

NOT VOTING—9

Blagojevich	Lantos	McHugh
Bonior	Lipinski	Nadler
Ganske	Mascara	Traficant

□ 1849

Messrs. MCINNIS, SIMMONS and BASS changed their vote from “yea” to “nay.”

Mrs. TAUSCHER, Ms. HOOLEY of Oregon and Ms. WATERS changed their vote from “nay” to “yea.”

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Without objection, the Chair appoints the following conferees:

From the Committee on Financial Services, for consideration of the House bill and the Senate amendments, and modifications committed to conference: Messrs. OXLEY, BAKER, ROYCE, NEY, Mrs. KELLY, Messrs. COX, LAFALCE, FRANK, KANJORSKI and Ms. WATERS.

Provided that Mr. SHOWS is appointed in lieu of Ms. WATERS for consideration of section 11 of the House bill and section 305 of the Senate amendment, and modifications committed to conference.

From the Committee on Education and the Workforce, for consideration of sections 306 and 904 of the Senate amendment, and modifications committed to conference: Messrs. BOEHNER, JOHNSON of Texas and GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of sections 108 and 109 of the Senate amendment, and modifications committed to conference: Messrs. TAUZIN, GREENWOOD and DINGELL.

From the Committee on the Judiciary, for consideration of section 105 and titles 8 and 9 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas and CONYERS.

From the Committee on Ways and Means, for consideration of section 109 of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, MCCREY and RANGEL.

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The SPEAKER pro tempore. Pursuant to House Resolution 483 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5093.

□ 1852

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the

further consideration of the bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and, for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 1 by the gentleman from Oregon (Mr. BLUMENAUER) had been postponed, and the bill was open from page 126, line 15 through page 135, line 13.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 16 by Mr. TANCREDO of Colorado;

Amendment No. 2 by Mrs. CAPPS of California;

Amendment No. 1 by Mr. BLUMENAUER of Oregon.

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

AMENDMENT NO. 16 OFFERED BY MR. TANCREDO

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 16 offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 123, noes 300, not voting 11, as follows:

[Roll No. 314]

AYES—123

Aderholt	Diaz-Balart	King (NY)
Akin	Doolittle	Kingston
Armey	Dreier	Lewis (KY)
Bachus	Duncan	Linder
Barr	Emerson	Lucas (KY)
Bartlett	Everett	Manzullo
Barton	Flake	McCrery
Billirakis	Forbes	McInnis
Blunt	Goode	Miller, Gary
Boehner	Goodlatte	Miller, Jeff
Boozman	Graves	Myrick
Brady (TX)	Green (WI)	Ney
Bryant	Gutknecht	Norwood
Burton	Hall (TX)	Osborne
Buyer	Hansen	Otter
Callahan	Hastings (WA)	Paul
Cannon	Hayes	Pence
Cantor	Hayworth	Petri
Chabot	Hefley	Pickering
Chambliss	Herger	Pitts
Coble	Hilleary	Pombo
Combest	Hostettler	Putnam
Cooksey	Hulshof	Radanovich
Cox	Hunter	Rehberg
Crane	Hyde	Riley
Cubin	Istook	Rohrabacher
Culberson	Jenkins	Royce
Cunningham	Johnson, Sam	Ryan (WI)
Davis, Jo Ann	Jones (NC)	Ryun (KS)
Deal	Keller	Schaffer
DeLay	Kennedy (MN)	Sensenbrenner
DeMint	Kerns	Sessions
Shadegg	Sherwood	Shimkus
Shows	Shuster	Skeltion
Smith (NJ)	Smith (TX)	Souder
Stearns	Stump	Sullivan
Tancredo	Tauzin	Taylor (MS)
Taylor (NC)	Thornberry	Tiahrt
Toomey	Vitter	Watkins (OK)
Weldon (FL)	Weller	Wicker
Wilson (NM)	Wilson (SC)	Young (AK)

NOES—300

Abercrombie	Frelinghuysen	McGovern
Ackerman	Frost	McIntyre
Allen	Galleghy	McKeon
Andrews	Ganske	McKinney
Baca	Gekas	McNulty
Baird	Gephardt	Meehan
Baker	Gibbons	Meek (FL)
Baldacci	Gilchrest	Meeks (NY)
Baldwin	Gillmor	Menendez
Ballenger	Gilman	Mica
Barcia	Gonzalez	Millender-McDonald
Barrett	Gordon	Miller, Dan
Bass	Goss	Miller, George
Becerra	Graham	Mink
Bentsen	Granger	Mollohan
Bereuter	Green (TX)	Moore
Berkley	Greenwood	Moran (KS)
Berman	Grucci	Moran (VA)
Berry	Gutierrez	Morella
Biggert	Hall (OH)	Murtha
Bishop	Harman	Napolitano
Blumenauer	Hart	Neal
Boehrlert	Hastings (FL)	Nethercutt
Bonilla	Hill	Northup
Bono	Hilliard	Nussle
Borski	Hinchey	Oberstar
Boswell	Hinojosa	Obey
Boucher	Hobson	Olver
Boyd	Hoeffel	Ortiz
Brady (PA)	Hoekstra	Ose
Brown (FL)	Holden	Owens
Brown (OH)	Holt	Oxley
Brown (SC)	Honda	Pallone
Burr	Hooley	Pascarell
Calvert	Horn	Pastor
Camp	Houghton	Payne
Capito	Hoyer	Pelosi
Capps	Inslee	Peterson (MN)
Capuano	Isakson	Peterson (PA)
Cardin	Israel	Phelps
Carson (IN)	Issa	Platts
Carson (OK)	Jackson (IL)	Pomeroy
Castle	Jackson-Lee	Portman
Clay	(TX)	Price (NC)
Clayton	Jefferson	Pryce (OH)
Clement	John	Quinn
Clyburn	Johnson (IL)	Rahall
Collins	Johnson, E. B.	Ramstad
Condit	Jones (OH)	Rangel
Conyers	Kanjorski	Regula
Costello	Kaptur	Reyes
Coyne	Kelly	Reynolds
Cramer	Kennedy (RI)	Rivers
Crenshaw	Kildee	Rodriguez
Crowley	Kilpatrick	Roemer
Cummings	Kind (WI)	Rogers (KY)
Davis (CA)	Kirk	Rogers (MI)
Davis (FL)	Kleccka	Ros-Lehtinen
Davis (IL)	Knollenberg	Ross
Davis, Tom	Kolbe	Rothman
DeFazio	Kucinich	Roukema
DeGette	LaHood	Roybal-Allard
Delahunt	Lampson	Sabo
DeLauro	Langevin	Sanchez
Deutsch	Larsen (WA)	Sanders
Dicks	Larson (CT)	Sandlin
Dingell	Latham	Sawyer
Dooley	LaTourette	Saxton
Doyle	Leach	Schakowsky
Dunn	Lee	Schiff
Edwards	Levin	Schrock
Ehlers	Lewis (CA)	Scott
Ehrlich	Lewis (GA)	Serrano
Engel	LoBiondo	Shaw
English	Lofgren	Shays
Eshoo	Lowey	Sherman
Etheridge	Lucas (OK)	Simmons
Evans	Luther	Simpson
Farr	Lynch	Skeen
Fattah	Maloney (CT)	Slaughter
Ferguson	Maloney (NY)	Smith (WA)
Filner	Markey	Snyder
Fletcher	Matheson	Solis
Foley	Matsui	Spratt
Ford	McCarthy (MO)	Stark
Fossella	McCarthy (NY)	Stenholm
Frank	McCollum	
	McDermott	

Strickland Tierney Watt (NC)
 Stupak Towns Watts (OK)
 Sununu Turner Waxman
 Sweeney Udall (CO) Weiner
 Tanner Udall (NM) Weldon (PA)
 Tauscher Upton Wexler
 Terry Velazquez Whitfield
 Thomas Visclosky Wolf
 Thompson (CA) Walden Woolsey
 Thompson (MS) Walsh Wu
 Thune Wamp Wynn
 Thurman Waters Young (FL)
 Tiberi Watson (CA)

NOT VOTING—11

Blagojevich Lantos Nadler
 Bonior Lipinski Smith (MI)
 Johnson (CT) Mascara Traficant
 LaFalce McHugh

□ 1910

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

ANNOUNCEMENT NO. 2 OFFERED BY MRS. CAPPS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 252, noes 172, not voting 10, as follows:

[Roll No. 315]

AYES—252

Abercrombie Cardin Dunn
 Ackerman Carson (IN) Ehlers
 Allen Clay Ehrlich
 Andrews Clayton Engel
 Baca Clement English
 Baird Clyburn Eshoo
 Baldacci Condit Etheridge
 Baldwin Conyers Evans
 Barcia Costello Farr
 Barrett Cox Fattah
 Bartlett Coyne Ferguson
 Becerra Cramer Filner
 Berkley Crowley Ford
 Berman Cummings Fossella
 Bilirakis Cunningham Frank
 Bishop Davis (CA) Frelinghuysen
 Blumenauer Davis (FL)
 Boehlert Davis (IL)
 Bono Davis, Tom
 Borski DeFazio
 Boswell DeGette
 Boucher Delahunt
 Boyd DeLauro
 Brady (PA) Deutsch
 Brown (FL) Diaz-Balart
 Brown (OH) Dicks
 Burr Dingell
 Calvert Doggett
 Capito Dooley
 Capps Doyle
 Capuano Dreier

Dunn
 Ehlers
 Ehrlich
 Engel
 English
 Eshoo
 Etheridge
 Evans
 Farr
 Fattah
 Ferguson
 Filner
 Ford
 Fossella
 Frank
 Frelinghuysen
 Frost
 Gallegly
 Ganske
 Gephardt
 Gilchrest
 Gilman
 Gonzalez
 Gordon
 Goss
 Green (WI)
 Greenwood
 Gutierrez
 Hall (OH)
 Harman
 Hastings (FL)

