

## NAYS—194

Abercrombie	Harman	Oberstar
Ackerman	Herseth	Obey
Allen	Hill	Oliver
Andrews	Hinchee	Ortiz
Baca	Hinojosa	Owens
Baird	Hoeffel	Pallone
Baldwin	Holt	Pascarell
Bass	Honda	Pastor
Becerra	Hooley (OR)	Payne
Bell	Hoyer	Pelosi
Berkley	Inslee	Pomeroy
Berman	Israel	Price (NC)
Bishop (NY)	Jackson (IL)	Rahall
Blumenauer	Jackson-Lee	Rangel
Boehlert	(TX)	Reyes
Boswell	Jefferson	Rodriguez
Boucher	Johnson (CT)	Rothman
Bradley (NH)	Johnson, E. B.	Roybal-Allard
Brady (PA)	Jones (OH)	Ruppersberger
Brown (OH)	Kanjorski	Rush
Brown, Corrine	Kaptur	Ryan (OH)
Capps	Kelly	Sabo
Capuano	Kennedy (RI)	Sánchez, Linda
Cardin	Kildee	T.
Cardoza	Kilpatrick	Sanchez, Loretta
Carson (IN)	King (NY)	Sanders
Case	Klecza	Saxton
Castle	Kucinich	Schakowsky
Chandler	Lampson	Schiff
Clay	Langevin	Scott (VA)
Clyburn	Lantos	Serrano
Cooper	Larsen (WA)	Shays
Crowley	Larson (CT)	Sherman
Cummings	Leach	Simmons
Davis (CA)	Lee	Slaughter
Davis (FL)	Levin	Smith (NJ)
Davis (IL)	Lewis (GA)	Smith (WA)
DeFazio	LoBiondo	Solis
DeGette	Lofgren	Spratt
Delahunt	Lowey	Stark
DeLauro	Lynch	Strickland
Deutsch	Majette	Stupak
Dicks	Maloney	Tanner
Dingell	Markey	Tauscher
Doggett	Matsui	Taylor (MS)
Dooley (CA)	McCarthy (MO)	Thompson (CA)
Doyle	McCarthy (NY)	Thompson (MS)
Ehlers	McCollum	Tierney
Emanuel	McDermott	Towns
Engel	McGovern	Udall (CO)
Eshoo	McNulty	Udall (NM)
Etheridge	Meehan	Van Hollen
Evans	Meek (FL)	Velázquez
Farr	Meeks (NY)	Visclosky
Fattah	Menendez	Waters
Filner	Michaud	Watson
Ford	Millender-	Watt
Fossella	McDonald	Waxman
Frank (MA)	Miller (NC)	Weiner
Gephardt	Miller, George	Weldon (PA)
Gerlach	Mollohan	Wexler
Gonzalez	Moran (VA)	Wolf
Green (TX)	Murtha	Woolsey
Greenwood	Nadler	Wu
Grijalva	Napolitano	Wynn
Gutierrez	Neal (MA)	

## NOT VOTING—3

Conyers	DeMint	Hastings (FL)
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## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN) (during the vote). The Chair will remind Members that there are 2 minutes remaining in this vote.

□ 1538

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Evans, one of his secretaries.

# CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108-194)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

## To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the FEDERAL REGISTER and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the FEDERAL REGISTER for publication, stating that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2004. The most recent notice continuing this emergency was published in the FEDERAL REGISTER on June 12, 2003 (68 Fed. Reg. 35149).

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.  
THE WHITE HOUSE, June 16, 2004.

## RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

HOUSE OF REPRESENTATIVES,  
Washington, DC 20515, June 15, 2004.  
The Hon. DENNIS HASTERT,  
Speaker of the House, U.S. House of Representatives,  
Washington, DC 20515.

DEAR MR. SPEAKER: Effective immediately, I hereby resign my seat on the Committee on Veterans Affairs.

Sincerely,

SILVESTRE REYES,  
Member of Congress.

The SPEAKER pro tempore. Without objection the resignation is accepted.

There was no objection.

## ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 678) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 678

*Resolved*, That the following named Member be and is hereby elected to the following standing committees of the House of Representatives:

COMMITTEE ON RESOURCES: Ms. Herseth (to rank immediately after Ms. Bordallo).

COMMITTEE ON VETERANS AFFAIRS: Ms. Herseth.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4568, and that I may include tabular and extraneous materials.

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

There was no objection.

## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 674 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4568.

The Chair designates the gentleman from Ohio (Mr. LATOURETTE) as chairman of the Committee of the Whole, and requests the gentleman from Georgia (Mr. ISAKSON) to assume the chair temporarily.

□ 1539

### 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 consideration of the bill (H.R. 4568)

making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. ISAKSON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we bring to the House floor the fiscal year 2005 budget recommendations for the Department of Interior and related agencies. This bill includes \$19.5 billion, which is \$156 million below the budget request and \$257 million below the enacted level.

Given our allocations, this is a balanced bipartisan bill. It provides significant operation increases for our national parks. It increases funding above the level requested for Indian schools and hospitals and clinics. It provides increased wildland fire programs and continues to make forest health a high priority. We have fully funded the healthy forests initiative.

There is an additional appropriation, in title IV of the bill, for urgent fire suppression. It includes \$500 million for fiscal year 2004 and \$500 million for fiscal year 2005. These funds will be made available to the extent they are needed to fight fires in those fiscal years. Given our past problems with insufficient fire fighting funds, the budget resolution includes a special allocation adjustment for this purpose.

The bill reported out of committee maintains funding for proven, mission-essential grant programs that are strongly supported by Congress and restores funding to ensure that core programs in the bill are continued.

We have partially restored critical energy research programs to protect the investment the Congress and the taxpayer have made to ensure that energy is used more efficiently and cleanly. It just does not make sense to terminate arbitrarily successful research programs before they reach a logical conclusion, and that is why we have taken this measure.

The committee transferred jurisdiction for the Weatherization Assistance Program from the Interior bill to the Labor, Health, and Human Services bill, which has the responsibility for the Low Income Home Energy Assistance Program. LIHEAP already includes a set-aside for weatherization, and it is, logical to keep these two programs together in the same bill.

We have made difficult but sensible decisions in the energy area. Overall, energy research funding is reduced by 7 percent, after adjustments for jurisdictional change for weatherization. We

hope to be able to increase this as we move forward with the bill in conference.

In order to restore funding for mission essential programs, we have reduced new construction, land acquisition and grant programs.

This is a challenging year, but this is a bill that is balanced and fair, and I urge all Members to support it.

I want to thank my friend, the gentleman from Washington (Mr. DICKS), the minority ranking member, for the hard work that he has done in producing this bill, as well as the entire committee, and both the majority and minority staff for their work on this.

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

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

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

Mr. DICKS. Mr. Chairman, first of all I want to thank the gentleman from North Carolina (Chairman TAYLOR) and the staff of the subcommittee, both majority and minority, for a very good bill and a hard-working effort.

Obviously there are deficiencies in the bill. The chairman mentioned the fact that we are below last year's level and that our allocation was a couple of hundred million dollars below the President's budget request. So obviously we had limitations on what we could do in this bill.

I do think that adding \$500 million in 2004 for fire fighting, assuming we get the bill signed, and also for 2005, was an important step. We have also increased the overall funding for fire fighting by a significant amount of money.

There are some deficiencies. The majority decided not to fund the request of the President for the \$41 million increase for the National Endowment for the Arts and Humanities. We were unable to come up with the money to fund the conservation amendment. But in other areas we were able to come up with funding to increase the money for the parks.

As I spoke on the rule, I talked about this problem we have with our national parks. We do not have enough money to cover the fixed costs. Therefore, their operating budgets are not able to cover the number of people necessary. I used the example of the Olympic National Park.

□ 1545

Three years ago, they had 130 temporary workers during the summer. That has been reduced down to 25. That is unbelievable. They had, I think, 3 years ago 146 employees, full-time; now it is down to 120, and they are supposed to have 202 employees. So my colleagues can see that this lack of funding is causing serious problems in the operations of the parks themselves. We are just not going to have the same number of rangers out there. This is a problem that I hope we can continue to deal with.

So I want to thank the chairman for all of his kindness and his willingness to work with the minority party here in the House on this important bill, and we will continue to work together until we get this bill finished.

Mr. Chairman, I yield 2½ minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I would note that the pending bill continues a trend that we have seen from the White House and the Republican leadership. I certainly commend the ranking minority member, the gentleman from Washington (Mr. DICKS) for his leadership, as well as the subcommittee chairman, the gentleman from North Carolina (Mr. TAYLOR), but it is a trend that is coming out of this pending legislation as well as the Congress, the trend of not keeping faith with the American people when it comes to various Federal trust funds.

With the highway bill, it is very apparent. There are those of us who want to return to the American people from the Highway Trust Fund the taxes that are paid at the pump in the form of better roads and bridges, and there are those who do not.

In the pending legislation, there is a trust fund account called the Abandoned Mine Reclamation Fund, financed by a fee imposed on the coal industry. This is the industry's version of Superfund. It is meant to provide funding to finance the cleanup of abandoned coal mine sites that pose a threat to human health and safety. The unspent balance in that trust fund is approaching \$2 billion. Yet the pending bill flatlines the amount it would make available.

I could go on and on. There is another trust fund involved with the pending legislation; and here, too, this bill does not keep faith with America. That is called the Land and Water Conservation Fund programs, which is authorized at 900 million. The total is less than \$150 million in this bill.

Funding that would improve and expand the wildlife refuges, National Parks, and National Forests is sacrificed at the altar of tax relief for the rich. Apparently, the money for the Bush tax cut really did grow on trees.

What is more, the Bush administration, along with the majority here in the House, fails to provide these funds even though half the money goes directly to the States for conservation and recreation purposes.

If the Bush administration supports making rich people richer, that is their choice; but the American people should know where the money is coming from. The American people should know what the real reason is when they go to a national park this summer and find it surrounded by commercial development because there will be no funds to conserve the lands around the park. The American people should know that even though we are supposed to have the money sitting in a trust fund, dangerous abandoned mine sites will not

be reclaimed because that trust has been broken as well.

Gutting conservation spending to fund a tax cut is short-sighted and cynical. Members need to come to this floor during the debate on this legislation and tell the American people where they stand.

It appears that this administration and its friends in the Congress have thrown the keys to the Treasury off the continent, funding a war that we were not properly advised on its true cost and which is going to reach astronomical proportions. Now we are left with depleted funds, from roads and infrastructure to our majestic parks and wildlife protection programs.

So I would urge Members to look closely at this legislation before making their minds up.

Mr. Chairman, I would note that the pending bill continues a trend that we have seen coming out of the White House and from the Republican Leadership. And that is a trend of not keeping faith with the American people when it comes to various federal trust funds.

With the highway bill, it is very apparent. There are those of us who want to return to the American people from the Highway Trust Fund the taxes they pay at the pump in the form of better roads and bridges. And there are those who do not.

In the pending legislation, there is a trust fund account, the Abandoned Mine Reclamation Fund, financed by a fee imposed on the coal industry. This is the industry's version of Superfund. It is meant to provide funding to finance the cleanup of abandoned coal mine sites that pose a threat to human health and safety. The unspent balance in that trust fund is approaching \$2 billion.

Yet the pending bill flat lines the amount it would make available. I can assure this body there is no lack of need for this funding. We have an extensive inventory of sites which need to be reclaimed. This program is about improving our environment, and it is about jobs. Well paying construction jobs. And there is another trust fund involved with the pending legislation, and here too, this bill does not keep faith with America.

Spending on Land and Water conservation Fund programs—which is authorized at \$900 million—totals less than \$150 million in this bill. Funding that would improve and expand wildlife refuges, National Parks and National Forests is sacrificed at the altar of tax relief for the rich. Apparently, the money for the Bush tax cut really did grow on trees. What's more, the Bush Administration, along with the Majority here in the House, fails to provide these funds even though half the money goes directly to the States for conservation and recreation purposes.

If the Bush administration supports making rich people richer, that is their choice. But the American people should know where the money is coming from.

The American people should know that the National Park they visit this summer will soon be surrounded by commercial development because there will be no funds to conserve the lands around the Park.

The American people should know that the conservation and recreation programs planned by their governor will have to be abandoned because the Federal government won't come through with matching funds.

The American people should know that, even though we are supposed to have the money sitting in a trust fund, dangerous abandoned mine sites will not be reclaimed because that trust has been broken. Gutting conservation spending to fund a tax cut is short-sighted and cynical. Members need to come to this House floor during the debate on this legislation and tell the American people where they stand.

It appears that this administration and its friends in the Congress have thrown the keys to the Treasury off the continent, funding a war that we were not properly advised on its true cost. And now we are left with depleted funds for worthy and traditionally bipartisan programs, from roads and infrastructure, to our majestic parks and wildlife protection programs.

I urge a "no" vote on the pending measure. Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, relating to the operation funds, we hope maybe in the conference we will be able to provide more money, after we work with the Senate, for the Interior bill. But we have a letter from the parks director, and this is the second letter that they have sent; and also in public testimony they pointed out that there is not going to be any reductions in visitors' services or access to the park facilities this year. Let me repeat that. Her instructions to the National Park Service field management was clear that the parks facilities are to be available at the same level as they were in the last year, with some amounts for changes for operating hours where individual work might be going on.

So we do not expect parks to be closed. We do not expect any different changes in visitation for our people who will be vacationing at national parks.

We put \$1 billion into parks operation. That was a \$55 million increase; and while we all want to look for more money for our entire public lands, we think this is adequate, and we have the Parks Service's guarantee that we will not be closing parks under any circumstances this year.

Mr. Chairman, I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO), who has been a very good friend and a strong supporter of this bill.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman from Washington for yielding me this time, and I thank the chairman.

I particularly want to congratulate the committee on the additional money for firefighting. I know it is a tough budget year. I know their allocations were inadequate. But it was absolutely crucial that we get the up-front money we need for what is expected to be the worst fire year in Western history so we can be better prepared and also have the assurances of an additional funding for next year so that the Forest Service can begin to get into long-term contracts for larger aircraft, for fuel retardant crops.

That said, I am concerned that after last year's vigorous debate and final resolution of the Healthy Forest Restoration Act, with the promise of \$760 million a year from the White House committed to hazardous fuel reductions in Western forests, that there is only \$266 million in this bill. That is not adequate. At that level, if there was no additional fuels buildup, it would take 100 years to deal with the already accumulated buildup. That is part of the reason why they have to so robustly fund firefighting. We simply have to get ahead of this problem. We can provide jobs in rural communities, we can do fuel reduction in a way that is labor intensive, but will protect resources, protect our communities, and enhance the forests. But at the \$266 million level, that is simply not going to get done. In fact, we will probably see the backlog grow over the coming years.

So again, I congratulate the committee for the additional money for firefighting and hope in the conference committee that they can find some additional funds to move ahead with fuel reduction.

Mr. DICKS. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking Democratic member of the full Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I would very much like to be able to support this bill, and I regret very much that I cannot do so. I would like to explain why that is the case.

First of all, let me simply observe that I think that this bill gives vivid testimony to the strangeness of the majority party budget resolution. This bill, in fact, eliminates \$700 million of the President's initiatives in areas under the jurisdiction of this subcommittee. Those are reductions in the President's initiatives that were made by the President's own party. The reason they did that is because they understood that the President's budget increases were essentially "let's pretend" increases; they were financed by cutting deeply into the base of existing programs such as Indian health care, which no civilized person would suggest that we cut. But nonetheless, those initiatives are now gone because of the unreality of the President's budget and the unreality of the budget resolution itself.

But more importantly, my problem with this bill is that it scuttles the conservation agreement that was made 4 years ago. Then, we had a number of Members of this Congress who wanted to pass what was known as CARA. That would have created an entitlement for a whole range of environmental and land acquisition programs. A number of us thought it was not advisable to make those entitlements, but we did want to see significant increases in those funding levels. So we reached an agreement in the committee that there would be a 6-year scheduled ramp-up of funding for the programs. The committee stuck to that for 2 years. Last

year they walked away from it. This year they are walking away from it again. That means that this bill funds at an \$831 million level programs that were scheduled to be at the \$1.6 billion level.

We can argue about whether or not those programs are advisable, but I come from the old-fashioned view that if a committee makes a commitment, it has an obligation to stick to it. I stick to mine, and I expect people who make agreements with me to keep those commitments. I feel that the majority party did not keep that commitment; and so I, in protest, am intending to vote "no."

Let me say there are some good things in this bill, and I appreciate the fact that the chairman has tried to work out a number of issues most rationally. But I really believe that to be involved in a theological debate on land acquisition that prevents us from protecting some of the most precious and pristine areas in this country before they are overcome by development is a price that is too high to pay for running this Congress on the basis of ideology rather than evidence, and so I regretfully will be opposing the bill.

Mr. FALEOMAVEGA. Mr. Chairman, I rise today in support of H.R. 4568, the FY05 Interior Appropriations Bill. This bill is of critical importance to the insular areas and I thank my colleagues for their continued support of my efforts to keep in place government operations and capital improvement funding for American Samoa.

The United States territory of American Samoa lies 2,300 miles southwest of Hawaii, covers a land area of 76 square miles, has a population of less than 70,000, and a per capita income of \$4,300 per year. Due to scarcity of land, labor and capital, economic growth and development in American Samoa has been limited.

In fact, more than 80 percent of American Samoa's economy is dependent either directly or indirectly on two United States tuna canneries which employ more than 5,150 people or 74 percent of the workforce. A decrease in production or departure of one or both of the two canneries in American Samoa could devastate the local economy resulting in massive layoffs and insurmountable financial difficulties.

To protect American Samoa's present economy and to encourage and foster other investment and development in the Territory, I believe it is necessary to keep in place American Samoa's annual funding. I also believe it is important to increase our funding and I will continue to work with our friends in the House and Senate to make sure that the needs of American Samoa are addressed at a time when our nation is not faced with budget constraints brought on by the high costs of war.

