

of the House is requested, a bill of the House of the following title:

H.R. 3763. An act to protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws, and for other purposes.

The message also announced that the Senate insist upon its amendment to the bill (H.R. 3763) "An Act to protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SARBANES, Mr. DODD, Mr. JOHNSON, Mr. REED, Mr. LEAHY, Mr. GRAMM, Mr. SHELBY, Mr. BENNETT, and Mr. ENZI to be the conferees on the part of the Senate.

The SPEAKER pro tempore. The committee will resume its sitting.

#### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The Committee resumed its sitting. The CHAIRMAN. The Clerk will read. The Clerk read as follows:

##### WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire suppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuel reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, \$1,513,449,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2002 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71-319 (16 U.S.C. 576 et seq.): *Provided further*, That notwithstanding any other provision of law, \$8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for the Joint Fire Science Program: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazard reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, \$640,000,000 is for preparedness, \$420,699,000 is for wildfire suppression operations, \$228,109,000 is for hazardous fuel treatment, \$63,000,000 is for rehabilitation and restoration, \$20,376,000 is for capital improvement and maintenance of fire facilities, \$27,265,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), \$58,000,000 is for state fire assistance, \$8,500,000 is for volunteer fire assist-

ance, \$27,000,000 is for forest health activities on State, private, and Federal lands, and \$12,500,000 is for economic action programs: *Provided further*, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", "Forest and Rangeland Research", and "Capital Improvement and Maintenance" accounts to fund state fire assistance, volunteer fire assistance, and forest health management, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management, trails and facilities maintenance and restoration: *Provided further*, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105-163: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged businesses: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to \$15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That included in funding for hazardous fuel reduction is \$5,000,000 for implementing the Community Forest Restoration Act, Public Law 106-393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further*, That in expending the funds provided with respect to this Act for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries applicable to hazardous fuel reduction activities under the wildland fire management accounts: *Provided further*, That notwithstanding Federal Government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized under this heading on and adjacent to Federal lands using grants and cooperative agreements: *Provided further*, That notwithstanding Federal Government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to local private, nonprofit, or cooperative entities; Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups; small or micro-businesses; or other entities that will hire or train a sig-

nificant percentage of local people to complete such contracts: *Provided further*, That the authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated: *Provided further*, That the Secretary of Agriculture may transfer or reimburse funds, not to exceed \$7,000,000, to the United States Fish and Wildlife Service of the Department of the Interior, or the National Marine Fisheries Service of the Department of Commerce, for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference as required by section 7 of such Act in connection with wildland fire management activities in fiscal years 2002 and 2003: *Provided further*, That the amount of the transfer of reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing in connection with wildland fire management activities affecting National Forest System lands.

AMENDMENT NO. 16 OFFERED BY MR. TANCREDO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. TANCREDO:

Page 77, line 8, after the dollar amount insert "(increased by \$43,000,000)".

Page 78, line 8, after the second dollar amount insert "(increased by \$8,000,000)".

Page 78, line 9, after the dollar amount insert "(increased by \$35,000,000)".

Page 114, line 7, after the dollar amount insert "(decreased by \$50,000,000)".

Mr. TANCREDO. Mr. Chairman, I rise today to offer an amendment that I hope will help those of us among the body who feel a terrible mistake was made in an earlier amendment that actually increased funding for the National Endowment for the Arts. My amendment reduces funding for the National Endowment for the Arts by \$50 million and redirects the money into the budget for the U.S. Forest Service.

We all know and certainly have had a lot of discussion about the devastating impact the fires have had on the American West, with hundreds of thousands of acres in Arizona, Nevada, Oregon, and my home State of Colorado reduced to charcoal by wildfire. In many of these States, the fire season is only now underway. According to the Forest Service, an additional 73 million acres remain at risk to catastrophic fire. To put it in perspective, 73 million acres is an area slightly larger than the State of Arizona.

While this amendment only reduces its budget, few programs seem more worthy of outright elimination than the National Endowment for the Arts. First created in 1965, the NEA has been one of the most controversial government programs on the books, almost since its inception. The most notorious aspects of the NEA have been talked about for many years, and I will not go into them today.

Instead of squandering nearly \$100 million on questionable and offensive exhibits, we should utilize these funds in a way that better serve the public interest. In a lean budget year like this one, we ought to not squander limited resources on subsidizing the arts. Instead, I believe we should use these funds to increase the government's ability to help control and prevent wildfires in the American West.

My amendment would do just that by redirecting the portion of the NEA budget to the U.S. Forest Service Wildland Fire Management Plan, splitting the dollars between fire suppression efforts and hazardous fuels reduction programs.

Mr. Chairman, President Theodore Roosevelt's then agricultural secretary James Wilson wrote a letter where he said, "And where conflicting interests must be reconciled, the question should always be decided from the standpoint of the greatest good for the greatest number over the long run." I ask my colleagues to let Mr. WILSON's words guide them in their actions today when making a decision on this amendment. Which program will do the greatest good for the greatest number.

Mr. WAMP. Mr. Chairman, I rise in opposition to the gentleman's amendment on behalf of the committee.

This agreement that we have on NEA is long-standing, it is bipartisan, it is very delicate, and conservatives and liberals and moderates have come together on this in the past. Obviously, the amendment that just passed increasing NEA funding makes this amendment somewhat problematic for some on this side.

I have to also say, as a member of the subcommittee for 6 years, we have seen tremendous improvement. Under Bill Ivey's leadership, the NEA is much more accountable, much more responsive, and much more efficient. I know he is no longer there, but it is a much-improved organization. The funding levels have been agreed to.

This bill is a careful balance. On virtually every item in the bill we have had to work through a compromise so that we could report the bill out with comity and cooperation for the good of the country. This agreement, at approximately \$100 million for the NEA, is a carefully crafted bill. This amendment cuts that in half, which obviously would create the inability to ever pass this bill, to ever conference this bill with the Senate, to ever finally arrive at an agreement here.

So we respectfully oppose the amendment and ask the entire body to vote against the amendment.

Mr. DICKS. Mr. Chairman, I move to strike the last word, and I rise in very willing opposition to this amendment.

This amendment is not about adding money to anything, it is about cutting the minimal funding which is currently in this bill for the arts. In light of the vote just taken by the House of Representatives, in which 234 Members voted for the arts, I think it is also very untimely.

This amendment would cut the NEA below the \$116 million requested by President Bush and recommended by the Republican leadership of the committee. The \$116 million provided in this bill for the National Endowment for the Arts is only 1 percent above last year. It is \$46 million below the level approved in 1994 for the agency.

The gentleman's arguments against NEA are outdated and do not reflect the many reforms implemented by the Congress and former NEA chairman Bill Ivey, and the new chairman, Eileen Mason, to address public concerns about controversial arts projects supported by public funds.

Anyone who knows about the arts realizes that there will always be controversy. These include broader distribution of funds throughout the United States, elimination of general operating support for organizations with no control on content, and prohibitions on regranteeing of NEA funds to other organizations. Today, funds at NEA flow to over 300 congressional districts with great enthusiasm and very little complaint, and with an emphasis on quality.

Essentially, the same item was offered last year on the Interior bill by the gentleman from Florida (Mr. STEARNS). It failed on a vote of 145 to 264. I hope an even larger number of Members will vote "no" on this amendment and finally declare an end to the culture wars which started 8 years ago in this House. It is over.

Let me also say that the gentleman from Washington was the author of an amendment to increase the firefighting funds available to this administration in a supplemental attached to this bill by \$700 million with \$200 million for the BLM and \$500 million for the Forest Service. Obviously, we recognize the need to deal with forest fires.

I would say that those who were voting yesterday to kill the cut of the BLM funding are the same people who should be looked at in terms of their commitment to having adequate funding at the BLM in order to do the firefighting.

This amendment is bad, it is wrong, it is unnecessary, and I think we should voice vote it and move along.

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

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

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

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

The Clerk will read.

The Clerk read as follows:

For an additional amount for "Wildland Fire Management", for fiscal year 2002 in addition to the amounts made available by Public Law 107-63 \$500,000,000, remain available until December 31, 2002, for the cost of fire suppression activities carried out by the

Forest Service and other Federal agencies related to the 2002 fire season, including reimbursement of funds borrowed from other Department of Agriculture programs to fight such fires: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

#### CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, \$572,731,000, to remain available until expended for construction, reconstruction, maintenance, and acquisition of buildings and other facilities, and for construction, reconstruction, repair, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205, of which, \$64,866,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided further*, That up to \$15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project.

#### LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$146,336,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

#### ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$1,069,000, to be derived from forest receipts.

#### ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

#### RANGE BETTERMENT FUND

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

ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND REQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96-487), \$5,542,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 113 passenger motor vehicles, of which 10 will be used primarily for law enforcement purposes and of which 113 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed seven for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901-5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

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

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

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105-163.

None of the funds available to the Forest Service may be reprogrammed without the

advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105-163.

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

Funds available to the Forest Service shall be available to conduct a program of not less than \$2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

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

Pursuant to sections 405(b) and 410(b) of Public Law 101-593, of the funds available to the Forest Service, up to \$2,500,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than \$300,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

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

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

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the "National Forest System" and "Capital Improvement and Maintenance" accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the

Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

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

For fiscal years 2003 through 2007, the Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: *Provided*, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: *Provided further*, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101-612).

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

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed \$750,000.

DEPARTMENT OF ENERGY  
CLEAN COAL TECHNOLOGY  
(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, \$50,000,000 shall not be available until October 1, 2003: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of

mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$664,205,000, to remain available until expended, of which \$11,000,000 is for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; and for acquisition of lands, and interests therein, in proximity to the National Energy Technology Laboratory, and of which \$150,000,000 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded demonstrations of commercial scale technologies to reduce the barriers to continued and expanded coal use: *Provided*, That no project may be selected for which sufficient funding is not available to provide for the total project: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in prior appropriations: *Provided further*, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department, including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further*, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further*, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

#### NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, \$20,831,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

#### ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104-106, \$36,000,000, to become available on October 1, 2003 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

#### ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, \$984,653,000, to remain available until expended: *Provided*, That \$300,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99-509, such sums shall be allocated to the eligible programs as follows: \$250,000,000 for weatherization assistance grants and \$50,000,000 for State energy conservation grants.

#### ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Ap-

peals, \$1,487,000, to remain available until expended.

#### STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$175,856,000, to remain available until expended.

#### SPR PETROLEUM ACCOUNT

For the acquisition and transportation of petroleum and for other necessary expenses pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$7,000,000, to remain available until expended.

#### NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, \$8,000,000 to remain available until expended.

#### ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$80,611,000, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

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

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

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

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

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

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

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### INDIAN HEALTH SERVICE

##### INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$2,508,756,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That \$15,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That \$468,130,000 for contract medical care shall remain available for obligation until September 30, 2004: *Provided further*, That of the funds provided, up to \$25,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for 1-year contracts and grants which are to be performed in 2 fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2004: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed \$270,734,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2003, of which not to exceed \$2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further*, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

## INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$391,865,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That from the funds appropriated herein, \$5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to continue a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: *Provided further*, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: *Provided further*, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: *Provided further*, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: *Provided further*, That not to exceed \$500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That 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: *Provided further*, That notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94-437, as amended), construction contracts authorized under title I of the Indian Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than grants to fund small ambulatory facility construction projects: *Provided further*, That if a contract is used, the IHS is authorized to improve municipal, private, or tribal lands, and that at no time, during construction or after completion of the project will the Federal Government have any rights or title to any real or personal property acquired as a part of the contract: *Provided further*, That notwithstanding any other provision of law or regulation, for purposes of acquiring sites for a new clinic and staff quarters in St. Paul Island, Alaska, the Secretary of Health and Human Services may accept land donated by the Tanadgusix Corporation.

## ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

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

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act) and Public Law 93-638, as amended.

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

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

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

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.

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

count which provided the funding. Such amounts shall remain available until expended.

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

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

## OTHER RELATED AGENCIES

## OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

## SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$14,491,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

## INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

## PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99-498, as amended (20 U.S.C. 56 part A), \$5,130,000, of which \$1,000,000 shall remain available until expended for construction of the Library Technology Center.

## SMITHSONIAN INSTITUTION

## SALARIES AND EXPENSES

## (INCLUDING RESCISSION)

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, \$450,760,000, of which not to exceed \$41,884,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, security improvements, and the repatriation of skeletal remains program shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of \$125,000 for the Council of American Overseas Research

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

From unobligated balances of prior year appropriations \$14,100,000 is rescinded.

#### REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of maintenance, 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 necessary personnel, including not to exceed \$10,000 for services as authorized by 5 U.S.C. 3109, \$81,300,000, to remain available until expended, of which \$16,750,000 is provided for maintenance, repair, rehabilitation and alteration of facilities at the National Zoological Park: *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.

#### CONSTRUCTION

For necessary expenses for construction, including necessary personnel, \$10,000,000, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

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

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

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

#### NATIONAL GALLERY OF ART SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and

art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$78,219,000, 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, \$16,230,000, 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, \$16,310,000.

#### 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, \$17,600,000, to remain available until expended.

#### WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

##### SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$8,488,000.

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

##### NATIONAL ENDOWMENT FOR THE ARTS GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$99,489,000 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.

##### 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, \$109,932,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

##### MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the

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

#### CHALLENGE AMERICA ARTS FUND

##### CHALLENGE AMERICA GRANTS

For necessary expenses as authorized by Public Law 89-209, as amended, \$17,000,000 for support for arts education and public outreach activities, to be administered by the National Endowment for the Arts, 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: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants up to \$10,000, if in aggregate this amount does not exceed 5 percent of the sums appropriated for grant making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

#### COMMISSION OF FINE ARTS SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$1,255,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

#### NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

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

##### ADMINISTRATIVE PROVISION

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

#### ADVISORY COUNCIL ON HISTORIC PRESERVATION

##### SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$3,667,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

#### NATIONAL CAPITAL PLANNING COMMISSION SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40

U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, \$7,553,000: *Provided*, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), \$38,663,000, of which \$1,900,000 for the museum's repair and rehabilitation program and \$1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$21,327,000 shall be available to the Presidio Trust, to remain available until expended.

Mr. WAMP (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through title II 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 Tennessee?

There was no objection.

The CHAIRMAN. Are there further amendments to title II?

AMENDMENT NO. 8 OFFERED BY MR. SANDERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. SANDERS: Page 95, line 14, insert "(reduced by \$3,000,000) (increased by \$3,000,000)" after "\$984,653,000".

Mr. SANDERS. Mr. Chairman, this tripartisan amendment is being cosponsored by the gentleman from Iowa (Mr. LEACH), the gentleman from Colorado (Mr. MARK UDALL), the gentleman from New York (Mr. GILMAN), the gentleman from Wisconsin (Mr. KIND), and the gentlewoman from Wisconsin (Ms. BALDWIN). To the best of my knowledge, it has been agreed to by the majority, and I thank them very much for that.

The legislative intent of this amendment is to increase funding for the highly successful Energy Star program by \$3 million, bringing the total funding for this program up to the President's request of \$6.2 million. This increase in funding will be offset by a \$3 million reduction in salaries and expenses at the Department of Energy that I hope will be restored in conference.

Mr. Chairman, the Energy Star program has a cost-effective proven track record of saving energy and saving money. In fact, for every dollar spent on program costs, the Energy Star program produces average energy bill savings of \$75 and sparks \$15 in investment and new technology. This voluntary

partnership program helps businesses, State and local governments, homeowners, and consumers save money by investing in energy efficiency.

The bottom line is that if this amendment is passed, we will increase energy efficiency, save consumers money, protect the environment and enhance our energy security.

According to the Alliance to Save Energy, in 2001 alone, Americans, with the help of Energy Star, saved \$5 billion on their energy bills, reduced carbon dioxide emissions by the equivalent of taking 10 million cars off the road, and prevented 140,000 tons of nitrogen oxide emissions.

To date, more than 55,000 Energy Star homes have been built, locking in financial savings for homeowners of more than \$15 million every single year.

□ 1545

Through the Energy Star Building Program, more than \$25 billion kilowatt hours of energy have been saved. However, as successful as the Energy Star program has been, much more could be accomplished with increased funding. For example, it is estimated that if all consumers chose only Energy Star-labeled products over the next decade or so, the Nation's energy bill would be reduced by about \$100 billion while avoiding 300 million metric tons of greenhouse gas emissions.

If all commercial building owners took advantage of the Energy Star program, they could achieve another \$130 billion in energy savings and reduce 350 million metric tons of carbon dioxide emissions over the next 10 years.

Mr. Chairman, rising energy costs and consumer demands make today's investments in energy efficiency ever more vital to America's energy security.

Mr. Chairman, I thank the gentleman from New Mexico (Mr. SKEEN) and the gentleman from Tennessee (Mr. WAMP) for accepting this amendment. I think it is an excellent amendment, and we appreciate their support as well as the support of the gentleman from Washington (Mr. DICKS) and the minority.

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

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

Mr. WAMP. Mr. Chairman, on behalf of the subcommittee, we have no objection to this amendment and we commend the gentleman from Vermont (Mr. SANDERS) for offering it.

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

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

Mr. DICKS. Mr. Chairman, I also commend the gentleman from Vermont. This is a very good amendment. The gentleman every year has had a constructive addition to this bill, and we compliment him for that.

Mr. UDALL of Colorado. Mr. Chairman, I rise in strong support of this amendment that would increase funding by \$3 million for the

Energy Star program, bringing it to the level of the President's request.

Energy Star is a voluntary partnership program that helps businesses, state and local governments, homeowners, and consumers save money by investing in energy efficiency in homes, businesses, buildings, and products.

For every federal dollar spent on program costs, the Energy Star program produces average energy bill savings of \$75 and sparks \$15 in investment in new technology.

Recognizing this impressive track record, the Bush Administration called for Energy Star's expansion in last year's National Energy Policy report, and this year requested a higher level of funding for the program. Sixty of my colleagues in the House indicated their endorsement of the President's request by signing a letter I circulated this year in support of increased Energy Star funding.

Through programs like Energy Star, we can reduce pollution, promote economic growth by stimulating investment in new technology, help reduce dependence on imported oil, and help ensure the reliability of our electric system by reducing peak demand. An investment in Energy Star today means greater energy security tomorrow.

The President's FY03 request for increased funding for Energy Star recognized that this program could accomplish more with increased funding. It is estimated that if all consumers chose only Energy Star-labeled products over the next decade or so, the nation's energy bill would be reduced by about \$100 billion while avoiding 380 million metric tons of carbon-equivalent in greenhouse gas emissions.

These are real benefits that make the Energy Star program worthy of funding at the level of the President's request. I urge support for this amendment.

Mr. BOEHLERT. Mr. Chairman, I rise in support of the amendment by the gentleman from Vermont to restore \$3 million requested by the Administration for the Department of Energy's Energy Star program. I do so with at least a measure of reluctance because I understand the Appropriations Committee leadership's frustration with the current administration of program and the agency's inability to meet deadlines.

As the Chairman of the House Committee on Science and someone committed to the cause of energy conservation and energy efficiency, I am a strong supporter of the goals of the Energy Star program. The program helps identify products that are the most energy efficient products currently available in the marketplace—thereby assisting consumers in reducing their energy costs, encouraging manufacturers to develop more energy efficient products and helping the nation to reduce our dependence on foreign oil. However, I can attest that timeliness has been a serious problem for DOE's Energy Star program—at least in the development of new standards for energy efficient windows.

It is my understanding that several manufacturers, not just one as some have alleged, are ready to go forward with new window products that could help cut energy losses through improved design. These designs meet mandatory codes already in effect in several states. Despite widespread support for the standards, DOE's has been working on this issue for 18 months. The agency has proposed new standards on two occasions, issued a delay to the

effective date once and now has withdrawn the proposal entirely pending further analysis.

Therefore, I understand the committee's frustration with the program as evidenced by their reduction of the amount requested. I am concerned, however, that the reduction below the requested amount could only further delay these important rules. I appreciate the committee's sensitivity to the window issue and their willingness to provide additional funding for window related research, research that should be used to expedite the decision-making on the proposed new standards and not to delay action further. However, I believe the Energy Star program funds are needed to ensure the fastest possible action.

Accordingly, I urge a yes vote on the amendment to restore the program to the level recommended by the Administration.

Mr. ISRAEL. Mr. Speaker, as a freshman Member of the House Financial Services Committee, I'm still new enough to hope that both sides of the aisle truly want to accomplish meaningful corporate reform. But I'm not naive.

A few months ago, in the wake of Enron, many of us on the Committee offered amendments to the majority's corporate governance reform. We offered an amendment to stop the conflicts between analysts and investment bankers. The majority defeated it. We offered an amendment to ensure independence of auditors. The majority diluted it. We offered amendments to achieve true structural reform and end corporate thievery. The majority delayed it.