Hill
 Hilliard
 Hinchey
 Hinojosa
 Hoeffel
 Holden
 Holt
 Honda
 Hooley
 Horn
 Houghton
 Hoyer
 Hunter
 Inslee
 Israel
 Issa
 Jackson (IL)
 Jackson-Lee
 (TX)
 Jefferson
 Johnson (CT)
 Johnson (IL)
 Johnson, E. B.
 Jones (NC)
 Jones (OH)
 Kanjorski
 Kaptur
 Kelly
 Kennedy (MN)
 Kennedy (RI)
 Kildee
 Kilpatrick
 Kind (WI)
 Kirk
 Kleczka
 Kucinich
 LaFalce
 LaHood
 Langevin
 Larsen (WA)
 Larson (CT)
 Leach
 Lee
 Levin
 Lewis (CA)
 Lewis (GA)
 LoBiondo
 Lofgren
 Lowey
 Luther
 Lynch
 Maloney (CT)
 Maloney (NY)
 Markey

NOES—172

Edwards
 Emerson
 Everett
 Flake
 Fletcher
 Foley
 Forbes
 Gekas
 Gibbons
 Gillmor
 Goode
 Goodlatte
 Graham
 Granger
 Graves
 Green (TX)
 Grucci
 Gutknecht
 Hall (TX)
 Hansen
 Hart
 Hastings (WA)
 Hayes
 Hayworth
 Hefley
 Herger
 Hilleary
 Hobson
 Hoekstra
 Hostettler
 Hulshof
 Hyde
 Isakson
 Istook
 Jenkins
 John
 Johnson, Sam
 Keller
 Kerns
 King (NY)
 Kingston
 Knollenberg
 Kolbe

Matheson
 Matsui
 McCarthy (MO)
 McCarthy (NY)
 McCollum
 McDermott
 McGovern
 McIntyre
 McKinney
 McNulty
 Meehan
 Meek (FL)
 Meeks (NY)
 Menendez
 Millender
 McDonald
 Miller, George
 Miller, Jeff
 Mink
 Moore
 Moran (VA)
 Morella
 Murtha
 Myrick
 Napolitano
 Neal
 Oberstar
 Obey
 Oliver
 Ose
 Owens
 Oxley
 Pallone
 Pascarell
 Pastor
 Paul
 Payne
 Pelosi
 Peterson (MN)
 Petri
 Phelps
 Platts
 Pomeroy
 Portman
 Price (NC)
 Quinn
 Rahall
 Ramstad
 Rangel
 Rivers
 Roemer
 Ros-Lehtinen
 Rothman
 Roukema

Roybal-Allard
 Rush
 Ryan (WI)
 Sabo
 Sanchez
 Sanders
 Sawyer
 Saxton
 Schakowsky
 Schiff
 Scott
 Sensenbrenner
 Serrano
 Shaw
 Shays
 Sherman
 Simmons
 Skelton
 Slaughter
 Smith (NJ)
 Smith (WA)
 Snyder
 Solis
 Spratt
 Stark
 Stearns
 Strickland
 Stupak
 Sununu
 Sweeney
 Tauscher
 Thompson (CA)
 Thompson (MS)
 Thurman
 Tierney
 Towns
 Udall (CO)
 Udall (NM)
 Velazquez
 Visclosky
 Walsh
 Waters
 Watson (CA)
 Watt (NC)
 Waxman
 Weiner
 Weldon (FL)
 Weldon (PA)
 Wexler
 Woolsey
 Wu
 Wynn
 Young (FL)

Ryun (KS)
 Sandlin
 Schroock
 Sessions
 Shadegg
 Sherwood
 Shimkus
 Shows
 Shuster
 Simpson
 Skeen
 Smith (MI)
 Smith (TX)
 Souder
 Stenholm
 Stump
 Sullivan
 Tancredo
 Tanner
 Tauzin
 Taylor (MS)
 Taylor (NC)
 Terry
 Thomas
 Thornberry
 Thune
 Tiahrt
 Tiberi
 Toomey
 Turner
 Upton
 Vitter
 Walden
 Wamp
 Watkins (OK)
 Watts (OK)
 Weller
 Whitfield
 Wicker
 Wilson (NM)
 Wilson (SC)
 Wolf
 Young (AK)

NOT VOTING—10

Bereuter Lipinski Schaffer
 Blagojevich Mascara Traficant
 Bonior McHugh
 Lantos Nadler

□ 1919

Mr. ROGERS of Michigan changed his vote from “aye” to “no.”

Mr. CRAMER changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. BLUMENAUER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 1 offered by the gentleman from Oregon (Mr. BLUMENAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 223, not voting 10, as follows:

[Roll No. 316]

AYES—201

Abercrombie Cramer Greenwood
 Ackerman Crowley Gutierrez
 Allen Cummings Hall (OH)
 Andrews Davis (CA) Harman
 Baca Davis (FL) Hastings (FL)
 Baird Davis (IL) Hilliard
 Baldacci DeFazio Hinchey
 Baldwin DeGette Hinojosa
 Barrett Delahunt Hoeffel
 Becerra DeLauro Holden
 Bentsen Deutsch Holt
 Berkley Dicks Honda
 Berman Dingell Hoyer
 Biggert Doggett Inslee
 Blumenauer Doyle Israel
 Boehlert Ehlers Jackson (IL)
 Borski Ehrlich Jackson-Lee
 Boucher Engel (TX)
 Brady (PA) Eshoo Jefferson
 Brown (FL) Evans Johnson (CT)
 Brown (OH) Farr Johnson (IL)
 Capps Fattah Johnson, E. B.
 Capuano Ferguson Jones (OH)
 Cardin Filner Kanjorski
 Carson (IN) Ford Kaptur
 Carson (OK) Frank Kelly
 Clay Frelinghuysen Kennedy (MN)
 Clayton Frost Kennedy (RI)
 Clement Gephardt Kildee
 Clyburn Gilman Kilpatrick
 Condit Gonzalez Kind (WI)
 Conyers Gordon Kirk
 Coyne Green (TX) Kleczka

Kucinich	Morella	Serrano
LaFalce	Napolitano	Shays
Lampson	Neal	Sherman
Langevin	Oberstar	Simmons
Larson (CT)	Obey	Skelton
Lee	Oliver	Slaughter
Levin	Ortiz	Smith (NJ)
Lewis (GA)	Owens	Smith (WA)
LoBlundo	Pallone	Snyder
Lofgren	Pascarell	Solis
Lowey	Pastor	Spratt
Luther	Payne	Stark
Lynch	Pelosi	Strickland
Maloney (CT)	Platts	Stupak
Maloney (NY)	Price (NC)	Tauscher
Markey	Rahall	Taylor (MS)
Matheson	Ramstad	Thompson (CA)
Matsui	Rangel	Thompson (MS)
McCarthy (MO)	Reyes	Thurman
McCarthy (NY)	Rivers	Tierney
McCullum	Rodriguez	Towns
McDermott	Roemer	Udall (CO)
McGovern	Rothman	Udall (NM)
McKinney	Roukema	Velazquez
McNulty	Roybal-Allard	Waters
Meehan	Rush	Watson (CA)
Meek (FL)	Sabo	Watt (NC)
Meeks (NY)	Sanchez	Waxman
Menendez	Sanders	Weiner
Millender-	Sandinlin	Weldon (PA)
McDonald	Sawyer	Wexler
Miller, George	Saxton	Woolsey
Mink	Schakowsky	Wu
Moore	Schiff	Wynn
Moran (VA)	Scott	

NOES—223

Aderholt	Everett	Manzullo
Akin	Flake	McCrery
Armey	Fletcher	McInnis
Bachus	Foley	McIntyre
Baker	Forbes	McKeon
Balenger	Fossella	Mica
Barcia	Gallegly	Miller, Dan
Barr	Ganske	Miller, Gary
Bartlett	Gekas	Miller, Jeff
Barton	Gibbons	Mollohan
Bass	Gilchrest	Moran (KS)
Berry	Gillmor	Murtha
Bilirakis	Goode	Myrick
Bishop	Goodlatte	Nethercutt
Blunt	Goss	Ney
Boehner	Graham	Northup
Bonilla	Granger	Norwood
Bono	Graves	Nussle
Boozman	Green (WI)	Osborne
Boswell	Grucci	Ose
Boyd	Gutknecht	Otter
Brady (TX)	Hall (TX)	Oxley
Brown (SC)	Hansen	Paul
Bryant	Hart	Pence
Burr	Hastings (WA)	Peterson (MN)
Burton	Hayes	Peterson (PA)
Buyer	Hayworth	Petri
Callahan	Hefley	Phelps
Calvert	Herger	Pickering
Camp	Hill	Pitts
Cannon	Hilleary	Pombo
Cantor	Hobson	Pomeroy
Capito	Hoekstra	Portman
Castle	Hooley	Pryce (OH)
Chabot	Horn	Putnam
Chambliss	Hostettler	Quinn
Coble	Houghton	Radanovich
Collins	Hulshof	Regula
Combest	Hunter	Rehberg
Cooksey	Hyde	Reynolds
Costello	Isakson	Riley
Cox	Issa	Rogers (KY)
Crane	Jenkins	Rogers (MI)
Crenshaw	John	Rohrabacher
Cubin	Johnson, Sam	Ros-Lehtinen
Culberson	Jones (NC)	Ross
Cunningham	Keller	Royce
Davis, Jo Ann	Kerns	Ryan (WI)
Davis, Tom	King (NY)	Ryun (KS)
Deal	Kingston	Schaffer
DeLay	Knollenberg	Schrock
DeMint	Kolbe	Sensenbrenner
Diaz-Balart	LaHood	Sessions
Dooley	Larsen (WA)	Shadegg
Doolittle	Latham	Shaw
Dreier	LaTourette	Sherwood
Duncan	Leach	Shimkus
Dunn	Lewis (CA)	Shows
Edwards	Lewis (KY)	Shuster
Emerson	Linder	Simpson
English	Lucas (KY)	Skeen
Etheridge	Lucas (OK)	Smith (MI)

Smith (TX)	Thomas	Watkins (OK)
Souder	Thornberry	Watts (OK)
Stearns	Thune	Weldon (FL)
Stenholm	Tiahrt	Weller
Stump	Tiberti	Whitfield
Sullivan	Toomey	Wicker
Sununu	Turner	Wilson (NM)
Sweeney	Upton	Wilson (SC)
Tancredo	Visclosky	Wolf
Tanner	Vitter	Young (AK)
Tauzin	Walden	Young (FL)
Taylor (NC)	Walsh	
Terry	Wamp	

NOT VOTING—10

Bereuter	Lantos	Nadler
Blagojevich	Lipinski	Trafigant
Bonior	Mascara	
Istook	McHugh	

□ 1927

Mrs. JOHNSON of Connecticut changed her vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SHADEGG

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

The Clerk read as follows:

Amendment offered by Mr. SHADEGG:

At the end of the bill, before the short title, insert the following new section:

SEC. . The Regional Forester for a National Forest System Region may exempt a specific project involving the removal of trees with a diameter of 12 inches or less on land owned or managed by the Forest Service in that Region from the applicability of the citizen suit authority contained in section 11(g) of the Endangered Species Act of 1973 (16 U.S.C. 1540(g)) if the Regional Forester finds (and certifies these findings to the Chief of the Forest Service and Congress) that, on the basis of the best scientific information available, (1) a wildfire in the area of the project is likely to cause extreme harm to the forest ecosystem and destroy human life and dwellings and (2) the project is necessary to prevent these occurrences.