For educational purposes, I will work to set aside funds on a per annum basis for sports and recreational programs for 6 high schools and 23 elementary and middle schools in American Samoa. For purposes of diversifying our economy, I will also work to set aside funds for the development of a high tech, e-commerce initiative. For purposes of improving health care and education, I am working to increase funding for ASG operations and capital improvement projects.

American Samoa has 23 elementary and middle schools, 6 public high schools and 4 private high schools. More than 80 percent of these schools do not have adequate playgrounds, gyms or sports equipment. Yet American Samoa's prominence in college and NFL programs has caught the attention of Sports Illustrated which featured an article on our youth in its November 3, 2003 issue.

With a per capita income of less than \$4,500 per year and a single-industry economy based almost solely on the U.S. tuna fishing and processing industries, sports scholarships are one of the few opportunities Samoan youth have to finance higher education. A set aside of \$500,000 on a per annum basis for sports and recreation programs will not only increase scholarship opportunities but will also put in place necessary health and wellness programs that are currently lacking in our schools.

I believe this is a worthy cause, a cause to which all students, including ones in American Samoa are entitled. As such, I will pursue this matter until it has the full support of the House and Senate.

For some time, I have been working with the American Samoa Government, including our present Governor, the Honorable Togiola Tulafono, on establishing e-commerce in the Territory. Initially, the Department of the Interior was supportive of this effort and provided technical assistance funding for a feasibility study.

One of the most important initiatives of this project is to create an e-commerce development center. Last year, I was able to include \$500,000 in the Labor, Health and Education Appropriations bill to fund a computer lab at the American Samoa Community College. This lab will provide the basis of our e-commerce initiative.

The Governor is now looking at the possibility of establishing a non-profit e-CDC Cooperative Cooperation and together we are seeking funding for an e-CDC center that would house a technology training center at the American Samoa Community College. Focus would be placed on data entry work and software development for Pacific Island nations. The facility would also house a business development center to encourage small business start-ups.

Given that the two largest employers in American Samoa are the tuna canneries and the U.S. federal government, I support the development of e-commerce in the Territory and I am asking that \$500,000 be set aside on a per annum basis to help American Samoa diversify its economy.

As I mentioned earlier, I appreciate the support of my friends in the House in working with me to keep American Samoa's government operations and capital improvement project funding in place. While I understand that it is difficult to increase funding when our nation is at war, I would also like to note that American Samoa's population has increased by 22 percent in the past ten years. To address necessary issues of public health and safety, I am hopeful that in the near future we will be able to increase American Samoa's annual appropriations and, at this time, I join with my colleagues in support of H.R. 4568.

Mrs. MALONEY. Mr. Chairman, I rise today in strong support of the Slaughter-Shays-Dicks-Leach Amendment, which would provide a modest—but much needed—increase in

funding for the National Endowment for the Arts and the National Endowment for the Humanities.

This additional \$10 million dollars for the NEA and \$3.5 million dollars for the NEH would help expose our children to American art, history and culture. In addition to the enjoyment and life-enrichment that each participant in the arts experiences, the involvement of children in the arts has been shown to improve reading and language development, mathematics skills, fundamental cognitive skills, motivation to learn, and social behavior.

The Arts and Humanities not only enhance the lives of our children—they also keep our economy strong. Every year, the nonprofit arts industry creates \$134 billion dollars in economic activity, generating \$22.4 billion dollars in tax revenue for our local, state and federal governments, and supporting nearly 5 million full-time jobs all across our country.

In my district alone, over 130,000 people are employed by the museums, theaters, art galleries and other art organizations that I am proud to represent. For my constituents, and for all Americans, the arts mean business.

Because such a modest increase in funding would bring the arts and jobs to so many people, I support the Slaughter-Shays-Dicks-Leach amendment, and I urge my colleagues to do the same.

Mr. NUSSLE. Mr. Chairman, I rise to speak on H.R. 4568, the Interior and Related Agencies Appropriations Bill for fiscal year 2005.

H.R. 4568 provides \$20.0 billion in budget authority and \$20.2 billion in outlays—an increase of \$78 million in BA and \$629 million in outlays from fiscal year 2004.

As Chairman of the House Budget Committee, I am pleased to report that the bill is generally consistent with the Conference Report on the Concurrent Resolution on the Budget for fiscal year 2005 (H. Con. Res. 95) which recently passed the full House but has yet to pass the Senate. The bill comes in at its 302(b) allocation for fiscal year 2005 and therefore complies with section 302(f) of the budget resolution, which limits appropriations measures to the allocation of the reporting subcommittee.

A very important component of this bill is the funding for suppression of wildfires. In addition to fully funding wildland fire suppression activities at their ten-year average, H.R. 4568 provides an additional \$500 million for fire suppression within the Forest Service and the Department of Interior in both fiscal years 2004 and 2005. I am authorized by the budget resolution to increase the allocation of the Appropriations Committee to accommodate this additional spending because the bill fully funds the wildfire suppression accounts. However, the appropriations for fiscal year 2004 does exceed the allocation in that year because of a slight breach in its allocation resulting from legislation enacted late last session.

H.R. 4568 contains no rescissions but does include an advance appropriation of \$36 million for payments under the Elk Hills School lands fund settlement agreement. The advance appropriation is included in the list of anticipated advance appropriations under section 401 of the Budget Resolution.

Let me conclude by commending Chairman TAYLOR and Ranking Member DICKS for a job well done in prioritizing the programs within their jurisdiction and coming to the floor with a bill that complies with this year's budget resolution.

Mr. LARSON of Connecticut. Mr. Chairman, as the Ranking Minority Member of the House Administration Committee, which has legislative and oversight jurisdiction over the Smithsonian Institution, I rise today to note that the Appropriations Committee has approved \$628 million for the Smithsonian in Fiscal Year 2005. This represents an increase of \$23 million over Fiscal Year 2004 and a cut of \$8.2 million from the Administration's FY 2005 request. The cut was not unexpected given the current budget deficit and the chaos surrounding the Congressional budget process in the absence of a concurrent resolution on the budget for FY 2005.

The \$8.2 million cut came from a variety of sources, not enough to cause significant damage to any vital program or function this year, and some of the reductions can be made up for in the future. I especially hope that additional funds can be found next year for improving the facilities and maintenance at the National Zoo, which has been the subject of major controversy in hearings before the House Administration Committee during this Congress, and which will likely be addressed by the National Academy of Sciences when it issues its final report, requested by our Committee, on the operation of the Zoo later this summer.

The Smithsonian Institution has a maintenance backlog of \$1.5 billion throughout all of its facilities. When some structures are in a state of such disrepair that they pose a danger to the public and to the staff, as well as, in the case of the National Zoo, to the animals; we have to be prepared to act eventually to address the big picture. I hope that the time will come sooner rather than later for us to provide this critical funding for the Zoo. Although I am pleased that this bill provides the minimum amount of funding for the Smithsonian, I hope that in the future we can do more to support the museums which benefit so many of our citizens and the critical scientific research the Smithsonian conducts which is so important to our understanding of ourselves, our planet, and our universe.

Mr. DICKS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. ISAKSON). All time for general debate having been yielded, pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 4568

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE  
INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadas-

tral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$840,401,000, to remain available until expended, of which \$1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; \$2,232,000 is for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487; (16 U.S.C. 3150); and of which not to exceed \$1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)); and of which \$3,500,000 shall be available in fiscal year 2005 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, \$32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than \$840,401,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, \$743,099,000, to remain available until expended, of which not to exceed \$12,374,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That not-

withstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (A) local private, nonprofit, or cooperative entities; (B) Youth Conservation Corps crews or related partnerships with state, local, or non-profit youth groups; (C) small or micro-businesses; or (D) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), \$9,855,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$15,000,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94-579, including administrative expenses and acquisition of lands or waters, or interests therein, \$4,500,000, to be derived from the Land and

Water Conservation Fund and to remain available until expended.

#### OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; \$11,557,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

#### FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

##### (REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102-381, funds made available in the Forest Ecosystems Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f-1 et seq., and Public Law 106-393) derived from treatments funded by this account shall be deposited into the Forest Ecosystems Health and Recovery Fund.

#### RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,000,000, to remain available until expended: *Provided*, That not to exceed \$600,000 shall be available for administrative expenses.

#### SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94-579, as amended, and Public Law 93-153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94-579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the au-

thority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

#### MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed \$10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

#### UNITED STATES FISH AND WILDLIFE SERVICE RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, \$970,494,000, to remain available until September 30, 2006: *Provided*, That not less than \$1,750,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: *Provided further*, That \$2,000,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further*, That not to exceed \$16,226,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed \$12,700,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed

pursuant to subsection (a)(1) prior to October 1, 2004: *Provided further*, That of the amount available for law enforcement, up to \$400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: *Provided further*, That of the amount provided for environmental contaminants, up to \$1,000,000 may remain available until expended for contaminant sample analyses.

#### CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; \$48,400,000, to remain available until expended.

#### LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$12,500,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

#### LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, \$15,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, federally recognized Indian tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate, or other at-risk species on private lands.

#### PRIVATE STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, \$5,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That the amount provided herein is for the Private Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species: *Provided further*, That balances from amounts previously appropriated under the heading "Stewardship Grants" shall be transferred to and merged with this appropriation and shall remain available until expended.



#### COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, \$81,596,000, of which \$49,384,000 is to be derived from the Cooperative Endangered Species Conservation Fund and \$49,384,000 is to be derived from the Land and Water Conservation Fund and to remain available until expended.

#### NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$14,414,000.

#### NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, as amended, \$38,000,000, to remain available until expended.

#### NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106-247 (16 U.S.C. 6101-6109), \$4,400,000, to remain available until expended.

#### MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4213, 4221-4225, 4241-4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105-96; 16 U.S.C. 4261-4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301-5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), \$5,900,000, to remain available until expended.

#### STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$67,500,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That of the amount provided herein, \$6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting said \$6,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more

than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further*, That any amount apportioned in 2005 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2006, shall be reapportioned, together with funds appropriated in 2007, in the manner provided herein: *Provided further*, That balances from amounts previously appropriated under the heading "State Wildlife Grants" shall be transferred to and merged with this appropriation and shall remain available until expended.

#### ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 179 passenger motor vehicles, of which 161 are for replacement only (including 44 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That notwithstanding any other provision of law, the service may use up to \$2,000,000 from funds provided for contracts for employment-related legal services: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 108-330.

#### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National

Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, \$1,686,067,000, of which \$10,708,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which \$94,690,000, to remain available until September 30, 2005, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which \$2,000,000 is for the Youth Conservation Corps for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed \$10,000 per event subject to the review and concurrence of the Washington headquarters office.

#### UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, \$81,204,000.

#### NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$53,877,000: *Provided*, That \$700,000 from the Statutory and Contractual Aid Account shall be provided to the City of Tacoma, Washington for the purpose of conducting a feasibility study for the Train to the Mountain project: *Provided further*, That none of the funds in this or previous Acts for the Rivers, Trails and Conservation Assistance Program may be used for cooperative agreements, contracts, or cash grants.

#### HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), \$71,533,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2006, of which \$30,000,000 shall be for Save America's Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: *Provided*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations and the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.

#### CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$297,628,000, to remain available until expended: *Provided*,

That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of \$5,000,000, without advance, written approval of the House and Senate Committees on Appropriations: *Provided further*, That, notwithstanding any other provision of law, the National Park Service may not accept donations or services associated with the planning, design, or construction of such new facilities without advance written approval of the House and Senate Committees on Appropriations: *Provided further*, That these restrictions do not apply to the Flight 93 Memorial: *Provided further*, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations: *Provided further*, That funds appropriated in this Act and in any prior Acts for the purpose of implementing the Modified Water Deliveries to Everglades National Park Project shall be available for expenditure unless the joint report of the Secretary of the Interior, the Secretary of the Army, the Administrator of the Environmental Protection Agency, and the Attorney General which shall be filed within 90 days of enactment of this Act and by September 30 each year thereafter until December 31, 2006, to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, the House Committee on Resources, and the Senate Committee on Environment and Public Works, indicates that the water entering A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park does not meet applicable State water quality standards and numeric criteria adopted for phosphorus throughout A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park, as well as water quality requirements set forth in the Consent Decree entered in *United States v. South Florida Water Management District*, and that the House and Senate Committees on Appropriations respond in writing disapproving the further expenditure of funds.

#### LAND AND WATER CONSERVATION FUND (RESCISSION)

The contract authority provided for fiscal year 2005 by 16 U.S.C. 4601-10a is rescinded.

#### LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$107,500,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$91,500,000 is for the State assistance program including \$1,500,000 to administer this program: *Provided*, That none of the funds provided for the State assistance program may be used to establish a contingency fund.

#### ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the re-

development of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That appropriations available to the National Park Service may be used to maintain the following areas in Washington, District of Columbia: Jackson Place, Madison Place, and Pennsylvania Avenue between 15th and 17th Streets, Northwest.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2005, with respect to the administration of the National Park Service park pass program by the National Park Foundation, the Secretary may pay to the Foundation administrative funds expected to be received in that fiscal year before the revenues are collected, so long as total payments in the administrative account do not exceed total revenue collected and deposited in that account by the end of the fiscal year.

If the Secretary of the Interior considers the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, to misinterpret and/or misapply relevant contractual requirements, and their underlying legal authority, the Secretary may seek the de novo review of the value determination by the United States Court of Federal Claims, and that court may make an order affirming, vacating, modifying or correcting the determination.

In addition to other uses set forth in section 407(d) of Public Law 105-391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

#### UNITED STATES GEOLOGICAL SURVEY

##### SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to

their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; \$944,498,000, of which \$63,262,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which \$16,185,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which \$7,901,000 shall remain available until expended for satellite operations; and of which \$20,099,000 shall be available until September 30, 2006, for the operation and maintenance of facilities and deferred maintenance; and of which \$1,600,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed \$100,000 in cost; and of which \$171,976,000 shall be available until September 30, 2006, for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

#### ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase and replacement of passenger motor vehicles; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

#### MINERALS MANAGEMENT SERVICE ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws



and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, \$171,575,000, of which \$81,906,000 shall be available for royalty management activities; and an amount not to exceed \$103,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent \$103,730,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach \$103,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That \$3,000,000 for computer acquisitions shall remain available until September 30, 2006: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further*, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, \$15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: *Provided further*, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program: *Provided further*, That in fiscal year 2005 and thereafter, notwithstanding 30 U.S.C. 191(a) and 43 U.S.C. 1338, the Secretary shall pay, not to exceed \$499,000 annually, amounts owed to States under the provision of 30 U.S.C. 1721(b) from amounts received as current receipts from bonuses, royalties, interest collected from lessees and designees, and rentals of the public lands and the outer continental shelf under provisions of the Mineral Leasing Act (30 U.S.C. 181 et seq.), and the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), which are not payable to a State or the Reclamation Fund.

#### OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, \$7,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

#### OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

##### REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; \$108,805,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2005 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

##### ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, \$194,106,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to \$10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be \$1,500,000 per State in fiscal year 2005: *Provided further*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95-87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That the State of Maryland may set aside the greater of \$1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

##### BUREAU OF INDIAN AFFAIRS

##### OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, in-

cluding the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001-2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, \$1,935,033,000, to remain available until September 30, 2006 except as otherwise provided herein, of which not to exceed \$85,638,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed \$133,314,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2005, as authorized by such Act except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed \$458,057,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2005, and shall remain available until September 30, 2006; and of which not to exceed \$61,409,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed \$45,348,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2004 for the operation of Bureau-funded schools, and up to \$3,000,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2004 of Bureau-operated schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2006, may be transferred during fiscal year 2007 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2007.

##### CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483, \$348,626,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable

basis: *Provided further*, That for fiscal year 2005, in implementing new construction or facilities improvement and repair project grants in excess of \$100,000 that are provided to tribally controlled grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): *Provided further*, That, of the funds provided for the tribal school demonstration program, notwithstanding the provisions of paragraph (b)(1) of section 122 of division F of Public Law 108-7, as amended by section 136 of Public Law 108-108, \$4,500,000 is for the Eastern Band of Cherokee education campus at the Ravensford tract.

#### INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, \$44,771,000, to remain available until expended, for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 99-264, 100-580, 101-618, 106-554, 107-331, and 108-34, and for implementation of other land and water rights settlements; and of which \$10,032,000 shall be available for payment to the Quinault Indian Nation pursuant to the terms of the North Boundary Settlement Agreement dated July 14, 2000, providing for the acquisition of perpetual conservation easements from the Nation.

#### INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, \$6,421,000, of which \$695,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$84,699,000.

#### ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase and replacement of passenger motor vehicles.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103-413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

#### DEPARTMENTAL OFFICES

##### INSULAR AFFAIRS

##### ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, \$74,935,000, of which: (1) \$68,372,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) \$6,563,000 shall be available for salaries and expenses of the Office of Insular

Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104-134: *Provided further*, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

#### COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, \$5,499,000, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau as authorized by Public Law 99-658; Public Law 108-188; and section 221(a)(2) of the Compacts of Free Association and their related agreements between the Government of the United States and the Government of the Republic of the Marshall Islands as amended.

#### DEPARTMENTAL MANAGEMENT

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for management of the Department of the Interior, \$93,051,000, of which not to exceed \$8,500 may be for official reception and representation expenses, of which up to \$1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines, and of which \$13,500,000, to be derived by transfer from unobligated balances in the "Central Hazardous Materials Fund", shall remain available until expended for a departmental financial and business management system. *Provided*, That none of the funds in this or previous appropriations Acts may be used to establish any additional reserves in the Working Capital Fund account other than the two authorized reserves without prior approval of the House and Senate Committees on Appropriations.

□ 1600

#### AMENDMENTS OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Speaker, I offer a set of amendments, and I ask unanimous consent they be considered en bloc.