And now, in the bottom of the ninth with two outs and two strikes, suddenly the majority has seen the light and felt the heat of an expansive population of angry Americans who are watching their retirements dissipate.

The President has asked us to get a bill on his desk—while members of his Administration deal with a daily barrage of reports on their own conduct as the corporate leaders of Haliburton, Harkin, Enron and others.

Tonight we have a choice. We can continue to allow the majority to defeat, dilute and delay true protections of Main Street investors and retirees. Or we can draw the line with the Sarbanes bill that puts people ahead of politics.

The CHAIRMAN. Is there further debate on the amendment?

If not, the question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

#### TITLE III—GENERAL PROVISIONS

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

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

SEC. 303. No part of any appropriation contained in this Act shall remain available for

obligation beyond the current fiscal year unless expressly so provided herein.

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

SEC. 305. No assessments may be levied against any program, budget activity, sub-activity, 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. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2002.

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

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

(c) REPORT.—On September 30, 2003, 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. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208, 105-83, 105-277, 106-113, 106-291, and 107-63 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 2002 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal orga-

nizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

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

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

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

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

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

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

(b) In this section:

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

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the 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. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

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

SEC. 314. Amounts deposited during fiscal year 2002 in the roads and trails fund provided for in the 14th paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 315. 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. 316. 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 redcedar: *Provided*, That sales which are deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western redcedar 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 2002, 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 redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2002, 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 redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 317. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

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

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

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

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

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

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

SEC. 318. Prior to October 1, 2003, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System,

this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 319. Until September 30, 2004, the authority of the Secretary of Agriculture to enter into a cooperative agreement under the first section of Public Law 94-148 (16 U.S.C. 565a-1) for a purpose described in such section includes the authority to use that legal instrument when the principal purpose of the resulting relationship is to the mutually significant benefit of the Forest Service and the other party or parties to the agreement, including nonprofit entities.

SEC. 320. No funds provided in this Act may be expended to conduct preleasing, leasing, and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 321. Section 347(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999, as included in Public Law 105-277 as amended, is amended by striking "2004" and inserting "2005". The authority to enter into stewardship and end result contracts provided to the Forest Service in accordance with section 347 of title III of section 101(e) of division A of Public Law 105-277 is hereby expanded to authorize the Forest Service to enter into an additional 12 contracts subject to the same terms and conditions as provided in that section.

SEC. 322. TECHNICAL CORRECTION RELATED TO CABIN USER FEES.—Section 608(b)(2) of the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6207(b)(2); Public Law 106-291) is amended by striking "value influences" and inserting in lieu thereof "criteria" and striking "section 606(b)(3)" and inserting in lieu thereof "section 606(b)(2)".

SEC. 323. EXTENSION OF FOREST SERVICE CONVEYANCES PILOT PROGRAM.—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107-63) is amended—

(1) in subsection (b), by striking "10" and inserting "20"; and

(2) in subsection (d), by striking "2005" and inserting "2006".

SEC. 324. A grazing permit or lease issued by the Secretary of the Interior or the Secretary of Agriculture where National Forest System lands are involved that expires (or is transferred or waived) during fiscal year 2003 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), or if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa-50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior or the Secretary of Agriculture completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended, or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture. Any Federal lands included within the boundary of Lake Roosevelt National Recreation Area, as designated by the Secretary of the Interior on April 5, 1990 (Lake Roosevelt Cooperative Management Agreement), that

were utilized as of March 31, 1997, for grazing purposes pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands as of March 31, 1997, shall be entitled to renew said permit under such terms and conditions as the Secretary may prescribe, for the lifetime of the permittee or 20 years, whichever is less.

SEC. 325. Notwithstanding any other provision of law or regulation, employees of foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall qualify for General Services Administration contract airfare rates and Federal Government hotel accommodation rates when such employees are traveling on official foundation business.

SEC. 326. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2003, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

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

SEC. 328. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are fighting fires. The Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country. When an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country. Neither the sending country nor any organization associated with the firefighter shall be subject to any action whatsoever pertaining to or arising out of fighting fires.

SEC. 329. PROHIBITION OF OIL AND GAS DRILLING IN THE FINGER LAKES NATIONAL FOREST, NEW YORK.—None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2003.

Mr. WAMP (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 135, line 13, 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 Tennessee?

There was no objection.

AMENDMENT NO. 2 OFFERED BY MRS. CAPPS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of amendment No. 2 is as follows:

Amendment No. 2 offered by Mrs. CAPPS:

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

SEC. \_\_\_\_\_. None of the funds provided in this Act may be expended by the Department of the Interior to approve any exploration plan, any development and production plan, any application for permit to drill or to permit any drilling on Outer Continental Shelf Southern California Planning Area leases numbered OCS-P0443, OCS-P0445, OCS-P0446, OCS-P0449, OCS-P0499, OCS-P0500, OCS-P0210, OCS-P0527, OCS-P0460, OCS-P0464, OCS-P0409, OCS-P0396, OCS-P0397, OCS-P0402, OCS-P0403, OCS-P0408, OCS-P0414, OCS-P0319, OCS-P0320, OCS-P0322, OCS-P0323-A, OCS-P0426, OCS-P0427, OCS-P0432, OCS-P0435, OCS-P0452, OCS-P0453, OCS-P0425, OCS-P0430, OCS-P0431, OCS-P0433, OCS-P0434, OCS-P0415, OCS-P0416, OCS-P0421, and OCS-P0422.

Mrs. CAPPS. Mr. Chairman, I am offering this amendment with the gentleman from West Virginia (Mr. RAHALL) and the gentleman from California (Mr. GEORGE MILLER). It is time to take action to permanently end the threat of new oil drilling off the central coast of California. Californians oppose new drilling. We have plenty of oil platforms already, and even the oil companies themselves want a resolution to our mess.

Passage of this amendment would be a major step toward terminating the leases that threaten the central coast's environment and economy. Specifically, our amendment would prohibit the Department of Interior from spending any funds during this funding cycle to permit new drilling activities on the 36 undeveloped oil and gas leases off California's coast. We hope this will spur negotiations between the administration, the oil company lease holders, and the State of California about terminating these leases.

Mr. Chairman, there is precedent for this approach. Settlements to remove leases from Alaska and North Carolina occurred after congressional action to prevent new leasing and the development of existing leases. Last year the House passed a historic amendment similar to what we are offering here today. The Davis amendment halted the sale of Lease 181 off Florida's coast. It passed by a wide bipartisan margin, with 70 of my Republican colleagues voting in favor of it. Following up on this action, the administration reached an agreement with Florida to purchase drilling leases in Lease 181 area and other coastal areas and the Everglades. These actions have been widely acclaimed throughout Florida. I fully supported this bold step to protect their environment and economy.

The President cited local opposition to new drilling as a prime reason for the decision. Which left Californians asking, What about us? According to Department of Interior Secretary Norton, "A major difference between Florida and California is that Florida op-

poses coastal drilling and California does not."

As the U.S. Representative for Santa Barbara and San Luis Obispo counties, and a nearly 40-year resident of the central coast, I was dumbfounded by this assertion. The Santa Barbara News Press editorialized about what it called Secretary Norton's jaw-dropping remarks asking, "What alternative universe is Ms. Norton living in?"

Mr. Chairman, I lived in Santa Barbara in 1969 when a huge blowout on Union Oil's platform A put 4 million gallons of oil into our sea. It killed thousands of sea birds, and I will show one. Sea birds like this one, seals, dolphins, fish and other sea life; and it damaged a huge swath of our beautiful coast.

It galvanized central coast residents, indeed virtually the whole State, against more offshore oil drilling. While we were outraged by the environmental damage, we knew another blowout would wreak havoc on our tourism, fishing, and recreation industries, all critical components of our local economy.

As the newspaper noted, "This catastrophe helped spark an environmental movement that has spread far beyond Santa Barbara." Since that time, at least two dozen city and county governments have passed anti-oil measures. In 1994, Republican Governor Pete Wilson signed into a law a permanent ban on new offshore leasing in State waters.

In 1999, the State Assembly adopted a resolution requesting the Federal Government enact a permanent ban on drilling off California's coast. Even the Federal Government has demonstrated its sensitivity to Californians' opposition to new drilling.

In 1990, President George H.W. Bush placed a 10-year moratorium on new leasing in Federal waters off California, later renewed and extended by President Clinton. We have asked for the administration, the leaseholders, and the State of California to work with us to terminate the leases off California's coast.

It is time to end the long-standing controversy surrounding the 36 undeveloped leases. Californians have spoken loud and clear. We do not want more drilling. The Federal Government should respect our wishes.

California's coastline is a priceless treasure. It is home to everything from blue whales to otters, and it is home to two of our national marine sanctuaries and the Channel Islands National Park. This map shows where the park fits and where these leases are right in between. More oil drilling is just not worth the risk to this environmentally and economically valuable area.

I urge support for the Capps-Rahall-Miller amendment to demonstrate the House's commitment to protecting the environment and the economy of both coastlines, the Atlantic and the Pacific.

Mr. WAMP. Mr. Chairman, I ask unanimous consent that all debate on

this amendment and all amendments thereto be limited to 30 minutes equally divided.

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

There was no objection.

The CHAIRMAN. The gentlewoman from California (Mrs. CAPPS) and the gentleman from Tennessee (Mr. WAMP) each will control 15 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. WAMP).

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

Mr. Chairman, I very reluctantly rise on behalf of the subcommittee to oppose the gentlewoman's amendment. She is a class act in every sense of the term, and such a wonderful person, and serves her State and district with such distinction, and certainly her motives are pure here in trying to take care of the environment in the great Pacific region of our country. Certainly there is a need there.

However, there is no reason for this funding limitation in this bill when there are no development plans approved by the Department of Interior for this year. Both the State of California and the leaseholders are currently litigating this issue. Some Members today will likely point to the actions that Congress took last year with respect to the leases off the coast of Florida, but the facts are very different and there has not been offshore oil and gas development off the coast of Florida.

We know there has been a significant amount of development off the coast of California. As a matter of fact, Federal leases have produced more than a billion barrels of oil, and State leases have produced more than 2.5 billion barrels of oil.

I am the co-chairman of the House Renewable Energy Efficiency Caucus and have worked with the gentlewoman there on a variety of new technologies and alternative energy sources. And clearly with respect to energy and the environment, we need to do that. I advocate that greatly. However, we cannot reduce the amount of energy production that our country has today without dramatically impacting our freedom in this country.