□ 1930

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. SHADEGG. Mr. Chairman, this amendment is designed to address a problem with the Endangered Species Act and the fires that are raging across the West at the present time. Right now citizens' suits are being brought to prevent the clearing of these forests by thinning out the dead wood and thinning out the smaller trees. As a result of the fact that we are not doing this removal of smaller trees, we are encouraging crown fires which destroy entire areas.

In my State of Arizona, we have just had a fire that has destroyed 500,000 acres. If you look at areas that have been treated, it appears as though the fire never even went through those areas. If you look at areas where they were not treated, there has been absolute, total devastation. This simply says that a regional forest ranger could make a determination that a wildfire in the area of the project to thin out the fire load was likely to cause extreme harm to the forest ecosystem and destroy human life and dwellings

and that the project was necessary to prevent these occurrences. Once that finding had been made and had been certified to the United States Congress, then the thinning could occur without there being a citizen lawsuit to block the thinning from occurring.

Mr. Chairman, I yield to the gentleman from Utah to discuss the issue as well.

Mr. HANSEN. I thank the gentleman for yielding.

Mr. Chairman, let me point out as the chairman of the Committee on Resources, one of the biggest problems we have in America and the West at this particular time is called fuel load. Fuel load is when we have dead trees and we have all kinds of trash and no one is allowing prescription, to go in and take these out on prescribed fires. We have case after case all over America where forests are burning to the ground. Last year I went with staff and we went to about four Western States. You have got fuel load up to your armpits. All you need is one strike of lightning and you have got a fire. Never have we had fires like this. Last year I asked all of the forest supervisors, are we going to have more fires? They said, “Count on it. You’ll never have as many fires as you have.”

Why is this? It is because we cannot go in and we cannot seem to find a position that we can clear it out like we have since 1905. In one committee we had one of the large environmental groups there. She said, “We don’t believe in this. We shouldn’t do it that way. It’s not nature’s way.”

I think this amendment is an excellent amendment. Somebody has got to wake up, be honest, and have guts enough to look some of these guys in the face and say, we have to clean the forests or we are going to burn the West down, and we are well on the way to doing it.

Mr. SHADEGG. Mr. Chairman, I yield to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I rise in support of the gentleman’s amendment and in opposition to the point of order.

The gentleman’s amendment allows the management of the forest by thinning and protection of life and health of the forest by local control, that is, the Forest Service regional forester. I think it is a commonsense amendment, I cannot imagine anybody would be against it, and so I support the gentleman’s amendment.

Mr. SHADEGG. Mr. Chairman, it seems to me this is, in fact, a commonsense amendment. It does not say that you can never bring such a lawsuit. It is limited to certain circumstances where they are cutting small diameter trees, trees of less than 12 inches. It would not allow commercial logging. It simply allows a reasonable thinning of the forest to stop the kind of devastating crown fires that have destroyed Arizona recently and have stricken California and Colorado and

many other States. It is, I believe, an absolute essential requirement that we allow this thinning to occur so that we do not burn our forests down. When you look at the language of the amendment, which requires a rather extreme certification that the wildfire is likely to cause extreme harm to the forest ecosystem, destroy human life and dwellings, and that the project is necessary to prevent these occurrences, I believe it is a very, very reasonable amendment. It is designed to protect our forests and strike a balance, because this would not block a citizen lawsuit if they wanted to thin larger trees. It would not block a citizen lawsuit under other circumstances where these certifications were not made. It is a middle ground that I think makes a great deal of sense.

I would urge that the point of order be withdrawn so that the Members can at least look at this policy. Our forests are burning to the ground. We lost over 460 homes of people that live in those forests in Arizona in the absence of being able to strike a reasonable policy, and I think this does. This requires a certification. It requires that the certification be that there be extreme harm and that it is going to destroy human life and dwellings and that the thinning project is necessary. In Arizona, the environmental groups have agreed that they support thinning so long as it does not go to large-diameter, old-growth trees. Indeed they have rushed to say we are willing to support this kind of policy as long as it is limited.

I was urged not to put a diameter limit in this because I was told, look, if you put a diameter limit in it, we may need to cut some larger trees. I said, no, I want a bright line so that those who oppose allowing timber harvesting to go forward under this policy will not be able to see this as a ruse. It is not a ruse. It is a genuine effort by us to strike a reasoned policy that will allow thinning to go forward without extended legal battles where the thinning is not a commercial logging effort but is, rather, necessary to save the forest and to prevent these kind of crown fires.

The evidence is absolutely clear that these crown fires take off and occur only when there is the underlying load, fuel load, which has not been removed. In the strongest possible terms, it seems to me that this is a reasonable compromise which I would urge upon this Congress and upon our colleagues that they withdraw the point of order.

POINT OF ORDER

Mr. GEORGE MILLER of California. Mr. Chairman, I insist upon my point of order. I make a point of order against the amendment because it proposes to change existing law and imposes new duties and constitutes legislation on an appropriation bill and therefore violates clause 2 of rule XXI. The rule states, in pertinent part, "No amendment to a general appropriation bill shall be in order if changing exist-

ing law." The amendment imposes additional duties.

Therefore, I ask for a ruling of the Chair.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

Mr. KINGSTON. Mr. Chairman, I ask to speak on the point.

I just want to say I have read this amendment and listened to a lot of testimony over the past several years about the need to do this sort of thing in our forests. When you look at the common sense of preserving the life of the forest, the ecosystem and helping save human lives and dwellings, this is a reasonable, commonsense approach. I would ask my friend from California to reconsider the point of order simply because I do think this is something in the interest of forest management that our agencies need. I regret that the gentleman from Arizona did not have it in the committee because I think that we would certainly try to work with you on the committee. But I hope the gentleman will withdraw the point of order because I think this is common sense, and I am an Easterner, but I have lots of forests, tree farms, as we would call them in my district, and forest management is part of the responsibility and it is a great, I would say, intercourse between man and nature and great involvement.

I think this is a good amendment. I hope that we can keep it in the bill and that the gentleman would withdraw his point.

Mr. DICKS. Mr. Chairman, I hate to do this, but we are supposed to be talking about the point of order, not the substance of the amendment. I would hope that the gentlemen would restrict their discussion to the point of order.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

Mr. HANSEN. Mr. Chairman, I would hope the gentleman from California would withdraw the point of order. I think it is substantive when you talk about these particular areas. We have a situation out there, and we had the BLM director.

Mr. DICKS. Mr. Chairman, I have to raise a point of order here. The gentleman is not discussing the point of order. You have to have some way to talk about the rules of the House. He is not addressing the point of order.

The CHAIRMAN. Members are reminded to confine their remarks to the point of order.

The gentleman may proceed.

Mr. HANSEN. Parliamentary inquiry. Would you define "point of order" for us?

The CHAIRMAN. The gentleman will proceed on the point of order. The point of order is whether the amendment legislates on an appropriation bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask for a ruling on my point of order.

The CHAIRMAN. The gentleman from Utah may proceed.

Mr. HANSEN. I will say that we legislate on appropriations on a very regular basis around here. I think that my good friend from Washington is making something out of nothing, but that is his privilege to do that. But I would just like to say this.

Mr. DICKS. The gentleman is willing to exercise his points of order when he needs them.

The CHAIRMAN. The gentleman from Washington is not recognized.

Mr. HANSEN. You have a situation with the BLM and the gentleman from Washington (Mr. DICKS) got up, he talked about show us a place where you can save money yesterday, he was talking of one, and here is one that comes out. The new director of BLM stands up and says, "I'm spending close to 50 percent of my money on litigation."

Mr. DICKS. Mr. Chairman, I insist that the gentleman speak on the point of order and not talk about irrelevancies.

The CHAIRMAN. If there is no further debate on the point of order, the Chair is prepared to rule.

The amendment proposes to convey new authority to the Executive and, as such, constitutes legislation in violation of clause 2(c) of rule XXI. The point of order is sustained.

AMENDMENT OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. NORTON:

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

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

Ms. NORTON. Mr. Chairman, I believe this is a noncontroversial amendment. It is language identical to the language included in six previous appropriations bills. It makes sure that Pennsylvania Avenue, for 200 years America's Main Street, does not become a park without Congress having some say in it, that it would not be an administrative matter that the Park Service should simply be allowed to go ahead and do.

It has been offered every year in the past by the distinguished former chair of this subcommittee, the gentleman from Ohio (Mr. REGULA). I understand it has been cleared with the present chair, the gentleman from New Mexico (Mr. SKEEN), and with ranking members of the full committee and of the subcommittee on our side. I want to make clear that it has no security impact. All during the time this amendment has been in force, all 6 years, the White House has proceeded to on Pennsylvania Avenue put up the appropriate security. If you go there now, they have the same contraption that goes up and down that we have to come into the Senate and House side of the House.

