

Finally, I will include in the CONGRESSIONAL RECORD a copy of our exchange of letters on this matter. Thank you for your assistance and cooperation. We look forward to working with you in the future.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 14, 2004.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR CHAIRMAN THOMAS: In recognition of the desire to expedite floor consideration of H.R. 4520, the "American Jobs Creation Act of 2004," the Committee on the Judiciary hereby waives consideration of the bill.

Certain sections of H.R. 4520 contain matters within the Committee on the Judiciary's Rule X jurisdiction: Section 416 (extension of provision allowing disclosure of tax information for law enforcement and terrorism investigation purposes); Section 613 (limitation on tax practitioners' privilege that applied in Federal courts); Section 620 (creation of civil action to enjoin tax shelters); Section 657(b) (increased criminal penalty for failure to register); Section 658 (treatment of court jurisdiction for collection on customs bond); Section 681 (creation of civil action against private collection agents); and Section 691 (study of DHS fees to the extent that it covers fees of components over which the Committee on the Judiciary has jurisdiction). Because of the need to expedite this legislation, I will not seek a sequential referral of this legislation.

The Committee on the Judiciary takes this action with the understanding that the Committee's jurisdiction over these provisions is in no way diminished or altered. I would appreciate your including this letter in your Committee's report on H.R. 4520 and the CONGRESSIONAL RECORD during consideration of the legislation on the House floor.

Sincerely,

F. JAMES SENSENBRENNER, JR.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, June 15, 2004.

Hon. F. JAMES SENSENBRENNER, JR.,
Chairman, Committee on the Judiciary,
Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: Thank you for your letter regarding H.R. 4520, the "American Jobs Creation Act of 2004." The Committee on Ways and Means ordered favorably reported, as amended, H.R. 4520, the "American Jobs Creation Act of 2004," on Monday, June 14, 2004. I appreciate your agreement to expedite the passage of this legislation although it contains several judicial and court provisions which are shared with your Committee's jurisdiction. I acknowledge your decision to forego further action on the bill is based on the understanding that it will not prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this or similar legislation.

Our committees have long collaborated on these important initiatives, and I am very pleased we are continuing that cooperation. Your leadership on judicial issues is critical to the success of this bill. I appreciate your helping us to move this legislation quickly to the floor.

Finally, I will include in the CONGRESSIONAL RECORD a copy of our exchange of letters on this matter. Thank you for your as-

sistance and cooperation. We look forward to working with you in the future.

Best regards,

BILL THOMAS,
Chairman.

□ 1445

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on 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, and that I may include tabular and other extraneous material.

The SPEAKER pro tempore (Mr. LATOURETTE). 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 further consideration of the bill, H.R. 4568.

□ 1345

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 Mrs. BIGGERT (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, June 16, 2004, the amendment by the gentleman from Arizona (Mr. FLAKE) had been disposed of and the bill was open for amendment from page 77, line 9, through page 139, line 22.

Are there further amendments to this portion of the bill?

AMENDMENT NO. 18 OFFERED BY MR. HINCHEY

Mr. HINCHEY. Madam 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. 18 offered by Mr. HINCHEY:

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

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used to kill, or assist other persons in killing, any bison in the Yellowstone National Park herd.

Mr. HINCHEY. Madam Chairman, first I want to thank my good friend,

the gentleman from New Hampshire (Mr. BASS) for cosponsoring this amendment with me. This is an amendment which will protect the Yellowstone bison. The Yellowstone bison are unique, in that they are the last element that traces its genetic strain back to the American bison that roamed the great plains and prairies of America in the early years of our history and of course much before that.

In the 18th century, it is estimated that there were between 20 and 40 million American bison in the Midwest and the West of the United States between the Appalachians and the Rockies.

By the advent of the 20th century that number had dwindled to 25. The American bison was almost extinct, and it almost followed the path of the passenger pigeon, but due to the intervention of conservationists and the efforts of this House, measures were taken to preserve the American bison. As a result of that, their numbers turned around and they began to prosper once again under that protection.

The American bison has become an American icon. It was on one of our coins. It is seen across the country in a variety of ways. It represents the great freedom that was inherent in the vast plains and prairies of America.

But now the American bison, the last genetic strain that traces its history back to those that roamed this country and earlier centuries, is in great danger. It is in great danger as a result of the activities of the Park Service and the harassment of these animals out of Yellowstone National Park, west and northwest of the park and then the capture and slaughter of those animals.

The amendment that the gentleman from New Hampshire (Mr. BASS) and I offer today would restrict funding in this appropriations bill so no money could be used to carry out that capture and slaughtering process for 1 year so we will have an opportunity to look into this situation, examine it closely, see what is being done and understand it better.

Now there are some Members who contend that this slaughter is necessary because bison may transmit brucellosis to cattle on the fringes of Yellowstone. First of all, there are hardly any cattle on the fringes of Yellowstone. And what are there, most of those are trucked in in the summertime when the bison are back in the park. Furthermore, according to the National Academy of Sciences, there has never been one single example of the transmission of brucellosis from bison to cattle. It has never occurred.

Yes, brucellosis can be transmitted from animals in the wild, and it has been shown that brucellosis can be transmitted from elk in Yellowstone and elsewhere to cattle, but there is no program to deal with elk in any way. That causes one to wonder whether brucellosis is really a motivation here at all; I suspect it is not. There is

something else going on here, something that we need to get to the bottom of. We need to understand why these animals are being harassed and slaughtered in the way that they are.

Now, this argument comes not just from me and other people who may not be directly involved in this in a material way, it also comes from people who live out there in Montana, people who live up on Horse Butte Peninsula, for example, who have contacted my office and told us how the Park Service and people working with them harass these animals with helicopters and snowmobiles and drive them across the park and across their property and block roads.

The people who live in those communities are tired of it. We were contacted by the Chamber of Commerce in Gardiner, Montana. They told us people come out there in the wintertime to examine the wildlife of Yellowstone in winter conditions. They do not come out there to see the Yellowstone wildlife, particularly the American bison, captured and slaughtered in the way that the Park Service is doing it.

So what we want to do here is stop this outrageous activity from continuing to occur for the extent of this bill over the next year. I hope that the majority of the Members of this House will see the clear inherent benefits and the sensibilities of this and they will join us in supporting this amendment.

Mr. TAYLOR of North Carolina. Madam Chairman, I rise in opposition to the amendment.

None of us are comfortable with this issue, but let me attempt to provide Members with some facts.

The record of decision was signed in December 2000 by then-Secretary of the Interior Bruce Babbitt and then-Secretary of Agriculture Dan Glickman and the Governor of Montana. This document was a long-term plan for bison management in the region. The main objectives were to maintain a free-ranging bison population and manage the risk of transmission of brucellosis from bison to cattle. Both the State and the Park Service have specific responsibilities under this agreement. The plan is effective, and the bison population there has continued to grow to over 4,000 from 2,000 a decade ago.

The real issue arises when bison go outside the park boundary into Montana, a brucellosis-free State. When this occurs, bison are captured, tested and some are shipped to slaughter. On occasion, bison that resist repeated hazing and capture are removed. This spring, there was a dangerous situation of this kind involving one aggressive bull bison. The animal could not be hazed back into the park from private property and had to be lethally removed under the direction of the State officials.

The Park Service had opened the Stevens Creek Capture Facility within park boundaries. This facility was required under the original Babbitt man-

agement plan. Captured animals are tested and released if negative and removed if positive. This is a very difficult situation. However, there has been no change to the original record of decision, and the State and the National Park Service are abiding by this agreement.

We have recommendations from the National Wildlife Federation to the gentleman from New York (Mr. HINCHEY) saying, "We positively applaud your commitment and desire to curtail the unnecessary killing of Buffalo. We respectfully submit that your amendment would neither achieve this goal nor advance the cause of Yellowstone buffalo conservation in any meaningful way. In fact, your amendment, if enacted, would lead to slaughter of more animals." Let me read that again. "It will lead to slaughter of more animals than under the current management plan." This is the National Wildlife Federation writing to the gentleman from New York (Mr. HINCHEY).

We also have a similar letter from the InterTribal Bison Cooperative.

Madam Chairman, I certainly agree with the general concept of the gentleman from New York (Mr. HINCHEY) but this will not do it, and I strongly oppose this amendment.

Mr. BASS. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. HINCHEY). In response to my friend, the gentleman from North Carolina (Mr. TAYLOR), the basic issue here is it is not necessary to kill American bison. As the gentleman mentioned when he said his opening remarks, the Department of Interior and the National Park Service both prominently display as their logos the American Buffalo. The 42nd Congress in 1872 passed legislation creating Yellowstone National Park, and it required that the Secretary of the Interior "shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purpose of merchandise or profit."

In 1999, the Congress spent \$13 million to set aside additional Federal lands to ensure that animals in the park could migrate during the winter and summer seasons. This is in addition to the hundreds of millions of dollars which have been wisely spent to provide good stewardship of the land and protection of the wildlife for the public's benefit. Yet the National Park Service also spends millions to harass and shoot the very animals that they are supposed to be protecting. This past winter alone, they captured 482 bison and they killed 277 of them. It is absurd.

This expenditure is a waste of taxpayers' dollars when there are other reasonable methods to manage one of our Nation's premier wildlife icons.

Our amendment would place a 1-year moratorium on Park Service funding that is used for lethal management and

would force the agency to redirect its resources toward common-sense wildlife management endeavors more in keeping with its proud record of stewardship. A few common-sense measures to safeguard livestock, fencing, vaccinations, working proactively would be far more productive and less destructive than the system and program we have in place today.

The buffalo and other wildlife are why we have this park in the first place. We allow cattle grazing on it because there is enough room for both resources, but then to use the false fears of cattle ranchers as an excuse to kill these buffalo is absurd. If the ranchers do not want to risk their cattle on these Federal lands, they have many different resources, but the bison do not.

Let us be clear, however. This is an amendment that is designed to halt the wasteful and unnecessary attack on the American bison. It is not about hunting and it would not affect traditional wildlife management tools such as hunting outside the national park. The basic question here is should we kill buffalo from Yellowstone National Park with one dollar while we spend other dollars on the other hand to protect them. To me it is one of these crazy concepts that needs to be stopped. It will be stopped if Members vote in favor of this amendment.

Madam Chairman, I urge the committee to support the pending amendment.

□ 1500

Mr. MORAN of Virginia. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I want to thank the gentleman from New York (Mr. HINCHEY) and the gentleman from New Hampshire (Mr. BASS) for this very responsible, appropriate amendment. It is not just a matter of a waste of taxpayers' money. This is a shameful, disgraceful policy. Here are the facts: there has not been one confirmed incidence of brucellosis transmission in the wild from buffalo to cattle. Not a one. In fact, the risk is so low as to be immeasurable according to the National Academy of Sciences.

Buffalo with brucellosis and cattle have grazed together for over 50 years in the Jackson Hole area south of Yellowstone without any incident of disease transmission. The irony here is that we do know that elk can transmit this disease to cattle. In fact, it did happen in Wyoming. But we do not kill or harass the approximately 13,000 elk that are in Yellowstone. They are allowed unfettered access, as I think they should be; although you could develop a wildlife management plan. But there is no excuse for what we are doing to the buffalo.

Four thousand buffalo have been killed over the last 20 years. In the last year, 480 were caught and most of them were killed. It does not make sense. It is wrong. This, as we understand, is the

only pure-bred herd that is allowed to roam where they have always traditionally roamed. Is that not of some value in our Nation? Back at the turn of the 20th century, in the very early 1900s, we sent soldiers and settlers out to create grazing lands, and they slaughtered the buffalo. Thousands you could see dead on the plains allowed to rot because they just wanted to kill them off, whereas the Native Americans had a belief that you do not kill unless you have purpose, unless you need to eat or for clothing.

For thousands of years under the stewardship of our Native Americans the buffalo herd prospered. We came out, almost exterminated the buffalo, and finally they are coming back on the land that has a natural ecosystem. We are told that in fact there is no risk to the ecosystem, that in fact the greater Yellowstone ecosystem is not threatened whatsoever with regard to the ecological carrying capacity for bison in Yellowstone. If you look at all the facts, even the fact that there is one rancher from Idaho that trucks a herd of 150 cows to fenced private pasture in Horse Butte in the summer, the buffalo are already back in the park far away from the cows. So why would you kill 4,000 buffalo to protect a few hundred cows when they are not even nearby? There is something gratuitously destructive about this policy.

Even the people that live near Yellowstone, including the Chamber of Commerce, do not want this policy. People come to see the buffalo, and here we were told just recently by somebody that was there, there are helicopters shooting at them, harassing them. That is not why you go to a national park.

This policy is absolutely wrong. We can find no justification for it. It is shameful. Our stewards that work for the Park Service do not want to be doing this kind of thing. This is unnatural to what they are all about. I do not know what is driving this policy, but it has got to change. I suggest it is because there are some people who want an opportunity to hunt the buffalo—but they are basically cows—where is the sport in that? The buffalo are part of our heritage. We had them on the back of the nickel. It means something to protect a species that is native to this land that was integral to the survival of the Native American peoples.

And so I would very strongly urge this body to pass this amendment. It is a responsible amendment. It is justified. The policy that it overturns is not justified. Madam Chairman, I urge my colleagues to vote for this amendment. Let us rectify this situation. Let us restore the buffalo to their natural habitat and enable Park Service rangers to conduct the kind of professional responsibilities that they want to be doing and not carrying out a policy that they know is ill-advised and destructive of a species that deserves to be protected and preserved.

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

Madam Chairman, I rise in strong opposition to this amendment for a lot of reasons. In December 2000, the National Park Service, the U.S. Department of Agriculture, and the State of Montana finalized a long-term management plan for the Yellowstone bison herd. This plan brought to a close more than 8 years of public rulemaking, court proceedings, and intense negotiations over how the Yellowstone bison herd should be managed.

I am not alone in opposition to this amendment. Yesterday, the National Wildlife Federation sent a letter to the author of this amendment saying, "On behalf of the 4 million members and supporters of the National Wildlife Federation, we are writing to urge you not to offer an amendment to the fiscal year 2005 Interior appropriations bill restricting funding for the National Park Service with respect to Yellowstone bison. In fact, your amendment, if enacted, would lead to the slaughter of more animals than under the current management plan. Your proposed amendment, if similar to the amendment offered in fiscal year 2004, and it is, would effectively block the National Park Service from operating its Stevens Creek facility where more than 100 buffalo are tested for brucellosis, held inside Yellowstone, and ultimately repatriated back in the park if they test negative. It's true that buffalo testing positive for the disease at Stevens Creek are sent to slaughter; but under the terms of your amendment, these animals would be killed when they leave the park, by Montana's Department of Livestock" which this amendment cannot stop.

The InterTribal Bison Cooperative sent a letter yesterday urging the proponents of this amendment to not offer it because it "may hinder the progress that is being made toward the eventual relocation of Yellowstone buffalo to tribal lands in other locations." And the U.S. Sportsmen's Alliance yesterday sent a letter urging opposition to this amendment, saying that this is an anti-management amendment that would supersede the professional judgments of trained wildlife scientists in Federal and State resource agencies.

The greater Yellowstone area is one of the last known reservoirs for brucellosis in the United States. Tests indicate that up to 50 percent of the bison in the park are potentially infected. There have also been scientifically documented cases of bison and elk transmitting brucellosis to cattle under both range and experimental conditions. The bison management plan relies on separation of bison from cattle that graze in areas surrounding the park. As bison leave the park during winter, management zones are used to monitor the movement of the bison and ensure that bison and cattle do not intermingle. The bison are phased back into the park at the beginning of the

spring season. Bison outside the park's boundaries past the onset of spring are captured or removed. In addition, cattle are not allowed to graze on public land outside the park until enough time has passed after the bison leave to ensure that the brucellosis bacteria is no longer a threat.

While it is unfortunate that Park Service employees must sometimes remove bison that have left Yellowstone Park, it is important to note that these operations are targeted and only one component of a much larger effort to preserve the health and viability of the entire bison herd. If left unaddressed, the brucellosis situation in the Yellowstone area represents a threat to livestock health in the United States. In 2002, a cattle herd in Idaho was infected with brucellosis which was linked to elk from the greater Yellowstone area. In 2004, Wyoming lost its brucellosis cattle-free status due to the detection of the disease in two cattle herds that were again infected by elk from the greater Yellowstone area.

It is critical that Park Service employees be permitted to carry out their roles under the current management plan. I urge Members to join me; the chairman of the subcommittee; the National Wildlife Federation; the InterTribal Bison Cooperative, which is comprised of dozens of Indian tribes in the western part of the United States; and the U.S. Sportsmen's Alliance in opposing a bad amendment. Bad for bison, bad for Yellowstone National Park, bad for the cattle industry, and bad for the Montana-Wyoming area of this country.

