should be on the supplemental, and that is where we should be doing this kind of thing. In fact, the President, it is my understanding, has offered to put it on the supplemental, and to find offsets so that we can do that supplemental, get it done, get it done at the level that the President has asked and that the House has passed.

The point that I want to make is that there is another place for the appropriate number. I do not think that is the appropriate number. I do not think this is the appropriate place. I think it ought to be on the supplemental which, by the way, I do not know what is holding up the supplemental. It has been something like 120 days, and we still have not been able to get that done.

That is the small problem that I see with this rule and this bill. This larger problem is that this bill puts us on a path to bust the budget, and I think that that is a big, big mistake. We passed a budget on this floor, basically passed it twice, once as a budget reso-

lution. A second time, we deemed that resolution to be the operative budget since we never got a budget out of the Senate and, in addition, the President has indicated that he wants to stick with the House-passed budget.

I think we owe it to the American people that we do stick to that budget. Let us think about this. We have a war under way. There are huge costs to that war. We have vulnerabilities that require huge expenditures for homeland defense and for security, completely legitimate and important. We are no longer able to set aside the surplus from Social Security as we did, as the Republican-controlled Congress did for a number of years. We are now running a deficit and we are told just yesterday that that deficit for this year alone will be approximately \$165 billion. Yet this bill, if we proceed as it is currently contemplated, virtually assures us that we are not even going to stick to the budget that we passed, and let me explain why.

The reason is that the allocation of the total amount of spending that we agreed in the budget resolution, the allocation amongst the 13 appropriation bills, contemplates significant increases in spending much above and beyond the President's request, way above and beyond last year's level, on a handful of bills that are generally relatively easy to pass and that the plan is to pass them early. Well, they will pass easily, bills like Interior and Agriculture and Treasury Postal, where there are big plus-ups above and beyond the President's request.

The problem is to make the numbers add up. The assumption is that we are going to be able to pass Labor, Health and Human Services and VA, HUD, and Commerce-Justice-State, the assumption is that we are going to pass those bills at lower levels, and we know realistically that is not going to happen.

So if we are serious about delivering on the budget resolution that we voted to, that we adopted in this House and that the President wants us to stick with, if we are serious about that, and by all means we should be, then we need to stop this process right now and rethink these 302(b) allocations.

Maybe I am all mistaken and maybe this is just not the case at all and that every one of these bills can and will be brought out and we will pass it and that is the intention here. If so, then I would suggest let us start with the hard ones, not the easy ones. Why do we not start off with CJS right now, why do we not do VA-HUD, why do we not do Labor-HHS now, rather than at the end of this process, when in all past years when we get to the end, we shrug our shoulders and say, imagine that, there is not enough money to pass these bills, and then we bust the budget.

At this time when we are running the deficits that we are, when we have the vital challenges facing our Nation to equip our men and women in uniform, to protect our homeland from the

threats that it faces, we cannot afford big increases in bills that are not as vital, and so I urge my colleagues to vote against this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I just want to mention to the Members that there is \$700 million added to this bill for firefighting. That may not be enough to make up for the difference in what is needed because of the tremendous fires we have had in the West. In fact, we have heard that number may now be over a billion that is needed, and this is a 2002 supplemental. This is not part of the 2003 bill, and the gentleman from Wisconsin (Mr. OBEY) can, of course, speak on this better than I, but my judgment is this should be added to the 2002 supplemental, the regular supplemental, and if it were, we would obviously take it out in conference, but we need to get this money passed.

The problem we have is that the administration, Forest Service, the BLM need this money. If they do not get it, they will have to borrow from other accounts within the departments, and it will completely disrupt the way they do their business. So we have to be very careful here that we do not completely disrupt the way the Forest Service and the BLM operate because they have many other significant responsibilities.

This is the least we should be doing. We should be doing more, and I cannot imagine why the Office of Management and Budget does not understand that there is a problem out there that needs to be solved, and it is mystifying that they have not made a formal budget request when there is this kind of need out in the West.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me the time, and I wanted to just touch base, Mr. Speaker, on a couple of points about this bill.

This bill is our national environmental policy in many ways because it takes the management of land, the management of resources, policies affecting energy and a number of other issues, and it cobbles together a bill which is truly bipartisan and one that represents many different kinds of philosophies.