While I am on the floor, I want to explain why I did not offer an amendment

on the payment of rent by Wilson Center at the Ronald Reagan Building to the Federal building fund. I have been assured of discussions going on now to accomplish what my amendment seeks, so I will hold it in abeyance for the time being.

This is a noncontroversial amendment. I simply ask that we reinsert the amendment that has previously been in the appropriation for the last 6 years.

Mr. SKEEN. Mr. Chairman, we accept the gentlewoman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON).

The amendment was agreed to.

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

We just recently were talking about this issue of fuel load which is a very sensitive issue to those of us in the West. We are seeing the West burn up. It is a very important thing. I remember yesterday when some people were talking about the idea of show us where you can save money. The new director of BLM is a lady by the name of Kathleen Clark. Kathleen Clark is a very bright lady. She was head of the natural resources department in the State of Utah. She has had all kinds of experience. We had her before the committee of which I chair of Natural Resources. She made an interesting statement. She said that she spends almost 50 percent of her budget fighting lawsuits put in by extreme environmental people. That was very interesting to us.

Then we turned and asked the question also to Dale Bosworth, the new chief of the Forest Service. His is not that high, but it is pretty high. We are sitting here worried about the lands of America. What are we going to do to take care of this thing? How are we going to clean this forest? How are we going to get rid of this fuel load? So all this money we are putting up, we are turning around and paying it to attorneys. Around here, attorneys' retirement plans are a pretty big deal, it seems like. I have never seen such a waste of money, especially when they get on this rule 28. Win, lose or draw, they get paid 350 bucks an hour. I think that is really excessive. If we are going to take care of the forests, if we are going to take care of the public lands, if we are going to take care of these areas, somebody in Judiciary, this committee and others have got to have courage enough to start reining these people in. We can hardly go out spending all of this money that these CATs yesterday were talking about taking out. Look how much you could put into taking care of the forest if you did not do it this way. The judges, in effect, have taken over the public lands of America. Hardly qualified in my mind as I read many of their decisions to come up and explain what they feel is right in public lands.

I wish I had an hour, and on a special order I may do this, talking about

some of the dumbest decisions I have ever read in my life where these people are telling us how to run the public lands of America.

□ 1945

The reclamation, the BLM, the forest service and services as this.

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

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

Mr. DICKS. Mr. Chairman, this just jumps out at me that if the gentleman has been reading these decisions and we do not like the current law, which is what the judges are interpreting, the gentleman from Utah was in a wonderful position as chairman of the committee to try and do something about it, to clarify the law, or to make it clearer on some of these points.

Mr. HANSEN. Mr. Chairman, I appreciate those comments. Believe me, if the gentleman has watched what we have done in the committee, he would know that we have tried very diligently to do it, and we would sure like the gentleman's support.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

I want to take a moment to thank the gentleman from California (Mr. DICKS) and the gentleman from New Mexico (Chairman SKEEN) for securing funding for the Urban Park and Recreation Funding Program, known as UPAR, and for increasing the allocation for National Parks operation.

Since its inception in 1979, UPAR has provided over 1,400 grants to 42 States, Puerto Rico, and the District of Columbia for the revitalization of our urban and suburban parks and sports facilities and recreational facilities for young people throughout this country.

The President has zeroed out the UPAR program, and I am thankful to the gentleman from New Mexico (Chairman SKEEN) and the ranking member, the gentleman from Washington (Mr. DICKS), for restoring this funding for this critically important urban and suburban program.

This is a program that is sponsored by many, many parts of the private sector, from the sporting good manufacturers, pro sports and national league baseball, the NBA, the NFL, the Women's National Basketball Association and so many others who have participated with this in this effort to revitalize these recreational opportunities in our cities and in our suburbs.

I also want to thank them, as I mentioned, for restoring and increasing of funds for the Park Service operations. Over 83 Members wrote to the committee asking for an increase in this, and they were able to secure an additional \$118 million for Park Service operations, which are so vital to the operations of the Park Service and to continue to present the kind of experience that the American citizens and people from around the world expect when they visit these massive, world-famous national parks in our system.

I also want to take a moment just to recognize the gentleman from New Mexico (Chairman SKEEN), whom I have had the pleasure of serving with in Congress for these many years, and who I have found to be one of the really fun people in the Congress of the United States, who has been a gentleman whenever we have had our disagreements. I have had the chance to travel with him on the issues of trade and agriculture, between Mexico and the United States, and enjoyed listening to him and the information that he understood, given his long background of living on the border, if you will, and understanding the relationships between our two nations.

This is the final bill of his career; and I just want to thank him for all of his kindness, for his generosity, for hearing me out; not always granting my wishes, but at least hearing me out and being very fair about it. I thank the gentleman, and I thank him for his chairmanship of this committee and for his time served in Congress. It has been a joy to serve with the gentleman.

AMENDMENT OFFERED BY MR. SHADEGG

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

The Clerk read as follows:

Amendment offered by Mr. SHADEGG:

At the end of the bill, preceding the short title, insert the following:

SEC. . The amounts otherwise provided by this Act are revised by reducing the amount made available for "DEPARTMENT OF THE INTERIOR—BUREAU OF LAND MANAGEMENT—Land Acquisition" and by increasing the amount made available for "DEPARTMENT OF THE INTERIOR—BUREAU OF LAND MANAGEMENT—Wildland Fire Management" by \$36,000,000 and \$23,089,000 respectively.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 20 minutes to be evenly divided.

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

Mr. DICKS. Mr. Chairman, reserving the right to object, does the gentleman think we need that much time on this amendment?

Mr. SHADEGG. Mr. Chairman, I certainly would agree with the gentleman from Washington that we will not need more, but we might need 20 minutes. I think it is a reasonable number.

Mr. DICKS. Mr. Chairman, continuing my reservation, could the gentleman state how many other speakers there will be on this amendment?

Mr. SHADEGG. I do not know.

Mr. DICKS. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The gentleman from Arizona (Mr. SHADEGG) will control 10 minutes and the gentleman from New Mexico (Mr. SKEEN) will control 10 minutes.

The Chair recognizes the gentleman from Arizona (Mr. SHADEGG).

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

This is a straightforward amendment about prioritization. I have, as I indicated last night in my remarks, the greatest admiration both for the chairman of the overall committee and for the chairman of the subcommittee. I have worked with him since I got here. I know that in the process of drafting this bill they had to make many hard choices, but I believe that one of them has been misallocated.

The bill currently provides \$23 million less for the Bureau of Land Management's budget for wildfire management than the current year allows. We have reduced the amount of money to fight wildfires. At the same time, we have increased the amount of money to acquire land to \$49 million. I would suggest that this is a misprioritization of our resources.

In an age when we have seen outrageous fires across the West, in my State, as I mentioned a moment ago, we have lost half a million acres to wildfire, we are seeing a situation where we are reducing the amount of money to fight wildfires; but we are increasing the amount of money to buy land. It seems to me clearly imprudent to follow that course of conduct.

Now, the acquisition of land would mean that we are going to buy more land in the western United States, because the BLM operates exclusively in the western United States. What that means is that this \$49 million that is in the bill currently to acquire more land will be used to buy even more Federal land.

I would suggest that that is a serious problem, that we do not need to acquire more land; but most importantly, we certainly do not need to acquire more Federal land in the eastern United States.

In my State of Arizona, there is no shortage of public land. The Federal Government owns 29 percent of all of the land in the United States, and 92 percent of that land is in the 12 Western States. In my State of Arizona, 83 percent of Arizona's landmass is owned by one level of the government or other, leaving only 17 percent of our land in public ownership. There are only 32 States that have higher percentages of public ownership than Arizona, and that is Alaska, which is 90 percent public owned, and Nevada, which is 87 percent publicly owned. I might add Utah is 79 percent publicly owned.

In contrast, the number of eastern States like Connecticut is only four-tenths Federal. New York is 1.4 percent Federal. We do not need at this moment in our history, with a war on and a battle over domestic terrorism, to be acquiring more Federal land, but we particularly do not need to do so at the expense of wildfire fighting. That should be obvious to anyone who has read the papers in the last month.

It may be true that we need to acquire some land, and my amendment

does not take out all of the monies in this legislation to acquire additional land. Some \$13 million is left in this legislation to buy more land. But it does say that we are going to transfer a portion of that \$49 million to buy more land, leaving \$13 million there, a portion of that \$49 million to buy more land we are going to transfer over to fight wildfires. I would suggest that it is absolutely irrational to oppose this amendment.

Right now, again, I want to make this point, that there is an over-\$23 million cut in the current bill for wildfire fighting. That is obviously an error. In this bill itself, there is a supplemental for this year of \$700 million to add for firefighting this year. If it was not enough last year, and it clearly was not enough, and it was the Dicks amendment which added \$700 million for wildfire fighting this year, how can it be rational to cut wildfire fighting next year by \$23 million over the figure from this year, before we add the \$700 million? It simply does not make any sense.

Nobody can stand here today and say that there is a dramatically smaller chance of wildfires next year. Nobody has that kind of crystal ball. Indeed, what we are told, Arizona is in one of the worst droughts in its history; the entire West is in one of the worst droughts in its history. The entire West is burning up from heat. Temperatures are way up in Washington, hotter than they are in my State of Arizona. And that is part of a long-term drought.

It is very obvious to me that we are going to need money to fight wildfires next year. I am simply saying that it does not make sense, when we are having to add in this very piece of legislation \$700 million additional dollars to fight wildfires in the current fiscal year, that we would, at the same time, reduce the amount of money that we are allocating to fight wildfires in the coming year. Who can explain that? There is no reason to believe the drought is going to end; there is no reason to believe that the cost of fighting fires is going to go down. What we are doing is creating a situation where we will have to be back here on this floor the next time a devastating wildfire occurs finding more money for next year's budget because we simply underfunded it.

With all due respect to the members of the committee, I think they made a conscientious effort, but we ought to make priorities. It is literally irrational to spend all of this money for additional firefighting efforts this year, \$700 million under the Dicks amendment, and cut \$23 million next year. I simply say we restore that by taking that money from land acquisition.

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

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. NETHERCUTT).