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

Madam Chairman, I want to associate myself with the remarks of the gentleman from Virginia (Mr. GOODLATTE) and add a few other points in opposition to the gentleman from New York's amendment. I appreciate all of those who support this amendment for their desire to protect a noble species. However, it seems clear to most people, and we have heard from the National Wildlife Federation, the InterTribal Bison Cooperative and others who live in that area who understand that this is more than an effort to protect a species.

In fact, those who oppose this amendment are the ones that are out to protect the species. Brucellosis when it occurs in a cattle herd or in a dairy herd, a beef cattle or a dairy herd, often times the entire herd is disposed of in order to bring about control of the disease. In a few cases, individual animals are slaughtered in order to bring under control the disease. That is what is attempting to be done now in Yellowstone Park and in other areas of this region. We have a serious disease problem that cannot be controlled by good intentions on this floor.

We have to keep in mind that the continued infected status of these

bison is not just a threat to their continued reproduction but it also threatens our beef herd with reinfection from a disease we have spent millions of dollars trying to eradicate. As the steward of American wildlife, the Federal Government has a responsibility to manage all wildlife in a way that minimizes these sorts of negative impacts on private citizens and their property. That is what the policy that is now going on in Yellowstone is not only attempting to do but will do if we just allow it.

Again, I appreciate the author and all of those who speak in favor of this issue today, but I believe that this is another example upon close scrutiny of unintended consequences which often attend efforts in this body. Many well-intentioned efforts at Federal intervention, especially when local stakeholders have already negotiated their own agreements, end up producing worse outcomes for all involved. It seems clear that in this case that those made worse off include the North American bison herd. I encourage all Members to oppose this amendment. The best way to take care of the buffalo is to allow sound science to work with those who live in that area and who truly appreciate it; and the Indian tribes who would like to see more buffalo returning to their tribal lands certainly know more about it than any of us in this body today.

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

Madam Chairman, oftentimes I think that maybe Montana creates some of its own problems for itself because we encourage people to come to Montana and make movies like "A River Runs Through It" or "The Horse Whisperer" and do stories on Jeremiah Johnson, but it gives an unnatural opinion or vision to people on the east coast that frankly shocks me.

I just do not understand how anybody that truly loves their park could support an amendment like this. I was Lieutenant Governor before I was a Congressman so I was intimately involved in the negotiations on this process. I am also a land manager. I make my living understanding the mineral cycle and the water cycle, understanding what it is like to overgraze and undergraze and overlog and underlog, that there are various cycles that exist within society. So if I could put it to the sponsors in language that they can understand, maybe I ought to talk like Ranger Rick and suggest to them that when a bull and a cow get together, they have calves. And when you have calves, eventually you overpopulate.

They have used the number 4,000 killed. That is over 20 years. Last year three were shot, because they needed to be. Nobody wants to shoot them. But some of them are uncontrollable. But the problem is 40 percent of the herd in Yellowstone Park are infected with brucellosis. Do you not care

enough about your bison to want to have a healthy herd? They abort their calves. They kill their own calves because of a health issue.

The proponents are loving their park to death. Give us the opportunity to use the memorandum of understanding that is in place to manage the herd for the betterment of the park. What are the odds of getting Bruce Babbitt, Glickman, and Mark Racicot in the same room and getting them to sign an agreement?

□ 1515

It is called the consensus process. In fact, it was so good, we set up a consensus council in Montana to keep people from divvying in the corners and suing their way back out, to find middle ground. They liked it so well, Mr. Glickman and Mr. Racicot, that they have asked me to carry legislation in Congress to create a national consensus council, to bring this kind of a solution to the national level.

There are a number of things I want to talk about real quickly. One is human health. It is called undulate fever. One gets it, and it is a strain of brucellosis, from livestock, sometimes elk, sometimes bison, sometimes cattle. One gets it, they have it forever. And it shows up in the CDC right next to anthrax in severity. It is a bacteria, not a virus. Brucellosis through humans is called undulate fever, and it is right up there with anthrax.

Herd health: 13,000 elk in Yellowstone Park and the surrounding area have brucellosis. It is another problem we are going to have to address. This is going to get even more expensive to try to solve. We cannot ignore the elk problem that have brucellosis as well.

Cattle: This is strictly a matter of prevention. Is it not interesting we have 93 million head of beef in America today and we had one case of mad cow, one mad cow situation in the State of Washington. And look at all the protocol we are putting in place today to try to keep it from entering into the human food chain and into the livestock food chain, but when we have 50 percent of the herd in Yellowstone Park, it does not seem to be a problem because it is the icon. It certainly is to us as well, but we want a healthy herd.

No degradation to the ecosystem? To my friend from Virginia, maybe his natural resource management skill is mowing his lawn, but he ought to go out and take a look at Yellowstone and see what the over 4,000 head of bison are doing to their riparian area. They are eating the grass down to nothing. They are creating a parking lot along those rivers and streams. They are overpopulated. The reason the National Academy of Science established a figure of between 2,300 and 3,000 head is that there is a finite ecosystem. They cannot overpopulate because if they overpopulate, they destroy their environment.

If we managed federal properties on the Bureau of Land Management prop-

erties with cattle the way the National Park Service is ignoring the overpopulation, you would throw us in jail because we are overpopulating and we are destroying the environment.

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

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

Mr. DICKS. Madam Chairman, has the gentleman supported the reintroduction of the wolf as the predator in Montana?

Mr. REHBERG. I have not.

Mr. DICKS. Madam Chairman, would that not be a natural thing to do if they have these animals that are overpopulated?

Mr. REHBERG. Madam Chairman, the gentleman makes my point exactly because if we could tell the wolves to stay behind the fence the same way we are trying to expect the bison to respect the fences of Yellowstone Park, we would not have a problem. Reintroduce the wolves into Yellowstone Park. The problem exists when they get outside of Yellowstone Park and they start decimating domestic herds, taking away the livelihood of Montana families who are just trying to pay for their kids in schools and their college education and their shoes for their families as well.

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

Madam Chairman, I have been listening to my friend from Montana's presentation, and I noted the reference to mad cow disease. Would that we had the same zeal on the part of the Department of Agriculture to protect American consumers from mad cow disease, a sort of zero tolerance that is being advocated here dealing with the bison. It may well be the reason we have only discovered one case of mad cow disease in the United States is because the American consumer for years has been eating the evidence. We have such a limited, tiny sampling process at present, unfortunately, our not being able to find out in a wide and broad fashion whether or not we have a problem. I note no small amount of irony that we are going to prosecute the poor hapless beef producer in the Midwest who wanted to test all their beef for mad cow so that it could be exported again to Japan.

Listening to the debate here today, the Chair of the Committee on Agriculture is making a compelling case for more aggressive action for elk, but as has been pointed out from my colleague from New Hampshire, my colleague from New York, there has not yet been a documented case dealing with the bison. Never a confirmed incident of brucellosis transmission in the wild from buffalo to cattle. Yet we have got 13,000 Yellowstone elk, some of which are infected after we have documented the problems, that are allowed to wander unfettered to federal land outside the park. It seems at least from a distance that Montana has a different philosophy from Wyoming.

I see my colleague from Wyoming perhaps approaching the well, but it seems that Wyoming does not deem buffalo to be a threat to the cattle because for more than 4 decades buffalo with brucellosis and cattle have grazed together in the Grand Teton National Park evidently without incident.

It would seem to me that what has been proposed in this amendment is a simple common sense approach to just have a 1-year moratorium. It is not seeking to establish in law at this point, a prohibition, but giving an opportunity to array the evidence, having an opportunity to look at less invasive solutions. Maybe we only have killed three by shooting them, but my understanding is that we had 277 that were sent to slaughter. It may be a distinction without a difference if one is a bison whether they are shot or sent away to be slaughtered. I would hope that there would be an opportunity for us to think about how we are upsetting these natural ecosystems. I would hope that we could look in a broader context for wildlife management. I would hope that there would be an opportunity for people to not single out bison for slaughter when it appears, from what we have heard on the floor today, that the problem instead is one of infected elk which are treated differently and will continue to be treated differently.

I would respectfully suggest that we adopt the amendment from the gentleman from New York and the gentleman from New Hampshire, give us a year's breathing room, be able to find ways to solve this problem in the future in ways that deal with a more humane treatment for our American Great Plains icon.

Mrs. CUBIN. Madam Chairman, I move to strike the requisite number of words.

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

Mrs. CUBIN. Madam Chairman, with all the misinformation that is floating around in this Chamber today, I hardly know where to start. But one place I will start is I would request that the Members on the other side who have supported and offered this amendment ask the Sierra Club or the Natural Resources Defense Council to update the notes that they give them to speak on the floor because there is so much misinformation that is out there. And I will clarify some of that.

It is amazing to me that the people who are offering and supporting this amendment I know for a fact have never attended the Greater Yellowstone Interagency Brucellosis Committee meetings that have been going on for several years. All the stakeholders are involved. The environmentalists are at the table as well as the Park Service and the other stakeholders. Were this a goodwill amendment, they would have more information than what they read in their radical environmentalist journals.

While I understand that some folks do not approve of the management

techniques used by the Greater Yellowstone Interagency Brucellosis Committee, this amendment is truly misguided. By the way, to my colleague from Oregon, Wyoming does have a brucellosis problem, and Wyoming is not a brucellosis-free State anymore. That happened early this year because herds of cattle were commingling with elk. And so once again it would be really good if the gentleman could have current, accurate information before he delves into something that is so sensitive.

It has been said, and it is entirely true, that the population of bison in the park is truly degrading the environment because there are too many. As I said, my State of Wyoming lost its brucellosis-free status earlier this spring due to the commingling of brucellosis-infected wildlife in Yellowstone in the ecosystem with domestic cattle herds this year. Some estimates indicate that this has cost the agricultural community in Wyoming \$22 million already, and the year is only half over. I think a vote for this amendment will be a vote against those agricultural families.

There is a delicate balancing act for all of the parties involved to address the needs of the environment, the federal and private stakeholders. Bison numbers are at capacity, and that is not an issue that is even up for debate. According to everyone, the bison has reached its total capacity in the Yellowstone ecosystem. We have to actively manage this herd so that we can preserve the ecosystem. To not do so would upset the greater Yellowstone ecosystem.

This amendment would make the decade-long efforts of public and private stakeholders in vain by limiting the use of federal funds to aid in Park Service management efforts that result in the reduction of the bison herd. By taking one of the Park Service's tools out of their tool box in bison and brucellosis management, this amendment reduces our ability to effectively control the bison herd at a time when its numbers are at maximum capacity.

I want the Members to know this amendment will not reduce the reduction of bison leaving Yellowstone and Grand Teton National Parks. They will continue to leave. And what will happen is the surrounding States will take a more active role in reduction activities to protect their livestock industries with or without the aid of the Park Service.

So if my colleagues do not like the way the animals are killed, that is one thing. But the fact is the numbers have to be reduced. This is nothing more than feel good legislation that ignores the facts, all the stakeholders' concerns, and the real world lack of a magic solution bullet to fix this problem. There simply is not one.

This is bad policy. It is bad for the environment. It is bad for the American West.

I do think it is ironic that these easterners, with the exception of my friend

from Oregon, offer amendments about a very serious issue of which they have very little knowledge. I noticed the gentleman from New York (Mr. HINCHHEY) shaking his head no when the fact was brought forward that three bison were shot last year. That is the case.

I ask my friends to vote against this amendment and suggest that the people who have made the amendment offer their advice to the Buffalo Bills. Maybe then they could beat the Denver Broncos.

The CHAIRMAN pro tempore (Mrs. BIGGERT). The time of the gentleman from Wyoming (Mrs. CUBIN) has expired.

(On request of Mr. BLUMENAUER, and by unanimous consent, Mrs. CUBIN was allowed to proceed for 2 additional minutes.)

Mr. BLUMENAUER. Madam Chairman, will the gentlewoman yield?

Mrs. CUBIN. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Madam Chairman, because, as fellow westerners, I did not want there to be a misunderstanding, what I said when I was on the floor earlier was that there had been four decades of having buffalo grazing in the Grand Teton Park with cattle without incident. Does the gentlewoman have evidence that I misspoke, that there have been problems in the last four decades between the buffalo and the cattle in the Grand Teton National Park?

Mrs. CUBIN. Madam Chairman, actually I cannot answer that specifically for Grand Teton National Park, but I can say that the fact is there is evidence now that brucellosis was spread from elk to cattle. That is a fact, which my colleague said has never happened.

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

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

Mr. DICKS. Madam Chairman, there is no evidence, is that not correct, that even the National Wildlife Federation letter says that this part of the case is overstated, the threat of the buffalo to the cattle has not been established, I mean in terms of brucellosis being picked up by the cattle? Is that not correct?

Mrs. CUBIN. That is correct.

Mr. DICKS. Also, Madam Chairman, I ask the same question to the gentleman from Montana. I ask him the same question. Many of us supported the reintroduction of the gray wolf, which was extremely controversial because it would give them the top predator in the food chain, who would then go in and take down the sick and aging elk and buffalo, and I know that is sensitive, but if my colleague says he wants to reduce the size of the herd, the natural way to do that is with predation.

□ 1530

Mrs. CUBIN. Madam Chairman, reclaiming my time, that is such a huge

subject. Once again, that wolf reintroduction program has not created the behaviors in the wolves that were expected at the time they were reintroduced. So this is too big a subject for us to go into right now.

But my friend from Montana made the point perfectly well. You are making our point for us. They do not know where the boundary is, the bison do not and the wolves do not.

The CHAIRMAN pro tempore (Mrs. BIGGERT). The time of the gentlewoman from Wyoming (Mrs. CUBIN) has expired.

(On request of Mr. REHBERG, and by unanimous consent, Mrs. CUBIN was allowed to proceed for 2 additional minutes.)

Mr. REHBERG. Madam Chairman, will the gentlewoman yield?

Mrs. CUBIN. I yield to the gentleman from Montana.

Mr. REHBERG. Madam Chairman, I have all the sympathy in the world for Wyoming losing its brucellosis status, because you know as well as I do it costs millions of dollars to prove to everyone again that you are brucellosis free. So you have got a situation that I do not envy and we do not want to happen.

And that makes the point exactly. Why are we doing what we are doing with mad cow with the one case in Washington? Because of the devastating effect it could have. It is all a matter of preservation and prevention and protection of it occurring.

Now, one of the points that was made is there is no proof. Well, that is part of the difficulty. We want Yellowstone Park to be as natural as possible. You have to actually physically, visually be there to see it occur. So we do not know where it is coming from.

But we do know, through common sense, that it can be transferred from elk to cattle and bison to cattle. So rather than it even occurring, as my colleague from Wyoming clearly understands, you spend the money and you take the time and the effort to see that it does not happen.

How can anybody argue with wanting to have the most healthy herd of bison in Yellowstone Park and ultimately the most healthy herd of elk in the greater Yellowstone area, which is what we are attempting to accomplish?

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

Madam Chairman, I had the opportunity to visit Yellowstone a couple of weeks ago and to meet with groups of citizens who are actively involved in trying to protect the wild and free-roaming buffalo of Yellowstone National Park; and it is their position, and having been on the site and seen where buffalo follow migration patterns, it is their position that everything should be done to make sure that these free-roaming buffalo are protected for future generations.

One of the things that has not been brought up in the debate that I would

like to add at this time is the importance of protecting these buffalo as a genetically unique herd.

I enter into the RECORD of this discussion here remarks that were made by a Texas A&M professor in the Department of Veterinary Pathobiology, who said "The so-called random shooting at the Montana borders is actually eliminating or depleting entire maternal lineages; therefore, this action will cause an irreversible crippling of the gene pool. Continued removal of genetic lineages will change the genetic makeup of the herd; thus it will not represent the animal of 1910 or earlier. It would be a travesty to have people look back and say we were idiots for not understanding the gene pool."

The so-called random shooting at the Montana borders is actually eliminating or depleting entire maternal lineages, therefore this action will cause irreversible crippling of the gene pool. Continued removal of genetic lineages will change the genetic makeup of the herd, thus it will not represent the animal of 1910 or earlier. It would be a travesty to have people look back and say we were "idiots" for not understanding the gene pool. Bison have developed a natural resistance genetically as long as they have enough to eat, limited stress and are not consumed by other disease. There is no magic bullet in wildlife disease, therefore management is important. Vaccines are one management tool and one component, but genetic structure is necessary for future management. Every animal which is removed from the breeding population can no longer contribute to the genetic variability of the herd.

So there are genetic implications to this action as well. We have to understand that what is happening here is that buffalo in the greater Yellowstone ecosystem, according to the Save the Buffalo National Petition, are not protected on traditional winter habitat to the north and west of Yellowstone National Park.