Many folks from the East have very strong opinions on this bill. Many from the West have other opinions and so this bill is actually delicately balanced and crafted. Many Members do not appreciate what goes into it, but I can assure my colleagues when we get so many Type A personalities in a body of 435 people, we are not always going to have agreement, but what we do end up with is a good bill, a bill that funds our national parks.

Our national park maintenance program is far behind, a billion dollars.

This helps catch them up. We lose lots of assets on our Park Services every year. It helps round out a lot of the boundaries in the Fish and Wildlife and the wildlife refuges that are overdue, Forest Service and Bureau of Land Management, some of the policies that have to do with Western utilization of land.

One of the things that people do not get reminded enough in terms of our national forests is that the concept of national forests started under Theodore Roosevelt, and the idea was that the Federal Government cannot lock up everything, but the private sector also cannot always develop everything. The national forests are not supposed to be national parks. They are working forests, and so it is proper there for public utilization both for recreational and for commercial purposes to take place.

This bill has lots of great research for energy policy. At a time when, unfortunately, our energy bill has stalled in the other body, this bill steps forward without doing a lot of good research like fuel cell technology, things like this. This balances our issues in the Bureau of Indian Affairs, health care on reservations and land disputes and title research.

All of this is in there, Mr. Speaker, and I urge Members to support the rule and support the bill and let us keep our environmental policy in America moving forward.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member.

Mr. OBEY. Mr. Speaker, I thank the gentlewoman for the time.

Mr. Speaker, I think this bill is a perfectly reasonable bill and I intend to support it, but I must bring to the attention of the House certain facts that relate to the overall budget situation of which this bill is only a part. Because while the bill itself has been put together by the gentleman from New Mexico (Mr. SKEEN) and the gentleman from Washington (Mr. DICKS) in a perfectly responsible way, the allocation process under the Budget Act, under which it comes to the floor, is in my view a charade, and I want to explain that.

We are now for the third time going through the same drill that we have gone through the previous 2 years. The Committee on the Budget has imposed on this House a budget ceiling for domestic discretionary programs which is about \$748 billion. Everyone understands, except perhaps 30 or 40 people in this House, everyone understands that, in the end, appropriation bills will wind up costing considerably more than that \$748 billion. So this is a question of truth in packaging.

The problem that we face, what is happening this year, as was the case in the last 2 years, is that the larger bills which are going to be coming later, the VA-HUD bill, the Labor-Health-Education-Social Security Services bill

and the Commerce-Justice-State bill are all being cut by very large amounts below the levels that both sides of the aisle recognize will be needed to eventually pass those bills, in order to, on a temporary basis, free up money which can be put into bills like this one to make it look as though we can pass bills like this and still remain consistent with the overall Budget Act.

□ 1600

Now, the fact that that is being done is not the fault of the Committee on Appropriations. It is the only choice left open to the chairman because of the unrealistic spending levels that are provided for in the budget resolution. But what this means, in the end, is that (while we will be able temporarily to hide from the truth, unfortunately, and we will be able to pass the smaller bills, such as the Ag bill, the Treasury Post Office bill, the military construction bill, this bill, and a few others), come September, guess what! Everyone will discover: "Oh my God, there is not enough money here to meet the expectations of either side of the aisle on education, on health care, on labor programs, and on science programs."

The VA-HUD bill, for instance, has been cut \$2.7 billion below the budget request of the President in order to temporarily free up room for bills like this. The Labor-HHS bill is going to be cutting teacher improvement programs. It is going to be cutting Pell Grants and other programs if it is going to comply with the overall spending limits.

So, in essence, we have a charade. And I think the House ought to be facing up to it now versus later. But we are not going to do it because, I realize, that the House leadership has only one play that they know how to run. And as I said in committee, it kind of reminds me of my high school football team, when Dick Gumness was the quarterback and Jack Bush was the half back. We were unscored on the first seven games of the season. Then, in the last game, the opposition, Eau Claire, scored 14 points the first half, we scored 7 points the second half and were driving for a second tying touchdown. We got to about the 20 yard line, and Jack Bush, the half back, had his bell rung on a play. He came back into the huddle, and Dick Gumness, the quarterback, recognized that Jack could not remember any other play, except the one we had just run. So we ran that same play five straight times in order to cross the goal line, because that is the only play Jack could remember.