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

I want to rise in opposition to the gentleman's amendment, but praise him for his concern about this. I have the same concerns and the same philosophy about this issue.

What I want to emphasize in my remarks, however, is that the subcommittee has led the way on the wildfire issue. For the forest service the subcommittee provided \$146 million more than the President requested for wildfire. We added \$5 million, over \$5 million for the readiness and program management, which is really the money to get out there and fight these fires. We have \$700 million additional in emergency spending for wildfires and fighting those within the system of the Interior Department, and we are at the President's budget request of \$160 million for fire suppression operations.

I think the gentleman makes some very good points; and I am going to be real frank about it, because I come from the West, and I know we are worried about additional acquisitions that are not then properly accounted for within the system. In other words, proper management falls behind.

I will say, with respect to the gentleman's offset and the reduction, that if this land acquisition program reduction occurs, there will be a disruption in some of the agreed upon acquisitions that Members of this body, the House, and Members on both sides of the aisle, have looked at and agreed upon as a sensible acquisition, not an insensible one.

So I think we, again, feel as though the subcommittee has balanced this issue pretty carefully, and I really want to commend the gentleman for his sensitivity about fire issues, especially from his State and his concern in this amendment. Again, I reluctantly oppose it; but on the other hand, I oppose it because there is a substantial amount of money in the bill that the subcommittee looked at and the full committee looked at and felt was appropriate at a level that meets the needs of fire suppression.

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

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

Mr. SHADEGG. Mr. Chairman, my only question is, this does reduce the amount of money for land acquisition, but it does not zero it out. I mean, the intention of the amendment was to say let us leave some money there and to recognize that we need to acquire some lands. There are things that need to happen in a timely fashion. It seems to me reasonable to delay some of those land acquisitions.

I guess I am asking, does the gentleman know what projects have to be delayed, what acquisitions would have to be delayed, based on the reduction contemplated in the legislation?

□ 2000

Mr. NETHERCUTT. Reclaiming my time, Mr. Chairman, I do not know

which would be delayed. That is part of the problem that we have, that there may be some agreed-upon acquisitions that the BLM and the Members and others, and the administration and others, feel are sensible and genuine. So that is part of the problem that we cannot identify them exactly.

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

Mr. DICKS. Mr. Chairman, will the gentleman from New Mexico (Mr. SKEEN) yield me time?

Mr. SKEEN. Yes. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I appreciate the gentleman from Arizona mentioning the fact that our committee, when we looked at this in the full committee, added \$200 million for the BLM for this purpose as a 2002 supplemental.

I would like to see us in the supplemental, the one that is moving now in conference committee, and the administration suggested that we do that, add the \$700 million in the 2002 conference so we will get the money back faster for the agencies, because they desperately need this money.

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

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

Mr. SHADEGG. Mr. Chairman, I certainly concur with the gentleman that the place for firefighting money is in the supplemental, which could become law literally next week.

Mr. DICKS. In a couple of days.

Mr. SHADEGG. In a couple of days, rather than leaving it in this bill, which is not likely, at best, to become law before October. So I join the gentleman.

Mr. DICKS. Reclaiming my time, Mr. Chairman, we are trying to do what the gentleman is suggesting, what the gentleman has suggested, that we need more money for firefighting. We do. The agencies are telling us that they have to borrow money from other accounts in order to pay for the firefighting; that they are going to be completely dislocated in the last quarter of this year because they have not got the resources. Once they give the money for firefighting, all kinds of other things are going to stop within the BLM and the forest service.

The gentleman has a stake in that, and I do. Many in this House have a stake in that. What I suggest to the gentleman, what I would suggest to the gentleman, is let us try to work on that issue with both of our leaderships on that committee to try to get the \$700 million, it actually needs to be a couple more hundred million than that right now, into the supplemental.

What we do here in the land acquisition account is completely disrupt the program that the President of the United States sent up. The President asked for \$44,686,000. The committee added a small amount of money.

There is, on page 21 of the report of the gentleman from Washington, the

gentleman from Arizona, a list of the projects that will be affected, and these are all projects that I think are very well thought out. I notice there is one in Moses Lake, Washington, for example; one for Lewis and Washington Historic Trail in Montana; the Lewis and Clark National Historic Trail in Idaho.

These are well thought out and very important projects; so I would urge the gentleman, he has made his point. We want to help him on the firefighting deal, but do not go in and disrupt this other program and slash the money that the President asked for. Yes, there are a few congressional projects in here, but this is well thought out, well balanced.

The majority staff works with all the Members on this. This is not the place to take the money. What we should do, this should be emergency money. We should not have to take it out of this account. This should be emergency money.

Mr. SHADEGG. If the gentleman will continue to yield, Mr. Chairman, certainly I agree with the gentleman that this should be emergency money. I believe it belongs in the supplemental bill and not in this bill.

But that \$700 million goes to this current fiscal year. What we are debating in my amendment is the funding for next fiscal year, where the committee has reduced the amount of money for wildfire fighting by \$23 million. That is what I am trying to restore.

I would point out, the gentleman points out there is a list on page 21 of the report that shows the projects that need to be purchased, or that the committee has looked at purchasing; but no one of those projects is above the amount of money that I have left in the bill for land acquisition.

This simply would say that in the current circumstances, with the unbelievable fires we are having in the West, with Colorado burning up and Arizona burning up, that for next year, we go through and reprioritize this list, delay the acquisition of some of that land.

Mr. DICKS. Mr. Chairman, I get the gentleman's point.

Mr. SHADEGG. And fight fires.

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

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

Mr. NETHERCUTT. I thank the gentleman for pointing out the list on page 21. As I look at it and see the Lewis and Clark National Historic Trail, that affects numerous States from Missouri westward, and I think that is a fair acquisition. I think it is necessary as we come up on the bicentennial.

We have the Lower Salmon River Area in Idaho of critical environmental concern. I think there has been some sensitivity about that whole issue. I do not think this list is the one to knock out, because it is agreed upon. They are necessary projects.

I would just point out, too, to my friends, the gentleman from Washington and the gentleman from Arizona, the President is \$150 million above the fire plan. We have that 150 extra in. We are right where the President wants us to be in the budget request, so we are on budget. We are on target. We are even over with respect to the critical issues of fire suppression and fire assistance.

So, Mr. Chairman, I would urge that the amendment be defeated.

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

Mr. Chairman, I simply want to make the point that my colleague, the gentleman from Washington, and I complimented the committee for its effort to begin with, has pointed out some of these particular projects: the Lewis and Clark National Historic Trail. I simply want to make the point that project is only \$1 million. The second project that he cited is also only \$1 million.

We have left, under my amendment, a substantial sum of money in the bill so that we could go through and acquire much of this land in the current year as planned; and even with that, if we restored \$23 million, we will probably have to come back here and put more money into wildfire fighting next year.

But I would simply say that it should be obvious to anyone, certainly it is obvious to the people of Arizona, that the devastation of these wildfires has not stopped and is not going to stop.

I would point out that my colleague on the opposite side of the aisle just fought us, at least his side of the aisle did, and objected to an effort by our side to allow a thinning of the forest, to allow us to clean out the fuel wood load so we would not have the devastating crown fires we now have.

Some of the Nation's best experts are in Arizona. Dr. Wally Covington of NAU has said the only way we can save these forests is to clean out the fire load, fuel load that is underneath them. Yet we just made an effort to try to do that, and it was blocked on a point of order by the other side.

If we cannot thin the forests, if we cannot take the advice of the experts like Dr. Wally Covington to avoid these wildfires, then we had better put the money behind fighting them. It is simply irrational, and I hope my colleagues in this Congress are listening carefully, it is simply irrational to add \$700 million to firefighting this year and cut \$23 million from wildfire fighting next year. What we are doing is we are putting the people who live in those forests at risk, and we are putting the firefighters who need that funding at risk, and we are putting the people who need these funds at risk.

Right now, we just heard my colleague, the gentleman from the other side, say that, by gosh, we should not put these firefighting funds at risk. It is desperate to get money into them. Well, if it is desperate to get money

into them, it is irrational and I would say dangerous to take money out of them; to undercut, underfund next year's firefighting effort by \$23 million, when we know this is a long-term drought; when we know we are not thinning the forest the way we need to. It simply makes no sense.

I have the greatest respect for the committee. I am simply saying we should not be buying millions of dollars of additional land that we cannot protect at the same time that we are bulldozing extra money into the current year. If we need \$700 million more this year, by gosh, it is wrong to cut \$23 million next year.

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

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. NETHERCUTT).

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

Mr. Chairman, I think the point that is being missed here is that this acquisition list for limited purposes, for conservation or preservation, will be managed, will be managed against wildfire. I think by doing that in this particular bill in this particular acquisition, we are going to assure that the Lewis and Clark Trail does not burn up. We are going to assure that, as acquisition comes, so does management. This is not just land that is being bought for public purposes. It is bought for purposes of a specific region, a specific area that goes or carries along with it the obligation to manage it, to protect it from wildfires.

So I would argue that it has a greater opportunity to be protected from wildfire on these particular lands than if it were otherwise acquired, or just left unacquired.

So I think we agree with the gentleman, and I think there is some validity to the argument that we can protect this property from wildfire by having it acquired.

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

First of all, I want to thank the participants in this debate for its collegial nature. I think we are debating very, very important issues. I know for the people of Arizona, for the people of Colorado, for the people of California, and indeed, for the people of the entire West, Washington and New Mexico and all of these States, these are critically important issues. I appreciate the debate.

My colleague, the gentleman from Washington, I paid a compliment to earlier. I think the committee struggled with these issues. I would simply argue that when this committee draft was put together, I do not know that we appreciated the dimension of this year's problems. I know this report was prepared very, very recently; and I know that the fire in Arizona literally was contained just a matter of a week or so ago.

With regard to the point my colleague just made with regard to we can

protect the land we are acquiring, yes, I would certainly agree, we can protect the lands we are acquiring. But candidly, we cannot protect it by reducing the amount of money for wildfire fighting for the coming year by \$23 million. It is simply irrational to say that we can protect it next year for \$23 million less, but we need \$700 million more this year.