In order to maintain our society as we know it, we are going to have to maintain a certain amount of domestic production, and this obviously would cut into that domestic production. Energy issues have dominated recent debate, especially as both price and supply of energy fuels have been in the headlines. This amendment would actually send the wrong message right now to the markets. It would potentially drive up costs at a time when we are experiencing economic pains; and clearly, we are going to have to look at both reducing the demand and increasing the supply.

That is what the President's comprehensive energy proposal is all about. That bill is in conference today be-

tween the Senate and the House. We need a conference report on the energy bill, but we better not tie our hands behind our backs through this amendment and actions like this amendment because we have to be able to produce a certain amount of oil in this country in order to not be so reliant on foreign sources and ultimately have the proverbial gun to our head from OPEC, Iraq and other nations.

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Therefore, the subcommittee respectfully, very respectfully, opposes the gentlewoman's amendment.

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

Mrs. CAPPS. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from West Virginia (Mr. RAHALL), the ranking member of the Committee on Resources and the coauthor of this amendment.

Mr. RAHALL. Mr. Chairman, I thank the gentlewoman from California for yielding me this time, and I certainly want to commend her for her excellent leadership on this issue, an issue that is dear and near to her State and to her people. She has been a true fighter on this most important matter.

Mr. Chairman, many of us concerned with the impacts of Federal oil and gas leasing sought to overlook the politics of the issue when President Bush, as a favor to his brother Jeb, recently announced the buyback of certain oil and gas leases in Florida. These were highly controversial leases and their development threatened parts of Florida's coastline and efforts to restore the Everglades. Moreover, there have been similar settlements in the past, although they were prompted by congressional action in the case of OCS leases off the coast of North Carolina and in Bristol Bay, Alaska.

So initially we sought to overlook the fact that the President's brother was up for reelection as Governor of Florida and that the buyback of these leases would help his candidacy as well as the President's own fortunes in the State of Florida. And we sought to ignore it as well because the buyback was the right thing to do.

I would say to my colleagues that we were not allowed to overlook the politics for too long. I say this because the Governor of California also asked for the same consideration for 36 highly controversial OCS leases off the coast of that State. These are undeveloped leases, several of which are over 3 decades old. Yet the Secretary of the Interior, Gale Norton, denied that request. She stated, and it is quoted here in this editorial, "A major difference between Florida and California is that Florida opposes coastal drilling and California does not." As this editorial states, "What alternative universe is Ms. Norton living in?" Even a person of my generation, born and raised in the southern coal fields of Beckley, West Virginia, knows that the very genesis of the campaign to limit offshore oil

and gas drilling was in that State of California.

We are offering this amendment today to say thank you, President Bush, for what you did in Florida. Thank you very much, Mr. President. But the interests of all Americans should compel you to do the same thing in the State of California. There are resources at stake here that have national significance. The OCS oil and gas leases in question are adjacent to the Channel Islands National Park which encompasses 250,000 acres over five islands. The park is of international significance, having been designated a Biosphere Reserve by the United Nations in 1976. Further, this area is also part of a national marine sanctuary. Clearly oil and gas development is not compatible with these national preservation designations.

This amendment is premised on seeking equity for all parties involved, for the people of southern California who want to protect their shoreline and their economy; equity for the American people as a whole who have a vested interest in the integrity of units of the national park system such as the Channel Islands; and equity for the holders of 36 OCS leases themselves who are left holding the bag with these stranded investments in some cases for 3 decades now.

In my view, in conclusion, Mr. Chairman, it is time to come to grips with this controversy, to own up to the fact that these 36 leases will probably never be developed, and to work out a sensible solution. I urge the House to adopt the pending amendment.

Mr. WAMP. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Pennsylvania (Mr. PETERSON), a member of the subcommittee.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I find this amendment interesting. These 36 leases are suspended. They are not active. This language only deals with 1 year, if my information is correct, so it says no money in this budget could be spent. From my understanding of the oil and gas business—and I come from where it started in Pennsylvania, I live 5 miles from the first oil well—is that really this legislation is of no value, or is somewhat meaningless, because you could not facilitate in 12 months what it would take to get these leases active, and so it prohibits activity for the next 12 months.

But I would like to speak a moment on the bigger issue. Coming from an oil patch, I want to share with you what nature does. The hills in Pennsylvania where oil was first discovered, and we did not know much about production, they had gushers, it comes spurting out of the ground. There are pictures of a place that is now called Oil Creek State Park where there was nothing growing. Every tree was dead. Every blade of grass was dead. The streams were polluted. The hills were washing away every time you would get a rainstorm. Today, that is a mature oak forest. It is a State park. It is beautiful.

The springs are clean. The streams are natural habitat for brook trout, as good as it gets. It was totally destroyed 100 and some years ago when oil was discovered, but nature has healed it.

Back then, we did not know how to produce oil. But I find it troubling every time we get an oil or gas vote on this floor, we vote to lock it up. We had the President's set-asides with his areas. We had a vote last year on the Great Lakes where you now do slant drilling and you do not drill into the lake but you drill under the lake. We buy oil and gas from Canada that comes out from under the Great Lakes but we prohibit Great Lakes drilling in the States. Much of the coastline is locked up. Last year we locked up some more of the Gulf. Much of the Midwest is locked up. I guess the question I ask is, is it more important to lock up oil and gas drilling around this country when we have safe, modern methods that do not cause environmental degradation? You look at the record in recent years of oil and gas drilling in this country, and it is pretty good, because we have the skill to do it. For a country as dependent on energy as us and that energy comes from countries like Iraq and Iran, does it make sense to continue, every time we have a vote on oil and gas, to lock it up? I find it interesting that one of the debaters for this amendment supports mountaintop mining, certainly with greater environmental degradation than drilling an oil and gas well, punching a little hole in the ground.

I think we as a body need to be more thoughtful. Where do we go with energy? We know it needs to be more renewable. We know we need to be better conserving. But in the interim, until we have something to replace oil, we need oil for this country. Every time we have a spike in oil and gas prices, and we had one in 2000 and 2001, this economy pays. We lost millions of jobs in this country with a spike in energy prices just a year and a half ago. Yet we continue on a course, with supposedly good environmental stewardship, of locking it up, resources that we can extract today with good sound science, and I think it is a debate we better think seriously about. These leases could not be developed in the next 12 months if we wanted to, yet that is what this amendment does. It says we lock it up for 12 more months because no money can be spent. It is an amendment to raise another vote against oil and gas development, something this country is dependent on for its absolute economic future. I think it is something we need to be very thoughtful about.

Mrs. CAPPS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentlewoman for yielding me this time. I rise in strong support of this amendment. It is very important to this Nation, and let me point out why.

First of all, there is a big myth going on that we need this oil and gas off the California coastline. These leases have been out there since 1968 and the oil companies did nothing with them. They did not drill on these leases. They have sat on them. They have been exempt from all the moratoriums and now they want to continue these leases. Why, we think? What has changed since 1968? What has changed is that California has invested in alternative energy. No other State has developed more alternatives. No other State has more geothermal, wind, biomass, hydro, nuclear, natural gas. In energy conservation, we have done more than any other State to make our State not dependent on one source of energy but independent by developing all kinds of alternatives.

We want our State coastline back. Why? Because a majority of Californians live on that coastline. It is the most productive, prosperous, enjoyed, visited, photographed, painted, lived-in coastline in the United States. The people that come there to photograph it, enjoy it and swim in that ocean are your constituents. They do not want to come to visit offshore oil rigs. They want to enjoy the pristine California coast.

So, Mr. President, do for California what you did for your brother in Florida. Buy back the leases.

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

Mrs. CAPPS. Mr. Chairman, I am very pleased to yield 3 minutes to the gentleman from Washington (Mr. DICKS), the ranking member of the Subcommittee on Interior.

Mr. DICKS. Mr. Chairman, I want to commend the gentlewoman for her outstanding amendment. We have had similar problems in the State of Washington. We passed numerous amendments to deal with that problem and, of course, the issue now is that of equity between California and Florida.

In May of this year, President George Bush reached agreement with Governor Jeb Bush to buy back a series of oil leases which had been awarded many years ago, but which were under a moratorium from development as a result of public opposition to drilling near the Florida coastline. This agreement, which we support, will cost \$235 million. I would note, however, that the National Environmental Trust has described the deal as a \$235 million campaign contribution to the incumbent Governor of Florida.

California is faced with very similar circumstances but has so far received no similar accommodation from the Federal Government. There are currently 36 Outer Continental Shelf leases off the California coast which the Governor of California does not want to develop because of threats to the beach and coastline. They have taken the Federal Government to court as did the State of Florida. But a court case could take many, many years due to the uncertainty with regard to the

Federal Government's position on drilling in California waters.

The amendment offered by the gentlewoman from California and others would send a clear signal that the Federal Government will not permit drilling. This action, while effective for 1 year only, would push both the State and the Department of the Interior to reach a settlement so that the people of California will know that these areas remain free of risk from drilling and potential environmental damage.

The amendment should be agreed to. Mr. WAMP. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ROHRBACHER) who is the past chairman of the Subcommittee on Energy and Environment of the Committee on Science and the current chairman of the Subcommittee on Space and Aeronautics.

Mr. ROHRBACHER. Mr. Chairman, sometimes it is very perplexing to be a Member of Congress to note the way this body sometimes will simply go with the trends, what is trendy, especially when it comes to issues of science and energy. I am perplexed as much as I ever have been about this particular issue. I, as most of you know and as many people in the public may know, am an avid surfer. I am in the ocean water every weekend. Less than 4 days ago, I was out surfing. I am also a scuba diver. I am someone who loves the ocean. We have had offshore oil drilling in my district for almost 50 years and there has never been not only not a major problem but not even a significant problem with any type of spillage or any other type of threat to our environment. What did happen during that time period, however, was a major spill, and guess where it came from? A tanker. Yes, a tanker that was delivering oil. Let us also remember the Exxon Valdez was headed toward southern California. If it would have had its accident down there, we would still be cleaning up that mess. The tanker accident off of my district was when a tanker inadvertently ran over its own anchor, spilling a huge amount of oil onto our coastline.

What we hear being suggested today by people claiming to be concerned about the environment and the ocean is to make our coastline perhaps 10, perhaps a hundred times more likely to suffer from an oil spill because every drop of oil that we do not get from these offshore oil rigs will come to us by tanker. We can philosophize that, oh, we shouldn't be so dependent on oil in the first place.

□ 1615

Okay, I will listen to that. I will listen to we should try to develop other alternative resources, but in reality, everyone in here knows that if we do not develop the actual oil resources, we are going to get that oil from someone who will deliver it to us by tanker, which is perhaps 10 to 100 times more likely to spill that oil on our coastline.