The park does not provide sufficient winter range, except during mild winters, for the resident herds of buffalo; and buffalo leave the park to forage on lower grasses critical for winter survival. That is not because the park is overgrazed, but because forage is unavailable due to winter conditions. Thus the buffalo follow their instinctual migration routes to lower elevation and unwittingly enter a conflict zone where their survival is undermined by politics.

Now, this petition, which is available on the Web, points out that one of the solutions is that the U.S. Government recognize the importance of traditional buffalo grazing and calving lands and migration quarters to the future of wild herds.

The Hinchey petition would protect the status of the free-roaming buffalo.

They also go on to say that the Forest Service should close grazing allotments to settle and reallocate them to the last wild buffalo.

This is something that we need to keep in mind, because on the 7th of June, the Montana Department of Fish and Wildlife and Parks released a draft environmental assessment to analyze

the possibility of a sport hunt of buffalo that cross the borders of the Yellowstone National Park into Montana.

We have to see that what is happening here is that buffalo are being hazed with helicopters. Once they go off lands, and sometimes they are on Federal lands, they are subjected to not just hazing but eventual capture and elimination.

I think that we need to see that we have a national obligation here. It is part of our national obligation. This is not about East versus West. This is about who we are as a country.

One of the iconic songs of another generation, "Home on the Range," begins, "Oh, give me a home where the buffalo roam." It did not go on to say, and let us capture them and kill them. It talks about an image of America, which still resides in the hearts of many Americans today.

There are many young people who are working in the area of Yellowstone National Park to save the buffalo, and we ought to be joining their efforts. We ought to be joining it, because this is part of who we are as a Nation, this is a part of America's heritage; and while we need to be concerned about the cattle ranchers, we also need to take into account that according to science there has been no demonstration after transmission of brucellosis from a buffalo herd into cattle.

So we have to go on the facts, but we should also remember who we are as a Nation. Let us protect the buffalo, and let us vote for the Hinchey amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

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

Mr. HINCHEY. Madam 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 New York (Mr. HINCHEY) will be postponed.

AMENDMENT OFFERED BY MR. SANDERS

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

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

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

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available by this Act shall be used to maintain more than 65,000,000 barrels of crude oil in the Strategic Petroleum Reserve.

MODIFICATION TO AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. SANDERS:

On line 3, strike 65,000,000 and insert 647,000,000.

The CHAIRMAN pro tempore. Is there objection to the modification offered by the gentleman from Vermont?

There was no objection.

The text of the amendment, as modified, is as follows:

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

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available by this Act shall be used to maintain more than 647,000,000 barrels of crude oil in the Strategic Petroleum Reserve.

Mr. SANDERS. Mr. Chairman, I do not have to convince any Member of this body that the American people are outraged by the extremely high prices they are currently paying for gasoline. I am sure that you are getting the same calls that I get in my office in Vermont.

As we all know, these exorbitant prices are a serious drag on our economy. They affect small business and farmers, they affect airlines and the trucking industry, they affect middle-income people who drive to work every day and are seeing their wage increases going into their gas tanks. This is a serious national problem.

Now, I understand that there are differences of opinion in this body about long-term solutions to this crisis. We have debated that over the last couple of days. I personally believe we have to take a hard look at OPEC, the cartel which today functions directly in opposition to international free trade law. I think we have to deal with the increased concentration of ownership in the oil industry, and I think the time is long overdue that we have to break our dependency on fossil fuels and move to sustainable energy.

But whether one agrees with my long-term solutions or not, there should be no debate about the need for us to come together now to provide immediate short-term relief to the American people who are hurting from high gas prices.

The concept I am introducing in this amendment has had support from Democrats and Republicans, people from all political views, and I hope and believe that it will win strongly today.

Specifically, this amendment would suspend oil deliveries to the Strategic Petroleum Reserve and cap the Strategic Petroleum Reserve at 647 million barrels of oil, the level that it was in in March of this year, just a few months ago. In other words, we would immediately stop the purchase of more oil for the reserve and release into the market 15 million barrels of oil. This action would have the very immediate impact of substantially lowering gas prices in America.

Mr. Chairman, the Strategic Petroleum Reserve currently contains approximately 662 million barrels and the administration is pushing to increase that number to some 700 million barrels. My amendment would increase

the amount of oil on the market and lead to lower cash prices immediately upon its implementation. It would also keep gas prices down by making sure the government is not competing against consumers in the marketplace at a time that gas prices are so high.

Mr. Chairman, extrapolating from at least three economic studies done by Goldman Sachs; the largest crude oil trader in the world, the Air Transport Association; and petroleum economist Phillip Burleger, the estimate is that this amendment could reduce gasoline prices at the pump by 10 to 25 cents per gallon. It is not going to solve the whole problem, but 10 to 25 cents per gallon is not an insignificant step in helping the American consumer.

Mr. Chairman, even the staff at the Strategic Petroleum Reserve recommended against buying more oil for the SPRO in the spring of 2002. They state, "Commercial inventories are low, retail prices are high, and economic growth is slow. The government should avoid acquiring oil for the reserve under these circumstances."

Mr. Chairman, a lot of people have come up with this idea. This is not just mine. Members may remember that in March of this year, 53 Members of the House, including 39 of our Republican colleagues, wrote to President Bush calling for a halt of oil deliveries into the SPRO. Let me quote from this letter: "Dear Mr. President, we are writing to urge that you suspend shipments of oil to the Strategic Petroleum Reserve and allow more oil to remain on the market and available to consumers when supplies are tight."

I agree with those 39 Republicans and other Democrats who made that request of the President. They are right.

Mr. Chairman, in addition, on March 16 of this year, the Senate passed an amendment by Senators CARL LEVIN and SUSAN COLLINS with a bipartisan majority of 52 to 43 to suspend oil deliveries to the Strategic Petroleum Reserve.

□ 1545

Frankly, there is nothing magical about the 647 million barrels of oil in this bill which this amendment proposes; that is the cap we propose. In conference, that number could be changed. That number simply came about with this amendment because it is where the SPR was in mid-March when the Senate passed its resolution and when the 53 Members of the House, including 39 Republicans, wrote their letter to the President.

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in opposition to the amendment. Even if the gentleman was correct, it would have to be opposed. We have 661 million barrels as of yesterday. The gentleman wants to cap us at 647 million. We cannot by law sell it; therefore, I assume we will pour it out on the ground and that will be 15 million barrels of a large oil spill.

We are not buying any oil now. We have 700 million barrels as our goal,

and that is capacity. As I say, we need only 39 million barrels to fill the Strategic Oil Reserve. Oil will come in in kind; where companies are drilling for oil on government lands, our share will come in the form of oil, but we are not buying any oil, and we do not have any intentions right now.

The management of the program right now is to, in tight markets is to not buy any petroleum, and the 39 million barrels that we have to go for our capacity will come in, as I say, through our royalties.

So we cannot sell it, we cannot honor the gentleman's amendment to hold 647 million with the amendment he has. So I recommend we oppose the amendment.

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

The Sanders amendment is something that I believe that people on both sides of the aisle will be able to support, and let me explain why. If I may quote from something previous that the gentleman from Vermont (Mr. SANDERS) has actually presented to this House, he pointed out that releasing oil from the Strategic Petroleum Reserve in the past under both Democratic and Republican administrations has, in fact, lowered the price, lowered the price of gas and crude oil.

When President Clinton ordered the release of 30 million barrels of crude oil from the Strategic Petroleum Reserve in 2000, the price of gas fell by 14 cents a gallon in just 2 weeks. And, when President George H.W. Bush released 13 million barrels of crude oil from the Strategic Petroleum Reserve in 1991, crude oil prices dropped by over \$10 per barrel. So those are Democrats and Republicans out there alike who are getting socked by these high prices for gasoline.

So it is up to us to be able to stand up for both Democrats and Republicans alike who are suffering from high gasoline prices.

The Sanders amendment, which I am proud to cosponsor, is a win-win for consumers and for the Federal Government. It is going to reduce the price of gas. People want to know, Congressman, what will you do to reduce the price of gasoline? The Sanders amendment. It will reduce the price of gas and reduce the deficit at the same time.

Expenditures for gasoline, heating oil, and natural gas in 1999 accounted for about \$1,400 per year of total household expenditures. Price increases over the past 4 years for these residential items added about \$350 per household per year, meaning that domestic energy price shocks have increased household energy bills by 25 percent.

The driving motivator of these energy price shocks is the monopolistic energy industry. The industry has been concentrated in the hands of a few vertically integrated companies that have shut down refineries, reduced stocks, and exploited markets when they became tight. Since these price

increases were about padding the corporate bottom line, not about responding to increased costs, petroleum industry profits have risen to record highs over the period. Domestic petroleum companies have stuck U.S. gasoline and natural gas consumers with about, get this: \$250 billion in price hikes since January 2000, resulting in an after-tax windfall profit of \$50 billion to \$80 billion to the industry.

So the next time someone goes to the pump, they have to understand they are subsidizing windfall profits for the oil companies, and all of these families in America that are suffering from the high cost of gasoline, the Sanders amendment is the solution to do something about it.

Now, this amendment will suspend oil deliveries to the Strategic Petroleum Reserve effective to March of 2004 when several Members of Congress wrote to President Bush calling for a halt of oil deliveries into the Strategic Petroleum Reserve. The amendment would prohibit the use of taxpayer dollars to maintain more than 647 million barrels of oil. We can always swap it out if there is a problem with the numbers.

At the present time, there is 661.4 million barrels of oil in that Strategic Petroleum Reserve, and the Bush administration is to fill the Strategic Petroleum Reserve to its capacity of 700 million barrels, regardless of price, and that is the policy that is keeping the prices higher. At a time when the price of gas still averages about \$2 a gallon, it simply does not make any sense to continue to put more oil into that Strategic Petroleum Reserve. This is the policy that keeps gas prices unnecessarily high, and my constituents in Ohio and all across the country, they are paying the price at the pump.

The quickest method to reduce gas prices is to send a clear message to the oil industry that the Federal Government is not going to tolerate further price increases and profiteering. The Sanders amendment will do that.

Further profiteering is only going to hurt our weak economy. It is time for Congress to protect our constituents' pocketbooks and improve the economy. We must prod the oil companies into compliance rather than subsidize them.

This amendment is good for consumers, it is good for this country, it is good to stop the rising inflation that the increased costs of gasoline is contributing to, and it maintains an adequate level of crude oil in Federal stockpiles. It is time for Congress to take action on this, and again, this is a bipartisan amendment. People on both sides of the aisle can support it. I represent Republicans as well as Democrats, and I am proud to say that, and I am proud to say that people, both Democrats and Republicans, I believe, in my district support this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I hate to interrupt such a fine speech with any logic.

The CHAIRMAN pro tempore (Mr. BASS). Does the gentleman seek time in opposition?

Mr. TAYLOR of North Carolina. I do, Mr. Chairman.

The CHAIRMAN pro tempore. Is there objection to the gentleman from North Carolina being recognized for a second time?

Mr. KUCINICH. Mr. Chairman, I have no objection, provided that the gentleman wants to share that time.

The CHAIRMAN pro tempore. Is the gentleman from Ohio reserving the right to object?

Mr. TAYLOR of North Carolina. Mr. Chairman, I withdraw my request.

Mr. DICKS. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from North Carolina (Chairman TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, there is a lot of hysterical comments on the floor, and I share the gentleman's concern about high gas prices. The unfortunate thing is we are not spending any money now to buy gas. No funds are being expended here. We expect the next 39 million barrels will come in as royalties. We cannot sell the oil with this amendment. This merely says no funds in this act shall be used to maintain more than 647 billion barrels of crude oil in the Strategic Petroleum Reserve.

Now, if it ever gets back down to 647, and that would take a complicated movement to get it back down there, then the gentleman's amendment might apply. But I do not see that it does what he is intending it to do, and certainly it is not going to lower the price of gas.

Mr. DICKS. Mr. Chairman, reclaiming my time, I am delighted to yield to the gentleman from Vermont (Mr. SANDERS), the sponsor of the amendment, to respond to the chairman.

Mr. SANDERS. Mr. Chairman, I thank my friend for yielding, and I am not quite sure I understand the chairman's confusion on this issue.

The gentleman is correct. No money would go to maintain the SPR unless oil was released, and that certainly can be done, as the gentleman from Ohio (Mr. KUCINICH) indicated, through a swap. That is not a difficult process.

What we are saying very clearly is that millions of working people are paying through the nose in high gas prices; it is imperative that this Congress act. We have had Republican presidents, Democratic presidents, Republican Members of the House, Democratic, Independent Members of this House, who have shown sympathy to this idea. It is a simple idea. It could lower the price of gas, and we should go forward on it. It is a totally practical approach.

Mr. DICKS. Mr. Chairman, reclaiming my time, it is my understanding that the Department of Energy does have the authority to do something of this nature. I think Secretary Richardson did this at a previous point in time, and I assume that the theory of the

gentleman's amendment is that since we are at 661 million barrels inside the SPR and under his amendment we can only be at 647 million barrels, that they would then have to sell the difference between those two numbers into the market.

Now, I think the Department of Energy has the authority to do this. Maybe it would be best for us to talk to the Secretary of Energy about this and see if we cannot get him to do it. It might be a lot faster and help in a more timely way than a bill that will not probably be enacted until October 1.

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

Mr. Chairman, I have to tell my colleagues that this is a very interesting amendment and perhaps I would use the word "clever," because it is really a back-door attempt to change our energy policy, to really take it away from the President of the United States and to use it so that we can use the reserves from the Strategic Petroleum Reserve to manipulate crude oil prices for political gain, I think.

I really think the premise of the amendment is false. It says that this amendment can reduce gasoline prices by 10 to 25 cents per gallon. We asked the Department of Energy if they agreed, and they said no. The effect would be between zero and 1 cent per gallon.

Now, all of my colleagues remember when President Clinton did this. What was the effect of what President Clinton did? What, 1 or 2 cents? And I think the people who support this amendment will agree. It is going to have a very negligible effect.

The world is a much more dangerous place than it was previously. Terrorists have attacked oil installations in Saudi Arabia. We have seen that recently. The bulk of Iraq's exports were shut down on Tuesday by terrorist attacks on two oil pipelines in southern Iraq. So, I say to my colleagues, we need to preserve what we have in the Strategic Petroleum Reserve in the event, in the event of a true supply emergency, and I think this is more of a political emergency.

If we want to truly lower gasoline prices, we need to encourage the Senate to pass H.R. 4517, the United States Refinery Revitalization Act of 2004. In this House we passed it by almost 240 votes. When a vote was on the floor to really do something about gasoline prices, the cosponsors of this amendment said no.

No individual should cash in his life insurance policy to pay his reoccurring, reoccurring monthly expenses. Neither should we, I say to my colleagues, the Federal Government cash in its oil insurance policy to make a one-time payment on a reoccurring expense; namely, gasoline prices.

□ 1600

My colleagues, we have seen how turbulent the world has become in just the

past few months. We should have the foresight to see how much more so the world could become in the coming months, and we have had threats already presented to us. We need to be sure and to ensure that the Strategic Petroleum Reserve is there in the case of these emergencies. It is simply an emergency policy. We do not want to go and deplete it because of high gasoline prices. We should attack it in a way which is meaningful. The energy bill that we passed out of the House of Representatives, ask the Senate to do it.

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

Mr. Chairman, we heard this was a back-door attempt to change our energy policy. Well, we have a failing energy policy in the United States with the oil men in the White House, and it would be good to change it; but I would say actually this is a front-door attempt to lower the price of gasoline for American consumers and American business. Every penny costs American consumers a billion dollars at the pump. Every penny costs the aviation industry a billion dollars in profits.

So if it only came down 2 cents, like the gentleman says, well, that is 2 billion bucks for the aviation industry, a couple billion bucks in the pockets of American consumers, but maybe that is chump change around here. I do not think so. That is real money to the American people.

But beyond that, it is kind of interesting to say if George Bush took action and released some oil, it would only drop a penny or two, I guess maybe because he would work with the industry to keep the price up, because when President Clinton ordered the release of 30 million barrels of crude oil from the Strategic Petroleum Reserve in 2000, the price of gas fell by 14 cents. Well, maybe that is just because he is a Democrat. That took 2 weeks.

Well, then, let us go back to President George H.W. Bush. He released 13, only 13 million barrels of crude oil, about what we are talking about here, from the SPRO in 1991, and crude oil prices dropped by \$10 per barrel. So there are precedents. This is not insignificant. We are not talking about pennies, but even pennies would bring relief to Americans. The last time I drove to the bagel store near my house in east Springfield, I went by a gas station, and the price changed between the time I went in there to the BuyMart store and went back home. It went up. Let us bring it down. Let us change the direction.