I think for the people across America who understand this issue, certainly for my constituents in the West, they have to say, I would rather we acquired a little bit less, just acquire a little bit less, still go ahead and acquire the Lewis and Clark Trail, and I am just finishing the book on Lewis and Clark, "Undaunted Courage," so I certainly think we ought to protect those lands. But we can slow down the acquisition of more Federal land this year in this economic climate, just slow it down, not bring it to a stop, and put a little of that money back into wildfire fighting, so we knew that money was there when we needed it.

It simply makes no sense, and it literally cannot be justified, given the fires; and I know the Colorado fires recently broke out. They are a recent development. The committee may not have thought through those. I know the California fires are relatively recent. I know the Arizona fires that have been devastating to my State and to 460 families who lost their homes, and to half a million acres of Arizona that is burned up and gone, I know those people would want to know that the money is not just there, the \$700 million in the current year, but is going to be there next year. Because no one, again, I challenge my colleagues, either of my colleagues from Washington or anybody else on this floor, can say to me that they can establish that next year is going to be a less severe fire season than this year.

If it is not going to be, and they cannot prove it is going to be, we cannot plus it up by \$700 million this year and pull it down by \$23 million in the next year. We will be back at this issue. We should not do it this way. We ought to put the \$23 million back in.

Mr. SKEEN. Mr. Chairman, I yield 30 seconds to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, we have it. We have it.

Mr. Chairman, I would just say to the gentleman that I understand his concern. He has made a very valid point about the importance of proper funding, which this administration has refused to fund. Mitch Daniels should pull his head out of the sand and smell the smoke, okay? That is what happened: the West is burning. I quoted that from the gentleman from Wisconsin (Mr. OBEY), and he got it from Archie.

The bottom line here is we will try to take care of this in the conference between the House and Senate. I urge our colleagues not to destroy this other program which we need in order to do

it. We have heard them, and we will help them in the conference. I think they ought to withdraw the amendment.

Mr. SKEEN. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia (Mr. KINGSTON).

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

Mr. Chairman, sometimes in this body we get to an issue that we want to flip a coin on and say, heads or tails, because we are genuinely confused. Sometimes that coin actually lands on the edge.

I have to say to my friend, the gentleman from Arizona, as I listened to his arguments, as I know my own philosophy on Federal land acquisition, the coin lands on a clear message that he has. I am going to support the Shadegg amendment. I believe he has proven the case. I think this is a worthwhile amendment with sincere reasons.

Should it fail, I will commit, as will the gentleman from Washington (Mr. DICKS), that we are going to try to work this out in conference. Should it pass, I will try to protect it in conference. I think the gentleman has a good amendment, and he has raised some excellent points.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. SHADEGG).

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

Mr. SHADEGG. 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 Arizona (Mr. SHADEGG) will be postponed.

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

Mr. Chairman, I have two amendments which I am not yet offering to insert two new sections related to the Everglades restoration effort. These sections are structured slightly differently but are functionally identical to the language included by the committee when it reported the bill to the House.

The first amendment would add a provision to require the Secretary of Interior to be a full partner in the interagency RECOVER team which oversees the hundreds of individual projects which make up the \$8 billion Everglades restoration effort. My amendment is consistent with the long-held position of the Committee on Appropriations that if this project is to achieve true environmental restoration, the Secretary of Interior must be an equal partner with the Army Corps of Engineers and the Florida Water Management District.

The second amendment provides statutory authority necessary to resolve

pending litigation against the Army Corps of Engineers and its implementation regarding the so-called Modified Water Deliveries Project, the heart of the restoration effort. This language is supported by Governor Jeb Bush, the Secretary of Interior, the Army Corps of Engineers and several prominent environmental organizations. This project, which involves acquisition within the 8.5 square mile area, has been controversial. However, after a lengthy public hearing process and supplemental EIS, a final decision was made in 2000 by the Army Corps of Engineers to adopt a compromise measure, alternative 6D. This action was supported by the Florida Water Management District and the Secretary of the Interior.

Alternative 6D was also formally adopted by the Congress in the WRDA 2000 Act. But notwithstanding this agreement, the file actions have been tied up in court and the language inserted by the committee and reinserted by amendment is absolutely necessary if Everglades renewal and water development in South Florida are to be successful.

It really upsets me to read today again in the Washington Post, there is a very good picture of the chairman of the Committee on Natural Resources, that because of maybe less than two or three dozen homes, we are standing in the way of this entire Florida restoration effort. And I will tell you, the gentleman from Washington is getting fed up. We are supposed to send them something like \$8 billion in Federal money to fund this project. And if we cannot get them to at least have the courage to deal with this issue and to start this project moving forward, I think the committee has to seriously reconsider funding for the Florida project.

And what is happening here is that Members of the Florida delegation are quietly behind the scenes going to the chairman of the Committee on Transportation and Infrastructure, the chairman of the Committee on Natural Resources because politically they cannot stand up here and offer the amendment themselves. In order to get, in order to protect a handful of people in their district, they are subverting the whole process of moving forward with this project.

This is an important project. This may be the most important environmental restoration effort ever attempted. And if we cannot do this thing, if we cannot do mod 6, if we cannot make this initial start, then how are we ever going to move this project forward?

AMENDMENT OFFERED BY MR. DICKS

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

The Clerk read as follows:

Amendment offered by Mr. DICKS:

At the end of the bill, before the short title on page 135, insert the following new section:

SEC. . Of the amounts provided under the heading "NATIONAL PARK SERVICE, LAND AC-

QUISITION AND STATE ASSISTANCE", \$20,000,000 may be for Federal grants, including Federal administrative expenses, to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of the lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: *Provided further*, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new marching non-federal funds by the State, or are matched by the State pursuant to the cost-sharing provisions of section 316(b) of Public Law 104-303, and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: *Provided further*, That none of the funds provided for the State assistance program may be used to establish a contingency fund: *Provided further*, That notwithstanding any other provision of law, funds provided in this Act and in prior Acts for project modifications by the Army Corps of Engineers pursuant in section 104 of the Everglades National Park Protection and Expansion Act of 1989 shall be made available to the Army Corps of Engineers, which shall implement without further delay Alternative 6D, including acquisition of lands and interests in lands, as generally described in the Central and Southern Florida Project, Modified Water Deliveries to Everglades National Park, Florida, 8.5 Square Mile Area, General Reevaluation Report and Final Supplemental Environmental Impact Statement, dated July 2000, for the purpose of providing a flood protection system for the 8.5 Square Mile Area.

Mr. YOUNG of Alaska. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. DICKS. Mr. Chairman, why do my colleagues object to this? The President, the Governor of Florida, the Corps of Engineers, the Department of Interior, all think this is necessary in order to move this project forward. Are we going to let a couple dozen people, and most of which I am told are prepared to sell their property, so it gets down to a handful of people, are we going to let that block this project?

I think the gentleman from Alaska who has been a great leader in terms of our efforts on the West Coast to return the salmon runs, I think of that and this as the two most important environmental efforts of our time. Why are we trying to block this?

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

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

Mr. YOUNG of Alaska. There are two reasons. One is I am not terribly fond of what originally this Congress did about the Florida Everglades. This is one of the largest pits we have ever created as far as dollars and expenditures. And we have some difference of opinion from science about the benefit of what they are trying to do. I have heard this as Resources chairman.

Secondly, although small in number, there are about 200 people that are directly affected by the actions that you propose. Now, that may be small in number for a lot of people in this room, but I am one that believes that the individual is all-important, not the mass.

Mr. DICKS. The gentleman has answered the question. Let me ask this. If we are going to let a handful of people block this project, how are we going to complete this immense effort? How are we going to get that done if we cannot get this small initial project started?

Mr. YOUNG of Alaska. I think there are different alternatives. I think it can be done a different way. I am not convinced that this is the perfect way of doing it, as I mentioned to you. As long as, in fact, I have the opportunity to see a different way, I am going to try to have that happen.

Now, I know the sincerity of the gentleman. I do not doubt that, but I am not convinced that everybody is right in this issue. I have people from Florida calling me, talking to me, asking me to do this. And very frankly, just because there is 200 does not make the project that important if they are going to be adversely affected.

Mr. DICKS. I definitely disagree with the gentleman.

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

Mr. REGULA. Mr. Chairman, I would just reiterate what I said yesterday, that this is a major project. It is basically sold on the fact that we will restore the Everglades as a great national monument and part of our heritage, biological heritage. To not allow the Secretary of Interior to have a voice in the management of this project does not make any sense at all because it is fundamentally Interior. We have put in a billion dollars thus far from Interior. We are going to put 100 million in in this bill. And certainly the American people who are putting up the money with their taxes are doing this not because they care about Florida, but because they care about the Everglades. It is a great natural asset.

Unfortunately, the language as it would be at the moment is that the Corps of Engineers and the South Florida Development Association will be calling the shots. And what is the key to all of this? Water. And, therefore, the Secretary of Interior should have a voice in the access to the water because that is the thing that makes the Everglades what it is.

And, of course, on this land issue I thought that they had that resolved in the 8.5 square miles because they changed it so that only a limited number of houses are affected by it. But if we want to restore the Everglades, and that has been the basic premise of which all this has been done, we have to have the water and we have to have the Secretary of Interior playing a role in management.

Mr. DICKS. I will just say the final thing since the gentleman has covered

my second amendment, and I think the gentleman from Alaska will object to both of them, I would let the gentleman now proceed with his point of order which I will concede.

POINT OF ORDER

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

This amendment violates clause 2 of rule XXI. It changes existing law and, therefore, constitutes legislating on an appropriation bill in violation of House rules.

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

The amendment waives existing law in violation of clause 2 of rule XXI.

The point of order is sustained.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

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

SEC. . None of the funds made available in this Act may be used to provide any grant, loan, loan guarantee, contract, or other assistance to any entity (including a State or locality, but excluding any Federal entity) identified specifically by name as the recipient in a report of the Committee on Appropriations of the House of Representatives or the Senate, or in a joint explanatory statement of the committee of conference, accompanying this Act unless the entity is also identified specifically by name as the recipient in this Act.