The Clerk read as follows:

Amendments offered by Ms. SLAUGHTER: Page 47, line 4, after "Appropriations" insert "*Provided further*, That amounts otherwise appropriated by this Act for motor vehicle lease, purchase or service costs at the Department of the Interior are reduced by

\$13,500,000 and, not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing of the amounts by account of the reductions made pursuant to this proviso".

Page 103, line 24, strike "\$120,972,000" and insert "\$130,972,000".

Page 104, line 5, strike "\$122,377,000" and insert "\$125,877,000".

The CHAIRMAN pro tempore (Mr. DUNCAN). Without objection, the amendments may be considered en bloc.

There was no objection.

Ms. SLAUGHTER. Mr. Chairman, I rise to offer an amendment that will provide just a small increase for Federal arts agencies but which will pay us back many times over, both in hard dollars and in ways that are simply incalculable for the people that we represent.

Since 2001, when our national economy began its dramatic downturn, we have seen some of our largest industries shaken to their core. Without consumer spending and housing market, the recession would have been even deeper and more discouraging for most Americans. But during those dark days, one industry sailed on battered by the prevailing wind but staying afloat, thanks in part to Federal funding, and that was America's incomparable nonprofit arts industry.

Even without the corporate and philanthropic support of prior years and with fewer State and local dollars, the indomitable \$134 billion nonprofit arts industry, seen here on this chart, kept selling tickets, employing artists, attracting tourists, providing jobs, supporting small businesses and churning out receipts to Federal, State and local treasuries. In cities, towns and hamlets across the country, artists continued to write and compose and dance and perform, and audiences kept coming to watch and listen and absorb their creativity. Inevitably, they left with what they came for, their minds enlightened, their souls renewed.

How magic that is when what makes both people's life and economy richer is one in the same thing. The lesson is clear, the stability of Federal funding is all the more important to the arts in times of fiscal fluctuation. And where else can we find such a bargain? For 1/100 of 1 percent of the Federal budget, the nonprofit arts agencies generate over 5 million jobs and give back 14 billion to State and local governments and over 10 billion to the Federal treasury.

Consider this enormous return on our investment and our request is modest this year. Though the President requested \$18 million for the National Endowment for the Arts, because we recognize the tight budget we face we will ask only \$10 million, and this small increase will ensure that the NEA's new program, America's Masterpieces: Three Centuries of Artistic Genius, which First Lady Laura Bush an-

nounced with such enthusiasm last year, will take the best of our heritage to new and younger audiences across the country. Every dollar of this increase will go to the program. Not a cent will fund administrative costs.

Similarly, rather than the \$27 million which the President requested for the National Endowment for the Humanities, we are asking only \$3.5 million. The additional money will continue funding for such popular programs as "We the People," which teaches and studies the understanding of American history, and every State and territory in the United States last year benefited from this initiative. Should you have any doubts left about the ability of the Federal seed money to build a local economy, think about your own preference when you travel. What do you look for when you are in a strange city or country?

After checking into your hotel and locating a restaurant, you search out the local cultural attractions, do you not? The museum, the art gallery, the theater, the folk festival, the other indigenous arts; in fact, the attractions that made you want to go there in the first place. Sixty-five percent of all American travelers do the same. They include cultural events on their trips and they spend more on the average than local attendees do at their favorite cultural institutions.

In my own district, the Cities of Buffalo, Rochester, and Niagara Falls, New York are dependent on tourist dollars to keep their economy and local small businesses running. You probably have watched and been grateful for the same phenomenon in your district. Just today I learned that Buffalo was now the fourth most desired arts destination in the country, according to the American Style Magazine's annual poll, and I say thank goodness for those tourist dollars.

I hope by now you have seen the research seen by Americans for the Arts, which was sent to every congressional office. Entitled "The Creative Industries," the report includes a map of your own district and a chart that shows every arts-related business in your district and the number of jobs that each supports. It gives you a graphic indication of the geographic and economic reach of the arts. But the benefits of our Federal investment are neither confined at our districts nor stop at our borders. The output of artists and other creative workers in publishing audio-visual music and recording and entertainment business amounts to over \$60 billion annually in overseas sales, and this huge return helps the U.S. maintain an ongoing global position of economic strength and leadership.

Think for a moment about the Reagan funeral. Who was not deeply moved by the tenor's rendition of Ave Maria? Whose eyes did not tear when the Marine band played Amazing Grace or God Bless America and the wonderful choir that sang The Battle Hymn of

the Republic? Who can even imagine such a moment of national importance not imbued with such profound feeling without the artists performing their great music?

Long after everyone alive today is gone from this Earth, that ceremony will be remembered by generations to come through the artistry of great photography.

Let us remember that it was President Reagan himself who set up the Presidential Task Force on Arts and Humanities.

Mr. BALLENGER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise today in support of the amendments to increase the funding for the National Endowment For the Arts and the National Endowment for the Humanities.

I understand the importance of fiscal restraint during a time of large deficit; however, the relatively small amount of Federal funding of the arts and humanities is needed to leverage private dollars. These combined resources make the arts and our heritage come alive in communities across the Nation.

For example, in 1973 we people in Hickory, North Carolina, decided we wanted to convert an old high school building, and with a small amount from the National Endowment as sort of a Good Housekeeping Seal of Approval we raised \$2.8 million and had a museum of art.

As another example, in October I was proud to arrange for the Aquila Theater Company to perform Othello for students in the Northview Middle School in Hickory, North Carolina. This was possible due to an NEA program called "Shakespeare in American Communities." This program brings touring groups to rural communities which normally do not have the opportunity to see a professional theater company.

In fact, one young eighth grader was so impressed he contacted his local paper and he wrote, "I never really knew much about Shakespeare until a couple of days ago. When I saw that play, I was amazed. It was awesome."

By the conclusion of the Shakespeare in American Communities Program it will have toured all 50 States, visited 200 cities and 14 military bases. It will have utilized the talent of 29 theater companies whose actors will have touched the lives of 1 million children.

Dollars that fund this type of program are dollars well spent. Not only are the arts and humanities essential teaching tools for our children but they are also good business. In North Carolina's 10th Congressional District, my district, there are 757 arts-related businesses which employ 2,677 people. In addition, arts-related organizations contributed \$32 million in payroll taxes to North Carolina in fiscal year 2003.

□ 1615

Mr. Chairman, the annual budget of the NEA and NEH return immeasurable benefits to our children and

economy, and I urge my colleagues to vote "yes" on this amendment.

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

Mr. Chairman, I rise in strong support of the gentlewoman from New York's (Ms. SLAUGHTER), my friend, amendment and urge its adoption. As is typical of a person who is a fine legislative craftsman, this amendment fits the rules and is well-crafted to pass. I wish, and I think I share this wish with the gentlewoman from New York, that we could do even more; and I know she would do much more if that were a viable possibility.

I support this amendment because I like to think of myself as being a fiscal conservative; and for those of us who believe that we should be careful stewards of the taxpayers' dollar, this amendment meets that test in two very important ways.

First of all, arts organizations and humanities organizations are among the most efficient organizations I have ever seen. These are organizations for whom \$5,000 or \$10,000 can make the difference between a viable, vibrant program and no program at all. In an institution where billions of dollars are routinely cut, spent or otherwise allocated, these arts organizations stand in stark contrast because they are the kinds of institutions where a very small amount of money can make a very big difference.

I know, Mr. Chairman, that we all have such organizations in our districts. I just heard my friend from North Carolina talk about some organizations in his. These are organizations that piece together volunteer in-kind contributions for men and women who paint sets and sell tickets and make costumes. They knit together that effort with a few dollars from a local bank or a charitable foundation with a small amount of support from the local, county, or State cultural and heritage commission, with private donations from individuals and families in the community. When they are \$5,000 away from getting something done, very often it is this grant from this program that helps get that something done.

So in terms of stretching the taxpayers' dollar, it is the most productive use. The recipients of these grants across the country are the experts at that, and they deserve this help.

Second, as my friend from New York pointed out so well a few minutes ago, these expenditures are an investment in economic growth. There are so many cities and communities in our country, many of them in my State of New Jersey, that are focusing their downtown revitalization projects on the arts; that are focusing their job creation efforts on bringing people into shopping districts and business communities because there is a cultural festival, because there is a concert, because there is a new gallery opening; that art patrons bring traffic. They buy products;

they buy goods and services. They eat at the restaurants. They create a proliferation of economic activity.

We spend a lot of the people's money here. Some of it I do not think we spend as well as we should, but this is an entirely well-thought-out expenditure of the people's money.

The final point I would make is that I applaud this amendment's support for the teaching and learning of history. It is one of the things that worries me about the future of our country, that so many of our citizens are not engaged in the study of our history, not engaged in an understanding of what our history means. This Republic is a magnificent experiment. It is a unique experiment in the history of mankind; and to truly appreciate the gift that we have been given in this Republic requires an understanding of the history that yielded this Republic.

If one person is compelled to read about the Articles of Confederation or is compelled to read the great debates that gave rise to the Constitution of this country, if one person is made to think about how ancient principles of liberty and democracy apply in very turbulent modern times, then I think we have accomplished having something very important. A lot more than one person, many more than one person is going to have that opportunity as a result of this amendment.

So I thank its author. I thank those on the other side of the aisle who stepped forward to support it, and I urge an affirmative vote in favor of the amendment.

MODIFICATION TO AMENDMENTS OFFERED BY  
MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I ask unanimous consent to modify the amendments to correct the line reference from page 103, line 24, to page 103, line 14.

The CHAIRMAN pro tempore (Mr. OSE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

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

Mr. Chairman, I rise in support of this amendment but must note a certain embarrassment that it is so modest. If it passes, resources for NEH and NEA will still be less than the President requested. Nonetheless, the dollars involved do represent a bit more help to the two institutions most responsible for advancing the creative impulses in society and expanding programs which provide historical and philosophical perspectives to issues of the day.

I recognize that controversy swirls around the National Endowments for the Arts and Humanities, and it is in the context of this controversy that a historical point of reference is in order.

Government involvement in the arts was greater in the Great Depression than it is today. In a time of financial poverty, there was no poverty of spirit. I refer back to the WPA era, because when our country dissolved into social

chaos, arts brought a sense of perspective and unity and courage. Ironically perhaps to some, an American solidarity of spirit was enhanced by artists who frequently highlighted social problems and who just as frequently lampooned institutions of the State.

The WPA arts program under President Roosevelt and government programs in the arts today are designed to take arts from the citadel of the privileged and bring it to the public at large. President Roosevelt once noted: "The arts cannot thrive except when men are free to be themselves and to be in charge of the discipline of their own energies and ardor." A corollary to this Rooseveltian precept is self-evident: freedom itself is constrained if the arts are shackled.

Americans need to appreciate, rather than fear, artistic expression. This does not mean everyone needs to like everything defined as or alleged to be art. All citizens reserve the right to be critics. But it does mean that we should go to great lengths to respect dissenting perspectives in the arts and humanities, just as we need to respect them in politics.

It also means we must understand that the arts play an increasingly central role in education. Of all the learning disciplines, they tap and expand the human imagination the most. In a world of exploding options for individuals and families, it is imperative that when there is no experience to serve as a guide, that the imagination be stimulated and perspectives be applied and that values be brought to bear.

Nonetheless, it should not be surprising that the Federal agencies most responsible for advancing programs in the arts and humanities have their collective backs to the wall. After all, there is no issue more controversial than culture itself.

In this regard, as a Republican, I would like to stress three ironies.

Cultural iconoclasts suggest the endowments are elitist citadels. The facts suggest the opposite. The endowments were established to democratize the arts and humanities, to broaden access to and appreciation of diverse aspects of American culture.

Cultural iconoclasts suggest that American education has been dumbing down. Yet the endowments have as their mission to instill American education with greater quality, to stimulate creativity, to ennoble the American spirit.

Cultural iconoclasts lament the standardless sex and violence found increasingly on television and at the movies. By contrast, the endowments and their sister institutions, like NPR, are uplifting counterbalances to the commercialization of sex, pornography, and violence.

The issue is how best to instill and transfer American values, how best to expand respect for the "pluribus" in our "unum." Market forces have a powerful role to play, but civilizing instincts can sometimes be embellished

by civil efforts of civil institutions. That is the mission of the endowments.

Abolition of the endowments would lead to a marginally cheaper government, but if conservatism implies an emphasis on understanding, advancing and perpetuating our culture, endowment-bashing can hardly be conservative.

It is true that out of tens of thousands of grants, a half dozen have proven offensive to large numbers of Americans. Yet, perspective would indicate it is impressive not how many, but how few, grants have resulted in serious social umbrage. Given the fact that the Federal Government today spends less than 5/100 of 1 percent of the GNP on the arts and humanities, elimination of their funding would more impoverish the American spirit than the American taxpayer.

In this context, I urge support of this amendment and would like to express my particular appreciation for the leadership of the gentlewoman from New York and the subcommittee chairman from North Carolina.

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

Mr. Chairman, I rise in support of the Slaughter-Shays-Dicks amendment to increase the amount of funding in this bill for the National Endowment for the Arts and the National Endowment for the Humanities. In fact, I support the amount that President Bush requested for these agencies. President Bush requested an \$18 million increase for the NEA and a \$23 million increase for the NEH.

In truth, I would be even happier to support President Reagan's budget for these critical agencies, which was substantially larger. Unfortunately, the Republican leadership in this Congress do not seem to think that Presidents Bush and Reagan were right in this respect. Instead, they continue to insist on flat funding for the NEA and only a tiny increase for the NEH, but the fact is flat-level funding is really a cut in the budget. It means that the resources that the NEA needs to do its job gets stretched thinner and thinner every year.

We have a chance today to take a small step in rectifying this shortsightedness today. Whether it is the educational value, the cultural enrichment, or the substantial economic windfalls that the arts and humanities create, the NEA and the NEH are two of the best investments this Nation makes and two of the most productive parts of our budget, although two of the smallest parts of our budget.

When we shortchange the NEA, we deprive our young people of arts education programs that help them develop critical thinking skills and train them to be the next generation of artists, and we deprive our communities of a \$134 billion business that generates almost 5 million jobs, \$89 billion in household income, and tens of billions of dollars in tax revenues.

When we shortchange these agencies, we deprive ourselves of orchestras, nonprofit theaters, dance companies, opera companies, and touring groups that bring the benefit of the arts and culture to smaller communities throughout our country. We deprive ourselves of the important work of interpreting and preserving our Nation's heritage. For just a fraction of 1 percent of our Federal budget, the NEA and the NEH yield dividends that far outweigh the investment, but the majority leadership has chosen to ignore all of this.

Mr. Chairman, this amendment is a very modest attempt to increase the NEA budget by just \$10 million, not even the \$18 million suggested by President Bush. It is an attempt to begin undoing the damage that this Congress has done to these agencies in the last 10 years. I urge my colleagues to support this extremely modest amendment, and I thank the gentlewoman from New York (Ms. SLAUGHTER) and the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Washington (Mr. DICKS) for offering this amendment.

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

Mr. Chairman, I would just rise in opposition to this amendment. I want to preface that by making it very clear that those of us who oppose this, most of us are big fans of the arts, big fans. I am a fan of all kinds of arts, visual performance; and I fully recognize and I think most Members, probably everybody in this House, recognizes the vitally important role that the arts play as an expression of understanding a perception, a point of view of who we are and what humanity is about, the unique insights into the human experience that only the arts can provide; and I do not think any of us dispute the vitally important role that the arts play.

I think the big question is who should pay for it. I think that is what we really are going to be debating here, and the question specifically becomes should it be paid for by taxpayers who are forced to pay for it through government taking their money from them and spending it on the arts or should it be paid for by the people who benefit most directly from it, people who enjoy the arts, people who are supporters themselves of the arts. In fact, the vast majority of the arts in America of all kinds, as we all know, the vast overwhelming majority are, in fact, paid for and supported by the people who most directly benefit from it and by philanthropists, by wealthy individuals who have the means and the inclination to support these arts, and I fully commend them for doing that.

□ 1630

So the reason for my objection is no reservations about the arts per se; it is about whether or not we ought to compel taxpayers to foot this bill.

We are running over a \$400 billion deficit this year. That is because for many recent years, spending in this town has been out of control. We are told, in some cases by many of the same people who support this amendment, we are told that we cannot afford tax cuts. The tax cuts that we have engaged in, which frankly have generated a tremendous economic expansion which is underway, we are told we cannot afford them. By that they really mean government cannot afford them. As a matter of fact, we are told we cannot even afford to make the existing tax law permanent. That would be a bad thing, according to many of the Members who support this amendment. Instead we ought to have the tax rates jump back up.

Well, I think if we cannot afford to try to reduce the burden on the American taxpayer because the deficit is too large, then we cannot afford to be funding this kind of amendment either. I know they will say, wait a minute, this money is being transferred. It is from the administration of other areas to this program. It is not net new money. But if there is money that is not needed for the administration of these other programs, and it is available to be taken from them and added to funding for NEA and the National Endowment for the Humanities, if that money is available, it should simply be cut from those budgets so we can reduce the size of our budget deficit and get to the point where hopefully some of my colleagues on this side will agree that we can, in fact, and should, in fact, make the existing tax law permanent and get on with further reducing the tax burden for the American people.

For these reasons and despite my great appreciation for the arts themselves, I would urge a "no" vote on this amendment.

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

Mr. Chairman, I rise today in support of the Slaughter amendment, my good friend and neighbor from Buffalo, New York, to increase funding for the National Endowment for the Arts by \$10 million and to increase funding for the National Endowment for the Humanities by \$3.5 million.

The NEA enhances our communities both culturally and economically. Educational programs supported by the NEA introduce our next generation to the possibilities of creativity, self-expression, and imagination. Just last weekend in my district in Buffalo, New York, we held the Allentown Arts Festival, a renowned art event where art vendors come to display their goods and sell their works on the streets of Buffalo, and I am proud to say tens of thousands of people from all across the country attended.