Now, a number of us have asked the President to file a World Trade Organization complaint. We passed legislation that costs \$154 billion just before this because of a complaint filed against the United States at the World Trade Organization. Now, I do not support the WTO and I voted against it; but, hey, we are in it, this President loves it, and we are passing legislation to comply with it.

Why will he not file a complaint against the eight member nations of OPEC? Eight of them are in the World Trade Organization. They are violating the World Trade Organization every day. They are colluding to restrict supply and drive up the price of oil, but this President will do nothing. He will not file that complaint. I have written to him twice. They will not file the complaint.

I guess it is too much to ask this administration to take positive action to help bring down the price of oil. If they cannot take positive action, maybe a little bit of inaction. Stop filling the Strategic Petroleum Reserve. I hope I do not get anybody fired, because this administration does not like people to say reasonable things that go against their stubborn beliefs, but the staff at the Strategic Petroleum Reserve recommended 2 years ago that we stop filling the reserve because "Commercial inventories are low, retail prices are high and economic growth is slow. The government should avoid acquiring oil for the reserve under these circumstances."

We are not talking about doing away with the reserve and the insurance policy. We are talking about taking prudent steps at a time when we are paying sky-high prices for oil to show the world that we are going to protect our consumers and stop the price gouging, but I guess that is too much to ask of the oil men down at the White House.

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

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

Mr. SANDERS. Mr. Chairman, I just wanted to mention for the record that if this amendment passes, the Strategic Petroleum Reserve would have 93 percent of its capacity, and we could fill it as soon as the oil prices went down. And, again, when people talk about concern about national security, we are all concerned. Let me remind that 53 Members of this House urged the President to do this, including 39 Republicans. The Senate passed a bipartisan resolution.

So as the gentleman from Oregon (Mr. DEFAZIO) has indicated, the issue is will we finally stand up for the American consumer and lower the cost of gasoline.

Mr. DEFAZIO. Mr. Chairman, could the Strategic Petroleum Reserve be an insurance policy? Yes. And in this case, it can ensure a lower price of gasoline for American consumers and American businesses, or the lack of change in this policy and in the administration's current actions will ensure higher prices and higher profits for the industry. This vote will tell us which side of that question people come down on.

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

Mr. Chairman, it has been interesting to listen to this discussion today and talk about why we have high prices. Someone just talked that we had a fail-

ing energy policy. Folks, this Congress has never put an energy policy on any President's desk, and I do not know that any President has asked for one till George Bush. He has begged for one. He has pleaded for one, and this Congress has not put an energy policy on his desk. That is why we are in trouble. Even with an energy policy, it is going to be years before we have much to say about our future.

We are dependent today because we do not have a plan; we do not have a policy on foreign parts of the world who dictate. Think, just a few months ago, one of our supposed friends said when oil was \$32 a barrel, they were going to raise the price. No. They were going to reduce how much they were sending. Historically when it got over \$30, they put more oil in, and the price would come down a little bit, but at \$32 they took oil out, and prices sky-rocketed within a couple of months to \$42.

Folks, we are vulnerable to countries who have little long-term interest in us, little long-term commitment to us, and that is why it has never been more important for us to have a stockpile. SPRO was not designed for price control. The strategic oil reserve is for us in case of war, in case of something that would interrupt our supply of oil. We are now 58 percent dependent on imports from unstable parts of the world.

We have never had a time when our oil supply, they are looking on how they can disrupt our oil supply every day, whether it is blow up tankers, whether it is blow up pipelines. Iraq had serious problems just this week. It was going to stop supply, a tremendous amount of supply from Iraq.

We are vulnerable, and if we would have one of these countries taken over by a dissident group, we would have not \$40 oil, not \$50 oil, but possibly \$60 oil, which would crush our economy. We have to look at the big picture here, but all of those pleading for price control, let us talk about an energy policy. I wish you would join us in saying let us put an energy policy on the President's desk so he can sign it so this country can get on a plan of action where we are not dependent on foreign oil.

The natural gas issue right beside us is crushing us economically because we cannot import natural gas like we import oil. We have \$6-and-something gas going into the ground right now that is going to be coming out next winter. Last year at this time we put natural gas in the ground at \$4.60, and that was a record. This year it is in excess of \$6. When you combine those two, greater pressure on oil because of high gas prices. They were related. Last winter, school districts, hospitals who had the ability to divert, diverted from natural gases because of high prices and used more oil, increasing our need to import oil from foreign countries.

We talk about our oil companies control, this country has little control of oil. We do not have it. We are only producing 42 percent of the oil we use. We

produce 20 million barrels a day out of the 80 million; and we have China, we have India who are now becoming huge users. The countries that took care of us have lots of people knocking on their door now saying we need oil. They have other people who are going to use huge amounts of oil. There are those who predict China will use more oil than us in 5 years. I do not know that that is correct. I have not researched that, but I have heard that stated.

The most important thing we can do here in this Congress is give the President, quit our bickering and our partisan fighting and get an energy policy on the President's desk that he can sign that will help us wean ourselves off foreign oil, get us out of oil for transportation down the road and other measures to move our vehicles. We have to have a plan of action. We are becoming more dependent every day, and we are dependent on less and less stable parts of the world for oil.

The energy issue, when you combine oil prices and natural gas prices, has the potential to stall the economy of this country. And if we do not protect SPRO and have it in case of an interruption, disruption, \$50 and \$60 oil will shut the economy down is what we are talking about.

Mr. GEORGE MILLER of California. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, to listen to the other side, you would think that the margin between chaos and a healthy economy is 7 percent in the Strategic Petroleum Reserve. The matter is the gentleman from Vermont (Mr. SANDERS) has a very rational amendment.

You have a time when families are being stretched by high oil prices, much of it I guess because of the war in Iraq, at a time when people when we are trying to get the economy moving again, we are trying to hire people, we have industries under incredible pressure because of high energy prices, the transportation industry and the trucking industry and the airline industry. It has been estimated that of the middle class tax cuts, half of it has been taken back in higher energy prices.

The gentleman from Vermont (Mr. SANDERS) says just take the artificial customer out of the marketplace, which is the Government of the United States. We have filled about 93 percent of the SPRO. We are going to pause right now because there is turmoil in these markets and we are going to give the American economy and American families a break, a breather from \$2.50, \$2.70 gasoline that we are paying in the San Francisco Bay area. I represent five major oil refineries. Yes, they are working to capacity. But the fact of the matter is, many economists have suggested that if this amendment would pass, people would get a reduction of 10, 15, or 20 cents. Maybe that is not a lot to Members of Congress, but it is an awful lot to people who are driving long distances in northern Cali-

fornia to commute to work. The cost of going to work has increased dramatically for families in this country.

This amendment says this is just one of the few things that we can do. There is a lot of discussion that somehow if we had the energy policy that the Republicans were pushing last year and could not get passed, although they controlled the Senate, they controlled the House, they controlled the White House, they could not get it passed. Why could they not get it passed? Because when the day came to pass it finally at the end of the session in the Senate, they realized it was not an energy policy. It was a tax giveaway for a lot of old, tired ideas about the petroleum economy of the past and had very little about the future.

Then they decided, and the majority leader here decided, he was going to protect MTBE, the polluters that are poisoning the wells of small communities all over the country, all over the country. He has decided that those companies are going to be protected from lawsuits from communities that are trying to clean up and recover their domestic drinking water supply, that that was part of the energy bill. Had that not happened, you would have had an energy bill last year, but you thought the MTBE polluters were more important than an energy policy.

It is also interesting when the Senate took a second look at it, they said these \$35 billion in tax bills that are paid for by the deficit, we cannot afford it; and they started ripping them out, and they reduced it to 14 billion. And now there is a lot of people on the other side that are upset because they lost their tax cuts in that legislation.

It was never about energy. It was about paying old debts to people that were very supportive in the campaign and had some old, tired ideas that they should not have to pay royalties and they should not have to pay taxes on their earnings in the energy industry. It was not going to produce any new oil. It was not going to produce any new energy.

Yes, we are dependent on foreign oil, and we will continue to be dependent on foreign oil for as far as we can see because we cannot produce our way out of that problem. We simply cannot produce our way out either by natural gas or by oil or even by coal for the needs that we have for that energy.

□ 1615

Now we can change our usage. We can engage in conservation renewables, but that is not what that energy bill was about, and that energy bill did not pass. So we have an option here, to do the one thing that we can do and we can do it immediately, and it is under our control and that is to simply stop filling the SPR, go back to the March levels when these energy prices started running up, and give the American people and businesses a break, and let them recover and to assimilate these costs.

Yes, we would love it that it would drop by 25 cents, but if it only drops 12 cents or 10 cents or 15 cents, that is important. It is certainly important to the business in this country and to the families we have kept our faith with the idea of filling the SPR because we are at the 93 percent level.

So I would urge that people would consider supporting this amendment. I think it is important for our constituents, it is important for their families, it is important for their budgets. We are talking about people in the middle class who are being squeezed.

This is not the only place. It is not only high energy costs. They have seen their deductibles and copayments on health care go up. They have seen their cable rates go up, their utility rates go up, the cost of their kids' college education. This middle class is being squeezed. We can provide some relief here with the Sanders amendment and lower the energy costs to these families in America, and we ought to do it.

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

Mr. Chairman, you can use all the figures you want and make all the projections that you want to make and you just cannot shake this down as anything other than an effort to misuse the purposes for which SPR was set up. I think we need to go back many, many years ago when Congress voted it. The President has not declared an emergency as required. President Clinton did declare an emergency. Secretary Richardson did release at Clinton's request. It did little effect. It had very little effect. It had very little effect. It was just a blip on the market.

Actually, we are in a situation here where attempts are made to stop putting into SPR, and that is to save maybe a penny a gallon or maybe less than a penny a gallon. It just does not make any sense at all. Yet at a time when we cannot pass ANWR, we cannot pass drilling up there that could have some real consequential effect on whether or not the gas prices go up or down and make a great defense on whether or not youngsters have to cross an ocean to take energy away from someone who has it, when we have none that we can mine, now that does not make any sense. We have a chance to save for this country for this generation to cross oceans and take away energy from people who have and save our children from having to fight a war. Give them the chance to say what profession, what business am I going into rather than what branch of service. We cannot pass ANWR. We cannot pass the Ultra D. We are two votes away, for political reasons, from passing an energy bill.

I just want to say this amendment seeks to suspend deliveries to the Strategic Petroleum Reserve to the 2004 cap and to prohibit the use of taxpayer money to maintain more than 647 million barrels of oil in SPR. That means with 661.4 million barrels in SPR now, there must be a release of 14.4 million barrels out of SPR.

By the time the fiscal year 2005 begins October 1, 2004, the SPR will have over 670 million barrels in SPR. This amendment will force the immediate sell-off of 23 million barrels, causing extreme volatility in the market which could ultimately lead to grave shortages as the markets come to rely on the government to provide supply. Of course, the government only has a limited supply for a country that uses 20 million barrels of crude oil every day.

This amendment is merely a backdoor attempt to change the Energy Policy and Conservation Act to make the SPR a means by which the Federal Government can manipulate crude oil supply for political gain instead of using the SPR as an insurance policy, which it was intended to be used for and then only in the event of a "severe energy supply interruption," as set forth in the existing law. That just has not happened.

As the gentleman from Florida (Mr. STEARNS) stated here just a few moments ago, the premise of the amendment is just absolutely bogus and false. It says that this amendment can reduce gasoline prices by 10 to 25 cents per gallon. The Department of Energy says that the effect would be between zero and 1 percent per gallon.

The world is at a more dangerous place than it was back in March of 2004. Terrorists have attacked oil installations in Saudi Arabia. The bulk of Iraq's exports were shut down on just Tuesday of this week by terrorist attacks on two oil pipelines in southern Iraq. We need to preserve what we have in SPR in the event of a true emergency. That is what it was intended for. That is what it was set up for. That is what this Congress based it on, not a political emergency.

If we want to truly lower gasoline prices, we need to encourage the Senate to pass H.R. 4517, the United States Refinery Revitalization Act of 2004 which the House passed by a vote of 239 to 192. When a vote was on the floor to really do something about gasoline prices, cosponsors of this amendment, most of them voted "no."

Now, no individual, as the gentleman from Florida (Mr. STEARNS), should cash in a life insurance policy to pay their recurring monthly expenses. Neither should the Federal Government cash in an oil insurance policy to simply make a one-time payment on a recurring expense, namely, gasoline prices.

Having seen how turbulent the world has become in just the past few months, we should have the foresight to see how much more so the world could become in the coming months. We need to use SPR for what Congress really intended it to be, an insurance policy in the event of a severe energy supply interruption. We have not had that.

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

Mr. Chairman, if I have understood the arguments that have emanated

from the other side of the aisle accurately, they seem to suggest that we should not be doing anything; that is, the government of the United States, should not be doing anything to help consumers, taxpayers, at this moment when they are paying record prices for gasoline out in the marketplace.

Well, that does not make any sense. The gentleman from Vermont (Mr. SANDERS) has offered an opportunity to do something which will hold the price of gasoline and drive it down 10, 15, 20 cents a gallon. That makes a lot of sense. Any time a person can save a dollar or two or three on a tank of gas, that means another quart of milk or another loaf of bread for some people who are having a hard time in this country making things work.

The argument that the government should not do anything to try to regulate the price of oil is absurd. Let me just take my colleagues back in history a little bit, not very far, just about a year or so, 15 months.

When the leadership of this House brought a resolution to the floor here authorizing the President of the United States to go to war in Iraq, many of us said that there would be terrible consequences and that among those consequences would be this, that that war would destabilize the Middle East and the destabilization of the Middle East would drive up the price of oil and that the American taxpayer/consumer would have to pay more for gasoline and more for heating oil as a result of that war resolution. What do my colleagues know? That is exactly what has happened. The destabilization of the Middle East has driven up the price of gasoline and the price of heating oil.

Now we are told we should not do anything about it. What are we doing in Iraq now? This government is asking the American taxpayer to subsidize the price of gasoline in Iraq. Iraqis are paying 5 cents a gallon. We are paying \$500 million every quarter to subsidize the price of that gasoline at 5 cents a gallon, \$2 billion a year. That comes out of the same pocket, the people who are paying record prices for gasoline today. That is a consequence of the policies of this administration and the majority party in this House.

When Halliburton can buy gasoline for 71 cents a gallon and sell it to the Army Corps of Engineers for more than \$2.10 a gallon, three times the price they are paying for it, and the government of the United States, the leadership in the administration and here in the Congress, turns a blind eye to it, that drives up the price of gasoline for every American consumer and taxpayer as well. When the administration engages in economic policies which deflate the value of the dollar by 30 percent, that means that everything we buy with that dollar on the international market costs more.

So, as a result of the economic policies of this administration, which have deflated the dollar by almost one-third, the American taxpayer-consumer is paying more for gasoline and fuel oil.

These are things that this administration, the Bush administration and the leadership here in the Congress, have done to regulate the price of oil. Unfortunately, none of that has been to drive down the price of gasoline or the price of heating oil, but every bit of it has been to drive up the price of gasoline and the price of heating oil.

What the gentleman from Vermont (Mr. SANDERS) is trying to do is just reverse that a little bit. Let us support him today.

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

Mr. HINCHEY. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I heard a moment ago an estimate from the DOE that this amendment would lower the cost of gas by one cent. Well, let me tell my colleagues that Goldman Sachs has studies which suggests that it would be 10 to 25 cents. They are the largest crude oil trader in the world, 10 to 25 cents a gallon.

People say this is a new and radical idea. It is not a new and radical idea. George Bush, the first, did it; Bill Clinton did it; and in both instances, it was successful. It drove down the price of gas that consumers were purchasing.

This is an amendment and a concept supported by Republicans and Democrats.

The CHAIRMAN pro tempore (Mr. BASS). The question is on the amendment, as modified, offered by the gentleman from Vermont (Mr. SANDERS).

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

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 8 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont will be postponed.

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

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

Mr. FALEOMAVAEGA. Mr. Chairman, I ask the distinguished chairman of our Subcommittee on Interior and Related Agencies appropriations for a colloquy or dialogue, the chairman from North Carolina.

It is my understanding the Office of Insular Affairs of the Department of Interior has proposed a new competitive grant formula for capital improvement grants whereby funding can be increased or reduced depending upon each Territory's performance in meeting proposed criteria for financial management and accountability. Committee report also indicates that the Secretary may use discretion to modify the funding formula to address court-ordered infrastructure projects.

For the chairman's information, my district does not have a court order pending and we also have complied with a separate memorandum of understanding to put a fiscal reform plan in

place. Our fiscal reform plan has been submitted and accepted by the Department of the Interior.