This bill is an antienvironmental bill. This proposition is against cleanliness in the ocean, but it is trendy, it is

happy; we do not have to explain ourselves because everybody knows that one has to be against actual oil drilling to be for the environment.

Let me note that this also has a bad effect on the environment. I can tell my colleagues, I have gone as a scuba diver and taken dives off the offshore oil rigs and found that is where all the fish are because they know it is safe for them to be around those rigs. They are not in the other places, they are near those rigs. But what else does it do for us? It is better for the environment not to be dependent on these oil tankers, but it is also better for our country not to be dependent on hostile powers.

Why is it that we have people in this body who will vote against any type of energy development when it comes to oil or natural gas? Why is that, when they realize we have people overseas at this minute risking their lives because our country is dependent on potentially hostile powers for our oil. Again, we could philosophize and say, oh, well, we should not be so dependent on oil, we should develop wind and solar and the rest of it, and I am for that. But we know that if we do not develop our oil resources, we are going to have the Saudi Arabians, the Iraqis, all the others who we are going to be more dependent on.

So we cannot even drill in Alaska, one of the most God-forsaken areas of the world. So we cannot drill there and we cannot drill offshore, and what does that do to our economy? By the way, the local offshore rigs in my district have been providing revenue to our State and our local areas all of this time.

Mr. Chairman, let me say, why is it that we are doing this? Number one, it is trendy. It is very trendy to be against offshore oil drilling and, number two, we have some very wealthy people who are concerned about their view, and that is it; very wealthy people concerned about their view. We are making our country more likely to have oil spills. We are putting ourselves in jeopardy by being dependent on these overseas powers to give us the oil, and we are hurting ourselves by eliminating that resource in terms of tax resources. And, by the way, when we talk about the balance of payments, if we are concerned about our economy, and it is wavering now, this is a major cause of unbalanced payments. We are not going to do anything to try and help those things, but we are going to help the rich people so they do not have to see an ugly oil well. Well, I would support anything that says let us make those oil wells not ugly. But I will not say we should not have oil. We can build those oil wells offshore that are safe and are beautiful, but let us not say we are not going to utilize what God gave us as these natural resources when it is safer to do so.

Mrs. CAPPS. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. INSLEE), my esteemed colleague.

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

Mr. INSLEE. Mr. Chairman, the President of the United States of America has taken action against offshore oil drilling in Florida. The problem we have here is we just have not been able to find any of his relatives in California.

I have checked the Santa Barbara phone book and I found an Allison Bush, an Albert Bush and an Anna Bush, and I hope that they or any of the other people named Bush in the Santa Barbara area will call the White House and ask the President to afford them the same courtesy he afforded his relative in Florida.

The President takes care of his family, and this is a noble, virtuous thing. We believe in family values on this side of the aisle, but we want to believe that to take care of all of the Bush relatives in the State of California, I do not care if it is a second cousin, third time removed, call the White House and ask him to take care of California.

Mrs. CAPPS. Mr. Chairman, I am happy to yield 1½ minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, about 1 year ago, former Congressman Joe Scarborough and I led a debate on the floor of the House that is remarkably similar to the one today, except it had to do with the coast of Florida. One of the arguments we raised was that the minimal amount of supply available off the coast of Florida did not warrant the extraordinary risk to our State, its pristine beauty, and to so many people that depended upon the economy associated with those beautiful beaches. Those same arguments apply here today in California.

We are talking about supply related to asphalt. I do not hear anybody here complaining we are depending on other countries to build enough parking lots in this Nation. California needs a few less parking lots and so do the State of Florida and others. So we are not talking about a precious supply for motor vehicles, for generating electricity for industry and manufacturing; we are talking about asphalt. I think the Democrats and Republicans in the State of California are entitled to the same respect that we afford to Floridians when we sat up and told our colleagues of the economic impact to our State associated with a spill that could occur.

The final point here is that the President of the United States and others need to stand up and say, why are Californians different than Floridians? Are they of some inferior status? Of course the answer is no. We are a country. This is an issue to put politics aside. It does not matter who the Governor of the State of California is this year or in the future. It is the same issue. If this Congress will pay attention to the details, because the devil is in the details, as we did last year, we will adopt the Capps amendment, and I urge adoption of the amendment.

Mrs. CAPPS. Mr. Chairman, I am very pleased to yield 1½ minutes to the gentleman from California (Mr. GEORGE MILLER), the former chair of the Committee on Resources.

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

Mr. GEORGE MILLER of California. Mr. Chairman, this is a critical issue for so many reasons. It is not only a question of equity of whether or not California will be treated the same as Florida, but it is also a question about the California economy.

Our oceans, our beaches, our seaside landscapes are huge economic engines within our State. They are the engines that drive individuals who want to come and reside there and start businesses and provide opportunity. They are the engines for tourism. They are the engines for a whole range of economic activity.

Now, we know that this is a much better oil industry today than it was at the time of the Santa Barbara oil spill. We know that the technology is much better today than it was then. But we also know that we have a much more intense concentration of economic benefits on our coast today than we had then, and that an accident and the risk of that accident for the benefits of the amount of oil available just does not make sense.

Mr. Chairman, our colleague, the gentleman from California (Mr. ROHR-ABACHER) said, how can we do this? How can we turn down the supply of oil? Well, if we are going to take the supply of oil and put it into cars that get 12 and 13 miles a gallon, we have already made a decision that we are going to waste this oil. Seventy percent of our oil goes into transportation, and earlier this year, this Congress made the decision that we are not going to improve the CAFE standards, not a mile, not 2 miles, not 3 miles. So why would we risk this magnificent coastline, its magnificent benefits to us and its dynamic economic energy, why would we risk that at a time when the Congress has made a decision that they are simply going to waste the oil?

We have to support the Capps amendment. I want to thank the gentlewoman for her leadership and her tenacity on this issue. We are not going away until we get the same justice that the people in Florida got and we get it for our economy and for our environment.

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

Mrs. CAPPS. Mr. Chairman, I am pleased to yield 1½ minutes to the gentlewoman from California (Ms. ESHOO), my colleague on the Committee on Energy and Commerce.

Ms. ESHOO. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I am pleased to rise in support of this very important amendment today.

I would like to state some facts for the Record. Why are we in support of

this? First of all, we have the fifth largest economy in the world, California does. We are a nation State and, you bet, we are going to go to bat for our economy. A good deal of our economy rests on our coast side. We have fishermen, we have tourism, we have many small businesses, and we want to protect them. We do not want these parts of our coast side despoiled.

Now, I purposely said "parts." We are not talking about the entire coastline of California. California today produces its fair share of our Nation's need for oil supply from its coast. We want a fair shake from the President, from this administration, that we be able to buy these leases that have been outstanding.

We think that the President should speak to his father, who agreed with us on this. This is a long-term, bipartisan issue in California.

Today the Republican nominee in California says no offshore oil drilling; continued moratorium on these specific leases. So as the Bush administration of today says "yes" to his brother in Florida, we say, Mr. President, Members of Congress, follow the previous President's support and the President before that, George Bush 41. Give us a fair shake. Let us buy back these leases to protect California's coastline and her economy.

Mrs. CAPPs. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Chairman, this is a battle that my California colleagues and I have been fighting for many, many years. It is not a fad. I thank the gentlewoman from California (Mrs. CAPPs), as well as the gentleman from California (Mr. GEORGE MILLER) and the gentleman from West Virginia (Mr. RAHALL) for their leadership on this issue.

Without this amendment, the Bush administration's concern with promoting the interests of big oil over serving the people of California will cause great harm to our coast.

The answer to America's energy needs is not contained in 36 oil leases; our energy future depends on increased use of renewable energy sources and conservation measures. Drilling for oil off our coast will threaten to destroy our environment, wreak havoc on our economy, an economy that depends on tourism and a great deal on fishing.

Unfortunately, the future of these 36 undeveloped leases is only a symptom of a bigger problem.

The real solution is for the Federal Government to enact a permanent ban on drilling off California's coast. For too long now, the coast of California has been protected only by a multiyear presidential order.

Mrs. CAPPs. Mr. Chairman, I yield myself the remaining time.

I would like to thank the gentleman from Tennessee (Mr. WAMP), and I

thank my colleagues for joining with me in presenting our case for the State of California. This is about our economy, it is about a national economy, a State that produces its fair share of energy resources, a State where we have a coastline that needs protection. This amendment seeks to limit the Interior Department's funding for the funding cycle so that we can encourage the Federal Government and the State of California to sit with the local oil lessees, oil lessees who have come to my office and told me that they would like to settle, they would like to find a way out, and this amendment can give them that time and give us the opportunity to make a resolution in some situation such as Florida has done.

□ 1630

Again, it will protect our environment. This oil-soaked bird is an example of what can happen with one accident.

Our economy needs this protection; our environment needs this protection. I am pleased to implore my colleagues to support this amendment and work with us to allow these negotiations to occur for the State of California, for our environment and our economy.

Mr. WAMP. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, I do commend the gentlewoman from California (Mrs. CAPPs) and all of our friends from California for fighting for a clean environment and fighting for what is right and good in our country. I have been there and seen the whales and enjoyed it as much as anyone.

But I think we must be vigilant and continue to recognize in the days following September 11 how fragile our economy is, how fragile our freedom is, and how much we must reduce our dependence on the Middle East for oil.

If we are going to do that, we cannot cancel leases. We cannot use funds to restrict oil and gas leases that we have domestically. The vast majority of people in this country believe we must have our own production capabilities, and we must not retreat from that, and in doing so, keep our country free and strong and productive. That is what we must do.

So on behalf of the subcommittee, we respectfully ask that the amendment be denied, with the greatest respect for those that offered it, because their motives are pure; but it is not in our country's best interest to limit this capability at this time through this appropriations bill.

Mrs. DAVIS of California. Mr. Chairman, I rise to support the Capps-Rahall-Miller amendment as a matter of equity for California in its long effort to protect its coastline from the potential effects of offshore oil production.

Many of us remember the devastation to the Santa Barbara coastline because of an oil spill. The state of California has been actively fighting these leases since then, including a 1994 law permanently banning new offshore oil leasing in state waters.

Like Florida, the coastal resources of California are critical to the strong economy of the

state as well as to the aesthetic appreciation of its citizens and people around our Nation. I have been proud to join the authors in a series of efforts to insist that California be protected from potential environmental effects of new oil and gas offshore drilling.