That is what it reminds me of when I look at what the leadership is doing here. This is the only play they can figure out, so they are going to run it again, again, and again, even if in the end it results in a futile effort and no score. That is the only difference between our game and this one. There is not going to be any score until people face reality.

So sometime between now and October 1 people are going to have to recognize that the budget resolution is a fiction. That does not mean there should not be a budget resolution. There should. But it should be an honest one which honestly, up-front, ahead of time estimates what the cost will be rather than hiding the true cost until the end game.

That is why this Congress is being delayed in so many other aspects of its work. It is a shame, but it is the only play, evidently, that the leadership knows how to run.

Mr. HASTINGS of Washington. Mr. Speaker, may I inquire as to how much time remains on both sides?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Washington (Mr. HASTINGS) has 10 minutes remaining, and the gentlewoman from New York (Ms. SLAUGHTER) has 11½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Speaker, I thank the gentleman from Washington for yielding me this time, and I want to congratulate the chairman of our subcommittee, the gentleman from New Mexico (Mr. SKEEN), and the ranking member, my colleague, the gentleman from Washington (Mr. DICKS), for their hard work.

I listened intently to the ranking member, the gentleman from Wisconsin (Mr. OBEY), talking about football plays; and this bill particularly, I guess, can be likened to the idea that there is going to be a Monday morning quarterback coming in always on this bill and trying to rewrite it, and I think that is probably what we will see some of today. It is different when you are in the room trying to solve the problem of allocating money among disparate resources and a limited amount of money for certain functions of the government that deal with our natural resources economy.

I think this bill, while not ever perfect, for goodness sakes, is a very balanced bill; and I think it is a rule that is fair as well. By and large this is a good package, and I think it has taken a tremendous amount of work to get Members on one side of the political spectrum dealing with those on the other and trying to come to a package that makes some sense.

I supported in the subcommittee, and I am very proud of my conservative credentials, fiscally and otherwise, but I supported the additional money for firefighting. I did it because we saw a memo that I hold here from the chief of the forest service basically saying this is such an extraordinary year facing fire costs that we must have additional money or else in the forest service they are simply going to say, drop all other obligations for the forest service and put that effort into firefighting and put the resources into firefighting.

If you are from the West, and I am, and your State is burned up, from time



to time, you will be the last to criticize additional money that comes in for firefighting purposes. I say that advisedly to some of my colleagues who are concerned about this extra money. If you are from Arizona, you are not going to feel this way, necessarily. If you are from California or Washington or Oregon or elsewhere that is facing unrestricted firefighting problems, you are going to say, please help us out. And if it is your home that is being destroyed or your neighborhood or your region, you are going to be the first to stand up and say this government can help and we can do so through the Federal system.

So I think we are, within our budget allocations in the interior bill, in a difficult bill to try to balance, we are balancing it with adequate consideration for resources, for conservation, for development, for the arts, the humanities and so forth. It is a tough balancing act to try to get into law, and we are doing it and we have done it.

So I would say to any critics of this measure, be thoughtful about how you criticize, because this is a well-balanced package that I think is very well crafted to do all that we want to do in this bill.

It is important, I think, to know also that the administration supports the fiscal year 2003 Department of Interior and related agencies bill reported by the House Committee on Appropriations. And I hope my colleagues will support the rule and the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise today in opposition to the rule and to express my strong opposition to certain provisions included in the interior bill that impact American Indians.

Specifically, Mr. Speaker, I have concerns regarding the language on the Commission on Native American Policy, American Indian trust fund reform, and the Cobell v. Norton litigation. These provisions were not developed in consultation with Indian country. Rather, they were directly included in the House interior appropriations bill. This language will erode the legal rights of tribal governments and block the goals they seek to attain, and these provisions violate House rule XXI, which prohibits legislating on appropriation measures.

Mr. Speaker, in this day and age, the tactic of ignoring tribal government input and advice on initiatives that impact their lives and systems of government is really unacceptable. Congress should set the example for how adequate and meaningful consultation should occur between the Federal Government and tribal governments. The Commission on Native American Policy would mandate that tribal governments engaged in gaming be subjected to additional federally imposed examination and possibly more regulation.

I believe these provisions were put in by Members of Congress who oppose In-

dian gaming. But tribal governments, similar to State and Federal governments, are democratic systems of governance. If some tribal governments decide to pursue gaming activities as a means of securing economic self-sufficiency, Congress should not stand in their way.