To my knowledge, the Office of Insular Affairs has not consulted with the territorial delegates on this matter nor with our territorial governments regarding this proposal.

I express my deepest disappointment in the OIA's failure to consult with the territorial delegates on matters which seriously affect the constituents we represent, and while I can appreciate the territorial governments need to be fiscally responsible, we cannot and must not excuse OIA's disregard for the democratic process. I kind of like to think we are a co-equal branch of government in the way we operate.

Finally, I would like to work sincerely with the chairman and ranking member to include language in the conference report to direct the Office of Insular Affairs to consult with the delegates and the territorial governments for purposes of refining the criteria that will be used before this proposal goes into effect.

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

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I appreciate the gentleman's statement, and I will work with him, and we will try to get the Interior Department's efforts to allocate construction funds based on financial performance, and I will be glad to work with the gentleman.

Mr. FALEOMAVAEGA. I thank the chairman and ranking member for their assistance to resolve this matter.

Ms. BORDALLO. Mr. Chairman, will the gentleman yield?

Mr. FALEOMAVAEGA. I yield to the gentlewoman from Guam.

Ms. BORDALLO. Mr. Chairman, I thank my friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA) for yielding.

As has been stated, the Office of Insular Affairs has proposed a new competitive grant formula for capital improvement grants that derive from a reprogramming of funds authorized under Public Law 94-241. I commend the Department for addressing the capital infrastructure needs of the Territories and in proposing a formula whereby grants can be increased or reduced depending upon each Territory's performance through evaluation on proposed criteria for financial management and improved accountability.

Mr. Chairman, I note that the committee report on this provision indicates the Secretary may use discretion to modify the funding formula to address appropriately court-ordered infrastructure projects in the respective Territories.

□ 1630

In the case of Guam, I would note for the record that the government of Guam is under a consent order for water and wastewater infrastructure

improvements in the amount of \$200 million to comply with the Clean Water Act and also under a second court order to close the Ordot landfill at a cost of \$30 million to remedy additional violations of the Clean Water Act.

Given these circumstances, is it the committee's intent that the Secretary should consider these court orders in determining allocations for the infrastructure grants?

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

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentlewoman from Guam for raising this issue. The committee encourages the Office of Insular Affairs to take into account financial accountability performance. The committee also wants the OIA to consider the capital infrastructure needs mandated by Federal court orders in the Territories. This is important to Guam and to other Territories and to the committee.

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

Mr. Chairman, I would ask that the gentleman from North Carolina (Chairman TAYLOR) engage me in a colloquy.

Mr. Chairman, I do not have an amendment to offer at this time, but since this bill has provisions dealing with mineral leasing and permits, I want to make an observation about the administration's budget request and the fact that the Office of Management and Budget is increasing the Federal maintenance fees for hardrock mining claims from \$100 to \$126 per claim based on a cost-of-living adjustment from 1993 to 2004.

While the provision allowing them to do this is in current law, neither the Forest Service nor the Bureau of Land Management, the Federal agencies that oversee and approve mining operations on Federal lands, maintain a tracking system capable of determining how long a mining permit has been pending. This simple data management tool is necessary to more accurately track these permits. These agencies need a system that does more than merely determine on a yearly basis the number of plans and notices that are submitted and approved each year. These agencies need a system that lets the department, Congress, and the public know how long these applications are pending. Such a system should alert these agencies to where additional attention or resources are needed.

Delays in processing mining permits have impacts far beyond any particular mining project. A ripple effect occurs. Delays impact investment, lack of investment results in less exploration, less exploration results in less development of domestic resources, less development of domestic resources leads to greater reliance on foreign sources, greater reliance on foreign sources impacts our economic and national security, not to mention loss of jobs and

economic impact on local communities.

The U.S. mining industry is modern, high-tech and environmentally responsible and overall has a solid record of compliance with the world's more rigorous State, local, and Federal laws and regulations. It should not take 4 to 10 years to obtain the permits necessary to commence operations. The government needs to find ways to improve permitting and expediting mining permits before it increases fees for holding the land involved in these permits.

Mr. Chairman, I hope that this issue can be addressed in the near future.

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

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

Mr. TAYLOR of North Carolina. Mr. Chairman, the gentleman from Idaho (Mr. SIMPSON) is correct in his assessment that a permit tracking system is needed, and we will work with the gentleman on this issue in the future and hope we can succeed.

AMENDMENT NO. 4 OFFERED BY MR. HOLT

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

The CHAIRMAN pro tempore (Mr. BASS). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HOLT:
At the end of the bill (before the short title), insert the following new section:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used to permit recreational snowmobile use in Yellowstone National Park, the John D. Rockefeller Jr. Memorial Parkway, and Grand Teton National Park.

Mr. HOLT. Mr. Chairman, I am pleased to join with the gentleman from Connecticut (Mr. SHAYS), the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Illinois (Mr. JOHNSON) to offer an amendment to protect the world's first national park and a wonderful American treasure, Yellowstone.

Our amendment completes the phaseout originally implemented by the National Park Service in 2001 of snowmobiles in Yellowstone and Grand Teton National Parks. The phaseout was delayed and then reversed over the course of the past 3 years, only to be reinstated for most of last winter under court order. The original decision to phase out snowmobiles in favor of snowcoaches was not an arbitrary decision or some kind of gratuitous attack on snowmobiles. It was based on 10 years of careful study, after which the National Park Service implemented a rule in January 2001 calling for a 2-year phaseout.

After President Bush entered the White House, the National Park Service delayed implementation of the phaseout and initiated yet another study of winter use in Yellowstone at a

cost of \$2.4 million to taxpayers. This study, no surprise, completed in February 2003, came to the same conclusion, that phasing out snowmobiles in favor of snowcoaches would be the best thing for Yellowstone Park, for the park, for the visitors, for the employees, for the wildlife.

This is about protecting our natural treasures. It is not primarily about snowmobiles. It is that snowmobiles have been determined to be incompatible with the preservation of Yellowstone Park. In the early days of Yellowstone Park, employees and visitors engaged in all sorts of behavior which was not thought to be harmful at that time, but it jeopardized the ability of future generations to see the natural splendor. Park employees used to throw trash down the geysers or use them for laundry, permanently plugging up the geothermal features. The National Park Service used to encourage visitors to feed the bears, wolves were openly hunted across Yellowstone until they were extinct. Visitors were allowed to chip off chunks of rock from geysers. But it was recognized that this behavior was not compatible with the purpose of the park, the creation of Park Service to preserve these parks for the enjoyment of current and future generations.

As the Park Service learned more about the unique environment of Yellowstone, they ended these destructive practices. Snowmobiling in the park is no different. The Park Service has studied the issue repeatedly and comprehensively and found that continued use of snowmobiles is incompatible with the mission as laid out in the legislation creating the parks, to conserve the scenery and the natural and historic objects, the wildlife in the parks, and to provide for the enjoyment of the same and such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

We are not here to disparage the snowmobile industry or those who ride snowmobiles, I among them. We are trying to make the point that Yellowstone National Park is a unique environment, a precious national treasure that deserves an extra level of protection. In fact, the unique characteristics of Yellowstone's winter environment actually magnify the harmful effects of snowmobiles, making their impact really worse than in other areas of the country.

Sound travels further in winter. Snowmobile noise is audible across many popular sections of the park, as I discovered when I was there in February last year. Even the newer snowmobiles which were supposed to meet strict new noise and emission standards were found to actually emit more because the snowmobile industry has souped them up. They are higher horsepower. So, in fact, even though the four-stroke engine offers some advantages over a two-stroke engine, what is being purchased, sold and used is a

more powerful snowmobile that is emitting more.

The simple fact is that snowmobiles that enter Yellowstone and Grand Teton are only a tiny portion of the \$7 billion snowmobile industry. As the industry reacts and produces more powerful snowmobiles, it is difficult to make them quieter and cleaner. And in fact, EPA tests found that the 2004 four-stroke models was actually emitting more than the 2002 models.

We have no intention of cutting off motorized access to the parks. The original snowmobile phaseout encouraged the purchase and deployment of snowcoaches.

The CHAIRMAN pro tempore. The time of the gentleman from New Jersey (Mr. HOLT) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. HOLT was allowed to proceed for 2 additional minutes.)

Mr. HOLT. Mr. Chairman, there are 400 miles of snowmobile trails immediately adjacent to Yellowstone, thousands of miles of snowmobile trails, some of which I have traveled outside the park in Idaho, Wyoming, Montana, and 130,000 of snowmobile trails across the country. We are talking about phasing out snowmobile use on 250 miles. This is not going to hurt the industry. It is not going to hurt the tourism industry and it is not going to hurt the snowmobile manufacturing industry.

It is true if you are snowmobiling on these trails outside of Yellowstone Park, you will not see Old Faithful, but we are hopeful if we remove the snowmobile smog, others will be able to see Old Faithful when they travel in by snowcoach.

Let me point out that many former National Park officials who worked under both Democratic and Republican administrations have expressed their displeasure. Last month they wrote to Secretary Norton saying to uphold the founding principle of our national parks, stewardship on behalf of all visitors and future generations, the snowmobile should be phased out. This was signed by the Park Service Director who served from 1964-1972; the Assistant Secretary of the Interior who served between 1971 and 1976; the National Park Service Director who served between 1980 and 1985; the National Park Service Deputy Director who served between 1985 and 1989; the Park Service Director who served between 1993 and 1997; the Park Service Director who served between 1997 and 2001; the Yellowstone Park Superintendent who served between 1983 and 1994; and the Yellowstone Park Superintendent who served between 1994 and 2001. They all say proceed with the rule that phases out snowmobile use on these 250 miles of roads in Yellowstone Park. That is what we are asking for today. I ask support for my amendment.

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

Mr. Chairman, as the gentleman knows, this is a complicated issue. With two Federal courts dueling, one ruling that the National Park Service's 2003 plan was invalid and the other that enjoined the plan of the Clinton administration. Caught in the middle are the local business people that rely on winter use and the visitors who 90 percent prefer the use of snowmobiles to access during the winter in Yellowstone.

Together the courts have found that the environmental studies in place are flawed and must be redone. This will take 2 to 3 years. In the meantime, to ensure snowmobile use this winter, the National Park Service has initiated a temporary winter use plan to allow for their use while the long-term study is being completed. Now there is a whole plethora of rules and regulations, but the committee supports the National Park's efforts to ensure continued winter use that balances visitors in the park and resource protection until the courts can get back to it again.

Mr. PETERSON of Minnesota. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to oppose this amendment and correct some of the erroneous statements which have already been made regarding this issue.

My district in Minnesota is the home of Arctic Cat and Polaris which produce American-made snowmobiles. I have about 4,000 people in my district which work at these two plants, and there are probably another 2,000 to 3,000 jobs directly related, manufacturing plants which supply pulleys and sprockets and precision equipment. This is a big industry and a big employer in my district.

They have really gone out of their way to improve these machines. Arctic Cat, for example, started in 1996 developing the four-stroke machine. These companies spent millions of dollars developing this technology so we could have cleaner and quieter machines operating in different parts of the country.

The gentleman from New Jersey (Mr. HOLT) was saying these machines are actually louder or pollute more than the machines that were developed in 1992. Well, that is absolutely not the case at all. I have a letter here from the National Park Service, Yellowstone Park Director Suzanne Lewis printed on their stationery which commends Polaris and Arctic Cat for the work that they have done in developing these new technologies. They have a number of machines that are now well below the requirements that were placed on these manufacturers and these machines by the National Park Service.

□ 1645

In the area of hydrocarbons, they had to meet less than 15 grams per mile, or hour, I guess it is. The 2002 Arctic Cat was not 15, it was 6.2. That was brought down to 5.62 in 2004. In the case of carbon monoxide, they had a level of 120.

The original machines that were certified were 79.95 in 2002. That is now down to 9.2. They have made significant progress in these areas. On the sound emissions, they have a 73 decibel rating and those are also below the amounts that were required by the National Park Service.

If anybody wants to see this, this is information that is put out on the Yellowstone National Park's stationery by the park manager, and these companies have not only met the standards; they have gone well below the standards. If anybody has ever ridden one of these snowmobiles or been around one of them, when you turn it on, you cannot even hear it run. When it is out there operating, if you are riding with somebody else, you can talk back and forth. They are very quiet. They not only improve the situation in Yellowstone Park; they also improve the situation in any other place in the United States where they are operating these machines.

Some people have suggested that we ought to have snowcoaches as an alternative to these snowmobiles. The snowcoaches actually put out more pollution per the number of riders that can go in one of these snowcoaches that would be put out by the equivalent amount of machines that could haul the same number of people using a regular snowmobile. And if you have ever been out to the park and been able to participate in this, it is a wonderful experience. I think it is much better to see the park in the wintertime than it is in the summer because it is a lot more beautiful. But if you are in a snowcoach, it is not that great of an experience. The windows all steam up and really the only time you can see anything is when they stop and let you out. So it really destroys the experience.

People need to understand that these machines are on the same roads that we drive with the cars that we use in the summertime. They have speed limits. They have now limited the amount of machines that can go into the park. This compromise that they have come up with makes sense, and it still allows us to use the parks in the way that we intended and that is for the American people to be able to enjoy the beauty of our national parks. Some of the people that are interested in solving this problem, if they really are concerned about pollution, we should think about eliminating cars in the national parks because they produce a lot more pollution than these machines.

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

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

Mrs. CUBIN. Mr. Chairman, Yellowstone was established in 1872 with the dual purpose of protecting the unique resources in that area and providing for the American public to be able to enjoy that area. Both Yellowstone and

Grand Teton National Park have been well managed through the years to conserve the land and to provide for the public's use and enjoyment. No damage has ever been done to the parks by snowmobiling.

I have to take exception with my friend from New Jersey's remarks that the EPA stated that the current snowmobiles are more polluting and noisier than the old because they are more powerful. After he told me that yesterday, I contacted the EPA. I have here with me the study that the EPA did. As a matter of fact, the current policy, the Bush policy, allows four-stroke engines to be in the park because their air emissions are 90 percent lower than the two stroke and the noise is 50 percent less than the two stroke. The Bush administration's policy is to allow four-stroke engines and limit the number of snowmobiles that can go into the park.

I want to repeat: snowmobiles have never caused a violation of our current environmental laws, and the air quality will only improve under the Bush administration guidelines. As I said earlier, the new four-stroke engines are cleaner; and as my friend from Minnesota stated, they are quieter as well. By the way, snowmobiles can only go on the roads that are already plowed. I think people have the idea that snow machines are just going all over the park in all directions. That is not true. The only place they go are on the roads, as we see here, that are already plowed.

The new supplemental environmental impact statement, which I just discussed which came to the conclusion that four-stroke engines could be used and to limit the number, grew out of countless hours of input from the National Park Service, from the Environmental Protection Agency, and from all the cooperating agencies and counties and other interest groups. This was a compromise between a ban and unlimited use. It strikes a good balance to provide for continued snowmobile use while still preserving the health of our national parks and the wildlife that live there.

According to the Wyoming Department of State Parks and Cultural Resources, a ban on snowmobiles in the parks could cost Wyoming 938 jobs and \$11.8 million in lost labor income a year. That might not mean much to my friend from New Jersey, but it means a lot to us. To put it in perspective, these net job losses in Wyoming would be equivalent to 67,743 lost jobs in California; 37,952 lost jobs in New York; and 12,698 lost jobs in Massachusetts. That really does make a difference.

If we ban snowmobiles, there will be two alternatives: no visitors in the winter, or snowcoaches as was said before. A snowcoach is a modified sport utility vehicle which gets from 2 to 4 miles per gallon. The emissions are much greater than the snowmobiles, even greater than the old two-stroke

snowmobiles, and the noise is unbelievable. I know. I have seen them. I want my colleagues to look and see how much people interfacing with wildlife in Yellowstone National Park bothers the wildlife. Banning snowmobiles is the only way to stop this interfacing between animals and people, but obviously the animals are not upset about that and they are not upset by the snowmobiles coming around, either.

Let us be honest in this debate, and let us not pretend that preventing the use of snowmobiles will enhance the environment in Yellowstone. It simply will not. As I said, no environmental law or limit has ever been broken or exceeded by the use of snowmobiles in Yellowstone. Many of the radical environmentalists pushing for this ban would like to put all of the West into a national park. We have had a bill filed that actually does that from a Congressman from New York. I ask my colleagues to use their good sense. I ask them to allow the people of the United States of America to enjoy the resources and the God-given natural beauty that we have.