It is important to protect our coastline by preventing the administration from expending funds to allow new drilling activity.

Mr. HOFFEL. Mr. Chairman, I rise to express my strong support for the Capps-Rahall-Million amendment. This important amendment would work toward ending 36 undeveloped oil leases off the Californian coast. If these leases are allowed to be developed, we risk the tragic environmental contamination of a great swath of coastline. Executive Orders have placed moratoriums on developing these leases since 1990 and this outstanding amendment moves us closer to a permanent solution that will protect the health of the coast.

While I am greatly pleased with this amendment, I must also voice my criticism of two provisions within this bill that I find objectionable. I have long been an opponent of corporate welfare in its many forms. This bill contains several provisions that benefit corporate America at the expense of the American taxpayer. I believe that the are wrong and should be addressed.

The fee charged for grazing animals on public lands is one of the most blatant and objectionable subsidies in this bill. Currently, ranchers may apply for permits to graze their animals on Federal land at significantly below market rates. The Bureau of Land Management and the Forest Service each charge approximately \$1.43 per animal per month, whereas the market value of the same averages \$13.10 per head. This is a 915 percent difference. This body and this country should not allow this gift to continue unabated.

This bill also contains another offensive subsidy to corporate America that should be addressed. Hardrock mining, the mining of solid minerals that are not fuel from rock deposits, are governed by the General Mining Law of 1872. The law ranges free access to individuals and corporations to prospect for minerals in public domain lands, and allows them, upon making a discovery, to stake (or "locate") a claim on that deposit. A claim gives the holder the right to develop the minerals and may be "patented" to convey full title to the claimant. The total amount of money that the claimant pays to the government to develop the mining claim is a \$100 a year holding fee and between \$2.50 and \$5.00 an acre (not adjusted since 1872) for an application fee.

The 1872 law allows companies to extract minerals without paying a royalty. This is unlike all other resources taken from public lands. For example, oil gas and coal industries operating on public lands pay a 12.5 percent royalty on the gross income of the operation. We are giving away resources that belong to us all. The public interest is not being served, and will not be served until we eliminate this example of corporate welfare.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPs).

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

Mrs. CAPPs. Mr. Chairman, I demand a recorded vote.

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

Are there further amendments?

AMENDMENT NO. 1 OFFERED BY MR. BLUMENAUER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BLUMENAUER:

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

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

Mr. WAMP. Mr. Chairman, I ask unanimous consent that all debates on this amendment and all amendments thereto be limited to 40 minutes, equally divided.

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

There was no objection.

The CHAIRMAN. The gentleman from Oregon (Mr. BLUMENAUER) will control 20 minutes and the gentleman from Tennessee (Mr. WAMP) will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER).

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

Mr. Chairman, Members may remember the huge controversy from last year when the Bureau of Reclamation shut off irrigation water to farmers in order to provide enough water for endangered suckerfish and threatened coho salmon. It was back in the news again recently, where the Bureau of Reclamation announced last week that this will be another dry year in the Klamath Basin.

Mr. Chairman, this issue is always going to be a story, or on the verge of being one, for two reasons: number one, land management on our refuges in the Klamath Basin, and part of what I want to talk about here today deals with this remarkable wildlife refuge, it is guided by incompatible priorities: the reclamation of wetlands for agriculture and the preservation of wetlands for wildlife.

The water in this basin is overallocated by some 100,000 acre feet a year. Visualize 100,000 football fields covered by a foot of water. The water will be available for competing uses in the Klamath Basin only for perhaps 6 out of every 10 years; 2, 3, 4, 5 of those 10 years, we are going to be in deficit.

Now, the Federal Government created this mess at the beginning of the century by draining regions where there was too much water and creating an artificial hydrological system in the

basin. The basin was a 3,500-acre wetland. Now, over 75 percent of this 350,000 acres has been drained for agriculture and other developments.

The water that is left in the basin is damaged. The Klamath River is one of the more polluted rivers in the State of Oregon, and the Upper Klamath Basin Lake is severely polluted. American Rivers has listed the Klamath as one of America's most endangered rivers.

The basin is always going to be in the news unless and until we take steps to reduce the damage. This amendment is a simple, commonsense step towards addressing part of the conflict in the basin between farmers, endangered species, the wildlife refuges, and Native Americans. It aims to reduce the damage from commercial agriculture and the refuge lands in the basin.

The Lower Klamath National Wildlife Refuge was established by Teddy Roosevelt as the Nation's first waterfowl refuge in 1908. Members may be surprised to find out, as I was, that the Klamath Basin refuges are the only refuges in the country that allow leasing for commercial agriculture of this nature. They are damaging wildlife in the process.

Farming on the refuge currently uses 56 different pesticide products, including 10 carcinogenics, two neurotoxins, and 13 endocrine disruptors. At least six of the pesticides have been determined by the U.S. EPA and the U.S. Geological Survey to be toxic to salmon. This is activity that is going on in one of our precious natural wildlife refuges.

That is one of the reasons, perhaps, the daily peak of overall number of birds who visit the refuge have declined from 6 million birds in the sixties to less than 1 million birds today.

For most of America, the conflict between wildlife refuge use and agriculture was fixed by Congress when it passed the National Wildlife Refuge System Improvement Act in 1997 by an overwhelming vote of 407 to one. The act clarified that wildlife conservation is the singular mission of wildlife refuges. It requires that the economic uses of national wildlife refuges only be permitted if they contribute to the achievement of refuge purposes and that such uses not degrade biological integrity, diversity, and environmental health.

Unfortunately, this standard has not yet been applied to the Klamath Basin.

I want to be clear: the amendment would not eliminate the lease land program on Tule Lake in the Lower Klamath Wildlife Refuge. The amendment only applies to the 17 agricultural leases that will be up for renewal in October of this year, a little over 2,000 acres out of the 22,000 acres that we are currently leasing.

The amendment does not stop agricultural activity. Farmers would be able to continue to farm in the wildlife refuge; but it would prohibit the growing of alfalfa, which is water-intensive, and row crops such as onions and pota-

atoes, which are pesticide-intensive, on any new leases. The statistics are rather stark about the intense use of water for these row crops during the summer months when water is scarce in the basin. Farmers would still be able to grow crops that are beneficial to wildlife, such as barley, oats, and wheat.

The Federal Government's efforts in the Klamath Basin have been uncoordinated; and in fact, in concert with some local boosters over the last 100 years, they have made environmental shortcuts and did not honor basic agreements on the scale of ownership, financial commitment, and water use. In this process, Native Americans, the environment, wildlife, and the taxpayers have all been shortchanged.

I strongly urge that my colleagues join me in helping restore the integrity of the Klamath Basin and the National Wildlife Refuge system, and support this amendment that has been offered by myself and my colleague, the gentleman from California (Mr. THOMPSON).

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

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

Mr. Chairman, on behalf of the subcommittee, I rise in opposition to the gentleman's amendment.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. HERGER), the distinguished subcommittee chairman.

Mr. HERGER. Mr. Chairman, the lease land program is a perfect example of how wildlife and agriculture can thrive together. Congress recognized that balance and specifically afforded farming a special status in the national wildlife refuges of the Klamath Basin. The Kuchel Act enshrined the lease land farm program in Federal law, specifying a compromise between row and forage crops and cereal grains in a way that would satisfy the requirements of the law, including maximizing revenues to the government and to local counties, and providing food and habitat for the migrating birds and other wildlife.

While couched in seemingly innocent terms, this amendment takes a short step in the direction of eliminating the lease land program by chipping away at its foundation. If we remove row crops, we remove the greatest incentive to farm and upset the balance that was established in Federal law almost 40 years ago.

Moreover, this would deal another devastating economic blow to these communities, which have already suffered incredible hardship in the wake of last year's tragic water shutoff. Estimates are that these crops generated an average of approximately \$10 million annually over the last 5 years. Those same acres planted to grain, as required by this amendment, would generate a little over \$1 million. That is a \$9 million out of \$10 million loss that would cripple this community.

Mr. Chairman, my colleagues with agriculture in their districts know how

tenuous commodity markets are. Farmers need opportunities, not more baseless limitations. The irony here is, Mr. Chairman, that despite the gentleman's stated desires to help wildlife, their amendment would do precisely the opposite. By preventing the planting of onions, potatoes, and alfalfa, we effectively eliminate an important food source.

The potatoes, which I should note the gentlemen have specifically targeted, provide a particularly important source of nutrients for geese, allowing them to migrate and breed successfully; and they remove the very mechanism, crop rotation, that allows farmers to maintain the quality of the soils, and, in turn, enhance the production of the cereal grains that provide food and habitat. That is why it is in the Kuchel Act.

Claims of harm from pesticides used are simply unfounded. There is not a shred of evidence, not one, despite years of study, that lends any support whatsoever to that argument. The refuge manager himself has stated that there is "no smoking gun." That is because pesticide use is severely restricted. California has the most stringent pesticide rules in the country, and over 95 percent of those allowable pesticides are prohibited on the leased lands.

Despite the rhetoric of the radical environmental groups, all the evidence is exactly to the contrary. Mr. Chairman, consider this statement from the California Waterfowl Association: "For nearly 100 years, farmers and ranchers of the Klamath Basin have co-existed with immense populations of wildlife. Many wildlife species, especially waterfowl, are familiar visitors to their highly productive farms and ranches. Klamath Basin agriculture provides a veritable nursery for wildlife."

So if there is no harm here, if experience over the long history of this program has shown that agriculture helps and enhances wildlife, then why seek to undo the delicate balance? The only explanation is, quite simply, that this is another attempt to shrink farming in this area.

Note that some of the same radical environmental groups behind this amendment were the same groups that were pursuing a similar proposal 2 years ago which would have eliminated the leases entirely. There is no doubting these groups' desire to remove agriculture from the Klamath Basin.

Mr. Chairman, I urge my colleagues to reject this anti-agriculture amendment.

Mr. BLUMENAUER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chairman, I would like to thank the gentleman from Oregon for yielding time to me and for his work on this very important matter.

Mr. Chairman, this amendment is good for agriculture, it is good for wa-

terfowl, it is good for the fishing industry, and it is good for the families in the Klamath Basin, the north coast of California, and the coast of Oregon.

In 1908, President Theodore Roosevelt established our country's first waterfowl refuge in the Klamath and Tule Lake National Wildlife Refuge.