The proposed commission will also divert Federal funds from other badly needed Federal Indian programs. And, in fact, millions of dollars have already been spent studying the need for more regulation of Indian gaming. We do not need to waste money on another study.

Mr. Speaker, I mentioned earlier that I also oppose two other provisions in the bill, one that will reform the American Indian trust fund strategy and the other dealing with the Cobell v. Norton litigation. These provisions will limit a historical accounting of trust funds to the period from 1985 to 2000, which will assume all records before 1985 are correct, and in addition would not provide an accounting for funds held in an account closed as of December 31, 2000.

The tribal governments and representatives involved in the trust fund and litigation procedures are demanding an accounting of their trust funds dating back to the 1800s. Why in the world are some Members of Congress attempting to deny these account holders a full accounting of their trust funds? I have no idea.

These provisions not only serve to undermine existing Federal law, requiring a full accounting of all trust funds, but they also deny a Federal court decision requiring an accounting of all funds regardless of the date deposited. Why are we trying to go counter to a Federal court action and contrary to the existing Federal law that is simply asking for an accounting for funds that are owed to tribes? It makes no sense whatsoever.

Basically, Mr. Speaker, these provisions in the bill are clearly moving in the wrong direction. They do not serve to meet the needs or strengthen the rights of Indian country. They are taking away the rights of Indian country. They are being done without consultation. It sets a terrible precedent on an appropriations bill that we do this without any opportunity for a hearing or any opportunity for consultation with American Indians.

For these reasons, I oppose these provisions, and I oppose the rule. I would ask my colleagues to support two amendments that the gentleman from Michigan (Mr. KILDEE), the gentleman from Arizona (Mr. HAYWORTH), and other Members of the Native American Caucus are going to offer later that would strike these very bad provisions, in my opinion, that impact Indian country in a very negative way.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Florida (Mr. YOUNG), the very distinguished chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of this rule.

This is an open rule. Unlike some of the bills that come to this floor under closed rules, this is an open rule. The Committee on Appropriations brings open rules to the floor. Members will have an opportunity to deal with this bill responsibly, and this rule makes that in order.

Now, I understand, listening to some in the debate, that there are going to be some who do not like this bill. Well, that is usually always the case that some will not like this bill. But we cannot predict what will happen to bill number 13 based on bill number three. And this is only number three of the FY 2003 appropriation bills.

Now, why is that? Why is this only bill number three, and we here in the middle of July? It is number three because this chairman made a commitment to the President of the United States that this year the first appropriations bill to move through the House would be the defense appropriations bill, and the second one would be the military construction bill. And, Mr. Speaker, this chairman kept that commitment.

While we were doing that, we were also working on a supplemental, which was basically all defense and homeland security. So we have been very busy. Now, these other bills backed up because we have kept that commitment to the President to move the defense bills first. In a time of war, I think that is perfectly acceptable. I think it is a good idea.

But now I understand that because some people might not like what is coming down the road, they are going to use all the dilatory tactics we can on this interior bill, which is the last bill that the gentleman from New Mexico (Mr. SKEEN) is going to present to this House before he retires.

We are providing the membership with a good bill. There may be some differences, and there is nothing wrong with that. That is why we have an open rule. But this is a good bill. It meets the needs and the requirements of this country. There is nothing wrong with this bill. If there are some who think they want to change it, they can offer an amendment. Under an open rule, that is what you do.

Mr. Speaker, it is interesting. I read some comments by some of our colleagues who want to destroy the appropriations process. Do it, if you can. But understand that of all the bills that are considered in this House during a fiscal year, the ones that really have to pass are the appropriations bills, because without the appropriations bills, nothing happens.

So destroy the process, if you want. The budget process WAS destroyed. There is no budget process here, which makes it very difficult to appropriate and confer with our counterparts in the other body.

If what you are about here is just numbers and the destruction of the appropriations process, so be it. But I believe that a vast majority of this House

will not agree to that because they understand the importance of the appropriations process to this House.

Mr. Speaker, again, this is a good rule, it is an open rule, and it allows the House to work its will.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I, for one, Mr. Speaker, do appreciate the open rule, and today I will be offering an amendment to the interior bill to encourage our administration to work on terminating the 36 undeveloped oil leases off California's coast. My amendment would restrict this year's Department of the Interior funds from being spent to develop these 36 leases.