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

Mr. Chairman, those who are here advocating a limitation or banning of snowmobiles from Yellowstone and perhaps from other national parks are operating under what I am convinced is a misguided understanding of snowmobiling. They are probably thinking of snowmobiles as they existed 10, 15, 20 years ago, not the snowmobiles that have been developed in recent years and which meet and even exceed the stringent standards that the National Park Service has established for snowmobile use in our national parks, as in Voyagers National Park in my district and as we are talking about with Yellowstone.

Some years ago, there were 2,000 snowmobiles a day allowed in the park. Today that is 740. Fifteen years ago, they were noisier, perhaps more emissions emitted from such machines. Today it is vastly different. Snowmobile technology has vastly improved. The primary snow machine used in Yellowstone and in Voyagers has emissions 97 percent lower for particulates and 85 percent lower for carbon monoxide than machines used just even 5 years ago.

The U.S. manufacturing sector, Polaris, Arctic Cat, Bombardier, have invested millions, even tens of millions of dollars to improve the quality of their snowmobiles to operate in our national parks and elsewhere throughout the United States. The maximum grams per kilowatt hour allowed in Yellowstone, 120 for carbon monoxide; Arctic Cat emissions, 92; Polaris, 111; Bombardier, 92. Technically, just on the science alone, they are well below the standards set by the National Park Service. Hydrocarbon emissions, maximum allowed in Yellowstone per kilowatt hour, 15; for Arctic Cat machines,

5.6; for Polaris, 5.4; for Bombardier, 6.12, two-thirds less than the national standard set by the National Park Service.

Noise is another argument made against snow machines. Run a hair dryer or a hair blower, that is 100 decibels. Run a lawn mower, that is 85 decibels. Run your garbage disposal in your kitchen, that is 80 decibels. Run a vacuum cleaner around your house, that is 80 decibels. Run a snowmobile. The maximum decibel level allowed in Yellowstone is 73 decibels. Arctic Cat is at 70. Polaris is at 73. Bombardier is at 72. They are at or below the level of noise standard set by the National Park Service, and they are getting better. I think that we need some common sense in this matter of access to the national parks.

Before snowmobiles, we did not really have a life in the northern tier of States, but now people are able to get out and enjoy the countryside, to travel distances out into the woods, out on the side roads and the byroads and the tote roads of logging days. In Minnesota, we have got 11 months of winter and 1 month of rough sledding. Without the snowmobile and stretch pants, we would not have a life. So do not take this away. Do not come down with this hard and fast, you cannot use this. Accept the march of technology and sensible use.

Snowmobilers are just good, ordinary citizens. Who are they? In my district, they are the men and women who work in the iron ore mines. They are the men and women who work in the retail grocery stores and in the hardware stores, the men and women who work in the pulp and paper mills. They go out to exercise themselves, to enjoy the winter that they live there for. Do not take this away from them. They are respectful of this environment. That is why they live in that north country.

Defeat this amendment.

Mr. SHERWOOD. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to this amendment which I think makes very little sense. Apparently one day someone was in Yellowstone years ago and following a bunch of two-stroke snowmobiles and the deal on a two-stroke snowmobile, they mix oil with the gasoline for the lubricating process, and it eliminates a little haze. The new machines, the four-strokes as the previous speaker said, are very efficient, they are very quiet, and they do not pollute.

□ 1700

And they do not emit that blue smoke. We are trying to eliminate 65,000 snowmobiles a year from Yellowstone when we allow 1.8 million cars to traverse the same roads. The new snowmobiles have about the same technology as the cars and emit about the same amount of hydrocarbons as the cars. So why would we eliminate 65,000 snowmobiles and allow 1.8 million cars?

We have a certain group of people in this country that seem to want to lock

up our national treasures, our national parks, and cherished places and keep the public from enjoying them. Snowmobiling is a great way to enjoy the park. It is now very well controlled, and it is a way for people to get out in the wintertime and see a whole other side of these beautiful parks. Instead of going in the summer and following a travel trailer and wandering through the park and not being able to see anything, one can take their own sled and go through and enjoy the beauty of the park.

There is no reason to legislate against this. We are meddling where the Park Service has decided to make a very good compromise and take advantage of the new science and the better machines to allow something that is a very good and wise use of our natural resource.

This is a great way to enjoy the park. It is nonpolluting, it is controlled. It is not nearly as abusive of the air quality as are the normal things we do in the summer with all the cars. This is great recreation.

If we are so intent on reducing every possible amount of damage to the air, why do we not cancel baseball season or football season or at least football season in the wintertime? Because apparently that is what we are worried about. I do not think this makes a lot of sense, and I think we should rely on the Park Service to implement the regulations that they have in place with the restrictions so that people can enjoy our parks.

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

Mr. Chairman, I do have five charts I would like to take. I would like to take the opportunity through the use of these charts to better understand the facts surrounding snowmobile use in Yellowstone National Park which are all based on data supplied by the National Park Service.

Mr. Chairman, my first chart is on bison populations in Yellowstone, which clearly illustrates that since the early 1960s, when snowmobile use began in the park, and to its peak in the early 1990s, the bison population has increased from 819 animals to an estimated population of about 4,200 animals. I think many would agree that this is quite a healthy population, and it would also suggest to my colleagues that cleanly groomed roads and snowmobile use has not been a hindrance to the bison reproduction rate.

My second chart, which I think is perhaps the most interesting, illustrates the number of snowmobiles that entered Yellowstone National Park in 1994, 1998, and 2003, versus the number of motor vehicles that use the park's roads in nonwinter months. Keep in mind that in wintertime the only way to access Yellowstone National Park is through snowmobiles. Vehicles enter it in the nonwinter parts of the years. As my colleagues can see, the number of snowmobiles is totally dwarfed by the

number of cars, motorcycles, SUVs, RVs, and other vehicles that enter the park, and I wonder if my colleague from New Jersey wishes to move beyond the banning of the 48,000 plus snowmobile users in the wintertime toward eliminating over 1.8 million summer vacationers from the park in the nonwinter parts of the year. Perhaps we should operate under the presumption that the fewer people accessing the park is better and maybe perhaps cars would be next.

My third chart, Mr. Chairman, is an emissions comparison of the popular West Yellowstone Entrance. The first bar at 150 parts per million of particulate matter is the EPA's National Ambient Air Quality Standard. The next bar of 33.7 parts per million represents the two-stroke snowmobiles emissions. The next two bars, representing 5.4 parts per million each, are for the 2001 Clinton snowmobile ban and the 2003 Bush Rule requiring best available technology. It is interesting how the requirement for best available technology, the use of cleaner and quieter four-stroke snowmobiles is dramatically well below the current EPA standard.

My fourth and next to the last chart, Mr. Chairman, is an emissions comparison for carbon monoxide at the West Yellowstone Entrance. Again, as my colleagues can see, the use of best available technology is well below the EPA standard, as shown on the far two bars there.

And my last chart is a comparison of audible noise and acres in Yellowstone National Park. I think this chart is very important because it shows that of the park's 22 million acres, only 182,540 acres would be affected by using best available technology in snowmobile access. I believe that is less than 10 percent of the park.

So we are here today to eliminate a historic use that affects less than 10 percent of Yellowstone National Park and its other users. For these reasons, and for the reason this is really a discussion of not recreation but access, and coming from the other part of the country that has Yosemite National Park, we deal with restrictive access issues all the time, I really would urge my colleagues to oppose the Holt-Shays-Rahall-Johnson amendment and rely on the current administration's attempt to work out a solution that will allow people access into Yellowstone National Park and still preserve the environment there.

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

Mr. RADANOVICH. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, I just wanted to know if snowmobile use was permitted in Yosemite National Park.

Mr. RADANOVICH. Mr. Chairman, people do not use snowmobiles to get into Yosemite National Park as they would in Yellowstone National Park. They do not use snowmobiles to access Yosemite. I mean it is not a way one

gets in there because it is not the only way that one can get there in the wintertime.

Mr. HOLT. Mr. Chairman, so it is not a permitted use in Yosemite National Park?

Mr. RADANOVICH. Mr. Chairman, nobody drives a snowmobile to go to Yosemite. We live in the West under 4,000 feet elevation. We do not get much snow in the wintertime. I am sure they could drive one but it would be kind of stupid.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment. This has been an interesting discussion about the difference between two-cycle and four-cycle engines, and that is very important because the industry has made remarkable improvements in snowmobiles, in the skidoos and the watercraft industry and the motor-cycle industry and the off-the-road vehicles of all different types because they recognize that people were having a very serious problem with the invasive nature of these vehicles but also recognizing that this is a very large economy. Many, many people use and enjoy, as family recreation, off-the-road biking, off-the-road vehicle travel, snowmobiling, skidoos, and the rest of that. But because we can do that does not mean we can do it everywhere we can do it. There are some places in this country that are in fact very special. And there are places that do not necessarily need to be invaded by a snowmobile whether it is two-cycle or four-cycle. One can use their cell phone almost every place but there are places we would prefer they not do it. They can but we choose to say no.

The gentleman just asked the question about Yosemite. In the wintertime, one could take a snowmobile and go out to the end of Glacier Point. It would be a beautiful, marvelous trip. In a full moon people go out and they travel on skis and they go out. It is one of the great pleasures in Yosemite National Park in the wintertime. Would people want to run a snowmobile out to the end of Glacier Point? It is a paved road. It is covered with snow in the wintertime. It is not plowed. The answer is probably not because it is a very special place, and I do not think one would want to be out there listening to two-cycle or four-cycle engines for that matter.

Yellowstone is one of those very special places, and we should not be taking this very special place and submitting it to this pollution and to the noise factor in this park. Its impact on the people who have to work there, its impact on the wildlife have been well documented in the reports.

Some people say, well, then we should not allow the snowcoaches in. No. The snowcoaches should continue to strive to be better, to improve their efficiencies, their pollution, and the

rest of that. I am not for banning people in Yellowstone in the wintertime. But to have 750 people zipping around on snowmobiles recognizing that they are on the paved road, and that has been a big victory to get them out of the back country, to get them out of the nonpaved areas, but the fact of the matter is that this park should not be invaded in that fashion.

I have been to West Yellowstone. I have talked to the snowmobilers. They are having a great time and I understand all of that. But I think there are many miles of trail that they can ride adjacent to the park in the area and across this country. There are tens of thousands, hundreds of thousands of miles of trails that people can use that are official and unofficial trails that they use in the various States and the various regions where they can snowmobile. But we recognize, as the previous Congresses did when they set aside these great natural assets for this country, there are a lot of things we could do in the Grand Canyon but we would not. There are a lot of things we could do in Canyon Lands, but we would not because we recognize the integrity and the struggle that we have to maintain the integrity of these national parks. And in this particular one we are trying to make a decision that snowmobiling will not be allowed.

The gentleman from Minnesota who spoke said we can ride them in Voyagers. That is fine. Maybe that works in Voyagers. But we do not think it works, and it is incompatible with the protection and the use and enjoyment of Yellowstone National Park, and for that reason I would hope that people would support the Holt amendment.

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

Mr. Chairman, I oppose this amendment. Oftentimes in Montana I have to try to go back and explain some of the dumb things that Congress does, and I usually explain to them that we are a reflection of society, that there is no literacy test to run for Congress. They usually think that is pretty humorous.

But unfortunately there seems to be no common sense test and sometimes in the courts as well. This is one of those times when I am glad not to be a lawyer, because as I look at the dueling cases that are occurring in the court, I look at the kinds of decisions the judge made in Washington, D.C. And I invited this judge to come to Montana and actually take off his robe, get out from behind the desk and come out and learn something about what he is deciding on, as opposed to other judge who lives out there who understands the problem.

On November 20 of 2003, the district court judge back here in the case involving the limited use of snowmobiles in Yellowstone Park implied that the U.S. Government should consider strapping respirators on the resident bison of the park. Let me just read some of the dialogue that occurred between the judge and a witness.

"What about the animals? How are they protected? I mean how are their breathing abilities protected? If the park rangers are provided respirators," which they did not need them, by the way, that was a gimmick, "what are the animals provided? Is there a safe haven for them somewhere? For the bison.

"Well, has anyone studied that, though?" This is the judge. "I mean in the film I saw, that's part of the evidentiary record. It was a 6-minute film." A film, by the way, that was inaccurately put together by the animal rights people.

"Have you seen that?" he said. "I saw bison being herded by snowmobilers." I hope not because it is illegal and somebody should have done something about that.

"Has anyone conducted any study on the impact of the quality of air they're breathing while being herded by snowmobilers?"

"Shouldn't there have been, though? That's a major concern, that the bison are dying off."

They are not dying off. And in fact, in 1963 there were 400. Now there are 4,000. They have overpopulated themselves.

"Especially if the park rangers have respirators. They don't have respirators, obviously. What do they have?"

If this judge is so impressed by inaccurate films, I would hate to be the one to tell him there is no Yogi Bear and Boo Boo out there either. He ought to get his facts straight before he decides to judge on something so very important.

Listen to what the Court decided in Montana, a new winter access plan. As a result of many, many years of discussion and testimony and compromise and consensus, they came up with the idea that less than 1 percent of the entire park could have snowmobiles on it.

□ 1715

There are 2.2 million acres; and at about 180,000 acres, you can actually hear snowmobiles. You have to be on the snow-covered road, in single file, less than 35 miles an hour, with a guide. When it was unlimited, it got up to a number of 1,100. They have capped it at 780, and they have gone beyond that, and they have said it cannot go into one entrance at the 780 per year, you have to spread them around; and they set the numbers for the four entrances into the park.

It does not bother the wildlife. In fact, as we were looking at the picture, the snowcoach and the bison standing next to each other, a gentleman behind me said perhaps they ought to check that snowcoach for brucellosis, as close as it is. They are not afraid of these machines. Go out there and find out; you will see it for yourself. In 4 decades, not one single violation of clean air standards.

I saw a handout sent, a Dear Colleague, that suggested 250 miles of

snowmobile trails. Yes, there are, in Yellowstone Park. 14,000 miles of snowmobile trails in Idaho, Montana, and Wyoming.

Well, see, the sponsors of this amendment do not understand the difference between recreational snowmobiling and sight-seeing and destination points. The 250 miles of trails in the park matter, because they are to places like Old Faithful, Tower Falls, Paintpot, Geyser Basin. They are destinations where people want to go and look at these opportunities.

The final point is, look what you are doing to the communities. Over the years, we encouraged West Yellowstone, the Jackson area, Gardner, Cody to become gateway communities, to set up the infrastructure so they would not have to be built in the park; to create the motels, to create the restaurants, to create the gift shops, to create the recreational opportunities for the sightseeing to become available.

Then what comes along? Somebody that does not want to reasonably consider the fact that they have to pay for their children's clothes, for their children's education, for their retirement. They come in and say we are going to cut you in half. We are taking half of your income away.

Our communities cannot withstand that. I hope someday they understand the kind of devastation they have created for these communities and these families with this kind of legislation. I hope this judge will get out from behind his desk, come out to Montana, accept my invitation, and actually learn something, use some common sense, rather than making the kinds of inquiries that I hope were a joke about putting respirators on bison.

The CHAIRMAN pro tempore (Mr. BASS). The time of the gentleman from Montana (Mr. REHBERG) has expired.

(On request of Mr. OBERSTAR and by unanimous consent, Mr. REHBERG was allowed to proceed for 1 additional minute.)

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

Mr. REHBERG. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the gentleman has made an eloquent appeal and a very compelling appeal. I just want to suggest for those who are concerned about snowmobiles and their effect on the environment, they should take a look at the 1,790,000 vans, buses, automobiles, motorcycles, RVs, SUVs, trucks that are rumbling through Yellowstone.

If they are really concerned, take a look at that impact on the environment and not pick on the snowmobile, which is well in compliance with the air quality and noise requirements of the National Park Service.

Mr. REHBERG. Mr. Chairman, reclaiming my time, I want to point out my statistic, it is less than 1 percent of Yellowstone Park you will be able to hear snowmobiles, it is .082.

I might remind some of my colleagues throughout Congress that

there are other parks that have snowmobiling, and they will get you next. North Carolina; Washington has four; Maine; Colorado has four; Oregon; Pennsylvania; North Dakota; Ohio; California; Wisconsin has two; Iowa; Utah has two; and Michigan. Trust me, you are next.

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

Mr. Chairman, I would just like to make a few comments.

The previous speaker, the gentleman from Montana, gave a very compelling argument, and it is one that I listened to. This is not an easy amendment for any of us; but it is important we have this debate, and it is important we visit each other's districts.

I happen to view Yellowstone and the Grand Teton National Park as not owned by Montanans, not owned by folks from Wyoming. They are owned by Americans throughout the United States. These parks are precious and they are owned by all of us.

What would have happened if the United States Government had not bought these parks? What would they be? They might be owned by someone in the private sector, and then no one could use them.