Mr. DICKS. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order.

The gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Chairman, this amendment is actually quite simple. We have a situation in Congress now, we have been spending the last full day, many, many hours trying to amend the Interior appropriations bill. This is the bill. There are very strict limits on what we can amend and what we can do because we can only amend the bill. The problem is most of the spending is actually directed not on the bill itself but in the committee report.

The committee report actually directs how a lot of the money is to be spent. The hard marks are in the bill. The soft marks are in the committee report.

The problem we have is once this bill passes through the House, passes through the Senate, and then comes to a House-Senate conference, we then have the bill which we in the House vote on and they vote on it in the Senate, we have to go up or down. We cannot go in and amend specific language. But, again, most of the spending is actually directed, not then by a committee report, but by a conference report. Ordinary run-of-the-mill Members, if you are not a member of Committee on Appropriations, really do not have a chance to go in and amend some of the most egregious pork barrel

projects that are often part of the bill. And there are some doozies. We hear about them all the time.

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We have little ability on the House floor either at this point or no ability when we vote on the House-Senate conference report to actually go in and amend and actually go to try to clean up some of these pork barrel projects. What this amendment simply says is the executive branch of government cannot spend money, cannot expend any of the money appropriated in the bill that is not expressly contained in the bill.

This does not get rid of earmarks. Earmarks are an important part of the congressional prerogative. The executive branch does not always know the best way to spend money, and Congress has the prerogative to direct that spending.

What this amendment simply says is that if we want to direct the spending, if we want to earmark the spending, do so in the bill, not in the conference report; and that will allow Members to go in and actually take that money out or move it around and not be limited to the very limited amount of money that we can actually direct or rescind or move around in the bill. We have to remember, most of the money is directed and earmarked through soft marks in the report language in the committee and then the conference report.

I think this amendment is very simple. It actually would shine a lot of sunshine on the process. This would allow Members of the House and the Senate, not just those on the Committee on Appropriations, but Members at large to actually go in and face that pork barrel spending and actually do something about it, not just tell their constituents, hey, I was forced with an up-or-down vote, I had to vote "yes" or I had to vote "no."

That is the amendment and I urge my colleagues to support it.

POINT OF ORDER

Mr. DICKS. Mr. Chairman, I make a point of order against the amendment, and I insist on my point of order because it proposes to change existing law and imposes new duties and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part, "No amendment to a general appropriation bill shall be in order if changing existing law the amendment imposes additional duties."

I ask for a ruling from the Chair.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

Mr. FLAKE. Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN. The gentleman from Arizona is recognized.

Mr. FLAKE. Mr. Chairman, as I understand the rules of the House, a proposal constitutes legislating if it imposes an additional task or new task on

the executive branch or a government official, such as having information that that government official does not currently have.

I would inquire of the Chair, is that the correct understanding of this provision?

The CHAIRMAN. The Chair is going to listen to arguments on the point of order, and then the Chair is going to rule.

Mr. FLAKE. Mr. Chairman, the amendment I have proposed only requires that a government official responsible for making grants or loans knows what is in the appropriation bill. Now I think we assume that those on the executive side actually read the bill. That is all that is required here. When they read the bill, they will know if this is report language or if it is language actually contained in the bill.

With this information, they are able to make that determination simply by reading the bill. I do not see how this imposes a new task on a government official.

If the Chair rules that my amendment is subject to a point of order because it proposes a new duty, then the Chair is ruling that a government official does not have the responsibility to actually read the bill. That is, I think, the least we can expect of government officials is that they actually read the bills that we pass.

I would submit that this should not be subject to a point of order. It is inconceivable that this body is deciding that government officials cannot actually read the report. I respectfully ask that the Chair does not sustain the point of order.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order? If not, the Chair is prepared to rule.

The gentleman from Washington (Mr. DICKS) makes a point of order that the amendment offered by the gentleman from Arizona (Mr. FLAKE) changes existing law in violation of clause 2 of rule XXI.

The amendment in pertinent part would require the examination of certain legislative reports to determine whether an entity is specifically identified by name. As indicated on page 802 of the House Rules and Manual, the burden is on the proponent of the amendment to prove that the amendment does not change existing law. In this instance, the proponent has been unable to prove the existence of a requirement in law requiring the examination of legislative reports by Federal agencies.

Accordingly, the point of order is sustained.

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

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

Mr. FALEOMAVAEGA. Mr. Chairman, I am in support of the proposed interior appropriations, and I am including my statement in the RECORD

and also a letter from deputy assistant Secretary David Cohen.

Mr. Chairman, the gentleman from California, Congressman DARRELL ISSA, has introduced two amendments to reduce considerably funding for my district of American Samoa. It is my understanding that there has been an exchange of communications between the Gentleman and the Governor of American Samoa. Specifically the gentleman's constituent has had an employment contract dispute with the American Samoa Government, and this matter has been ongoing for almost two years now.

Mr. Chairman, it is my understanding the gentleman has withdrawn his amendments, and that he will insert a statement for the record. I do appreciate the fact that the gentleman has decided not to introduce his amendments, but I would also like submit this statement to express my concerns on the proposed amendments.

I can appreciate the gentleman's concerns for his constituent, and I commend the gentleman for his efforts to look after the needs of his constituent. And every member should follow his good example.

Mr. Chairman, my concern for these two amendments is that the gentleman's constituent has not sought judicial adjudication for whatever rights he felt were not fulfilled by the American Samoa Government. To punish every man, woman, and child in my district by reducing critically needed funding as the gentleman's amendments proposed—is just simply unfair and not right.

This matter was never brought to the attention of the Interior Appropriations Subcommittee, as well as the Full Appropriations Committee. And the matter certainly has been reviewed by the appropriate authorizing committees.

Mr. Chairman, we have the courts to deal with contractual disputes between individuals and government entities. Our High Court in my district is the proper forum for my colleague's constituent to pursue his rights under the employment contract he agreed to with the American Samoa Government.

I submit the American Samoa Government does have budgetary and fiscal problems, but so does our federal government, the state of California and all other states and other territorial governments. But this is not an issue about fiscal management or mismanagement. It is an issue about making sure the constitutional rights of my colleague's constituent are protected. And I submit the constituent always was afforded an opportunity to take the matter to court, but he did not. And for this basic reason, my colleague's amendments are not in order and should not be approved by this body.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, July 16, 2002.

Hon. C.W. BILL YOUNG,
Chairman, Committee on Appropriations, House
of Representatives, Washington, DC

DEAR MR. CHAIRMAN: It has come to our attention that two amendments have been offered to the Department of the Interior's appropriations bill that would limit grants to the government of American Samoa for fiscal year 2003 to \$22,012,058 (under one proposed amendment) or \$23,012,058 (under the other proposed amendment). As you know, a total of \$33,240,000 was earmarked for American Samoa's government operations and capital improvement projects for fiscal year

2002, and the same amount was requested by the Administration for these purposes for fiscal year 2003. Additionally, approximately \$2,100,000 in technical assistance grants is provided to American Samoa through my office in a typical year. Therefore, the more severe of the two proposed amendments would have the effect of reducing appropriations to American Samoa for fiscal year 2002 to fiscal year 2003 by approximately \$13,328,000 or by approximately 38%. Needless to say, such a drastic reduction would jeopardize essential projects that my office was supported for hospital improvements, new classrooms, water and wastewater systems, public safety equipment and other essential activities. Either of the proposed amendments would likely have a significant adverse impact on the health and safety of the people of American Samoa.

Please feel free to contact me at my office at 208-4736 should you or your staff have any questions.

Sincerely,

DAVID B. COHEN
Deputy Assistant Secretary, for Insular
Affairs.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. SHADEGG

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. SHADEGG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 153, noes 269, not voting 12, as follows:

[Roll No. 317]

AYES—153

Aderholt	Emerson	Jones (NC)
Akin	Everett	Keller
Armey	Flake	Kennedy (MN)
Bachus	Fletcher	Kerns
Baker	Foley	King (NY)
Barr	Forbes	Kingston
Bartlett	Fossella	Kirk
Barton	Gallegly	Kolbe
Bilirakis	Ganske	Latham
Blunt	Gibbons	Lewis (KY)
Boehner	Gilchrest	Linder
Boozman	Gillmor	Lucas (OK)
Brady (TX)	Goode	Manzullo
Bryant	Goodlatte	Matheson
Burr	Goss	McCrery
Burton	Graham	McInnis
Buyer	Graves	Miller, Dan
Cannon	Green (WI)	Miller, Gary
Cantor	Grucci	Miller, Jeff
Chabot	Gutknecht	Moran (KS)
Chambliss	Hall (TX)	Myrick
Coble	Hansen	Ney
Collins	Hart	Norwood
Combest	Hastings (WA)	Nussle
Condit	Hayworth	Osborne
Cooksey	Hefley	Ose
Cox	Herger	Otter
Crane	Hilleary	Paul
Cubin	Hoekstra	Pence
Culberson	Horn	Peterson (PA)
Cunningham	Hostettler	Petri
DeLay	Hunter	Phelps
DeMint	Hyde	Pickering
Diaz-Balart	Issa	Pitts
Doolittle	Istook	Pombo
Dreier	Jenkins	Pryce (OH)
Duncan	Johnson, Sam	Putnam

Radanovich
Rehberg
Reynolds
Riley
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays

Sherwood
Shimkus
Shuster
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry

NOES—269

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bishop
Blumenauer
Boehlert
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Callahan
Calvert
Camp
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crenshaw
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Dunn
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank
Frelinghuysen

Frost
Gekas
Gephardt
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hayes
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hoolley
Houghton
Hoyer
Hulshof
Inslee
Isakson
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Klecza
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loftgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markay
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez

Thornberry
Thune
Tiahrt
Toomey
Turner
Upton
Vitter
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)

Mica
Millender-
McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascarell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Santolin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Shaw
Sherman
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tiberi
Tierney

Towns	Waters	Wolf
Udall (CO)	Watson (CA)	Woolsey
Udall (NM)	Watt (NC)	Wu
Velazquez	Waxman	Wynn
Visclosky	Weiner	Young (AK)
Walden	Weldon (PA)	Young (FL)
Walsh	Wexler	
Wamp	Whitfield	

NOT VOTING—12

Bereuter	Lantos	Meehan
Blagojevich	Lipinski	Nadler
Bonior	Mascara	Oxley
Ehrlich	McHugh	Trafigant

□ 2058

Mr. BRADY of Pennsylvania, Mr. QUINN, Ms. McCOLLUM, Ms. JACKSON-LEE of Texas, Mrs. JO ANN DAVIS of Virginia, and Mr. LUTHER changed their vote from "aye" to "no."