It is similar to an amendment the House passed last year by a wide bipartisan margin to stop the sale of leases off Florida's coast.

□ 1615

Offshore oil drilling has long been a controversial issue throughout California. The 1969 blowout in the Santa Barbara Channel dumped 4 million gallons of oil into the sea, killing thousands of marine animals and damaging a huge swath of our beautiful coast. The devastation was so great that it galvanized virtually the entire State against more offshore oil drilling. Many credit this event to inspiring the modern environmental movement.

Since then, dozens of local governments have passed anti-oil drilling measures, and our State has enacted a permanent ban on new offshore oil leasing. Many of us have asked this administration to work on terminating these existing leases. So now I hope that a strong House vote on protecting California's coast and economy can encourage such action similar to the action on behalf of Florida and Michigan's coastlines.

Mr. Speaker, I urge Members to support this amendment and demonstrate the House's commitment to protecting our environment and the economy associated with our coastal resources, particularly in this case, the California coastline.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, this is a very good Interior appropriations bill; but the problem is that the rule failed to protect two very important provisions of the bill that were put in there by the Subcommittee on the Interior and endorsed by the full Committee on Appropriations on a bipartisan basis. These two provisions are critical to protecting a program to restore the natural system of the Florida Everglades. This restoration project is costing the people of the United States lit-

erally billions of dollars. It is the most comprehensive and ambitious environmental restoration project perhaps in the history of our world, certainly our country.

What happens is that one of the provisions that is not protected by the rule would ensure that the Department of the Interior is made a full partner with the Army Corps of Engineers and the State of Florida in determining how this restoration project goes forward, and that science is used to make sure that the project is carried out in a way that achieves its objectives.

Without the Department of Interior as a coequal partner, we are not going to get the kind of results that we want here. If the Department of Interior is required to play a subsidiary rule, as this rule would require, then the outcome is going to be less than what we want and money will be sorely wasted.

The other provision that the rule fails to protect is a provision with the way the water would flow, north to south and south to north. Right now the Tamiami Trail which runs east and west across southern Florida blocks the flow of that water. A provision in the appropriations bill, again put in there by the members of the Subcommittee on Interior and endorsed by the full committee on a bipartisan basis, would ensure that a provision which the Congress previously authorized, the purchase of land to make sure that the Tamiami Trail can be raised and the water can flow naturally back and forth, north and south through the Everglades and into Florida Bay, that provision is not protected.

These two essential ingredients of the Florida Everglades Restoration Plan, costing the taxpayers of this country billions of dollars, are not protected in this bill. That is why the rule should be defeated.

Some Members might say we are legislating on an authorization bill. That is nonsense. These provisions ensure that what the Committee on Appropriations does, which authorizes money to be spent, that that money is going to be spent properly, cleanly, honestly, scientifically, so that we get the results that we want and need in this restoration project. Politics and not science is going to rule the day if this rule goes forward. That is the problem with this rule, and that is why it should be defeated.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I rise in opposition to this rule, and associate myself with the words of the gentleman from Alaska (Mr. YOUNG), the former chairman of the Committee on Resources.

The Committee on Appropriations has breached rule XXI which forbids legislating on an appropriations bill. They have breached it in two places in a very delicate, complex area of Indian law which is under the jurisdiction of the Committee on Resources. We have

been working on that area of law very carefully and over a number of years, and have within sight, I believe, a solution to the problems which they seek to address in this appropriations bill.

I went to the Committee on Rules last night asking them not to protect these two breaches of rule XXI, but they would not give me that protection, would not give the House that protection. Therefore, I oppose this rule. I think this breach is an insult to the authorizing committee, and it is really an affront to the Native Americans of this country with whom we have worked closely on the Committee on Resources to resolve their problems.

Ms. SLAUGHTER. Mr. Speaker, I yield 2¼ minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, my comments are very similar to several speakers who have risen on the rule. I am very much in support of many provisions in the bill, but the rule, unfortunately, specifically in terms of not protecting two very significant issues on Everglades restoration, I urge my colleagues to look, understand the rule, and urge defeat of the rule for those very specific and unfortunate nonprotection issues.