So I do not have any reluctance whatsoever in standing up and saying I own these parks, as much as anyone else here does. They happen to be in a place that I do not live, but I own these parks; and I have a right to say that my constituents own these parks. They own Yellowstone and Grand Tetons National Parks as much as anyone from Montana or Wyoming or wherever else; and they are owned by us to be used as we, a country, want to use them.

Our concern is that these two precious places are not being treated the way they need to be treated, and we are saying we would like there not to be snowmobiles in these two parks.

We are being asked by those who live there to allow snowmobile use because there is an economy that depends on their use, and I understand that. But that is the difference in this debate. The difference in this debate is we are saying this is a place that our constituents can go to, as much as yours, and the only difference is they have to travel farther to get there. And when they get there, my constituents are saying, they would like to go there and not have to see or hear snowmobiles.

The studies are pretty clear. They point out snowmobiles are not healthy to these parks.

I was not here for the first part of the debate, and I know my colleague, the gentleman from New Jersey (Mr. HOLT), wants to make some comments.

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

Mr. SHAYS. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, the gentleman from Montana (Mr. REHBERG) in response to an earlier amendment today said, "We want Yellowstone park to be as natural as possible."

We are not here to disparage the snowmobile industry. We are simply trying to make the point that Yellowstone National Park is a unique environment, it is particularly fragile in the winter, it is a precious national treasure that deserves an extra level of protection.

Now, my colleagues want to substitute their own judgment for the ones who have taken the measurements, the ones who have the data. We could talk about two-stroke engines and four-stroke engines, and I would be happy to refute all the arguments that have come up.

But the point is, the studies have been done; they have been done repeatedly. The Environmental Protection Agency said that the original National Park Service study was more thorough than anything they had seen on a similar subject; and the conclusion was, even considering the new technology, even considering the four-stroke engines, that the way to protect Yellowstone Park was to phase out snowmobiles, two-stroke engines, four-stroke engines, all of them.

Maybe my colleagues think that these machines, nearly 100,000 of them that go into the park, will not hurt anything. Maybe they want to believe that the experts are wrong and it will not hurt the air and the water and animals, it will not stress these animals during the tough times in the winter. But that is not what the studies show.

So we are simply asking that these 250 miles, this precious park, be set aside. The constituents of the gentleman from Minnesota (Mr. OBERSTAR) can snowmobile all over Minnesota. The constituents of the gentlewoman from Wyoming (Mrs. CUBIN) can snowmobile all over Wyoming. We are talking about America's premier park.

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

Mr. SHAYS. I yield to the gentlewoman from Wyoming.

Mrs. CUBIN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want the gentleman to know that I completely agree with him that everybody who lives in the United States owns Yellowstone National Park. I totally agree with the gentleman on that. I do not think it belongs any more to Wyoming, Montana or Idaho than it does to the rest of the country. I will say when it comes time to taking care of Yellowstone and looking at the needs Yellowstone has, nobody does that but me.

I would also say that because we live there, because we work there, we do know the issue; and our knowledge needs to be respected too.

Mr. SHAYS. Mr. Chairman, reclaiming my time, I rise in support of the Holt-Shays-Rahall-Johnson Amendment to protect Yellowstone and Grand Tetons National Parks.

I believe protecting and preserving our environment is one of the most important duties we have as members of Congress. We simply won't have a world to live in if we continue our neglectful ways.

Our predecessors understood the preservation of our natural resources was a moral and patriotic obligation. It was their vision and foresight that led to the establishment of Yellowstone National Park in 1872.

The creation of our first national park was a far-sighted guarantee each new generation would inherit a healthy and vibrant Yellowstone, a park complete with wildlife, majestic vistas and awe-inspiring geysers.

But snowmobiles have put the park's health in jeopardy. When they roar through the park, they generate tremendous noise and pollution, forcing our park rangers to wear respirators to combat the noxious cloud of blue smoke in which they work.

The harm caused by snowmobile use in Yellowstone has been scientifically proven, studied further, and proven yet again. Over the past decade the Park Service, the Environmental Protection Agency, and independent experts have conducted extensive studies and always reached the same conclusion: a phase-out of snowmobiles is necessary to restore Yellowstone's health.

Last winter marked the start of a transition to snowcoaches. Just as the Park Service and EPA predicted, substituting snowcoach access for snowmobile use began to make Yellowstone a safer wintertime destination for the public, especially visitors susceptible to respiratory problems.

Visitors and park rangers breathed less carbon monoxide, formaldehyde, and benzene than in past winter seasons. Yellowstone was also quieter and less hectic for people and wildlife alike.

By a 4-to-1 margin, Americans overwhelmingly support protecting Yellowstone by replacing snowmobile use with park-friendly, people-friendly snowcoaches.

This amendment does not restrict winter access to the Park. Rather, it requires visitors to travel in a manner that protects Yellowstone's precious resources.

There are thousands of miles of snowmobile routes surrounding Yellowstone National Park including 400 miles near West Yellowstone, Montana alone. In Wyoming, Idaho, and Montana, the total is more than 13,000 miles. All of these opportunities will be unaffected by the Yellowstone amendment which involves only 180 miles of routes within Yellowstone National Park.

Let's not waste another minute or another dollar of taxpayer money further studying this issue. Let's put into law a scientifically sound, environmentally safe and fiscally responsible decision that protects our nation's first treasure.

I urge my colleagues to vote their conscience.

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

Mr. Chairman, I rise in strong support of the Holt amendment, and let me tell you why. I know a lot of these things have been said.

But, after all, this is a national park, and I think if you read Megatrends and what is happening in America, that the most increasing sport in America is watchable wildlife. More people watch wildlife than all of the national football games, baseball games, basketball games, golf, everything you see on television. More people are looking at wild animals.

Where do you go to look at wild animals and have the serenity of the wilderness? It is in the wilderness areas. It seems to me that that is the inspiration for thought, the inspiration for connection with nature. And if there is anything that is so obtrusive after you have gone into a park, it is to be interrupted by things that are not natural.

If there is something that is not natural in a national park, it is snowmobiles. It is like having chain saws while we are trying to have this debate here in this Chamber. We could not stand the noise. We would ask that it be stopped.

I represent the United States' largest marine sanctuary. We have outlawed jet skis in the sanctuary. Why? People do not want to go down to the ocean and just hear a bunch of noise from jet skis. They want to see otters, they want to be able to see sea lions, they want to be able to hear them, they want to be able to watch whales, they want to see the coastline in its natural state. That is why we have national parks. That is why it is the highest act of Congress to do it.

It seems to me if a park is a park is a park, then we have to do everything possible to make sure that park is the experience that people want to have in the wilderness. If you want to go out and have sports in the wilderness, fine, go to someplace in a national forest. But do not go to a national park to do it. It is just not right.

You do not allow hunting in the national park, and people could give you all reasons why perhaps you ought to have hunting, limited hunting; but we do not do it, and we ought not to have snowmobiles in any national park.

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

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

Mr. DICKS. Mr. Chairman, I want to associate myself with the gentleman's comments. I completely agree with him on this particular issue.

I understand there has been a lot of progress made with four-stroke snowmobiles over two-stroke, but still you wind up with the noise factor. I look at my friend from Minnesota, and I would say we have got the Forest Service lands that surround the national parks, where people can do that kind of recreation. We have the Olympic National Park in the State of Washington; we have Mount Baker Forest. There are areas where you can do these things; and, yes, maybe they will raise these issues.

But the top officials in about the last four administrations who run the Park Service believed that in Yellowstone this should be reconsidered. All the science is on the side of this. In my view, it is just like the jet skis. In certain areas, Lake Crescent within the Olympic National Park in the State of Washington, banned the jet skis because they were noisy. We had one county that did this because the people did not like the noise.

It is something about being out there in a national park where you want to enjoy the wilderness, the moment. This noise level still, in my judgment, is unacceptably high.

Mr. FARR. Mr. Chairman, reclaiming my time, I would like to also associate myself with the gentleman's remarks, and remind this body that only last week with all the construction that is going on, and we are trying to get that construction over with because it is so bothersome, but when we were having the service for former President Reagan in the rotunda, we stopped all the noise outside in the construction area.

It seems to me that we ought to allow the national parks to be places where people do not have to experience unnatural noises, and the noises from snowmobiles are very, very loud.

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

(Mr. BISHOP of Utah asked and was given permission to revise and extend his remarks.)

Mr. BISHOP of Utah. Mr. Chairman, I know some of my colleagues are tired of me making reference to the fact that 2 years ago I was simply a high school teacher, but I am still amazed sometimes when I think back that indeed I was talking to a bunch of high school kids at that time, giving them brilliant lectures in history and government, and I know they were brilliant lectures because I was listening to them. Sometimes I feel I was perhaps the only one in the room actually listening to them.

None of you actually had the chance to hear them, so it bespeaks the question on can you actually give a brilliant lecture if no one is hearing it. All of you are politicians, and I realize your greatest orations are given in the shower or the bathroom as you are preparing for the day. And it bespeaks the question, Can you actually give a brilliant speech if no one is there to hear it?

National parks, like wilderness designation, is not a land management formula; it is a recreation designation. Brilliance of nature. Can it actually be there if no one has the opportunity of actually seeing it?

That is the purpose of a national park, to see the natural beauty that is there; and to do so there are trade-offs that we make. In the summer, we are willing to make those trade-offs, because they are so traditional. We become used to them.

□ 1730

We allow 3,000 belching automobiles to go through Yellowstone every summer day. We allow 956,000 tourists to go through there in the month of July alone. We put up public toilets and garbage collection areas not because they enhance nature, but because they make it possible for people to go through and experience what a park is supposed to be about.

We allow the noise of human activities at national parks, because that is

the purpose of a park, to experience and see it. We need to allow all our parks to fulfill the measure of their creation.

Winter beauty in Yellowstone is evident. It is not going to come out and be seen in the coaches, which are terribly ineffective and inefficient. It is a wonderful experience, I suppose, if you can yell over the noise and actually see through the fogged-up windows, but it is unacceptable, and so we find ourselves in the situation right now where one judge in Washington said there should be no snowmobiles, one in Wyoming said they all should be there, and what we need is what John Adams used to call the delightful of all legislative delicacies, a compromise.

Earlier this year there was a compromise. In August the concept of a compromise to come up with a policy of allowing snowmobiles acceptable in that kind of designation will go forward if this amendment is defeated. If this amendment is passed, it brings to a screeching halt any efforts to come up with a long-term compromise solution so that everyone can feel comfortable with that national park that belongs to everyone.

This amendment of the gentleman from New Jersey (Mr. HOLT) would halt that progress but also hurt people who actually want to experience these parks, and I am going to contend that it hurts the park itself. If Yellowstone Park actually had an assault, this would be an assault on that park as if one were assaulting somebody on the street, because its destiny, its premise and its purpose would be totally destroyed.

Parks are there for people to enjoy and understand. This amendment halts that. The gentleman from Washington (Mr. DICKS) said maybe this park should eliminate this type of activity by definition, and the answer is no, it should not, because by definition if you eliminate this activity, you eliminate the ability of people to experience the purpose of that particular park, and that is why that process should be there.

Mr. Chairman, I had the opportunity of reading an article in the New York Times from back in February by someone who was not a fan of the current administration's environmental policies but was sensitive to the importance of having a sensible compromise in this particular issue. His article talks about, once again, if one is a true environmentalist, the goal should be to have everyone enjoying the opportunity of Yellowstone in winter; the environmentalist movement should try to get more people out into the wild, not restrict them, and that is why as a backpacker, as an outdoor enthusiast, as a cross-country skier, he wanted the Bush administration's compromise to be upheld.

If we pass this amendment, there will be no chance of ever moving forward to reaching that or any other variation of that.

VROOMING INTO YELLOWSTONE

(By Nicholas D. Kristof)

President Bush's policy toward the environment has been to drill, mine and pave it, so it's understandable that environmentalists shriek when he pulls out a whetstone and announces grand plans for Yellowstone National Park.

Yet in the battle over snowmobiling in Yellowstone, it's Mr. Bush who is right. And, to me at least, the dispute raises a larger philosophical question: should we be trying to save nature for its own sake or for human enjoyment? Forgive my anthropocentrism, but I think humans trump the bison and moose.

Yellowstone National Park, a wonderland at any time of year, is particularly dazzling in winter, when the geysers shoot out of snowfields and the elk wear mantles of frost. I took one of my sons to visit last year and I learned two things that I don't believe most environmentalists realize.

First, in winter Yellowstone is virtually inaccessible except by snowmobile. Cars are banned (except for one small part of the park), and Yellowstone is so big that snowshoeing and cross-country skiing offer access only to the hardest backpackers, who can camp in snow and brutal cold for days at a time.

Second, a new generation of snowmobiles is available with four-stroke engines, not two-stroke. These machines cut hydrocarbon emissions by 90 percent—and noise by 50 percent.

That's why the Bush administration has been pushing for a sensible compromise: snowmobiles would be allowed—but mostly the new four-stroke machines—only on roads and primarily on guided tours. Only 950 would be permitted per day. (In contrast, a busy summer day draws about 3,000 cars.)

Now two Federal judges are hurling thunderbolts at each other over this issue. A judge in Washington imposed tougher rules that would have ultimately banned snowmobiles from the park. Then a judge from Wyoming ordered that more snowmobiles be admitted. No one knows what's going to happen.

Environmentalists point out that one can also visit Yellowstone in snow coaches, which are a bit like buses on treads. But the existing snow coaches may be worse than the snowmobiles in terms of noise and pollution, and they are a dismal experience—you encounter nature only through fogged-up windows.

The central problem with the environmentalists' position is that banning snowmobiles would deny almost everyone the opportunity to enjoy Yellowstone in winter—and that can't be green.

As an avid backpacker who loves the outdoors, I think the environmental movement should be trying to get more people out into the wild. That's why I'd like to see the Bush administration's compromise upheld, so Americans can continue to enjoy Yellowstone in winter. Cross-country skiers and snowshoers would, of course, still have all of backcountry Yellowstone for themselves, with no machines for many miles around.

Granted, snowmobiles are an intrusion. But so are cars. In the summer, we accept a trade-off: we admitted about 965,000 people last July to Yellowstone, with all the noise, garbage, public toilets and disruption that entailed, knowing that the park would be less pristine but that more people would get a chance enjoy it. That seems a fair trade.

The philosophical question is the purpose of conservation: Do we preserve nature for its sake, or ours?

My bias is to put our interests on top. Thus I'm willing to encroach on wilderness to give

Americans more of a chance to get into the wild. That's why we build trails, for example—or why we build roads into Yellowstone.

All in all, I'd love to see more effort by environmentalists to get Americans into the wilderness. It would be nice to see a major push to complete the Continental Divide Trail in the Rockies, which runs from Canada to Mexico on maps—but which has never been fully built. Likewise, there is talk about building a hiking trail across America from west to east—it could be called the Colin Fletcher trail, after the man who helped popularize backpacking in America.

Putting human interests first doesn't mean that we should despoil Yellowstone, or that we should drill in the Arctic National Wildlife Refuge, or that we should allow global warming. We have a strong human interest in preserving our planet. But we should also allow ourselves to enjoy this natural world around us—including the grandeur of Yellowstone in winter—instead of protecting nature so thoroughly that it can be seen only on television specials.

The CHAIRMAN pro tempore (Mr. BASS). The time of the gentleman from Utah (Mr. BISHOP) has expired.

(On request of Mr. POMBO, and by unanimous consent, Mr. BISHOP of Utah was allowed to proceed for 2 additional minutes.)

Mr. BISHOP of Utah. Mr. Chairman, I yield to the gentleman from California.

Mr. POMBO. Mr. Chairman, I really did enjoy the comments of the gentleman from Utah (Mr. BISHOP), because I think that they hit on something that has been missing in this debate. We have spent a lot of time talking about two-cycle versus four-cycle and what happens with the noise and the pollution levels, and I think that is extremely important in terms of the debate, but one thing that has been missing in this entire debate was brought up by my colleague, the gentleman from Utah (Mr. BISHOP), and that is that all national parks, including Yellowstone, are not managed for their maximum environmental protection. Congress has directed that all parks are managed for two purposes, visitor use and enjoyment and resource protection.

The Park Organic Act of 1916 mandates the agency to balance these purposes, so it is illegal for the Park Service to disregard visitor use.

I heard my colleague a minute ago stating that mixing up a wilderness area and a park and kind of trying to go back and forth between wilderness and park, they are not the same thing. The purpose of a national park also includes visitor enjoyment and the ability of visitors to go there and be part of that park and see what is happening there.

One of the things, one of the disturbing things that has happened with these amendments that have been brought up is they seem to constantly be trying to limit access, the American public to have access to these national parks and not allow them to get inside. That is extremely disturbing.