The NEA has implemented a new program called Shakespeare in American Communities, a major nationwide touring theater initiative that brings Shakespeare to over 100 different communities throughout the country. One

million school children will experience live theater in small and mid-sized towns, underserved urban areas, and even some of our military communities.

The NEA is providing a teachers' toolkit that is being distributed free of charge to over 25,000 high school teachers. The kit includes a video, a CD, contest materials, and fact sheets on Shakespeare and Elizabethan theater.

As a former schoolteacher myself, I recognize that providing these educational materials will provide a greater cultural learning experience to all the Nation's children.

Another important program funded through the NEA is Operation Homecoming, a writing workshop for returning soldiers to help them deal with their feelings about war, death, hardship, and survival while being overseas and away from their loved ones and their families. This program will help establish a rich historical record by filling in the blanks with personal accounts that the media sometimes lack.

The first Operation Homecoming workshop, as a matter of fact, took place in my home State of New York, Fort Drum, home of the 10th Mountain Division. Forty-five soldiers met with accomplished novelists to learn firsthand about the hard work, dedication, and effort that is required to write. They plan to use this instruction as a way to capture events for themselves and also as a form of therapy to manage their feelings in the most positive manner.

It is my hope that we will consider the Slaughter amendment as a way to enhance our already cultural richness in this country by supporting excellence in the arts, providing leadership in arts education, and bringing the arts to all Americans. I yield back the balance of my time as I ask our Members to support the Slaughter amendment.

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

Mr. Chairman, I rise today in strong support of this amendment, and I want to applaud the gentlewoman from New York (Ms. SLAUGHTER) and the gentleman from Connecticut (Mr. SHAYS), co-chairs of the Arts Caucus, and their staff for their leadership and for this very important work of national importance.

Congress has the responsibility to provide adequate funding to the National Endowment for the Humanities which is the largest single funder of humanities programs in our country; and also the National Endowment for the Arts, the infrastructure for private nonprofit and Federal arts initiatives.

This support is especially important given the current state of the economy which has stifled private funding used to subsidize many arts and humanities programs nationwide. The economic downturn and our budget crisis are crippling arts initiatives all over this country, and especially in my home State of California. In my district, the 9th Congressional District of Cali-

fornia, there are a total of 2,180 arts-related businesses that employ 10,268 of my constituents. That is a lot of people: 10,268 individuals.

Many who are eager to restrict funding for NEA and NEH forget that industries that receive grants for these institutions include museums, performing and visual arts, film, radio, television, design, publishing and educational facilities in all of our districts.

In Oakland, one of the cities in my district, most arts education programs are facing extinction. The result is the gradual disappearance of arts initiatives for people of all ages, ethnic background, social and economic backgrounds. This debilitates the foundation of our community. Few realize that nonprofit arts industry and the nonprofits that run our arts industries generate approximately \$89.4 billion in household income nationally, and the economy, of course, reached its lowest point since the Depression.

This amendment also provides funding for the NEA, which is an investment in the economic growth of communities with grants reaching every single congressional district in the country. During the last 14 years, the NEA has provided funding for over 123 programs in my district alone, including the Berkeley Symphony Orchestra, the Axis Dance Company, and the East Bay Institute for Urban Arts and the Museum of Children's Arts.

Clearly, a vote against this amendment, which is endorsed by our bipartisan Arts Caucus, is really an unfortunate action against the vital thread which sustains the pulse of our country.

I urge all of my colleagues to support this very modest increase. It should be much more than this. This is only a \$10 million increase for the NEA and \$3.5 million increase for the NEH. It is the least we can do to promote and preserve American culture and heritage.

Mr. Chairman, I thank the two co-chairs of the Arts Caucus.

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

Mr. Chairman, I did not expect to be here. I have no notes other than what I just jotted down a second ago because I thought this year when we are facing deficits of nearly \$500 billion that nobody would dare stand up and ask for an increase in funding for the NEA or the NEH.

I am surprised and, frankly, disappointed that we are doing that. How can we, as Republicans, on this side in particular, as a party of limited government, stand up and call to increase funding for the NEH and the NEA at any time, but particularly this year.

If there is \$13.5 million in overhead at the Department of the Interior, and the argument is we are not increasing funding, we are simply moving it from one side to the other, I would suggest, as my colleague from Pennsylvania suggested, let us return that to the taxpayers. Let us lower the deficit. But

to simply take it over and increase funding, which will simply lead to more increases and more increases, as we have seen in previous years, is simply not the way we ought to go.

It was noted earlier that this is only point zero, zero, zero whatever of the Federal budget; we can afford that. Just point zero, zero, zero whatever, we can afford that.

Well, if that is the case, if we look at arts funding, Federal funding of the arts is only point zero, zero, zero whatever of what is spent on the arts. The other happens to be spent by patrons of the arts, myself and others who actually go and view it or listen to it, or enjoy it in some other form.

Certainly the dire consequences that are spelled out on the other side of the aisle for the arts if the Federal Government cuts back its share or does not increase its share are not going to happen because the arts are important. People realize that. It does not take the Federal Government to tell people that.

I encourage my colleagues to understand that we are in a big deficit situation, nearly \$500 billion. We hear the other side of the aisle talk about that a lot, but then propose to increase programs like this. I would suggest that both our side of the aisle and theirs ought to get serious about containing this deficit, and we ought to start by not increasing funding for the arts at this time.

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

Mr. Chairman, I envisioned when I was elected to Congress that we would have really vigorous debates about a lot of issues, and this issue is an issue we should have a debate about. We can agree or disagree; but we should talk about it and understand in our own minds how valuable we think the arts are to our society, to the well-being of the culture that exists throughout our society, to the well-being of our children and what it says about us as Americans.

For me, I want to be on the side of President Bush. I want to be on the side of Mrs. Bush, both of whom believe this is an important contribution to our society. Both the President and the First Lady travel all around the country, and they understand, I think, better than many of us who are focused in our own districts how important this is for the well-being of our country.

The question of who should pay for it, is an easy question to answer. The consuming public pays most for it, and then there are individuals who have small resources and contribute, and some who have larger amounts and contribute. We have wealthy people who give a lot to the arts. And then I think businesses are inclined to want to contribute because they know that the fabric of the life in their communities has a lot to do with the well-being of their workers and makes their businesses better places to be because



of the arts that exist there. A community without arts is like a desert without rain.

Foundations help pay for the arts. And, yes, believe it or not, I think taxpayers should. When I think of what we are asking the taxpayers to do, when you add up the NEA and the NEH, and we add up their budget of \$256 million, we will vote like that on billions in entitlements, no debate; and yet we debate for a fairly significant amount of time how we spend a million dollars.

I think taxpayers should play a role, a minimal role, but play a role. When I look at it, we are asking each taxpayer to pay, for the entire—the NEA and NEH—budget, 91 cents. This amendment is asking taxpayers to pay 4.5 cents more. The reason we ask taxpayers to do it is because the cost can be spread across all of them, and then it is so affordable for each and every one of us.

No one is going to pretend that the arts survive because of what we do as taxpayers, because we are the smallest part. The consumers pay the most. Individuals, businesses, and foundations contribute far more than the government; but the government, I think, is saying we would like to have a role here as well.

I salute the gentlewoman from New York (Ms. SLAUGHTER), and I am proud to be a co-chair of the Arts Caucus; but the gentlewoman is the one who is calling the shots on this, and I thank her for all of her work.

I may have a particular bias. My mom and dad met in the theater. I grew up almost every night hearing my dad play the piano. I realize how vital the arts are to our well-being as a society.

□ 1645

I feel it is almost more important when we are involved in warfare around the world that the other part of us, the part that deals with beauty and grace, is also being heard. I do not want to just be a person who supports the war on terror, supports the war in Iraq, which I am. I also want a part of me and a part of my constituency to be expressed in the love and appreciation for arts. I strongly ask my colleagues to ask the American people to pay 4.5 cents more each so that we can make the arts better, and I strongly ask them to support President Bush and the First Lady. The First Lady rarely asks this Chamber for anything. She has specifically said, please spend more on the arts. I am glad to oblige her.

I would like to just conclude by saying that I think that this Chairman has done his best with the limited resources he has and this subcommittee, and I appreciate them for understanding why we have this amendment and that the process is working the way it is intended. The Subcommittee has brought out, I think, what they believe to be a very good bill. We would like to make a slight change to it. I hope ultimately the Chamber will agree.

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

Mr. Chairman, I guess I am here to speak for the cultural iconoclasts of the Congress and of the Nation who are concerned about the fact that the gentleman from Connecticut who just spoke is correct in that he says this is a statement, a statement that the government has a role to play in the funding of the arts. This is the ultimate sort of decision we must make here and we will, of course, after a certain period of time as to exactly why it is the Federal Government's role to participate in this.

It is not for me to suggest that any of the things that the National Endowment for the Arts or Humanities does with the money is inappropriate. I am sure that in 2003, the New York Foundation for the Arts to support a fine-cut edit of *Check Your Body At the Door*, a video documentary about popular, social and club dancers in New York City; or, say, the Orange Show Foundation in Houston, Texas, to support conservation and restoration of the Beer Can House, a work by self-taught artist John Milkovich. The Houston landmark, consisting of a house and grounds decorated with methodically trimmed cans, will be used as an artist-in-residence project space. I am sure that Lawyers for the Creative Arts, which got \$10,000 to support the expansion of pro bono legal and arts mediation services, the project will provide artists and arts organizations in northern Illinois, Indiana and Wisconsin with access to free legal expertise. I am sure that all of these things have some need, that there are certainly good reasons why they should be supported, but earlier on the gentleman from Iowa stood up here and said that we should respect the differences that people have about the arts. We can argue all of us, any of us, about any of these things I mentioned or any of the other things done and supported by the National Endowment for the Arts are, quote, appropriate. But it is relevant, of course, because we should stay neutral on the arts. The only way to do that, I suggest to the gentleman from Iowa and to my friends on the other side, is to, in fact, stay out of the business of funding the National Endowment for the Arts.

I will have an amendment following this to reduce the funding for it, and I will certainly hope to establish the priorities clearly in the minds of the taxpayers of this country as to where this House stands, whether we support a variety of other more relevant issues and more relevant endeavors than the arts, but it is not the debate. The debate is not over the arts in and of themselves, and it is absolutely true that they would certainly exist. The \$27 billion spent in 2001 on nonprofit arts in this country certainly is the way in which arts should be funded. And to suggest that \$120 million from the Federal Government in any way, shape or form im-

proves the quality of life frankly for anybody, even one person in this country, based upon what it does to influence the arts, I think is essentially ludicrous. It has no real impact. But it does take money from people and it says we will put you in the position of making a decision and you cannot remain neutral.

All of the reasons we have heard and hear every single year about why the arts are good, in fact, wholesome and help the culture and develop all kinds of wonderful experiences in our life and develop better people, all those things are probably true. I do not argue with any of them. I do not argue with the fact that religion does exactly the same thing in the United States, provides people with the ability to go beyond themselves and to experience great things and to become innervated by the experience. That is all great. But, of course, it has got nothing to do with us.

Why should the government fund any religious activity? But we would do so. If we were to listen to the reasons why we should fund the arts, we should certainly fund, quote, religion. We should establish a board, give it \$120 million, let it determine what is the proper religious experience to provide money for, because it does all of the same things for people that the arts do. But, of course, we do not do that. We do not do it because we want to remain neutral.

So I suggest that in an attempt to become more neutral on this particular issue, we should reduce the funding for the National Endowment for the Arts and Humanities and hopefully eventually stop doing it at all.

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

Mr. Chairman, I rise in strong support of the Slaughter-Shays-Dicks-Leach amendment to increase funding for the National Endowment for the Arts and the National Endowment for the Humanities. It seems to me that budgets reflect a lot of different things. They reflect priorities. They reflect opportunities to eradicate and spend down deficits. They reflect opportunities to go more deeply in debt. But they also reflect hopes, aspirations and ways of life.

I represent a very diverse and pluralistic district. As a matter of fact, I always say it is the most fantastic, fascinating district in all of America. Downtown Chicago, the Gold Coast, Magnificent Mile, Old Town, Greek Town, China Town, Ukrainian Village, Soulville. Lots of different people with different ideas about things. The arts and the humanities are a way of binding people from different communities together just as they reflect opportunities to bind people from different areas of the country and different walks of life.

Yes, I understand that there are deficits. I understand that the economy is not what we would hope for it to be. I also understand the need to invest in

fighting terrorism. We have a war to finance, a war that I had hoped we would not have to have. But notwithstanding all of that, we also have the opportunity to continue our commitment to life and to bind the Nation more closely together. I cannot think of any better way to do that than to provide these meager grants, I call it a minor investment, for which we get tremendous returns.

And so again I commend the gentlewoman from New York, the gentleman from Connecticut, the gentleman from Washington and the gentleman from Iowa for offering this amendment which gives all of us an opportunity to help make America become that Nation that it has the potential of being and yet has not been. I urge passage of this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, year after year we try to massage our conscience for the failure in education to address a lot of the problems of the arts and humanities. We spend billions of dollars there and we never mention this in the education budget or any of the related budgets, so we think a few million dollars in the humanities or the arts will solve all the problems. It will, as one gentlewoman said, or gentleman, where the arts are disappearing from the community, it will solve that problem. The bureaucracy that is funded here and the limited programs that are funded here will not even begin to do that.

We find that there is a need to raise the cultural level in the United States, both in the arts and the humanities. There is a need for us to see that young people recognize the documents vital in our Nation's history. I take tours through the Capitol with young people. Most of the teachers and the young people have not a clue about the paintings and the things that are going on in the Capitol. But it will not be solved by increasing the amount of money for the arts and the humanities.

Our committee has a tough job. We have to increase the funding, natural funding for the forests and parks and various others, Indian health, the environment. We were cut \$257 million enacted and we kept the NEA at last year's level and we increased NEH \$3.5 million. There is a demand now that we increase it \$13.5 million more. Based on the cuts that were in the overall bill, it was important to note that we increased both NEA and NEH. In fiscal year 2002, we increased some \$15 million to the NEH and the NEA \$13 million in 2003. We have grown the fund more than the rate of inflation, but it will not solve the problems of the men and women who spoke here and the dream that they are going to solve all these problems in the arts and the humanities. But it can do this. The amendment reduces administrative funds. The gentleman from Washington and I realize that we are short in that area, anyway. We know that they are

going to be called on for funds and we know that that is going to be a problem. When we get to the conference, we hope we can increase that.

It is not clear that the vehicle offset that the gentlewoman from New York discussed will be sufficient. And so we risk the chance that the amendment will impair the on-grounds operation of environment protection, Indian programs, it could reduce the department's funding, including hearings and appeals and support for Indian trust reform. The committee is watchful certainly, the gentleman from Washington and I both, in areas of administrative abuse in trying to rein in excessive spending and travel in other areas and Members can count on our oversight to try to look in any other areas. But moving the money around as suggested could be very dangerous for the balance we have in this bill.

I ask Members to join me in opposition to this amendment.

□ 1700

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

Mr. Chairman, I rise in strong support of the Slaughter-Dicks-Shays-Leach amendment. In order to find this offset, we talked to the Inspector General of the Interior Department. He made a recommendation that this was an area that had been very wasteful and that this would not hurt any of the programs there.

I want to say this is my 28th year on the Interior Appropriations subcommittee, and I started on this subcommittee under the tutelage of Sid Yates of Chicago, who was a tremendous supporter of the National Endowment For the Arts and Humanities. And I had worked in the other body and knew, of course, Senator Pell, who was the author of both the National Endowment For the Arts and Humanities legislation. Over the years I have followed how, with the increase in funding, even though we took a major cut, that we have seen an explosion in the growth of art institutions all over this country—more operas, more ballets, more theatres, more performing arts. This funding from the National Endowment for the Arts has been like the Good Housekeeping seal of approval.

We have today two of the finest administrators in these parts, Bruce Cole running the National Endowment for the Humanities, who I had a chance to talk to yesterday; and Dana Gioia, who is running the National Endowment for the Arts. These are real professionals. They are running these departments very effectively, and so we have offset this amendment completely. I think it is a choice of priorities, and I believe that what is happening in the arts and humanities is so important for the citizens of this country, and they appreciate it.

Every community in my district has benefited from the National Endowment for the Arts and by the National Endowment for the Humanities. We

have the Pantages Theatre and the Broadway Theatre District in Tacoma, the Admiral Theatre in Bremerton and Fort Worden up at Port Townsend. Port Angeles has a summer arts festival. These things are appreciated by the American people, and they are terribly important for the education of our children.

And yet this year, even though President Bush and Mrs. Bush asked for substantial increases in the arts and humanities, our committee rejected that, completely. And, yes, we had a very bad allocation, but I do believe that in these two areas, we had a good hearing. The chairman of both endowments came up, testified before our committee; and they were so excited about what they can do with this money for the American people, especially on the humanities area, where we need to have more education about civics and our history and give our kids a better opportunity. And there are programs that are going out to all the schools all over the country that are supported by this, and it is a very fundamental part of our education.

So I am going to ask our Members, as we have done for the last 4 years, to vote for this. I want to compliment all those on the other side of the aisle who spoke today. I know there is always tremendous pressure to go along with the leadership; but in this case, we did not get the job done in the subcommittee. This is a chance for the House to correct this and show the American people again that we have gotten beyond this ideological fight. We can support the endowments, because they are doing good work. They have got good leadership, and they deserve our support.

Mr. HOLT. Mr. Chairman, I strongly support this bipartisan amendment that will provide much-needed funds to the National Endowment for the Arts and the National Endowment for the Humanities.

This is a long overdue and a modest funding increase to build programs that use the strength of the arts and our Nation's cultural life to enhance communities in every State and every county around America. Since 1965, the NEA has provided over 111,000 grants for projects ranging from theater and film festivals, to poetry readings and workshops, to radio and TV broadcasts, to museum exhibitions, to city design and downtown renewal. NEA funds often help bring excellent performances and exhibitions to small towns and rural areas throughout the United States.