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2100

Mrs. WILSON of New Mexico. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it has been a long couple of days for all of us, and we are coming to the end of the Department of Interior appropriations bill, which will be the last appropriations bill with the gentleman from New Mexico (Mr. SKEEN) as the chairman of a subcommittee of this House.

Whenever I walk through the halls of the House and I pass by the statue of Will Rogers, I always think of JOE because Will Rogers is such a wonderful, funny man with a dry sense of humor who loved his country. JOE SKEEN is the same kind of guy. He is a gentleman with a dry sense of humor, almost as dry as New Mexico this year. He loves his country, he loves this House; and he has served it well. I think we should all show our thanks to the gentleman from New Mexico.

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

Mrs. WILSON of New Mexico. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I thank the Members. Now sit down and go to work.

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

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2003".

Mr. UDALL of Colorado. Mr. Chairman, this is a good bill. I support it, and urge its passage by the House.

This bill is important for the whole country, of course, but it is particularly important for Colorado and other states that include large amounts of federal lands.

So, I am very appreciative of the hard work of Chairman JOE SKEEN, ranking Member NORM DICKS, and the other members of the Interior Subcommittee as well as Chairman YOUNG and ranking Member OBEY of the full Appropriations Committee.

In particular, I want to thank them for including in the bill \$700 million in Fiscal Year 2002 emergency firefighting funds. As we in Colorado are all too aware, the combination of se-

rious drought conditions and the results of a century's policy of suppressing all fires on federal lands has produced a series of extreme wildfires that have threatened the lives and property of thousands of people in our state and elsewhere.

As a result, the Forest Service, Bureau of Land Management, and other federal land-managing agencies have exhausted the funds budget for firefighting and have had to divert money from other important purposes to respond to the emergency conditions.

That was why last month, along with my Colorado colleagues, Representative HEFLEY, Representative DEGETTE, and Representative TANCREDI, and my cousin, Representative TOM UDALL of New Mexico, I wrote to Chairman YOUNG and Mr. OBEY, urging that the agencies be provided with emergency supplemental firefighting funds.

I thought then—and still think—that the best way to accomplish this would be to include the funds in the conference report on the emergency supplemental bill already passed in both Chambers. However, I understand that the Administration opposes that idea and therefore as an alternative the money has been included in this bill. I certainly support that, although I am concerned that the result may be to unnecessarily delay the provision of these vitally-needed funds to the agencies.

I also want to express my appreciation for inclusion of the bill of \$4 million to enable the Forest Service to continue acquiring lands in the Beaver Brook area of Clear Creek County, in Colorado's Second Congressional District.

This tract encompasses almost the entire watershed of Beaver Brook, which flows into Clear Creek. The city of Golden originally acquired the lands as a potential source of water. However, it now wants to sell the lands so it can use the money for pressing municipal needs.

The Beaver Brook lands, nearly 6,000 acres in all, are important elk habitat and include pristine riparian areas and ponderosa pine stands that are comparatively rare in this part of Colorado. The tract also is a key part of a corridor of open and undeveloped lands linking the alpine terrain of the Mount Evans Wilderness with the foothills and piedmont of the Front Range area. In short, these lands provide scenic, recreational, and wildlife resources that are important to all Coloradans, and it is very important that they remain undeveloped—especially because our population growth is leading to increasing development throughout this part of the state.

The City of Golden—the property owner—is willing to sell the lands to the federal government so they can be added to the national forest. Clear Creek County, where the lands are located, also supports that acquisition, and the Forest Service has identified it as a high regional priority. The acquisition is also supported by a wide range of other individuals and groups in Colorado—and here in Washington, Representative TANCREDI and I have been working together on the idea as well.

Last week, I had the pleasure of attending a ceremony marking transfer of part of the lands to the United States for inclusion in the Arapaho National Forest. The funds provided in this bill will help maintain momentum as we move toward completion of this important acquisition.

The bill also includes a number of other items of particular importance to Colorado, in-

cluding money for construction work at Rocky Mountain National Park and the Great Sand Dunes National Monument, funds to make the land acquisition that will set the stage for upgrading the Great Sand Dunes to National Park status, and funds for important work to further the protection of endangered species and the sound management of our natural resources.

Of course, no bill is perfect. But this bill is a good one and I urge its passage.

Mr. BLUMENAUER. Mr. Chairman, today I voted for the Appropriations Bill for the Department of the Interior and Related Agencies for the year FY 2003. It is not a perfect bill, but it includes many provisions that are important for Oregon and the rest of the country.

The bill appropriates a total of \$20.4 billion, which includes an important \$700 million for emergency fire fighting in the West. The bill includes an increase in funding over both the President's request and the appropriation for last year for important programs within the Bureau of Indian Affairs and the Indian Health Service. The bill also increases funding for the National Parks Service, which has a tremendous responsibility as caretaker of some of our nation's most valued natural, cultural, and historic resources that draw nearly 300 million visitors annually. I was also pleased to vote for a bill that provides \$1.4 billion for conservation programs, \$120 million more than what President Bush recommended. Finally, on the 100-year anniversary of the National Wildlife Refuge system, the bill provided a \$60 million increase for the refuge system to \$458 million.

I was pleased that the bill also provides funding for programs that are crucial to Oregon. We were able to secure \$10 million and \$2.5 million to purchase land from willing sellers in the Columbia River Gorge and the Sandy River watershed, respectively. The bill increases funding to help fish in the Pacific Northwest, providing \$4 million for fish screens and \$20 million for additional fish passage projects. It also provides \$500,000 for the Columbia River Estuary Research program at the OGI School of Science and Engineering.

This bill was also improved on the floor. Amendments on the floor increased funding for the National Endowment for the Humanities that will help improve our federal commitment to the arts, which make a community vibrant, unique and lively. On the floor the House also voted to increase funding for the Energy Star Program and to prohibit funding for new oil drilling activity on the coast of California. Finally, adjustments were made to the bill on the floor to remove provisions that would be at best troubling, and possibly destructive to, the Native American community. More importantly, a strong commitment was made by the appropriators and members to work together to fashion a solution to the long ignored Native American trust issues.

Unfortunately, an amendment I introduced that would have helped improve the situation in the Klamath Basin did not pass. The amendment would have helped solve the inherent conflicting priorities and competition over scarce basin water by farmers, endangered species, wildlife refuges, and Native Americans. The amendment would have also helped make farming on the Lower Klamath and Tule Lake Wildlife Refuges more consistent with farming on other refuges around the country by prohibiting new leases from

growing row crops or alfalfa. I pledge to continue to work with my colleagues in Oregon and California to address the shortage of water and habitat degradation in the Klamath basin.

Overall, I believe this is a good bill for Oregon and for the United States.

Mr. HOLT. Mr. Chairman, as a Member of the National Parks Subcommittee in Congress, I have made the protection of our National Parks one of my priorities in Congress. Our National Parks are our national treasures, and belong to each and every American.

Each year millions of American families enjoy the fresh air, natural splendor, and diverse wildlife of our National Parks. If we are to preserve our Parks for future generations, however, we must invest the resources necessary for their continued preservation and maintenance.

Due to a lack of funds, many of our parks suffer from inadequate sewer systems, poor and deteriorating facilities, and an insufficient number of park rangers. In addition to damaging the parks themselves, these conditions detract from the experience that visitors take away with them.

Yellowstone National Park, the world's first National Park and one of my favorites, is representative of this problem. Created to preserve its unique geothermal features, Yellowstone currently lacks a geologist on staff to monitor and protect the park's geysers and "underground plumbing."

Yellowstone, and the rest of our nation's treasures, deserve better. Earlier this year I joined 83 of my colleagues urging a significantly higher increase for the operations of the National Parks than provided in the bill we are debating today. But, given the funding constraints placed on the Committee, this bill takes a big step in the right direction to address the significant operating shortfalls facing our nation's parks. Because of this I would like to applaud the efforts of the committee. As the bill moves to Conference, it is critical that at a minimum, we hold the line on funding provided in this bill, and even do better.

The CHAIRMAN. Are there any further amendments?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISAKSON) 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, pursuant to House Resolution 483, he reported the bill, as amended pursuant to that rule, back to the House with sundry further amendments adopted by the Committee of the Whole.

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

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

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

The vote was taken by electronic device, and there were—yeas 377, nays 46, not voting 11, as follows:

[Roll No. 318]

YEAS—377

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLaunt
DeLauro

DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hinchee
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)

Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Klecicka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-
McDonald
Miller, Dan
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Ney
Northup

Norwood
Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascarell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross

Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo

Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—46

Akin
Barr
Barton
Berry
Boswell
Capuano
Chabot
Collins
Cox
Crane
DeMint
Doggett
Duncan
Emerson
Flake
Gibbons

Goode
Graves
Green (WI)
Gutknecht
Hefley
Hostettler
Jones (NC)
Kerns
Manzullo
Miller, Gary
Miller, Jeff
Myrick
Paul
Pence
Petri
Pitts

Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Stearns
Terry
Tiahrt
Toomey
Weldon (FL)
Wilson (SC)

NOT VOTING—11

Bereuter
Blagojevich
Bonior
Lantos

Lipinski
Markey
Mascara
McHugh

□ 2124

Mr. WILSON of South Carolina changed his vote from "yea" to "nay." So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FUNDING FOR THE ARTS AND HUMANITIES

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, as evidenced by the enormous vote on the previous appropriations bill, the Interior bill enjoys much support from this body. It is a bill that protects our natural resources and the natural beauty of this Nation.