□ 1645

These are among the most important refuges in our country and they are the most important refuges in California. It is the largest staging area for waterfowl in the entire Pacific flyway. It also has the greatest concentration of wintering bald eagles in the United States. As was pointed out earlier, these are the only refuges in the country that allow commercial lease land farming. They farm over 20,000 acres of farmland. Many of the crops are water-consumptive and chemically intensive. The area is an area of very little waterfall. The average is less than that of some parts of Arizona where they have next to nothing.

There are about 100,000 acre-feet of water that are overallocated in the basin; and this, Mr. Chairman, coupled with a multiyear drought, has hurt farmers, it hurts fish, and it hurts waterfall. The area of the headwaters of the Klamath River, which was the number one salmon river in the Lower 48 States. Today's water shortages and intensive chemicals have greatly diminished the fish and the economy of the coastal communities of Northern California and some parts of Oregon.

In 1988, sports and commercial fishing in the Pacific region generated over \$1.2 billion to our regional economy. Today's salmon fishing between Fort Bragg, California and my district and Coos Bay, Oregon has been all but shut down for the last 10 years. Klamath River salmon are 1 percent of their historical population, and the coast families in California and Oregon have lost over 72,000 family wage jobs. We must address the water problems of the Klamath Basin. We have got to do it soon.

This amendment, I believe, is a very important first step in doing that. The amendment will limit the crops grown on about 2,000 acres of the refuge that is leased to farming. That is 17 leases and, remember, they farm 2,000 acres of lease farming there. The crops that will be grown on those 17 leases, on those 2,000 acres, will be less water-consumptive. They will rely less on chemicals and they will provide some very needed food to waterfowl.

We are talking about going from row crops and alfalfa to potatoes to cereal grain to crops that are beneficial to the important wildlife that fly through the entire Pacific flyway. And most important and against what some of the critics of this amendment will say is that it still allows families in the area to farm. These areas will not go out of farming production. They will continue to be farmed. There are just going to be restrictions on what can be farmed in

this area, restrictions that will be good for the coastal communities, good for the farming communities, good for the Native American community, good for fish, good for wildlife and good for waterfowl.

This is an important solution to the Klamath Basin water problem and it will help immensely with the downturn in the economy for the aforementioned reasons, and I would urge all of my colleagues to vote in favor of this initiative, and do so knowing this can be good for fish, good for waterfowl and good for people.

I thank the gentleman from Oregon again.

Mr. WAMP. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Oregon (Mr. WALDEN), a member of the Committee on Energy and Commerce and the Committee on Resources.

Mr. WALDEN of Oregon. Mr. Chairman, I am dismayed that my colleague from Portland has chosen to attack farming the Klamath Basin with this reckless and harmful amendment. By doing so, we are kicking the very farmers in the stomach just when they have been begun to recover from the last attack that this government hit them with. You remember, these are the men and women of the Klamath Basin who had their irrigation water cut off to them last year. They could not raise their crops and then the National Academy of Science has found the government's decision to cut off their water could not be backed up by science.

In short, the Federal Government got it wrong, terribly wrong.

What makes this amendment especially troubling is that it flies in the face of science and could hurt the farmers, the economy, the community and the very species that it is supposed to be introduced to protect.

Mr. Chairman, it is our responsibility to see that this Congress does not get it wrong again and do even more damage in the Klamath Basin, damage not only to the farmers who lease the lands on the refuges but also damage the wildlife, the waterfowl and refuges.

The proponents make two arguments: That growing row crops and alfalfa are incompatible with the refuges and the pesticides are adversely affecting the environment of the refuges. First, growing row crops is not only compatible with the refuges, but is also a practice that benefits the soil by improving its fertility as crops are rotated. This practice is as old as farming in America. The increased fertility of the soil in turn benefits the cereal grains that represent more than 75 percent of the acreage in the refuges which are then eaten by various species.

Mr. Chairman, activities on the Klamath and Tule Lake Refuges are governed by several Federal laws, including the 1964 Kuchel Act, which restricts row crops on the refuges to no

more than 25 percent. It is worth noting that current planning of row crops represents less than that figure.

Periodically the U.S. Fish and Wildlife Service conducts a compatibility determination, a formal and involved public process to make sure that agricultural processes are consistent with operating the refuges for the benefit of wildlife and waterfowl. The latest compatibility determination was issued on June 4 of this year. It selected a no-action alternative which means that the farming activities are indeed compatible with the goals of the refuge.

Further, Fish and Wildlife determined that even if these leased lands are reduced, the increased returned flows of water generated from reduced lease land farming would not be available to refuge wetlands. They are the lowest on the priority list to water rights in the basin. This is because the Endangered Species Acts, tribal trust assets, and agricultural contracts take precedent.

In short, cutting back on leasing the lease lands will not result in more water to the refuge wetlands.

Now let us talk about alfalfa. We are talking about onions and potatoes. Growing onions requires hand-weeding which helps keep down the noxious weeds. What better way to control noxious weed infestations than by hand-weeding. Growing potatoes benefits waterfowl. According to the California Waterfowl Association, potatoes specifically benefit two types of geese, the lesser snow and the white-fronted geese, because after the first frost the potatoes left in the field provide food for these geese. The pronghorn antelope on the refuge eat the alfalfa sprouts.

Mr. Chairman, the Blumenauer-Thompson amendment would deny leases that allow farmers to raise these row crops that have indeed been found compatible with the purposes of the refuge.

Now let us move on to pesticides. It is ironic that my friend from California would be on this amendment about pesticides when all the scientific studies, and I have a list of them here, found no adverse effect from these pesticides. And, in fact, I want to go to a statement by the manager of the Klamath Basin National Wildlife Refuge. "We have never found that the pesticides have had an adverse effect on the environment."

The Littlejohn report from 1993, the Boyer and Grew reports from 1994, the Moore report in 1993, on and on. These farmers used integrated pest management programs to minimize the use of pesticides in this basin. Each year they go through a pesticide use proposal process. I have the minutes of the April meeting here where they go through and look at how they can minimize the use.

California, and you all from California know this, probably has the most restricted use of pesticides in the United States of America. On this ref-

uge, 97.8 percent of those pesticides allowed everywhere else in California are denied in this refuge already. They only use 2.2 percent of the available pesticides. For nearly a decade scientist after scientist has studied the use of the pesticides and found no problems. Where they have thought there might be some concerns, they have moved back how they applied the pesticides so it does not get in the water, does not get in the canals, and does not adversely affect the species in the Klamath Refuge.

It is important to note, because I know my friend and colleague from Portland originally wanted to ban funding for any renewal of leases but then compromised and just wants to do away about the row crops. Let me point out what Phil Norton, the manager of the Klamath Basin Refuge said. His greatest nightmare would be to have a whole bunch of lands that we were not set up to handle. That is what will happen if we start cutting off these leases.

Again, I want to make the point, if the lease lands are not used, the water does not go to the refuge but to other higher-use priorities.

Finally, let me close by saying this. Those of us who represent rural areas have a concern when those in the urban areas have situations far worse than polluting rivers. In the city of Portland, 3.4 billion gallons of stormwater and sewage flow in in 55 locations into the Columbia and the Willamette River; 3.4 billion gallons of raw sewage. They flush it and it flows right into where the endangered salmon are. Right over where there are toxic dumps, Superfund sites in the Willamette River. Yet the American Rivers Council does not say that one is polluted. They just say that Klamath is.

Mr. Chairman, this is a bad amendment for agriculture. It does not work for the wildlife. What they have done on that refuge is compatible, and I urge opposition to this amendment.

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

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

Mr. BLUMENAUER. I yield to the gentleman from Tennessee.

Mr. WAMP. Mr. Chairman, I ask if there is a chance we could get a unanimous consent agreement on dividing the time equally, but limiting the remaining debate to 12 minutes so we can honor leadership's commitment to rise at a time certain, and that would be six minutes per side?

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

Mr. BLUMENAUER. With all due respect, I wanted to cooperate with the gentleman. I did this from the beginning. It was the other side who asked for 20 minutes. I had agreed to 15 minutes a side. Now I am going to get behind the curve. If you give me 9 minutes, I will agree to 6. I think that will put us even and I am a happy guy.

Mr. WAMP. If we go beyond 12, we will have to rise and come back at 6 o'clock. That was an agreement we made earlier.

Mr. BLUMENAUER. I will be happy to do it.

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

There was no objection.

The CHAIRMAN. The gentleman from Oregon (Mr. BLUMENAUER) is recognized.

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

Mr. Chairman, first of all, I have been working very hard, as I think my gentleman friend from Eastern Oregon knows, to deal with the problems in the Willamette River. I negotiated a settlement. We put a lot of money into it. I am continuing to work on that. But one thing we decided is we were going to make it better, not worse. And what this amendment is seeking to do is to make sure that we are making it better.

Second, the notion is given to the 1964 Kuchel Act. Well, give me a break. We have learned a lot about managing the environment in the last 28 years. And if we were doing it over again, we would not enact, I do not think even this Congress would enact something that looks like that 1964 act. And I am suggesting that what we are doing here is an attempt to bring that into conformity.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me time and for offering this amendment.

To follow up on what he said, we have spent the last 15 years cleaning up after the reclamation projects that were started in the 1950s, the 1960s and even into the 1970s. We completely reorganized the Central Utah project, the Central Arizona project, the Garrison project, the Central Valley project in California. Why? Because in 1964 and 1960 and 1970, we made some very bad decisions about the use of those lands, and the damage from those decisions was now spilling over onto other farmers, onto the cities, onto water users, onto tribes, onto the environment.

We have an opportunity here under this amendment to take a realistic look at a very oversubscribed basin on the use of water. And the particular use here is at the behest of Federal leases that are subsidized; at crops, in some cases, that are subsidized or the farmer was growing crops, one subsidized, one unsubsidized, and I am not clear whether or not yet the water is in fact subsidized.

That is kind of what makes this basin go. But the spillover effect of this basin is all the way to the Pacific Ocean, and it spills over to the recreational industries, onto tourism industry, onto the farming industry, onto the Pacific Coast fisheries, onto the

water qualities issues, and the environmental issues.

At a minimum what the gentleman has raised is something we ought to take very seriously because we had a huge outbreak of concern in the Klamath about how we will allocate water between species and farmers and Indians and fish and all the rest of it.

We have an opportunity with the renewal of these leases to put some of this in abeyance and see what the impact is on the other entities in what is an area that is clearly oversubscribed. If everybody exercises their water rights, the species, the farmers, the tribes, then we know that it is oversubscribed. That is why we are having this problem. Yes, this might have made sense 40 years ago and it might have made sense at the turn of the century when people came to the Klamath Basin. But the State of Utah made a decision, the State of Arizona made a decision, to some extent the State of California, it does not make sense to keep raising alfalfa in the desert.