The NEH serves to advance the nation's scholarly and cultural life. The additional funding contained in this amendment would enable NEH to improve the quality of humanities education to America's school children and college students, offer lifelong learning opportunities through a range of public programs, and support new projects that encourage Americans to discover their wonderful American heritage.

It is clear that increasing funding for the arts and humanities are among the best investments that we as a society can make. They help our children learn. They give the elderly

sustenance. They power economic development in many regions. They tie our diverse society and country together.

Will the projects that would be sponsored by this increase in funding help defend our country? Probably not, but they will make our country more worth defending. I urge my colleagues to support this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, "A Great Nation Deserves Great Art" is something that my colleagues have been echoing this week as our FY 05 Interior Appropriations bill comes to the floor of the House of Representatives for debate. The measure of a great nation is not merely its wealth and power, but its civilization—most notably the political, philosophical and artistic ideals it creates, promotes and preserves. I am here today to help preserve the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH).

The National Endowment for the Arts is dedicated to supporting excellence in the arts, bringing the arts to Americans of all ages and incomes, and providing leadership in arts education.

The Arts Endowment is the nation's largest annual fund of the arts, bringing great art—both new and established—to all 50 states, including rural communities, inner-city neighborhoods, schools, and military bases. The Arts Endowment has played a transformative and sustaining role in the development of regional theater, opera, dance, orchestras, museums, and other arts that Americans now enjoy.

Distributing more than \$100 million annually, the Arts Endowment enhances our communities—not only culturally but economically. The Arts Endowment's educational programs—such as Shakespeare in American Communities—introduces a new generation of Americans to the possibilities of imagination, creativity and self-expression.

According to a recent study, the nonprofit arts industry provides 4.85 million full-time equivalent jobs, \$89.4 billion in household income and \$10.5 billion in federal income tax revenues.

The amendment also provides a modest increase for the National Endowment for the Humanities (NEH), far short of the President's request. The amendment provides \$5 million for the NEH's "We the People" initiative. This increase would provide a total of \$14.8 million for "We the People"—less than half of the President's \$33 million request. It would raise NEH's overall budget to \$143 million—\$19 million less than the President's request of \$162 million for FY 2005.

Increased funds for "We the People" will enhance the teaching, study and understanding of American history. The "We the People" initiative has already expanded seminars and institutes for teachers to learn history content and bring their new knowledge and enthusiasm back to the classroom. It has also expanded grants available for research, scholarship, museum exhibits, documentary films, radio projects, teaching programs, educational aids, and preservation efforts to encourage and enhance public understanding of American history and culture.

"We the People" has generated deep, widespread, bipartisan support. The "We the People" initiative has earned the support of the President and Members of Congress from both sides of the aisle.

This project will benefit every state in the nation. In FY 2004, over a third (\$3.7 million

out of \$9.8 million) of all "We the People" funds went directly to the 56 state humanities councils to encourage programs and grants on the local level to encourage the teaching, study and understanding of American history.

Every state and territory of the U.S. has benefited from the "We the People" initiative, including my state of Texas. I do not want to return to Houston and let my constituents know that they have been let down yet again. Please join me in supporting this amendment.

Mr. SCHIFF. Mr. Chairman, I rise in support of the amendment to the Interior Appropriations bill submitted by Representatives SLAUGHTER, SHAYS, DICKS, and LEACH, to increase funds for the National Endowment for the Arts and the National Endowment for the Humanities.

As a member of the Congressional Arts Caucus, and former chair of the California Legislature's Joint Committee on the Arts, I have had the opportunity to see first hand the tremendous role that the arts play in the education and development of our children. Several academic studies have demonstrated the connection between music, dance, visual arts, and the development of the human brain. It is a fact that arts education cultivates critical thinking skills that are so important in this information-age economy. Children who learn to read music or to play an instrument show improved proficiency in mathematics and sciences.

Today, I am proud to support an increase of \$10 million for the National Endowment for the Arts and a \$3.5 million increase in funds for the National Endowment for the Humanities.

One of the initiatives under the NEA, American Masterpieces, produces new collaborations of classic American operas, plays, ballets, musicals, and choral works. These joint ventures allow local companies to offer new productions of the highest quality at affordable costs. This is just one of the many great initiatives provided by the NEA.

Additionally, I support an increase of \$5 million for We the People, an important initiative to strengthen understanding of our national heritage. This innovative program benefits students, teachers, and Americans of all ages.

Arts is not only about appreciation and enjoyment, it is also a strong component of our economy. A recent study from Americans for the Arts found that the nonprofit arts industry alone generated \$134 billion in economic activity, including full time jobs, household income and tax revenues. More than \$80 billion of this is spent by audiences who enthusiastically attend events in their local communities.

In my own district, there are more than 2,700 arts-related businesses and more than 32,000 jobs in visual arts, design, performing arts, film and television, and educational arts. I am proud to host an annual Congressional Arts event in my district that allows high school students to showcase their artistic talents to the community. I have constantly been impressed with the artistic vision and creativity of our young people. This vision and creativity should be fostered, not discouraged.

By supporting the arts and humanities, the federal government has the ability to act as a partner with state and local efforts to bolster the quality of life as well as economic and educational opportunities in our communities.

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise today in support of the Slaughter-Shays-Dicks amendment to increase funding for the

National Endowment for the Arts (NEA) and National Endowment for the Humanities (NEH). These endowment programs are vital to supporting the creation, preservation and presentation of the arts and humanities in America. In my district, NEA and NEH grants have brought partnership projects such as the Coterie Theater and the Friends of Alvin Ailey's AileyCamp that help provide collaborative artist and youth activities which have enriched the local economy and educational experiences of our children.

Studies have demonstrated that reading and math scores improve with participation in arts education classes. Test results from the College Board have shown that college bound students involved in the arts and humanities have higher overall SAT scores than other students.

There is no jurisdiction for funding for the NEA at a level that is 30 percent below the 1994 level. Adopting the amendment before us would increase funding by \$10 million for the NEA and \$3.5 million for the NEH. I urge my colleagues to support this amendment which would keep up with inflation. Investment in the arts and humanities has proven to be an invaluable contribution to the American economy, or local communities, and the education success of our children.

Mrs. LOWEY. Mr. Chairman, I rise in support of the Slaughter amendment and strongly urge its adoption.

Our contributions to the arts and humanities are the standard by which our history as a society will be measured. A strong public commitment to the arts and humanities, along with a dedication to freedom, are the hallmarks of great civilizations. History has shown that religious and political freedom goes hand in hand with greater artistic and literary activity, and that the societies that flourish and have a lasting influence on humanity are those that encourage free expression in all of its forms. This is a lesson that resonates with people of every age, background, and belief, and one that working together we can guarantee that our children learn.

By sharing ideas and images from a diverse range of backgrounds and through many different media, the arts and humanities help to create a more informed citizenry. We are better prepared to meet the responsibilities of democracy; to ask ourselves the hard questions and to judge fairly the actual and potential endeavors of our country.

Our support for the arts and humanities also has a profound impact on our economy. In my Congressional District, the arts support over 10,000 jobs, and in Fiscal Year 2000, they contributed more than \$92 million in revenue to Westchester alone. Nationwide, the figures are even more impressive. In 2002, the arts were a \$134 billion industry sustaining nearly 5 million jobs. While the federal government spends just over \$250 million on the NEA and NEH annually—approximately 40 cents per person—it collects over \$10 million in tax revenue related to the arts industry. NEA and NEH dollars are crucial to the arts community, helping them leverage more state, local, and private funds. Clearly, the numbers show that investment in the arts is important not only to our national identity, but also to our national economy.

Mr. Chairman, we must act decisively to commit ourselves to our national heritage and culture, and vote to increase funding for the

NEA and NEH. I urge my colleagues to support creativity and reflection, to support our economy, and to support the continued growth and expression of democracy in its fullest form.

The CHAIRMAN pro tempore (Mr. OSE). The question is on the amendments, as modified, offered by the gentlewoman from New York (Ms. SLAUGHTER).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendments offered by the gentlewoman from New York (Ms. SLAUGHTER) will be postponed.

The point of no quorum is considered withdrawn.

Mr. MICA. Mr. Chairman, I move to strike the last word to engage in a colloquy with the chairman of the Interior Appropriations Subcommittee, if you would, the gentleman from Mississippi (Mr. TAYLOR).

First of all, I want to take just a moment to commend the gentleman from Mississippi (Chairman TAYLOR) and the Committee on Appropriations for their outstanding efforts in bringing this important measure to the floor during these very difficult budgetary times.

As he may know, I have been working to improve and expand educational resources and public accommodations at the Castillo de San Marcos in St. Augustine, Florida. That is our national monument. This national monument is not only a unique part of our national parks infrastructure but it is also a national treasure. The National Park Service is expected to complete a study this fall which includes plans to construct a required facility there.

Mr. Chairman, it is my understanding that when this plan is completed and this project is authorized by Congress, the Interior and Related Agencies Subcommittee of the Committee on Appropriations would consider funding this much-needed expansion and renovation project.

I would ask the gentleman from North Carolina whether this is his understanding and intention as well.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I commend the gentleman. The San Marcos National Monument in St. Augustine, Florida, is one of the outstanding examples of parks for the east coast, and his effort is commendable.

As the gentleman can appreciate, we cannot make commitments on future appropriations, but we will certainly consider the gentleman's request once the project is authorized.

Mr. MICA. I thank the chairman for his response.

Ms. MILLENDER-McDONALD. Mr. Chairman, I move to strike the last word.

I would like to engage in a colloquy with the chairman on the Department of the Interior's renewable portfolio and specifically our Nation's geothermal resources.

The vast majority of proven geothermal resources in the United States are located on Federal lands. Efficient administration of permits to prospect for geothermal energy on Federal lands is essential to harnessing our geothermal resources. I am proposing that the Bureau of Land Management conduct a report-assessing permit administration associated with our geothermal resources and a strategic plan on how we can best utilize our Nation's clean and efficient energy resources.

This report sets the stage to address a critically underdeveloped energy segment of our national renewable energy portfolio. The problem was cited in a January, 2004, Associated Press article which stated that the Federal Government has a backlog of 230 lease applications to prospect for geothermal energy. This article also stated that the average age of an application to prospect geothermal sites is 9 years.

The urgency of this situation is already upon us. One has only to look at the high cost of natural gas, which is the preferred energy source for new electric generation plants. However, the Energy Information Agency recently reported that the delivery price of natural gas is at \$6 per thousand cubic feet, and it is a four-fold increase since 1995. This situation is robbing our economic recovery of essential dollars to create jobs and increase our reliance on foreign-owned energy resources.

I look forward to working with the chairman and the committee during the conference in securing resources and focus on geothermal resource issues. Specifically, I think we will gain an accurate understanding of geothermal resource permit processing within the Federal Government and what we need to do to improve that process. I believe that it is in the best interest of the American people and this committee to expedite the use of geothermal resources to meet our ever-growing electricity needs and improve our air quality.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentlewoman yield?

Ms. MILLENDER-McDONALD. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentlewoman from California for yielding to me and greatly appreciate her continued leadership on this issue. I look to continue work with her during the conference on this very important issue.

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

Mr. Chairman, I would like to enter into a colloquy with the gentleman from North Carolina (Mr. TAYLOR), chairman of the subcommittee, in rela-

tionship to an invasive species issue in the State of Maryland.

Invasive species all across this country have wreaked havoc on a number of ecosystems from California to the Great Lakes to Florida to numerous areas of the east coast. One of the specific invasive species that we are dealing with in Maryland is called a nutria. It looks exactly like a rat, only it gets to be about 30 pounds.

This was to a certain extent brought to the United States with the blessings of Fish and Wildlife Service to add to the trapping economy with possum, groundhogs, and a number of other species for their pelts and for their meat. Nobody liked the pelt of the nutria. Nobody liked the meat. And all of a sudden this particular species became invasive and has destroyed tens of thousands of acres of wetlands across the United States, nearly 10,000 acres of wetland just in the State of Maryland. We have been very successful in eradicating nutria in a specific wildlife refuge in the State of Maryland that covers about 28,000 acres, eliminated the nutria there, with the Federal, the State government, the local governments, and the private sector. We need to do it on about 80,000 more acres in the State of Maryland to completely eradicate the nutria in this part of the country, which will set up a type of trapping system that can be used in other parts of the country. In this Interior appropriations bill, however, there is no money. It has been zeroed out. We have spent about \$6 million over the last 6 or 7 years. And I would like to ask the chairman if at some point we could work on bringing some dollars to keep this program, very successful program, continuing.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I assure the gentleman that the subcommittee continues to support this very important effort. Allocation constrained us from increasing funding for the program in our fiscal year 2005 recommendations, but we have included a general increase of \$2 million for invasive species research, and I think that this program may qualify for some of those funds.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman very much. This is a fine example of a great, successful program; and we will work with the chairman of the committee.

Ms. NORTON. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I would hope that an amendment for the study of the crime and accident rate in the most-used national parks would be made in order and regret that it is not made in order. The issue is so important, I would like to discuss it on the floor at this time.

There have been troublesome reports of increases in crime and vehicle accidents in the national parks. It first surfaced perhaps in a major way here

in the District of Columbia when former Police Chief Teresa Chambers complained that she could no longer adequately cover the park territory entrusted to her. She said that there had been redeployment of her troops to cover monuments and other important places after 9/11.

But then I began to note complaints of a rise in crime and homelessness in parks here and around the Nation as well. The crush of crowds we now understand all the parks are experiencing during this season makes this claim much more credible.

I want to be clear that I take no position on whether there has been an increase in crime or accidents. I really do not know. This was only a request for a study so that we could begin to find out. The study would go to the appropriate committees; and they could decide what, if anything, to do with it. It would have looked at the heavily used units of the national parks from 1998 for about 6 years to give us a critical mass of years to look at crime and to look at accidents on nearby roadways.

I noted that right after 9/11, there was a bump up in the number of park police just as there was a bump up in police everywhere; but park police stabilized while, for example, Capitol Police continued to soar. And I do not want to make any invidious comparisons here. We need all the help we can get on the Hill. But I cannot help but be moved by the fact that if we are going to have millions upon millions of people visiting our parks, they are protected not only against accidents and against crime but they are protected by the patrols in the parks against terrorism as well.

□ 1715

I know about complaints in my own parks, for example on Rock Creek Parkway, about Park Police cruisers not being available, but that is anecdotal. I wanted a study to see if these were in fact complaints we should take seriously, and particularly now it is clear to me this has become a national concern.

We should not be deploying personnel, we should not be in fact authorizing and appropriating money for personnel, without knowing more about needs, especially when those needs are changing, as they are in the Nation's parks.

My own district happens to have many of the Nation's most important parks, from the Mall to the beautiful Rock Creek Park itself, but there are parts of the country which are far less densely populated than the national capital park regional area, but have far more heavily used parks.

It is time we found out how to better deploy the Park Police. I regret that we will not be able to do this study through this appropriation. I hope that the Park Service on its own will see the importance of doing a study with the resources it has before it.

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask unanimous consent

that the remainder of title I be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore (Mr. OSE). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The text of the remainder of title I is as follows:

#### PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901-6907), \$226,000,000, of which not to exceed \$400,000 shall be available for administrative expenses: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than \$100.

#### OFFICE OF THE SOLICITOR

##### SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$51,356,000.

#### OFFICE OF INSPECTOR GENERAL

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$37,655,000.

#### OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

##### FEDERAL TRUST PROGRAMS

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$196,267,000, to remain available until expended: *Provided*, That of the amounts available under this heading not to exceed \$58,000,000 shall be available for records collection and indexing, imaging and coding, accounting for per capita and judgment accounts, accounting for tribal accounts, reviewing and distributing funds from special deposit accounts, and program management of the Office of Historical Trust Accounting, including litigation support: *Provided further*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Departmental Management, "Salaries and Expenses" account: *Provided further*, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2005, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of \$1.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed \$50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts

after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

#### INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with re-determining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, \$42,000,000, to remain available until expended: *Provided*, That funds provided under this heading may be expended pursuant to the authorities contained in the provisos under the heading "Office of Special Trustee for American Indians, Indian Land Consolidation" of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106-291).

#### NATURAL RESOURCES DAMAGE ASSESSMENT AND RESTORATION

##### NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101-380) (33 U.S.C. 2701 et seq.), and Public Law 101-337, as amended (16 U.S.C. 1911 et seq.), \$5,818,000, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund: *Provided further*, That the annual budget justification for Departmental Management shall describe estimated Working Capital Fund charges to bureaus and offices, including the methodology on which charges are based: *Provided further*, That departures from the Working Capital Fund estimates contained in the Departmental Management budget justification shall be presented to the Committees on Appropriations for approval: *Provided further*, That the Secretary shall provide a semi-annual report to the Committees on Appropriations on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department, including the amounts billed pursuant to such agreements.

#### GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds

used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to H. Res. 649 and section 402 of S. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2005, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress), the concurrent resolution on the budget for fiscal year 2005, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made to the Department of the Interior shall hereafter be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of

aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall hereafter be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Annual appropriations made to the Department of the Interior shall hereafter be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997-2002.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 110. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 111. Advance payments made to the Department of the Interior to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may hereafter be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American

Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, except that total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 113. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2005. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 115. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2005 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 116. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106-291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 117. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100-696; 16 U.S.C. 460zz.

SEC. 118. Notwithstanding other provisions of law, the National Park Service hereafter may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings,



may hereafter be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 120. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 121. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District, New Jersey Pinelands Preserve, and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 122. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 123. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 124. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 125. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 126. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 127. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 128. Such sums as may be necessary from "Departmental Management, Salaries

and Expenses", shall be transferred to "United States Fish and Wildlife Service, Resource Management" for operational needs at the Midway Atoll National Wildlife Refuge airport.

SEC. 129. (a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in *Sac and Fox Nation v. Norton*, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

SEC. 130. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 131. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2006 shall not exceed \$12,000,000.