Those are the only two issues where points of order are not waived. It was a very conscious, very specific decision that was made in the Committee on Rules. Members need to understand the specifics about what, and we are getting on some local, local issues. One of the provisions which has been mentioned deals with the Department of Interior representation in the process to determine literally how \$8 billion is going to be spent. There is a real concern that that component, without the Department of Interior's involvement, is going to lead to results that this Congress does not want. If we pass the rule, that provision will be taken out. There has been incredible bipartisan support, people on both sides of the aisle have spoken against the rule for this very reason.

In the State of Florida, all of the 23 Members of the House have supported Everglades restoration efforts continuously at a legislative level. When we have had Democratic governors, Republican governors, candidates for President from both sides of the aisle have vigorously supported this restoration process. But in the bowels of the legislation to take out the Department of Interior really in a sense in the dark of the night in a specific way would be very unfortunate and would have the exact results that publicly no one has the guts to stand up and articulate a reason for doing it because it is such an untenable political position.

Mr. Speaker, there is a specific area called the 8½ square miles. There are 60 homes in that area right now. It is in my district. Those homes are probably going to have to be condemned. They are in the middle of a floodplain. However it happened, this provision prevents those homes from being condemned. They need to be condemned



for Everglades restoration. This provision prevents it, and can actually prevent the entire project.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, first I congratulate the gentleman from New Mexico (Mr. SKEEN) who is, as the gentleman from Florida (Mr. YOUNG) said, is going to be bringing forward his last appropriations bill before he retires, and so I would like a great round of applause for the gentleman from New Mexico (Mr. SKEEN).

Mr. Speaker, this is, as was said so well by the gentleman from Florida (Mr. YOUNG), an open rule. There has been a lot of confusion about this process, but I want to take a moment to go through a couple of provisions raised by Members.

I oppose authorizing in appropriations bills. I do not believe it is the right thing to do, but sometimes it is necessary. We in the Committee on Rules have worked very diligently to ensure that we address the prerogative of the authorizing committees when we proceed. What that basically means is on rule XXI, which the gentleman from Michigan (Mr. KILDEE) just raised as an issue, if we have opposition that comes from the chairman of the authorizing committee, we in fact do not provide that waiver of rule XXI. So what we have done is we have received a grand total of one letter, and I have it here someplace, and it came from two committee chairmen raising concerns about legislating in an appropriations bill, and it did not have to do with the Indian provisions because under the open amendment process, any Member can rise and strike those provisions that were included in the bill.

The gentleman from Utah (Mr. HANSEN) is here. He is chairman of the Committee on Resources, and he did not choose to object on that issue. So for that reason, we in fact did provide the protection; but a striking amendment will still be in order.

The letter we did receive from the gentleman from Utah (Mr. HANSEN) and from the gentleman from Florida (Mr. YOUNG) deals with the two Everglades provisions. We found strong opposition from the authorizing chairmen who have jurisdiction there. So what we did do, what we chose to do was to make sure that those two issues could in fact be open to a point of order and be stricken.

Now, I will tell Members that every Member of this House who serves on an authorizing committee will, I believe, have some issue that they hope that the Committee on Appropriations does not address, and they, in working with their chairman, can get a letter that is sent to us to ensure that that issue is

addressed appropriately in the Committee on Rules.

We have followed this pattern, which has worked very effectively on both the Indian gaming issue and on the Everglades issue and other concerns that were raised. So I will say to the gentleman from Pennsylvania (Mr. TOOMEY) who raised some concerns, he has the right to strike any provision that is in this bill, and he can offer an amendment to do that. But as the gentleman from Florida (Mr. YOUNG) said, we have to proceed with the appropriations process. It is a priority. It is a constitutional responsibility that we have to appropriate the dollars to deal with our priorities.

I urge Members to support this open rule which is very fair, addresses the concerns of both the authorizing committees and the Committee on Appropriations. Let us pass the rule and pass the bill itself. I urge Members to join with us in doing that.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

#### PARLIAMENTARY INQUIRY

Mr. HASTINGS of Washington. Mr. Speaker, parliamentary inquiry.

Mr. Speaker, two points. Am I correct the gentleman has to be on his feet when the vote is called, and it has to be done in a timely manner?

The SPEAKER pro tempore. The Chair recognized the gentleman from New York.

The gentleman from New York objects to the vote on the ground that a quorum is not present and makes the point of order that a quorum is not present.

Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Following this vote, pursuant to clause 8 of rule XX, the Chair will then put the question on the remaining motions to suspend the rules on which further proceedings were postponed earlier today and then on the motion postponed from Monday, July 15.