□ 1700

Because the usage of the water is just too high, especially if we are doing it on subsidized land, and those are the kinds of changes that have to be made.

I do not know if this is the perfect amendment, but we ought not to turn down the serious consideration, what the gentleman is offering here, as we in the Committee on Resources sit and look at the struggle that is going on in this basin. This may be one of the easier options that we can have in trying to sort out an area that is so terribly over subscribed and short of water for all of the competing uses, all of which have very, very legitimate claims on that water. But as we try to sort it out, I think the gentleman has brought forth one of the tools that might be used that is under the control of the Secretary who has to make some very tough decisions and can try to balance out the competing interests of the parties.

I thank the gentleman for yielding me the time.

Mr. WAMP. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. NETHERCUTT), a distinguished member of the subcommittee.

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for yielding me the time.

I am sort of amazed at the overkill, the overrhetoric that comes on some of these debates. I know there has been allegations by the distinguished gentlemen who were the sponsors of this amendment, both of whom I respect, who said there is damage to the fowl and the fish; and yet the manager of the refuge has not made that determination at all. In fact, he said we found that the pesticides that are used, that none of these pesticides have an adverse effect on the environment.

I listened to the gentleman from California talk about environmental protection. Ninety-eight percent of the

pesticides that are allowed in California are already prohibited from use on this refuge. So I say let us clean up California. Maybe if there is such a pesticide problem in California or on this refuge, clean up California first rather than coming out and trying to whack away at farmers.

Frankly, Mr. Chairman, this is 17 families that are affected by this issue, 17 leases. Well, that is 17 families who were trying like crazy to make a living in farming. In fact, the refuge monitors pesticides all the time. That is why we have managers of refuges. That is what they do. They make sure there is no adverse effect on fish or fowl.

So to come in here and keep saying there is damage to this and there is damage to that, it just is not true. There is no evidence of it, and I think that this House ought to stand up and say, wait a minute, this is overkill and let us not go to extremism that I think some of the supporters of this amendment want us to go to.

In fact, if a person does not grow potatoes in this refuge, the lesser snow and white fronted geese feed on the first frost in the refuge. So my point is this is good for wild fowl and snow and white fronted geese. Same with alfalfa, it is good for the fowl and the animals in the refuge.

So enough overkill. That is what this amendment is, and I urge its defeat.

The CHAIRMAN. The gentleman from Oregon (Mr. BLUMENAUER) has 2 minutes remaining. The gentleman from Tennessee (Mr. WAMP) has 4 minutes remaining.

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

In conclusion, Mr. Chairman, I have been listening to the rhetoric, and I find it somewhat amusing. First, they have been quoting Phil Norton, the refuge manager, about the fact that there are not any problems with pesticides. First of all, it might be hard to tell the effect of the pesticides when the farmers are not allowed to go on the fields after they spray for 48 to 72 hours. That is a hint that it may not be as healthy as one suggests.

The notion that this Mr. Norton somehow is a proponent of continuation, I read an article in the San Francisco Chronicle. Mr. Norton said, "We want to manage the land we already own." That, "we want." The leased land program has to go. We get conflicting reactions from the wildlife manager; but the point is, I think it is bizarre that it is being advanced that somehow the wildlife are not going to survive unless we are growing things like potatoes on the wildlife refuge.

The fact is that the wildlife got along quite well without us. It is after we went in and monkeyed with the ecosystems up and down the coasts that we have had problems.

We are suggesting that farming can continue consistent with the uses of the refuge. We are hearing about potatoes; \$10 million was referenced by my

friend, the gentleman from California (Mr. HERGER). That has been a wildly up and down notion in terms of the value. My friend who is in the Chair right now knows that last year people were leaving potatoes in the field because they cannot afford to harvest them. The point is the potatoes use extensive water, particularly during the growing season. It is not the best use.

We have the charge about reckless and damaging; and with all due respect, as I think my colleagues review the hundred-year history of the Klamath Basin, the people who are reckless and damaging are those who feel that we do not need any changes, that somehow we can continue to ignore the demands of the overall environment of wildlife, of Native Americans, and that the failure to renew 17 leases for other than uses that are compatible with agriculture is reckless and upsetting, I think, Mr. Speaker is overblown, and anybody who looks at it will concur.

Dennis Healey once talked about the theory of the hole; when a person is in it, stop digging. This is a tiny step to restoring the health of the Klamath Basin and protecting the wildlife refuge.

I urge its passage.

Mr. WAMP. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. HASTINGS), a member of the Committee on Rules.

Mr. HASTINGS of Washington. Mr. Chairman, I thank the gentleman for yielding me the time.

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

Mr. HASTINGS of Washington. I yield to the gentleman from Oregon.

Mr. WALDEN of Oregon. Mr. Chairman, let us get to the facts here; and the facts are these, and let me read this. I will turn to pesticides. Although current studies and modern activities have failed to detect an acute problem with pesticides on the refuge, they go into this. That is why they did, the IPM, the integrated pest management plan. I can give my colleague study after study right here of great researchers in the State of Oregon that have looked at pesticide use and have found no significant impact.

Beyond that, let me just say this. I have supported, as have the gentleman, legislation to study the water quality and quantity in this basin. It has passed this Congress, probably unanimously, and the agencies are working on that. I have supported and the gentleman has supported legislation to improve fish passage at Chilicottan dam. I have supported conservation efforts to improve water quality and quantity in this basin and habitat.

My feet are not stuck in concrete, but I want to do it in a way that works in the basin for the farmers and the fish and the fowl with science-based decisions. The rest is the rhetoric.

Mr. HASTINGS of Washington. Mr. Chairman, I have to say that when I see somebody from an urban area sponsoring an amendment that deals with

rural America, I get a little bit antsy, and I think that is the case that is happening right here.

I was down at Klamath Basin a little over a year ago at a hearing, and I heard what the farmers went through. It was devastating to them; and now this amendment, which looks innocuous, it just simply says a person cannot grow row crops and no money should be used for row crops or alfalfa. That has an unintended consequence in my view in the future of now saying on reclamation projects a person is limited to what crops they can grow.

It sets a precedent and I think a very bad precedent that could apply to areas probably all over the country, including the central valley of California and my area of Washington, Columbia Basin Project, that I think is very detrimental because those larger areas have the large diversity of crops.

I think the gentleman comes at this with strong feelings. It is a bad way to go, in my view. I urge my colleagues to oppose the amendment.

Mr. WAMP. Mr. Chairman, I yield the balance of our time to the gentleman from California (Mr. DOOLITTLE), a member of the Committee on Appropriations.

Mr. DOOLITTLE. Mr. Chairman, this area has been devastated by government mismanagement already. We already know the history when for no good scientific reason the water was cut off to the farmers. It did irreparable harm, and it should not have happened, and now we come with this new amendment which is going to just compound the error that was made then and will do grave injustice to a community that depends upon the farming.

The farming is essential to these refuges. These refuges do not use much water. I think 2 percent of the water developed in the basin goes for the purpose of agriculture. It is really a de minimus amount.

It is clear that pesticides are not a problem. We have had these uses compatible that have gone on for over a hundred years in this area. There is a waterfowl area. We need farming. The Kuchel Act mandates we have farming in order to sustain the refuges. We have to have this continue. It would be a terrible injustice to enact this amendment.

We need to stay focused, get the good science; and the good science says that agriculture and refuges are compatible. Please defeat this amendment.

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

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

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

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

Mr. WAMP. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DAN MILLER of Florida) having assumed the chair, Mr. SIMPSON, 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. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF CONFEREES ON H.R. 3763, CORPORATE AND AUDITING ACCOUNTABILITY, RESPONSIBILITY, AND TRANSPARENCY ACT OF 2002

Mr. OXLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3763) to protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. CONYERS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 3763 be instructed to recede from disagreement with the provisions contained in the proposed section 1520 of Chapter 73 of Title 18 of the United States Code added by section 802, and the provisions contained in sections 804, 805, and 806 of the engrossed Senate amendment.

The SPEAKER pro tempore. Under the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Ohio (Mr. OXLEY) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

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

This motion to instruct conferees would be to ask the acceptance of four antifraud measures contained in the Senate measure that were not included in yesterday's suspension bill. These provisions relate to document retention, statute of limitations, whistleblower protection, and sentencing enhancement. All of these were contained in the same measure in the other body that enjoyed a 97 to 0 vote last week.

First, we would ensure that auditors maintain their audit review and other work papers for a period of 5 years after the conclusion of an audit review. This will make sure that evidence of potential accounting fraud is retained

for future investigation. In addition, the motion would give defrauded investors more time to seek relief. Under current law, defrauded investors have a year from the date on which the alleged violation was discovered or 3 years after the date on which the alleged violation occurred; but because these types of wrongs are often successfully concealed for years, the other body increased the time period to 2 years after the date on which the alleged violation was discovered or 5 years after the date on which the alleged violation occurred.

□ 1715

And this motion to instruct carries that provision.

In addition, we protect corporate whistleblowers. In the other body that measure was contained in the Grassley amendment, which extended whistleblower protections to corporate employees, thereby protecting them from retaliation in cases of fraud and other acts of corporate misconduct. Those like Sharon Watkins should be afforded the same protections as government whistleblowers.

The last provision in the motion to instruct would provide for strong sentencing enhancements. In the other body the bill included the Leahy-Hatch sentencing enhancements when a securities fraud endangers the solvency of a corporation and for egregious obstruction of justice cases where countless documents are shredded or destroyed.

Now, the Enron scandal broke in November 2001. Since then, our stock market and the economy as well have been devastated by a wave of scandals: Arthur Andersen, Global Crossing, Xerox, MCI, Merck, Quest and others. Tens of billions of hard-earned pension and retirement dollars have evaporated while those at the top of the corporate ladder have cashed out their options.

During this period of time, no person, not a single individual, has faced a single indictment from the Department of Justice. My instructions will give the Department the tools that they need to protect our investors and bring some of these people who have escaped, so far, to justice.

It is my hope that we will get the support that is needed to instruct our conferees in this fashion.

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

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

Mr. Speaker, having just seen this document, the motion to instruct, I would have to say to my friend, the gentleman from Michigan, that most of the issues that he talks about in his motion I have a great deal of empathy for. Certainly the issue over document destruction, of whistleblower protections, and the like, are all part and parcel of what ultimately I think this legislation needs to look at.

I have some concerns, as the gentleman might expect, regarding the language of the extension of the statute of limitations in regard to lawsuits. As the gentleman knows, back in