SEC. 132. Notwithstanding any implementation of the Department of the Interior's trust reorganization plan within fiscal years 2004 or 2005, funds appropriated for fiscal year 2005 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima Maricopa Indian Community, the Confederated Salish-Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation on the same basis as funds were distributed in fiscal year 2004. This Demonstration Project shall operate separate and apart from the Department of the Interior's trust reform reorganization, and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. Sections 458aa–458hh: *Provided*, That the California Trust Reform Consortium and any other participating tribe agree to carry out their responsibilities under the same fiduciary standards as those to which the Secretary of the Interior is held: *Provided further*, That they demonstrate, and continue to demonstrate, to the satisfaction of the Secretary that they have the capability to do so.

SEC. 133. None of the funds appropriated or otherwise made available by this or any other Act, hereafter enacted, may be used to permit the use of the National Mall for a special event, unless the permit expressly prohibits the erection, placement, or use of structures and signs bearing commercial advertising. The Secretary may allow for recognition of sponsors of special events: *Provided*, That the size and form of the recognition shall be consistent with the special nature and sanctity of the Mall and any lettering or design identifying the sponsor shall be no larger than one-third the size of the lettering or design identifying the special event. In approving special events, the Secretary shall ensure, to the maximum extent practicable, that public use of, and access to the Mall is not restricted. For purposes of this section, the term "special event" shall have the meaning given to it by section

7.96(g)(1)(i) of title 36, Code of Federal Regulations.

The CHAIRMAN pro tempore. Are there any points of order against provisions within that portion of the bill?

Are there any amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

## TITLE II—RELATED AGENCIES

### DEPARTMENT OF AGRICULTURE

#### FOREST SERVICE

#### FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$280,654,000, to remain available until expended: *Provided*, That of the funds provided, \$52,714,000 is for the forest inventory and analysis program.

#### STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$282,446,000, to remain available until expended, as authorized by law of which \$43,119,000 is to be derived from the Land and Water Conservation Fund: *Provided*, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific contractual and grant details including the non-Federal cost share.

#### NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, \$1,399,599,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): *Provided*, That unobligated balances under this heading available at the start of fiscal year 2005 shall be displayed by budget line item in the fiscal year 2006 budget justification: *Provided further*, That, through fiscal year 2009, the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands.

#### AMENDMENT NO. 5 OFFERED BY MR. TANCREDO

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

The Chairman pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. TANCREDO:

In title II, in the item relating to "NATIONAL FOREST SYSTEM", insert after the first dollar amount the following "(increased by \$23,000,000)".

In title II, in the item relating to "NATIONAL ENDOWMENT FOR THE ARTS—GRANTS AND ADMINISTRATION", insert

after the first dollar amount the following: ("reduced by \$60,000,000").

Mr. TANCREDO. Mr. Chairman, we have had a robust debate on the issue of funding for the National Endowment for the Arts and Humanities, and I do not intend to revisit that particular part of this debate. I am, however, going to suggest that we should reduce the budget for the National Endowment by \$60 million and redirect the money to the budget for the U.S. Forest Service for law enforcement services.

Thankfully, the committee rejected calls by the administration to increase financing for the National Endowment for the Arts by as much as \$20 million this year, but spending \$120 million and change for taxpayers' funded arts still makes no sense.

Many people on both sides of the aisle have long recognized the need for additional law enforcement personnel on our public lands. The sprawling Coronado National Forest in southern Arizona, for example, which shares a border with Mexico, has fewer than a dozen law enforcement personnel, this despite the fact that it has become a hotbed for drug and immigrant smuggling and a welcome mat for would-be terrorists attempting to enter the United States from Mexico through sparsely patrolled wildlands.

Similar problems are faced by other public land agencies, including the National Park Service. A young park ranger in Organ Pipe Cactus National Monument was murdered by Mexican drug smugglers in 2002. The public land agencies have less than 200 law enforcement officers combined to patrol almost 6,000 miles of public lands adjacent to the border.

These challenges are not unique to the Coronado, or to public lands on the border. National forests across the country face a shortage of law enforcement personnel as well. This hampers the ability of the agencies to combat everything from irresponsible recreation to marijuana cultivation on public lands. It also inhibits the ability of the agencies to maintain a safe and enjoyable environment for visitors.

Enhancing the ability of the Forest Service to help maintain a safe environment for visitors and to enhance homeland security on public lands would seem to be a far more important priority to fund than spending more than \$100 million on federally subsidized art.

There was a discussion, as I say, during the last amendment that we are in the process here of trying to establish priorities for the budget of the United States, and certainly it seems to me to be appropriate for us to make a decision as to whether or not we would rather have a more vigorous enforcement of law in our national parks, which, by every calculation, by every agency that has looked at this issue, says we are in dire shape because of massive influences, the massive number of people coming through the area,

coming through illegally and for a variety of purposes, some, of course, just coming for jobs, others coming with the transportation of illegal narcotics.

It is a very dangerous place, a place I have along the southern and northern border both visited many times. In each case I am confronted by folks down there, the Border Patrol, the Park Service, everybody who is involved with any sort of enforcement activity, law enforcement activity, who say they are in desperate need of help, that they are overwhelmed.

As I say, 200 people are committed to trying to protect a border literally thousands of miles long. It does not make sense. It only makes sense that in this bill, in a bill that is for the Interior, a bill that is supposed to reflect our priorities for Interior and management of our public lands, it only makes sense that we would reorient the budget and reprioritize it to provide more for the protection of our public lands and less for nationally subsidized art.

Mr. DICKS. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, obviously a \$60 million cut in the National Endowment for the Arts would be a disaster. I certainly understand the gentleman's concern about law enforcement and other issues in the budget, and we will be glad to work with him on those issues, but not to take \$60 million out. A similar amendment was rejected by a vote of 112 to 313 last year.

Mr. Chairman, I would urge my colleagues in the House to again soundly defeat the Tancredo amendment. This amendment would have a devastating consequence on the Endowment for the Arts, and I think the endowments, as I said previously, are doing a tremendous job for our country and deserve to be supported. So I urge a no vote on the Tancredo amendment.

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

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

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

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

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

#### WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire suppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, \$1,734,865,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of ad-

vances from other appropriations accounts previously transferred for such purposes: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2004 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71-319 (16 U.S.C. 576 et seq.): *Provided further*, That notwithstanding any other provision of law, \$8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, \$266,238,000 is for hazardous fuels reduction activities, \$13,000,000 is for rehabilitation and restoration, \$23,000,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), \$40,000,000 is for State fire assistance, \$8,000,000 is for volunteer fire assistance, \$15,000,000 is for forest health activities on Federal lands and \$10,000,000 is for forest health activities on State and private lands: *Provided further*, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further*, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report 108-330: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to \$15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That included in funding for hazardous fuel reduction is \$5,000,000 for implementing the Community Forest Restoration Act, Public Law 106-393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further*, That in using the funds provided in this Act

for hazardous fuels reduction activities, the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretary applicable to hazardous fuel reduction activities under the wildland fire management accounts: *Provided further*, That notwithstanding Federal Government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized under this heading on and adjacent to Federal lands using grants and cooperative agreements: *Provided further*, That notwithstanding Federal Government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to local private, non-profit, or cooperative entities; Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups; small or micro-businesses; or other entities that will hire or train a significant percentage of local people to complete such contracts: *Provided further*, That the authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects.

AMENDMENT OFFERED BY MS. HOOLEY OF OREGON

Ms. HOOLEY of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. HOOLEY of Oregon:

Page 68, line 5, insert after the dollar amount the following: "(increased by \$6,000,000)".

Page 69, line 10, insert after the dollar amount the following: "(increased by \$6,000,000)".

Page 85, line 3, insert after the dollar amount the following: "(reduced by \$6,000,000)".

Ms. HOOLEY of Oregon. Mr. Chairman, first of all, I want to thank the entire committee for their commitment to fight forest fires. We all know it is going to be a very bad forest fire year, and we know the time has come to prevent forest fires as well as put them out.

Over the years, highly flammable underbrush has built up in our forests and previously logged but unthinned areas have become dense, overstocked plantations of small, fire-prone trees. These conditions have made it impossible to allow low-intensity natural fires to burn within their historic range, and catastrophic fires have become more and more common.

To help address this problem, we in Congress passed and the President signed H.R. 1904, the Healthy Forest Restoration Act. This law will streamline future field reduction and thinning projects, and I was pleased to vote for it.

With the promise of \$760 million in funding, the new law would provide

thousands of jobs across the West, it would provide Federal land managers with the necessary tools to thin our forests of hazardous fuels and, most importantly, reduce the size and severity of wildfires. But the President and Congress must provide the money to get projects done on the ground.

The most important provision in this bipartisan bill we passed last year was a 5-year multimillion dollar commitment of Federal resources. Providing substantial funding for fuel reduction projects is essential in completing problem projects, putting people back to work and stopping forest fires.

Politicians and bureaucrats have been fighting over fuel reduction legislation for far too long. Last year, we were finally able to produce a bipartisan bill that sought to address this problem. However, we must also provide the money needed to get the job done. This bill does not do so, providing far less than the \$760 million we determined was necessary.

The amendment to help rectify this problem is very simple: It provides \$6 million for hazardous fuels reduction, which would allow tens of thousands of additional acres to be treated. The offset for this amendment is from the Industries of the Future Program, the Chemical Industry section. All my amendment would do is reduce this program to the level requested by the President.

Mr. Chairman, I urge Members to support my amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reluctantly rise in opposition to this amendment.

Mr. Chairman, I share the gentlewoman's concern for forests, as our entire committee did. We restored much of the money in the healthy forest initiative. It has \$500 million for fighting fire in 2004 and \$500 million for fighting fires in 2005, and we hope we can get through conference so we can get that 2004 money as quickly as possible for this year.

We also have a \$58 million increase for hazardous fuel reduction. This is a large increase, and we think it will be ample, especially given the tight situation we have this year, the tight allocation.

On the other hand, we are 7 percent below in our energy programs, and we have restored a number of those above what the administration wanted at the time, and we hope we can restore more and maybe during the conference.

I would oppose this, not because I am against the gentlewoman's enthusiasm for preventing fires, but we have adequate money, I think, for this coming year to give that prevention, as well as fighting fires in this tight budget year.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

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

Ms. HOOLEY of Oregon. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) will be postponed.

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

Mr. Chairman, I planned to offer an amendment today that would prevent the U.S. Fish and Wildlife Service from spending appropriated funding to add species to the endangered or threatened species list until the Fish and Wildlife Service moves forward with efforts to complete a population viability assessment on the Concho water snake.

□ 1730

Five years ago, I came to this body during the very same debate we are having today. At that time I worked with chairman of the Subcommittee on Interior and Related Agencies, the gentleman from Ohio (Mr. REGULA), and the ranking member, the gentleman from Washington (Mr. DICKS), to provide the U.S. Fish and Wildlife Service with \$300,000 to study the feasibility of removing the Concho water snake from the threatened species list. To this day, the Fish and Wildlife Service has not issued a final decision. There has been no accountability as to how the service has used the funding that was provided to them.

In June 1986, the U.S. Fish and Wildlife Service listed the Concho water snake as a threatened species. Since that time, the Colorado River Municipal Water District in Big Spring, Texas, has spent over \$4 million studying the snake and documenting its viability along the Colorado River in West Texas.

In June 1998, after documenting a species population and distribution much larger than previous Fish and Wildlife estimates, the water district submitted a petition to delist the snake. In addition, the water district has documented that the construction of Lake Ivie, which the Fish and Wildlife Service argued would threaten the snake, has actually benefited the species by stabilizing stream flow and its habitat.

According to the statute, the U.S. Fish and Wildlife Service was supposed to provide a preliminary finding within 90 days of a petition to delist and a final decision within 12 months.

It took almost 14 months for the Fish and Wildlife Service to submit their 90-day petition finding, and they still have not issued a final decision on the issue. Although they claim that they were trying to finish a population viability study, the Fish and Wildlife Service is not moving on the issue.

West Texas as suffered from drought over the last several years, which has certainly affected the stream flows along the Colorado River. Still, the Concho water snake continues to thrive and reproduce in the area. But there are statutory requirements for the Colorado River Municipal Water

District to release certain amounts of water from the lakes it controls. Oftentimes, water releases from the lakes are more than the stream flows into them. How can we sustain this? Currently, Lake Spence on the Upper Colorado River is at less than 10 percent of capacity. I simply ask that common sense prevail and that the Fish and Wildlife Service move forward with issuing the final decision regarding the status of the Concho water snake on the threatened species list.

Mr. Chairman, if the chairman and ranking member would engage, I would be very happy not to offer this amendment at the appropriate time if I could have the assurances of the chairman and the ranking member that they will work with me and the Fish and Wildlife Service to do what was promised 5 years ago.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I certainly share the gentleman's concern, and we will work with the gentleman. It is outrageous, and we appreciate the gentleman bringing this to our attention; and we will work toward that.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, I want to tell him that I will be glad to cooperate and glad to work with him on this issue. We can call a meeting with the Fish and Wildlife Service or whatever he wants to do to see if we cannot clarify what the problem is.

Mr. STENHOLM. Mr. Chairman, reclaiming my time, I thank the chairman and the ranking member for that assurance.

What I want to get done is I want the snake delisted, as we have spent millions of dollars on something that should never have been done to start with; but 5 years ago, Fish and Wildlife promised this committee that it would be done. They have not delivered.

I look forward to working with my colleagues and the agency to get the snake delisted, and I appreciate my colleagues' cooperation.

The CHAIRMAN pro tempore (Mr. OSE). The Clerk will read.

The Clerk read as follows:

#### CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, \$522,940,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*, That up to \$15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project.

#### LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$15,500,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

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

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

#### ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

#### RANGE BETTERMENT FUND

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

#### GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$65,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

#### MANAGEMENT OF NATIONAL FOREST LANDS FOR SUSTAINMENT USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96-487), \$5,962,000 available until expended.

#### ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 124 passenger motor vehicles of which 21 will be used primarily for law enforcement purposes and of which 124 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; purchase, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests there-

in pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901-5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

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

The first transfer of funds into the Wildland Fire Management account shall include unobligated funds, if available, from the Land Acquisition account and the Forest Legacy program within the State and Private Forestry account.

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

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b.

None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out section 8002 of the Farm Security and Rural Investment Act of 2002. Not less than \$40,000,000 of funds under such section is hereby cancelled.

#### POINT OF ORDER

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

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. GOODLATTE. I make a point of order against the final sentence of the sixth paragraph under the heading of Title II, "Administrative Provisions, Forest Service," page 77, lines 6 through 8, in that it violates House rule XXI clause 2 by changing existing law and inserting legislative language in an appropriations bill.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

If not, the Chair will rule.

The Chair finds that this provision proposes to change existing law by canceling funds under section 8002 for the Farm Security and Rural Investment Act of 2002. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the provision is stricken from the bill.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in House Report 108-330.

Not more than \$72,467,000 of the funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture.

Funds available to the Forest Service shall be available to conduct a program of not less than \$2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

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

Pursuant to sections 405(b) and 410(b) of Public Law 101-593, of the funds available to the Forest Service, \$3,300,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, \$300,000 may be used for Forest Service Centennial activities and, of the total available to the Foundation, no more than \$350,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

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

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

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

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed \$500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agri-

culture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed \$1,000,000.

For each fiscal year through 2009, the Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed \$15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

#### DEPARTMENT OF ENERGY

##### CLEAN COAL TECHNOLOGY

##### (DEFERRAL)

Of the funds made available under this heading for obligation in prior years, \$237,000,000 shall not be available until October 1, 2005, *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected: *Provided further*, That of the funds made available in prior year appropriations under this heading, up to \$18,000,000 shall be available in fiscal year 2005 for FutureGen, without regard to the terms and conditions applicable to clean coal technology projects: *Provided further*, That the initial planning and research stages of the FutureGen project shall include a matching requirement from non-Federal sources of at least 20 percent of the costs: *Provided further*, That any demonstration component of such project shall include a matching requirement from non-Federal sources of at least 50 percent of the costs of the component.

##### FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$601,875,000, to remain avail-

able until expended, of which \$4,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; and of which \$105,000,000 is available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: *Provided further*, That no project may be selected for which sufficient funding is not available to provide for the total project: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in 42 U.S.C. 5903d: *Provided further*, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further*, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further*, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

##### NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, \$18,000,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

##### ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104-106, \$36,000,000, to become available on October 1, 2005 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

##### ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, \$656,071,000, to remain available until expended, of which \$45,098,000 shall be for State energy program grants.

##### STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$172,100,000, to remain available until expended.

##### NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant

to the Energy Policy and Conservation Act of 2000, \$5,000,000, to remain available until expended.

#### ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$85,000,000, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

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

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

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

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

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

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

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### INDIAN HEALTH SERVICE

##### INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$2,628,322,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the In-

dian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That up to \$18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That \$479,085,000 for contract medical care shall remain available for obligation until September 30, 2006: *Provided further*, That of the funds provided, up to \$27,000,000 to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed \$267,398,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2005, of which not to exceed \$2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further*, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

##### INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$405,048,000, to remain available until expended: *Provided*, That notwith-

standing any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That not to exceed \$500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed \$1,000,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed \$500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: *Provided further*, That up to \$2,700,000 may be used for the purchase of up to 27 acres at two sites for the construction of the northern and southern California Youth Regional Treatment Centers subject to advance approval from the House and Senate Committees on Appropriations.

#### ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

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

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

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

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and



provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process. Personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full time equivalent level of the Indian Health Service below the level in fiscal year 2002 adjusted upward for the staffing of new and expanded facilities, funding provided for staffing at the Lawton, Oklahoma hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

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

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

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

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

The Indian Health Service may purchase 8.5 acres of land for expansion of parking facilities at the W.W. Hastings hospital in Tahlequah, Oklahoma using third party collections subject to advance approval from the House and Senate Committees on Appropriations.