Votes will be taken in the following order:

H.R. 4866, by the yeas and nays; and

H. Con. Res. 395, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote in this series.

The vote was taken by electronic device, and there were—yeas 322, nays 101, not voting 11, as follows:

Ackerman	Gekas	Meeks (NY)
Aderholt	Gephardt	Mica
Armey	Gibbons	Millender-
Bachus	Gilchrest	McDonald
Baker	Gillmor	Miller, Dan
Ballenger	Gilman	Miller, Gary
Barr	Gonzalez	Miller, Jeff
Barton	Goodlatte	Mink
Bass	Gordon	Mollohan
Bentsen	Goss	Moore
Berkley	Graham	Moran (KS)
Berman	Granger	Moran (VA)
Berry	Graves	Morella
Biggert	Green (TX)	Murtha
Bilirakis	Greenwood	Neal
Bishop	Grucci	Nethercutt
Blunt	Gutierrez	Ney
Boehlert	Hall (OH)	Northup
Boehner	Hall (TX)	Norwood
Bonilla	Hansen	Nussle
Bono	Harman	Oberstar
Boozman	Hart	Obey
Boswell	Hastings (WA)	Olver
Boucher	Hayes	Ortiz
Boyd	Hayworth	Osborne
Brady (TX)	Hefley	Ose
Brown (FL)	Herger	Otter
Brown (SC)	Hill	Owens
Bryant	Hilliard	Oxley
Burr	Hinojosa	Pastor
Burton	Hobson	Paul
Buyer	Hoeffel	Pelosi
Callahan	Holden	Peterson (MN)
Calvert	Horn	Peterson (PA)
Cannon	Houghton	Petri
Cantor	Hoyer	Pickering
Capito	Hulshof	Platts
Capps	Hunter	Pombo
Capuano	Hyde	Portman
Cardin	Isakson	Price (NC)
Carson (IN)	Israel	Pryce (OH)
Castle	Issa	Putnam
Chambliss	Istook	Quinn
Clay	Jackson-Lee	Radanovich
Clement	(TX)	Ramstad
Clyburn	Jefferson	Rangel
Coble	Jenkins	Rehberg
Collins	John	Reyes
Combest	Johnson (CT)	Reynolds
Cooksey	Johnson (IL)	Rodriguez
Cox	Johnson, E. B.	Roemer
Coyne	Jones (OH)	Rogers (KY)
Cramer	Kanjorski	Rogers (MI)
Crane	Kaptur	Rohrabacher
Crenshaw	Keller	Ros-Lehtinen
Crowley	Kelly	Ross
Cubin	Kennedy (MN)	Rothman
Culberson	Kerns	Roukema
Cummings	King (NY)	Roybal-Allard
Davis (CA)	Kingston	Royce
Davis, Jo Ann	Kirk	Rush
Davis, Tom	Knollenberg	Sabo
Deal	Kolbe	Sandlin
Delahunt	LaFalce	Sawyer
DeLauro	LaHood	Saxton
DeLay	Lampson	Schiff
Diaz-Balart	Langevin	Schrock
Dicks	Lantos	Scott
Dooley	Larsen (WA)	Sensenbrenner
Doolittle	Larson (CT)	Serrano
Doyle	Latham	Sessions
Dreier	LaTourette	Shaw
Duncan	Leach	Shays
Dunn	Levin	Sherman
Edwards	Lewis (CA)	Sherwood
Ehlers	Lewis (GA)	Shimkus
Ehrlich	Lewis (KY)	Shows
Emerson	Linder	Shuster
Engel	LoBiondo	Simmons
English	Lowe	Simpson
Eshoo	Lucas (KY)	Skeen
Etheridge	Lucas (OK)	Skelton
Evans	Lynch	Slaughter
Everett	Manzullo	Smith (NJ)
Farr	Markey	Smith (TX)
Ferguson	Matheson	Smith (WA)
Fletcher	Matsui	Snyder
Foley	McCarthy (MO)	Souder
Forbes	McCarthy (NY)	Spratt
Ford	McCrery	Stearns
Fossella	McGovern	Stenholm
Frank	McHugh	Strickland
Frelinghuysen	McInnis	Stump
Frost	McIntyre	Stupak
Gallegly	McKeon	Sullivan
Ganske	Meehan	Sununu

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