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

#### OTHER RELATED AGENCIES

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

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$11,000,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding

categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

##### INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99-498, as amended (20 U.S.C. 56 part A), \$6,000,000.

##### SMITHSONIAN INSTITUTION SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, \$496,925,000, of which not to exceed \$11,108,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which \$1,620,000 for fellowships and scholarly awards shall remain available until September 30, 2006; and including such funds as may be necessary to support American overseas research centers and a total of \$125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further*, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further*, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

##### FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat.

623), and for construction, including necessary personnel, \$122,900,000, to remain available until expended, of which not to exceed \$10,000 is for services as authorized by 5 U.S.C. 3109: *Provided*, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further*, That balances from amounts previously appropriated under the headings "Repair, Restoration and Alteration of Facilities" and "Construction" shall be transferred to and merged with this appropriation and shall remain until expended.

##### ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

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

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

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

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

None of the funds in this or any other Act may be used to purchase any additional buildings without prior consultation with the House and Senate Committees on Appropriations.

##### NATIONAL GALLERY OF ART SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$93,000,000, of which not to exceed \$3,026,000 for the special exhibition program shall remain available until expended.

##### REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds

and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$11,100,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE  
PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$17,152,000.

JOHN F. KENNEDY CENTER FOR THE  
PERFORMING ARTS  
CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$10,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR  
SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$8,987,000.

NATIONAL FOUNDATION ON THE ARTS AND THE  
HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS  
GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$120,972,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including \$22,000,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account and "Challenge America" account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES  
GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$122,377,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$16,122,000, to remain available until expended, of which \$10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current

and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants up to \$10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$1,793,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL  
AFFAIRS

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

ADVISORY COUNCIL ON HISTORIC  
PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$4,600,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION  
SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$7,999,000: *Provided*, That one-quarter of one percent of the funds provided under this heading may be used for official reception and representational expenses to host international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL  
MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), \$41,433,000, of which \$1,900,000 for the museum's repair and rehabilitation program and \$1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$20,000,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting serv-

ice through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

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

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

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

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

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2004.

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

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

(c) REPORT.—On September 30, 2005, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208, 105-83, 105-277, 106-113, 106-291, 107-63, 108-7, and 108-108 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2004 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

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

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

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

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

SEC. 310. Through fiscal year 2009, the National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 311. The section shall apply for fiscal years 2005 through 2009. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

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

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

(c) In providing services and awarding financial assistance under the National Founda-

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

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

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

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

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

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

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

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

SEC. 314. Notwithstanding any other provision of law, for fiscal year 2005 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the “Jobs in the Woods” Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 315. Amounts deposited during fiscal year 2004 in the roads and trails fund provided for in the 14th paragraph under the heading “FOREST SERVICE” of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 316. Other than in emergency situations, none of the funds in this Act may be

used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 317. Section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b), is amended—

(1) by striking “The Secretary of Agriculture may, when in his” and inserting “(a) The Secretary of Agriculture may, when in his or her”;

(2) by striking “Such deposits” and inserting the following: “Each of these 4 purposes shall be of equal priority.”

“(b) Amounts deposited under subsection (a)”;

(3) by striking “may direct.” and all that follows through “That the Secretary of Agriculture” and inserting “may direct. The Secretary of Agriculture”; and

(4) by adding at the end the following new subsection:

“(c) Any portion of the balance at the end of a fiscal year in the special fund established pursuant to this section that the Secretary of Agriculture determines to be in excess of the cost of doing work described in subsection (a) (as well as any portion of the balance in the special fund that the Secretary determined, before October 1, 2004, to be excess of the cost of doing work described in subsection (a), but which has not been transferred by that date) shall be transferred to miscellaneous receipts, National Forest Fund, as a National Forest receipt, but only if the Secretary also determines that—

“(1) the excess amounts will not be needed for emergency wildfire suppression during the fiscal year in which the transfer would be made; and

“(2) the amount to be transferred to miscellaneous receipts, National Forest Fund, exceeds the outstanding balance of unreimbursed funds transferred from the special fund in prior fiscal years for wildfire suppression.”

SEC. 318. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

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

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

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

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

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

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

SEC. 319. Prior to October 1, 2005, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the

Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

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

SEC. 321. Extension of Forest Service Conveyances Pilot Program.—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107-63) is amended—

(1) in subsection (b), by striking “30” and inserting “40”;

(2) in subsection (c) by striking “8” and inserting “13”; and

(3) in subsection (d), by striking “2006” and inserting “2008”.

SEC. 322. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, hereafter, qualify for General Service Administration contract airfares.

SEC. 323. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 324. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2005, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 325. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant

to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 326. None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2005.

SEC. 327. 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.

SEC. 328. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the “Secretaries”) may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That the Secretaries may award grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged business: *Provided further*, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms “rural community” and “economically disadvantaged” shall have the same meanings as in section 2374 of Public Law 101-624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 329. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 330. Section 315(f) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 110 Stat. 1321-200; 16 U.S.C. 4601-6a note), is amended—

(1) in subsection (b), by inserting “subject to subsection (g) but” before “notwithstanding” in the matter preceding paragraph (1); and

(2) by adding at the end the following new subsection:

“(g) The Secretary of Agriculture may not charge or collect fees under this section for the following:

“(1) Admission to a unit of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

“(2) the use of, either singly or in any combination, of the following:

“(A) undesignated parking along roads;

“(B) overlook sites or scenic pullouts;

“(C) information offices and centers that only provide general area information and limited services or interpretive exhibits; and

“(D) dispersed areas for which expenditures in facilities or services are limited.”

SEC. 331. (a) ANNUAL REPORTING REQUIREMENTS ON COMPETITIVE SOURCING ACTIVITIES.—

(1) Not later than December 31 of each year, beginning with December 31, 2004, the Secretary concerned shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report, covering the preceding fiscal year, on the competitive sourcing studies conducted by the Department of the Interior, the Forest Service, or the Department of Energy, as appropriate, and the costs and cost savings to the citizens of the United States of such studies.

(2) In this subsection, the term “Secretary concerned” means—

(A) the Secretary of the Interior, with respect to the Department of the Interior programs, projects, and activities for which funds are appropriated by this Act;

(B) the Secretary of Agriculture, with respect to the Forest Service; and

(C) the Secretary of Energy, with respect to the Department of Energy programs, projects, and activities for which funds are appropriated by this Act.

(3) The report under this subsection shall include, for the fiscal year covered—

(A) the total number of competitions completed;

(B) the total number of competitions announced, together with a list of the activities covered by such competitions;

(C) the total number of full-time equivalent Federal employees studied under completed competitions;

(D) the total number of full-time equivalent Federal employees being studied under competitions announced, but not completed;

(E) the incremental cost directly attributable to conducting the competitions identified under subparagraphs (A) and (B), including costs attributable to paying outside consultants and contractors and, in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel, consultant, travel, and training costs associated with program management;

(F) an estimate of the total anticipated savings, or a quantifiable description of improvements in service or performance, derived from completed competitions;

(G) actual savings, or a quantifiable description of improvements in service or performance, derived from the implementation of competitions;

(H) the total projected number of full-time equivalent Federal employees covered by competitions scheduled to be announced in the fiscal year; and

(I) a description of how the competitive sourcing decision making processes are aligned with strategic workforce plans.

(b) COMPETITIVE SOURCING EXEMPTION FOR FOREST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2005.—Notwithstanding requirements of Office of Management and Budget Circular A-76, Attachment B, the Forest Service is hereby exempted from implementing the Letter of Obligation and post-competition accountability guidelines where a competitive sourcing study involved 65 or fewer full-time equivalents, the performance decision was made in favor of the agency provider; no net savings was achieved by conducting the study, and the study was completed prior to the date of this Act.

(c) LIMITATION ON COMPETITIVE SOURCING STUDIES.—

(1) Of the funds made available by this or any other Act to the Department of Energy or the Department of the Interior for fiscal

year 2005, not more than the maximum amount specified in paragraph (2)(A) may be used by the Secretary of Energy or the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2005 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the reprogramming guidelines in House Report 108-330.

(2) For the purposes of paragraph (1), the maximum amount—

(A) with respect to the Department of Energy is \$500,000; and

(B) with respect to the Department of the Interior is \$2,500,000; and

(3) Of the funds appropriated by this Act, not more than \$2,000,000 may be used in fiscal year 2005 for competitive sourcing studies and related activities by the Forest Service.

(d) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—

(1) None of the funds made available in this or any other Act may be used to convert to contractor performance an activity or function of the Forest Service, an activity or function of the Department of the Interior performed under programs, projects, and activities for which funds are appropriated by this Act, or an activity or function of the Department of Energy performed under programs, projects, and activities for which funds are appropriated by this Act, if such activity or function is performed on or after the date of the enactment of this Act by more than 10 Federal employees unless—

(A) the conversion is based on the result of a public-private competition that includes a more efficient and cost effective organization plan developed by such activity or function; and

(B) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Federal Government by an amount that equals or exceeds the lesser of—

(i) 10 percent of the more efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(ii) \$10,000,000.

(2) This subsection shall not apply to a commercial or industrial type function that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(3) The conversion of any activity or function under the authority provided by this subsection shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy.

(e) COMPETITIVE SOURCING STUDY DEFINED.—In this subsection, the term “competitive sourcing study” means a study on subjecting work performed by Federal Government employees or private contractors to

public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

SEC. 332. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects and activities to support governmentwide, departmental, agency or bureau administrative functions or headquarters, regional or central office operations shall be presented in annual budget justifications. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 333. None of the funds in this or any other Act may be used by the agencies funded in this Act to implement Safecom, Disaster Management, E-Training, and E-Rule-making.

CONVEYANCE OF A SMALL PARCEL OF PUBLIC DOMAIN LAND IN THE SAN BERNARDINO NATIONAL FOREST IN THE STATE OF CALIFORNIA

SEC. 334. (a) FINDINGS.—The Congress finds that—

(1) a select area of the San Bernardino National Forest in California is heavily developed with recreation residences and is immediately adjacent to comparably developed private property;

(2) it is in the public interest to convey the above referenced area to the owners of the recreation residences; and

(3) the Secretary of Agriculture should use the proceeds of such conveyance to acquire additional lands within the boundaries of the San Bernardino National Forest.

(b) CONVEYANCE REQUIRED.—Subject to valid existing rights and such terms, conditions, and restrictions as the Secretary deems necessary or desirable in the public interest, the Secretary of Agriculture shall convey to the Mill Creek Homeowners Association (hereinafter Association) all right, title, and interest of the United States in and to the Mill Creek parcel of real estate described in subsection (c)(1). In the event the Secretary and the Association for any reason do not complete the sale within two years from the date of enactment of this Act, this authority shall expire.

(c) LEGAL DESCRIPTION AND CORRECTION AUTHORITY.—

(1) DESCRIPTION.—The Mill Creek parcel, approximately 28.75 acres, as shown on a map, “The Mill Creek Conveyance Parcel—San Bernardino National Forest, dated June 1, 2004” and more particularly described as T.1 S., R.1 W., Section 8, E1/2N1/2N1/2NE1/4SE1/4SE1/4S1/2N1/2SE1/4NE1/4NE1/4SW1/4SE1/4NE1/4N1/2SE1/4SE1/4NE1/4S1/2NE1/4SW1/4NE1/4, located in the San Bernardino Meridian of the United States Public Land Survey System, California. The map shall be on file and available for inspection in the office of the Chief, Forest Service, Washington, D.C. and in the office of the Forest Supervisor, San Bernardino National Forest until such time as the lands are conveyed.

(2) CORRECTIONS.—The Secretary is authorized to make minor corrections to this map and may modify the description to correct errors or to reconfigure the property in order to facilitate conveyance. In the event of a conflict between the map description and the USPLSS description of the land in paragraph (1), the map will be considered the definitive description of the land.

(d) CONSIDERATION.—Consideration for the conveyance under subsection (b) shall be equal to the appraised fair market value of the parcel of real property to be conveyed. Such appraisal shall be prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisition.

(e) ACCESS REQUIREMENTS.—Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)) or any other law, the Secretary is not required to provide access over National Forest System lands to the parcel of real estate to be conveyed under subsection (b).

(f) ADMINISTRATIVE COSTS.—All costs incurred by the Secretary of Agriculture and any costs associated with the creation of a subdivided parcel, conducting and recordation of a survey, zoning, planning approval, and similar expenses with respect to the conveyance under subsection (b), shall be borne by the Association.

(g) ASSUMPTION OF LIABILITY.—By acceptance of the conveyance of the parcel of real property referred to in subsection (b), the Association and its successors and assigns will indemnify and hold harmless the United States for any and all liability to any party that is associated with the parcel.

(h) TREATMENT OF RECEIPTS.—All funds received pursuant to the conveyance of the parcel of real property referred to in subsection (b) shall be deposited in the fund established under Public Law 90-171 (16 U.S.C. 484a; commonly known as the Sisk Act), and the funds shall remain available to the Secretary, until expended, for the acquisition of lands, waters, and interests in land for inclusion in the San Bernardino National Forest.

SEC. 335. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106-291; 114 Stat. 996), is amended—

(1) in subsection (a), by striking “Until September 30, 2004, the” and inserting “The”; and

(2) by adding at the end the following new subsections:

“(d) INCLUSION OF COLORADO BLM LANDS.—The authority provided by this section shall also be available to the Secretary of the Interior with respect to public lands in the State of Colorado administered by the Secretary through the Bureau of Land Management.

“(e) EXPIRATION OF AUTHORITY.—The authority of the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements and contracts under this section expires September 30, 2009, and the term of any cooperative agreement or contract entered into under this section shall not extend beyond that date.”.

TITLE IV—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEARS 2004 AND 2005 FOR URGENT WILDLAND FIRE SUPPRESSION ACTIVITIES

#### CHAPTER 1—FISCAL YEAR 2004

#### DEPARTMENT OF THE INTERIOR

#### BUREAU OF LAND MANAGEMENT

#### WILDLAND FIRE MANAGEMENT

For an additional amount for fiscal year 2004 for “Wildland Fire Management”, \$100,000,000, to remain available until expended, for urgent wildland fire suppression activities related to the fiscal year 2004 fire season pursuant to section 312 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds are transferred for such purposes: *Provided further*, That cost containment measures shall be implemented within this account for fiscal year 2004, and the Secretary of the Interior shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on such cost containment measures by December 31 following the end of such fiscal year.

## DEPARTMENT OF AGRICULTURE

## FOREST SERVICE

## WILDLAND FIRE MANAGEMENT

For an additional amount for fiscal year 2004 for "Wildland Fire Management", \$400,000,000, to remain available until expended, for urgent wildland fire suppression activities related to the fiscal year 2004 fire season pursuant to section 312 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds are transferred for such purposes: *Provided further*, That cost containment measures shall be implemented within this account for fiscal year 2004, and the Secretary of Agriculture shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on such cost containment measures by December 31 following the end of such fiscal year.

## CHAPTER 2—FISCAL YEAR 2005

## DEPARTMENT OF THE INTERIOR

## BUREAU OF LAND MANAGEMENT

## WILDLAND FIRE MANAGEMENT

For an additional amount for fiscal year 2005 for "Wildland Fire Management", \$100,000,000, to remain available until expended, for urgent wildland fire suppression activities related to the fiscal year 2005 fire season pursuant to section 312 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided*, That these funds will become available in the event that funds provided in title I of this Act for wildland fire suppression are insufficient: *Provided further*, That such funds are also available for repayment of advances to other appropriation accounts from which funds are transferred for such purposes: *Provided further*, That cost containment measures shall be implemented within this account for fiscal year 2005, and the Secretary of the Interior shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on such cost containment measures by December 31 following the end of such fiscal year.

## DEPARTMENT OF AGRICULTURE

## FOREST SERVICE

## WILDLAND FIRE MANAGEMENT

For an additional amount for fiscal year 2005 for "Wildland Fire Management", \$400,000,000, to remain available until expended, for urgent wildland fire suppression activities related to the fiscal year 2005 fire season pursuant to section 312 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress): *Provided*, That these funds will become available in the event that funds provided in title II of this Act for wildland fire suppression are insufficient: *Provided further*, That such funds are also available for repayment of advances to other appropriation accounts from which funds are transferred for such purposes: *Provided further*, That cost containment measures shall be implemented within this account for fiscal year 2005, and the Secretary of Agriculture shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on such cost containment measures by December 31 following the end of such fiscal year.

Mr. TAYLOR of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 139, line 22 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

## POINT OF ORDER

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

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. GOODLATTE. Mr. Chairman, I make a point of order that the proviso in section 319 fails to comply with clause 2, rule XXI by addressing the conditions under which a court action may be brought. It constitutes legislation on an appropriations bill in violation of the rule. On behalf of the chairman of the Committee on the Judiciary, I ask the Chair for a ruling on the point of order.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

If not, the Chair will rule.

The Chair finds that this provision proposes to change existing law with respect to a revision of plans for National Forest System Units. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the provision is stricken from the bill.

## SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendments offered by the gentlewoman from New York (Ms. SLAUGHTER); the amendment offered by the gentleman from Colorado (Mr. TANCREDO); and the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic votes will be conducted as 5-minute votes.

## AMENDMENTS, AS MODIFIED, OFFERED BY MS. SLAUGHTER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendments, as modified, offered by the gentlewoman from New York (Ms. SLAUGHTER), on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendments.

The Clerk designated the amendments.

## RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 185, not voting 7, as follows:

[Roll No. 248]

AYES—241

Abercrombie  
Ackerman  
Alexander  
Allen

Andrews  
Baca  
Baird  
Baldwin

Ballenger  
Bass  
Becerra  
Bell

Bereuter  
Berkley  
Berman  
Berry  
Biggert  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boehlert  
Bono  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brown, Corrine  
Capito  
Capps  
Capuano  
Cardin  
Cardoza  
Carson (IN)  
Carson (OK)  
Case  
Castle  
Chandler  
Clay  
Clyburn  
Conyers  
Cooper  
Costello  
Cramer  
Crowley  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (TN)  
Davis, Tom  
DeFazio  
DeGette  
DeLauro  
Deutsch  
Dicks  
Dingell  
Doggett  
Dooley (CA)  
Doyle  
Duncan  
Edwards  
Ehlers  
Emanuel  
Engel  
English  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Ferguson  
Foley  
Ford  
Fossella  
Frank (MA)  
Frelinghuysen  
Frost  
Gerlach  
Gilchrest  
Gonzalez  
Gordon  
Green (TX)  
Greenwood  
Grijalva  
Gutierrez  
Harman  
Harris  
Hart

Herseth  
Hill  
Hinchey  
Hinojosa  
Hoeffel  
Holden  
Holt  
Honda  
Hoolley (OR)  
Houghton  
Hoyer  
Inslee  
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  
Kirk  
Kleczka  
Kolbe  
Kucinich  
LaHood  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
LaTourette  
Leach  
Lee  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Lofgren  
Lowey  
Lynch  
Majette  
Maloney  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McGovern  
McHugh  
McKeon  
McNulty  
Meehan  
Meek (FL)  
Menendez  
Mica  
Michaud  
Millender-  
McDonald  
Miller (NC)  
Miller, George  
Mollohan  
Moore  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal (MA)

Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Peterson (PA)  
Platts  
Pomeroy  
Porter  
Price (NC)  
Pryce (OH)  
Quinn  
Rahall  
Ramstad  
Rangel  
Reyes  
Rodriguez  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sabo  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Sandlin  
Saxton  
Schakowsky  
Schiff  
Scott (GA)  
Scott (VA)  
Serrano  
Shays  
Sherman  
Simmons  
Simpson  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Strickland  
Stupak  
Sweeney  
Tauscher  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Turner (OH)  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Walsh  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Weldon (PA)  
Wexler  
Woolsey  
Wu  
Wynn

## NOES—185

Brown-Waite,  
Ginny  
Burgess  
Burns  
Burr  
Burton (IN)  
Buyer  
Calvert  
Camp  
Cannon  
Cantor  
Carter  
Chabot  
Chocola  
Coble  
Cole  
Collins  
Cox  
Crane

Crenshaw  
Cubin  
Culberson  
Cunningham  
Davis, Jo Ann  
Deal (GA)  
DeLay  
Diaz-Balart, L.  
Diaz-Balart, M.  
Doolittle  
Dreier  
Dunn  
Emerson  
Everett  
Feeney  
Flake  
Forbes  
Franks (AZ)  
Gallegly



Garrett (NJ) Manzullo  
Gibbons McCotter  
Gillmor McCrery  
Gingrey McInnis  
Goode McIntyre  
Goodlatte Miller (FL)  
Goss Miller (MI)  
Granger Miller, Gary  
Graves Moran (KS)  
Green (WI) Murphy  
Gutknecht Musgrave  
Hall Myrick  
Hastings (WA) Nethercutt  
Hayes Neugebauer  
Hayworth Ney  
Hefley Northup  
Hensarling Norwood  
Herger Nunes  
Hobson Nussle  
Hoekstra Osborne  
Hostettler Ose  
Hulshof Otter  
Hunter Oxley  
Hyde Paul  
Isakson Pearce  
Issa Pence  
Istook Petri  
Jenkins Pickering  
Johnson, Sam Pitts  
Jones (NC) Pombo  
Keller Portman  
Kennedy (MN) Putnam  
King (IA) Radanovich  
King (NY) Regula  
Kingston Rehberg  
Kline Renzi  
Knollenberg Reynolds  
Latham Rogers (AL)  
Lewis (CA) Rogers (KY)  
Lewis (KY) Rogers (MI)  
Linder Rohrabacher  
Lucas (KY) Ros-Lehtinen  
Lucas (OK) Royce

## NOT VOTING—7

Brown (OH) Gephardt  
DeMint Hastings (FL)  
Filner McDermott

## □ 1810

Messrs. GARRETT of New Jersey, SENSENBRENNER, BONILLA, SHIMKUS, PEARCE, BROWN of South Carolina, ADERHOLT and TAUZIN changed their vote from “aye” to “no.”

Messrs. FOLEY, PORTER, PETERSON of Pennsylvania and SXTON changed their vote from “no” to “aye.”

So the amendments, as modified, were agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 248, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted “aye.”

## AMENDMENT NO. 5 OFFERED BY MR. TANCREDO

The CHAIRMAN pro tempore (Mr. OSE). The pending business is the demand for a recorded vote on the amendment 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 pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 112, noes 313, not voting 8, as follows:

Ryan (WI)  
Ryun (KS)  
Schrock  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Sherwood  
Shimkus  
Shuster  
Skelton  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Soudier  
Stearns  
Stenholm  
Sullivan  
Tancredo  
Tanner  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Tiahrt  
Tiberi  
Toomey  
Turner (TX)  
Upton  
Vitter  
Walden (OR)  
Wamp  
Weldon (FL)  
Weller  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

## NOT VOTING—7

Meeks (NY)

Aderholt  
Akin  
Bachus  
Barrett (SC)  
Bartlett (MD)  
Beauprez  
Blackburn  
Blunt  
Boehner  
Bonilla  
Bonner  
Brady (TX)  
Brown-Waite,  
Ginny  
Burgess  
Burton (IN)  
Buyer  
Cannon  
Cantor  
Carter  
Chabot  
Coble  
Collins  
Cox  
Crane  
Cubin  
Culberson  
Cunningham  
Davis, Jo Ann  
Deal (GA)  
DeFazio  
DeLay  
Diaz-Balart, M.  
Doolittle  
Emerson  
Everett  
Feeney  
Flake  
Abercrombie  
Ackerman  
Alexander  
Allen  
Andrews  
Baca  
Baird  
Baker  
Baldwin  
Ballenger  
Barton (TX)  
Bass  
Becerra  
Bell  
Bereuter  
Berkley  
Berman  
Berry  
Biggert  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boehlert  
Bono  
Boozman  
Boswell  
Boucher  
Boyd  
Bradley (NH)  
Brady (PA)  
Brown (SC)  
Brown, Corrine  
Burns  
Burr  
Calvert  
Camp  
Capito  
Capps  
Capuano  
Cardin  
Cardoza  
Carson (IN)  
Carson (OK)  
Case  
Castle  
Chandler  
Chocola  
Clay  
Clyburn  
Cole  
Conyers  
Cooper  
Costello  
Cramer  
Crenshaw

[Roll No. 249]

## AYES—112

Forbes  
Franks (AZ)  
Gallegly  
Garrett (NJ)  
Gibbons  
Gingrey  
Goode  
Goodlatte  
Graves  
Green (WI)  
Gutknecht  
Hall  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Hoekstra  
Hostettler  
Hulshof  
Hunter  
Hyde  
Isakson  
Istook  
Johnson, Sam  
Jones (NC)  
Keller  
Kennedy (MN)  
King (IA)  
Kingston  
Kline  
Lewis (KY)  
Linder  
Manzullo  
McInnis  
Miller (FL)  
Miller, Gary  
Murphy

## NOES—313

Crowley  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (TN)  
Davis, Tom  
DeGette  
Delahunt  
DeLauro  
Deutsch  
Diaz-Balart, L.  
Dicks  
Dingell  
Doggett  
Dooley (CA)  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Emanuel  
Engel  
English  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Ferguson  
Foley  
Ford  
Fossella  
Frank (MA)  
Frelinghuysen  
Frost  
Gerlach  
Gilchrest  
Gillmor  
Gonzalez  
Gordon  
Goss  
Granger  
Green (TX)  
Greenwood  
Grijalva  
Gutierrez  
Harman  
Harris  
Hart  
Herger  
Herseth  
Hill  
Hinchey

Maloney  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCotter  
McCrery  
McGovern  
McHugh  
McIntyre  
McKeon  
McNulty  
Meehan  
Meek (FL)  
Menendez  
Mica  
Michaud  
Millender-  
McDonald  
Miller (MI)  
Miller (NC)  
Miller, George  
Mollohan  
Moore  
Moran (KS)  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Nethercutt  
Northup  
Nunes  
Nussle  
Oberstar  
Obey  
Olver  
Ortiz  
Osborne  
Ose  
Owens  
Oxley  
Pallone  
Pascarell  
Pastor  
Payne  
Pearce  
Pelosi  
Peterson (MN)  
Peterson (PA)  
Platts  
Pomeroy  
Porter  
Portman  
Price (NC)  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Reyes  
Reynolds  
Rodriguez  
Rogers (KY)  
Rogers (MI)  
Ros-Lehtinen  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sabo  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Sandlin  
Saxton  
Schakowsky  
Schiff  
Schrock  
Scott (GA)  
Scott (VA)  
Serrano  
Shaw  
Shays  
Sherman  
Sherwood  
Shuster  
Simmons  
Simpson  
Skelton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stenholm  
Strickland  
Stupak  
Sweeney  
Tanner  
Tauscher  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Tiberi  
Tierney  
Towns  
Turner (OH)  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden (OR)  
Walsh  
Wamp  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Weldon (PA)  
Weller  
Wexler  
Whitfield  
Wilson (NM)  
Wolf  
Woolsey  
Wu  
Wynn  
Young (AK)  
Young (FL)

## NOT VOTING—8

Bishop (UT) Filner  
Brown (OH) Gephardt  
DeMint Hastings (FL)

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. OSE) (during the vote). Members are advised that 2 minutes remain in this vote.

## □ 1820

Mr. RUPPERSBERGER and Mr. CUMMINGS changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HERGER. Mr. Chairman, on rollcall No. 249 I inadvertently voted “no.” I intended to vote “yes.”

Stated against:

Mr. FILNER. Mr. Chairman, on rollcall No. 249, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted “no.”

## AMENDMENT OFFERED BY MS. HOOLEY OF OREGON

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) 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 pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 186, noes 241, not voting 6, as follows:

[Roll No. 250]

## AYES—186

Ackerman	Hill	Pascarell
Allen	Hinchey	Pastor
Andrews	Holden	Paul
Baca	Holt	Payne
Baird	Honda	Pelosi
Baldwin	Hooley (OR)	Peterson (MN)
Beauprez	Hoyer	Pomeroy
Becerra	Hulshof	Rahall
Bell	Inslee	Rangel
Berkley	Israel	Renzi
Berman	Jackson (IL)	Rodriguez
Bishop (NY)	Jackson-Lee	Rohrabacher
Blumenauer	(TX)	Ross
Boswell	Jefferson	Rothman
Boucher	Johnson, E. B.	Roybal-Allard
Boyd	Jones (NC)	Royce
Brown, Corrine	Jones (OH)	Ruppersberger
Capps	Kanjorski	Rush
Capuano	Kaptur	Ryan (OH)
Cardin	Kennedy (RI)	Ryan (WI)
Cardoza	Kildee	Sabo
Carson (IN)	Kilpatrick	Sánchez, Linda
Carson (OK)	Kind	T.
Chandler	Klecza	Sanchez, Loretta
Clay	Kucinich	Sanders
Clyburn	Langevin	Schakowsky
Conyers	Lantos	Schiff
Cooper	Larsen (WA)	Scott (GA)
Cox	Larson (CT)	Scott (VA)
Crowley	Lee	Serrano
Cummings	Levin	Shadegg
Davis (AL)	Lewis (GA)	Sherman
Davis (CA)	Lofgren	Skelton
Davis (FL)	Lowey	Slaughter
Davis (IL)	Lucas (KY)	Smith (WA)
DeFazio	Lynch	Snyder
DeGette	Maloney	Solis
Delahunt	Markey	Spratt
DeLauro	Matsui	Stark
Deutsch	McCarthy (MO)	Strickland
Dicks	McCarthy (NY)	Stupak
Dingell	McCollum	Tancred
Doggett	McDermott	Thomas
Dooley (CA)	McGovern	Thompson (CA)
Edwards	McInnis	Thompson (MS)
Emanuel	Meehan	Tierney
Engel	Meek (FL)	Towns
Evans	Menendez	Udall (CO)
Farr	Michaud	Udall (NM)
Fattah	Millender	Van Hollen
Flake	McDonald	Velázquez
Ford	Miller, George	Visclosky
Frank (MA)	Moore	Walden (OR)
Franks (AZ)	Moran (KS)	Waters
Frost	Moran (VA)	Watson
Green (WI)	Nadler	Watt
Grijalva	Napolitano	Waxman
Gutierrez	Neal (MA)	Weiner
Harman	Oberstar	Wexler
Hastings (WA)	Olver	Wilson (NM)
Hayworth	Otter	Woolsey
Hefley	Owens	Wu
Herseth	Pallone	Wynn

## NOES—241

Abercrombie	Boehlert	Cannon
Aderholt	Boehner	Cantor
Akin	Bonilla	Capito
Alexander	Bonner	Carter
Bachus	Bono	Case
Baker	Boozman	Castle
Ballenger	Bradley (NH)	Chabot
Barrett (SC)	Brady (PA)	Chocola
Bartlett (MD)	Brady (TX)	Coble
Barton (TX)	Brown (SC)	Cole
Bass	Brown-Waite,	Collins
Bereuter	Ginny	Costello
Berry	Burgess	Cramer
Biggart	Burns	Crane
Billirakis	Burr	Crenshaw
Bishop (GA)	Burton (IN)	Cubin
Bishop (UT)	Buyer	Culberson
Blackburn	Calvert	Cunningham
Blunt	Camp	Davis (TN)

Davis, Jo Ann	Keller	Portman
Davis, Tom	Kelly	Price (NC)
Deal (GA)	Kennedy (MN)	Pryce (OH)
DeLay	King (IA)	Putnam
Diaz-Balart, L.	King (NY)	Quinn
Diaz-Balart, M.	Kingston	Radanovich
Doolittle	Kirk	Ramstad
Doyle	Kline	Regula
Dreier	Knollenberg	Rehberg
Duncan	Kolbe	Reyes
Dunn	LaHood	Reynolds
Ehlers	Lampson	Rogers (AL)
Emerson	Latham	Rogers (KY)
English	LaTourette	Rogers (MI)
Eshoo	Leach	Ros-Lehtinen
Etheridge	Lewis (CA)	Ryun (KS)
Everett	Lewis (KY)	Sandin
Feeney	Linder	Saxton
Ferguson	Lipinski	Schrock
Foley	LoBiondo	Sensenbrenner
Forbes	Lucas (OK)	Sessions
Fossella	Majette	Shaw
Frelinghuysen	Manzullo	Shays
Gallely	Marshall	Sherwood
Garrett (NJ)	Matheson	Shimkus
Gerlach	McCotter	Shuster
Gibbons	McCrery	Simmons
Gilchrest	McHugh	Simpson
Gillmor	McIntyre	Smith (MI)
Gingrey	McKeon	Smith (NJ)
Gonzalez	McNulty	Smith (TX)
Goode	Mica	Souder
Goodlatte	Miller (FL)	Stearns
Gordon	Miller (MI)	Stenholm
Goss	Miller (NC)	Sullivan
Granger	Miller, Gary	Sweeney
Graves	Mollohan	Tanner
Green (TX)	Murphy	Tauscher
Greenwood	Murtha	Tauzin
Gutknecht	Musgrave	Taylor (MS)
Hall	Myrick	Taylor (NC)
Harris	Nethercutt	Terry
Hart	Neugebauer	Thornberry
Hayes	Ney	Tiahrt
Hensarling	Northup	Tiberi
Herger	Norwood	Toomey
Hinojosa	Nunes	Turner (OH)
Hobson	Nussle	Turner (TX)
Hoeffel	Obey	Upton
Hoekstra	Ortiz	Vitter
Hostettler	Osborne	Walsh
Houghton	Ose	Wamp
Hunter	Oxley	Weldon (FL)
Hyde	Pearce	Weldon (PA)
Isakson	Pence	Weller
Issa	Peterson (PA)	Whitfield
Istook	Petri	Wicker
Jenkins	Pickering	Wilson (SC)
John	Pitts	Wolf
Johnson (CT)	Platts	Young (AK)
Johnson (IL)	Pombo	Young (FL)
Johnson, Sam	Porter	

## NOT VOTING—6

Brown (OH)	Filner	Hastings (FL)
DeMint	Gephardt	Meeks (NY)

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

## □ 1828

Messrs. MCINTYRE, WALSH, SESSIONS and Ms. MAJETTE changed their vote from “aye” to “no.”

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 250, I was unavoidably detained, and I missed the vote. Had I been present, I would have voted “aye.”

Mr. TAYLOR of North Carolina. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs.

BIGGERT) having assumed the chair, Mr. OSE, Chairman pro tempore 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. 4568) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

# PRIVILEGED REPORT ON RESOLUTION OF INQUIRY REGARDING DEPARTMENT OF DEFENSE INVESTIGATIONS RELATING TO ALLEGATIONS OF VIOLATIONS OF THE GENEVA CONVENTIONS AT ABU GHRAIB PRISON IN IRAQ

Mr. HUNTER, from the Committee on Armed Services, submitted a privileged report (Rept. No. 108-547) on the resolution (H. Res. 640) of inquiry requesting that the Secretary of Defense transmit to the House of Representatives before the expiration of the 14-day period beginning on the date of the adoption of this resolution any picture, photograph, video, communication, or report produced in conjunction with any completed Department of Defense investigation conducted by Major General Antonio M. Taguba relating to allegations of torture or allegations of violations of the Geneva Conventions of 1949 at Abu Ghraib prison in Iraq or any completed Department of Defense investigation relating to the abuse or alleged abuse of a prisoner of war or detainee by any civilian contractor working in Iraq who is employed on behalf of the Department of Defense, which was referred to the House Calendar and ordered to be printed.

# DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 674 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. 4568.

## □ 1830

## 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. 4568) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. THORNBERRY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

## □ 1830

The CHAIRMAN pro tempore (Mr. THORNBERRY). When the Committee of the Whole rose earlier today, the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) was disposed of.