The gentleman from Connecticut was right. These national parks belong to all of us, but if we cannot get into

them, then we do not have the ability to enjoy them. These are not wilderness areas; these are parks, and part of that is building visitors' centers, it is building roads, it is getting people inside to enjoy them.

Mr. Chairman, I urge a no vote on the amendment.

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

Mr. Chairman, I appreciate the opportunity to speak, and I wanted to address a few of the points that have been made, including the last point that was just made, that if you cannot get in, you cannot enjoy the resources, and I think this is really quite true. But this goes to the air quality issue.

When we talk about the degrading of the air quality at Yellowstone, we are talking about an access issue. When there are health advisories, when the Park Service says that if you have a respiratory condition, you cannot enjoy the park today, this is an access issue. This is not discretionary. We are saying that this park is simply unavailable for those who cannot breathe polluted air.

My colleagues on the other side of the aisle like to cite statistics, that Yellowstone has never violated Clean Air Act standards, but these standards are meant for the entire country. Yellowstone is intended to be a Class 1 airshed, the cleanest, most pristine air in the country. Visitors from across the country do not come to Yellowstone to breathe the same air they get at home. I can certainly attest to that, being from Los Angeles. If we want dirty air, we stay home. We have plenty of it in L.A., we do not need to go to Yellowstone to find smog. Instead, we go to a place like Yellowstone because we enjoy the pristine air, the pristine environment, and for those who have respiratory conditions, it is not a question of merely enjoyment, it is a question of access to these precious sites.

It should also be noted that emissions from snowmobiles actually threaten the health of some of the visitors, as well as the park employees. We have seen before the pictures of rangers forced to wear gas masks because of the smoke at entrance gates. These are not the images that we associate with Yellowstone or want to associate with Yellowstone. Doctors and scientists have also warned that people with upper respiratory conditions like asthma, that park pollution in the winter may be a serious threat to their health.

A second issue I wanted to address in addition to the air quality is that of the economy. We have also heard from my colleagues on the other side of the aisle concerned with the economic impact of this amendment. But in fact, many business owners say that protecting Yellowstone's health is the cornerstone of a sound economic strategy for the region. The Rush amendment, the Rush-Holt amendment would protect Yellowstone's health and help diversify the area's winter economy.

Even the Bush administration's own 2-year study concluded that the phasing out of snowmobiles in Yellowstone in favor of snowcoaches would have a short-term impact of less than 1 percent on the economy of the 5 counties surrounding Yellowstone. And certainly, the economic impact of the continuing uncertainty over litigation and reregulation that has occurred over the last several years has a far more significant impact than the certainty that would be provided by this amendment, by the clarity it would provide in the quality of the air, and in the business environment, the continuing attraction of Yellowstone for people around the country and around the world. I have seen very few people cogently argue that degrading the quality of some of our most pristine areas will attract more visitors to the region. It simply will not.

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

Mr. Chairman, it is reassuring to hear the gentleman who just spoke from California now willing to use the Bush administration figures on the economy when for weeks, maybe months, I have sat on this very floor on all issues relative to the economy and unemployment and how bad things were, how wrong the Bush administration has been. But now, all of a sudden, we have a report that the gentleman from California is willing to adhere to, and it will only affect the economy of Yellowstone by 1 percent.

I would ask the gentleman from California that if we should come up with a national policy which would only affect the economy of California by 1 percent, would the gentleman from California then be most willing to accept that without any argument?

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

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

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding. As I was mentioning, even the present administration's estimate, which I think generally errs far on the side of saying that any environmental protection would be injurious to business, even this administration's expectation is that it would have less than 1 percent impact. So I am saying that even for this very strongly, unfortunately, anti-environmental administration, even they do not see an impact.

Mr. OTTER. Mr. Chairman, reclaiming my time, it is not unusual, as the gentleman just represented and as the potential leader of the gentleman's party, it is not unusual for him to flip-flop back and forth, depending upon how the argument will fit the present issue.

But getting to the issue that we are debating here on the Yellowstone National Park, not too long ago, perhaps far too long ago for certain people to recall, someone once said, "and they sent hither swarms of agents to harass our people and eat out their sub-

stance." And that is precisely what these swarms of people from New Jersey and from other places east of the Mississippi River, and a few other misguided souls that have found their way west, perhaps are doing with this issue.

I want to remind the gentleman from New Jersey that when that report was written there was no such thing as a 4-stroke engine in a snow machine. So how convenient to use that argument when there was no 4-stroke engine. The EPA report dealt only with 2-stroke engines, not 4-stroke engines.

So I would just like to remind all of those who have argued today that let us set the standard right here and now, and that is what we are doing, because I know of at least three potential national monuments, three wilderness areas that are coming up in my State for consideration, and if this is the way my colleagues are going to treat a well-compromised agreement over the course of 10 years and finalized within the last three, that with every new whim and every new Congress and every idea that somebody east of the Mississippi River comes up with wants to come and then change the order in which we agreed to that compromise, then I am going to start voting not only against this amendment, but I will vote against each and every compromise that comes down on anything, many of those which I was willing to at least accept because they were a compromise made in good faith. But if every time we want to change something, we decide well, this is our generation's turn and even though it was compromised out in 1980s on the Frank Church-River of No Return Wilderness Area, now all of a sudden we are wanting to change that compromise. Which other compromise will we change today?

So what we do today, Mr. Chairman, what we do today, I should say will set the order for every compromise that we should ever consider on this floor. Because once these compromises are reached, we thought they were agreements that were made in good faith and not to be changed at the whim of every new environmental organization that may need to raise some funds and, therefore, create a clause appropriate to raising those kinds of funds.

So with that, I would say to the gentleman from New Jersey (Mr. HOLT), if he wants to stop, if he wants to erase all traces of mankind in a national park, he is just a couple of thousand years too late.

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

Mr. OTTER. I yield to the gentleman from New Jersey.

□ 1745

Mr. HOLT. The word "compromise" is something of a euphemism here because there was a rule in place that, several years ago with the new administration, was rescinded, so there was not anybody compromising with anybody. They rolled back an existing

well-considered rule and substituted another one.

Mr. OTTER. Reclaiming my time, I would remind the gentleman from New Jersey (Mr. HOLT) that it was the agreement in the compromise that they were looking to at the time that caused the snowmobile industry to engage in research on the four-stroke engine.

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

I am listening to the debate as it has proceeded. I speak with the trepidation of somebody who is even further west than Idaho, but I do not think that gives me any special knowledge or wisdom or right to speak on this any more than my colleague from New Jersey (Mr. HOLT), who I know to have been deeply involved with issues that deal with natural resources, and I know that he was not originally from New Jersey. My colleague from Connecticut (Mr. SHAYS), who has been deeply concerned with issues that relate to national resources and has a wildlife refuge in his district, people do not recognize is in Connecticut.

I just finished a day-long conference with my colleague, the gentleman from Oregon (Mr. WALDEN), about the future of Mt. Hood, which is in my district. There is a national forest. There is a national scenic area. We were aware of the balance, the struggle to try and deal with the issues of urban life, of recreation, of competing demands. But we concluded in our community, as have most Americans, that it is a fallacy to say if you cannot get in and enjoy every square inch any way you want that you are shut out and you cannot enjoy it.

We are not talking about putting a gondola to the top of Mt. Hood. There are areas that are too sensitive to have motorized dirt bikes or even pedal dirt bikes, and we are working with people who deal with that form of recreation to work with them in a way to manage and respect the resources. I have a friend, an Oregonian ex-pat, Mike Finley, who was the superintendent of Yellowstone. I have had conversations with him for years about this issue.

The ban on snowmobile use in this particular area was the result of extensive study, not once but twice by the Park Service. It included the EPA, not once but twice. There was a massive involvement of public input, and this is a decision that was studied and was appropriate for the Yellowstone area that is unique. It is outrageous what is happening in terms of the noise and the air pollution in some of these sensitive areas, and the vast majority of the American public agrees.

I am not opposed to all motorized, mechanized forms of recreation. There is a place for jet skis, for snowmobiles, for mechanized dirt bikes. But for heaven's sake, we have to recognize that there are some areas where they are not appropriate. There are hundreds of miles immediately adjacent to

the areas in question where snowmobiles are allowed. This Congress and the Park Service are able to work with the recreation industry, the manufacturers, and the people who practice them to be able to make sure that they are not shut out in the future. That is not the intention.

This is the culmination of over a decade's work. We heard my friend from Idaho talk about changing signals. Well, there are an awful lot of people who have been involved with this for a long time who think that the original proposal reversed by the Bush administration was itself a compromise. It was itself a studied, deliberative action that was thrown in reverse by the Bush administration for ways that I have not been able to understand and I think are inimical to the expectation of the vast majority of the American public.

I hope that this body has the wisdom to approve this amendment; to reinstate the result of a long, careful, thoughtful, deliberate action; to not confuse this with denying access, which it is not, and for heaven's sake not fall into the trap that we have to continue the way we have done it in the past. If anything, we need to avoid further exploitation of sensitive resources to mechanized activities that are in many cases not appropriate.

This is a balanced amendment. It is a studied effort, and I hope that we will approve it when the time comes.

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

Somebody said I cannot talk, I am too far east. Maybe we ought to have people who have ridden on snowmobiles and understand them, the only ones that can talk. I think it might have changed the debate a little bit today.

Someone talked about a fair process. In 1997 the Park Service began the process of developing an environmental impact statement. The service has prepared research examining winter wildlife, snowmobile emissions and impacts, and visitor use. They released the draft of EIS on September 29, 1999, for public comment. The draft contained seven alternatives. None of them talked about banning snowmobiles.

Just a couple months later in December, the service prepared a substantially revised alternative G, which made it rather than alternative B, the new preferred alternative. These changes include an outright ban on all recreation snowmobile use in the park. None of these changes had been previously shared with the public or the State or the county cooperators.

The cooperating States immediately protested. Then on April 27, the former Secretary, John Barry, issued a memorandum directing the service to prohibit the snowmobile use.

That is the process that was reacted to. That was the process that was considered a compromise, not a compromise.

I was not planning to speak on this issue, but I had three snowmobiles for a long time, when my children were growing up and neighbor kids, and we had some wonderful times there. I was intrigued when the gentleman from California talked about wildlife watching because I have probably spent as much time watching wildlife as anybody in this Congress. As a kid, I grew up in the forest. I camped in the forest. In the summertime, my brothers and I slept in the forest, and I can tell you for hours the wonderful wildlife scenes that I saw.

I want tell you, I will never forget the day my wife and son and several other people saw their first flock of turkeys up close. Yes, we were on a snowmobile, putting down a country lane, a road in the woods, and came down around the hillside and there was 15 or 20 turkeys scratching. They stopped and watched us, scurried off to the side as we went by.

I remember seeing deer; and I taught my son, when we see wildlife, do not stop. Just keep moving slowly. We went by beautiful deer looking over us. And I will never forget the day that this big owl sat there fairly close to us, and I can still see him squinting with one eye, trying to see what we were, watching us put by on our snowmobiles. I have seen fleeting fox. I have seen all kinds of wildlife creatures because they are far less scared of you on a vehicle than they are in person. If I had walked around that bend, I probably would not have seen them because they would have seen me before I saw them. But I have seen more wildlife, wonderful, beautiful scenes; and if you learn not to react to them, they will watch you go right by.

We have seen wildlife up closer where you actually watch their eye activity on a snowmobile. So those who are interested in wildlife watching, snowmobiles are not that big machine that is going to chase wildlife away. They are far less fearful of that vehicle putting down through the woods than they are of any one of us walking.

I have spent thousands of hours out there, and I cannot tell you the stories I have seen of beautiful wildlife scenes on a snowmobile. So that argument, in my view, needs to be turned around.

People will see scenes on a snowmobile they never dreamed of. They will see wildlife up very close. And I think that is an important part that needs to be shared.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to the base bill H.R. 4568, I offer amendment jacks0.004, which proposes to prevent "Land Acquisition and State Assistance" funds to be used to support the conveyance of, development on, or destruction of lands that contain historic grave sites or buildings that contain burial grounds of slaves, ex-slaves or soldiers of the Civil War or otherwise are associated with historic conflicts fought on American soil.

I do not offer this amendment to protect African-American history, solely. Rather, I seek to preserve American history, in which slavery

and warfare is embedded. I offer this amendment, Mr. Chairman, to preserve HUMANITY. In addition to the importance of preservation, we must utilize our historic sites as teaching sites, and learn from them. Our American schools must not turn their heads at the thought of our tumultuous past. Rather our schools should embrace occurrences of warfare and enslavement as important components of our history, which has made us the nation we are today.

In my district, a historic cemetery bearing the remains of infamous African American Buffalo Soldiers and other African-Americans rests beneath a proposed Houston Independent School District construction site. This area of the 4th Ward, formerly known as Freedman's Town, stands as a pillar of the African-American community for almost 150 years, and represents the adaptation of African-Americans to freedom and urban life. And in 1984 Freedmen's Town was described as the largest, and last remaining intact freed slave community in the nation. Already, plans have commenced to destroy the area and rebuild Gregory-Lincoln Education Center and relocate the High School for Performing Visual Arts (HSPVA) on the site. This blatant disregard for the lives and remains of African Americans who fought to preserve American freedom, as we know and envy it, should not be tolerated, ignored or rewarded through the allocation of funding. Therefore, I urge the members of Congress to pass my amendment, which would prevent Congress from aiding in the destruction of American history.

Clearly, I am in support in the improvement and expansion of facilities for youth in my very district. However, I can not support the destruction of our past for this particular endeavor, which could be relocated to another site. I can not support the disrespect of those who fought for our nation, despite the pain and suffering inflicted upon them by the shackles of slavery. I propose that historic landmarks like this one be used to teach children and adults, alike, about the importance of those African-Americans who fought for our freedom, as well as to teach us all about the importance of preserving our American history. I am disheartened to learn that this teachable moment is not being seized and has stirred such a great level of controversy among residents and officials. I will be even more disheartened if the Congress fails to intervene, and prevent this destruction. With this amendment, we will prevent future controversies such as these, and more importantly the federal government will assert its commitment to preserving our American history, which is too often forgotten.

I would also urge you not disregard the spirit of the National Historic Preservation Act of 1966 (16 U.S.C. 470, Public Law 102-575). Failure to pass this amendment would do just that, and the National Historic Preservation Act seeks to protect sites like the Buffalo soldier cemetery.

I ask you, Mr. Chairman, would the federal government fail to preserve historic sites like Arlington National Cemetery? Of course, not; the federal government protects this site and should protect sites like the cemetery of the Buffalo Soldiers. We must govern responsibly by closing potential loopholes and problems in our proposed legislation. In this case, we must protect our American history, which encompasses all races and creeds. It is our job as the federal government to protect historic

sites, not leaving our localities up in arms to quarrel. In closing, Mr. Chairman, I urge my colleagues to pass the jackso.004 amendment to H.R. 4568, which prevents the disrespect, denigration and destruction of our past; and educates our future with the truth.

The CHAIRMAN pro tempore (Mr. BASS). The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

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

Mr. HOLT. 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 New Jersey (Mr. HOLT) will be postponed.

Mr. HERGER. Mr. Chairman, I move to strike the last word for purposes of a colloquy.

Mr. Chairman, I want to thank the gentleman for engaging in this colloquy with me about the need to increase water storage in the Klamath Basin and to seek balanced solutions that will allow everyone to get well together, rather than unfairly targeting agriculture as the problem.

Mr. Chairman, first allow me to clarify some inaccuracies in a colloquy that occurred last night involving my good friend and colleague from Oregon.

Allow me to point out that the gentleman from Oregon who engaged in that colloquy with the chairman last evening, through which he professed concern about the Klamath Basin, does not represent that area. In fact, his district is nearly 300 miles away.

I want to clarify that for the record because I think there was a misunderstanding. In fact, the three Members of Congress who actually do represent the citizens of that area, myself, the gentleman from Oregon (Mr. WALDEN), and the gentleman from California (Mr. DOOLITTLE) do not support the position of my friend, the gentleman from Oregon.

The studies he proposed will not provide solutions for the Klamath Basin. These issues have been studied and restudied. There is no smoking gun. While the proposed "studies" and other past efforts to regulate the lease lands are said to be benign, they are far from that. They were an attempt to undermine farming.

I ask that the committee not support anything that attempts to misconstrue the farming situation on the refuges and wrongly imply that it is a problem or poses a conflict with wildlife.

It simply "is not" and "does not." In fact, quite the contrary. Agriculture and wildlife are thriving on refuges.

Finally, Mr. Chairman, let me clear up one other misconception. The Klamath Basin disaster of 2001 was not about too much demand. It was about an unbalanced regulatory regime and scientific failings that caused water to be needlessly taken from agriculture and from refuges from endangered species. After updating the law and the science,

the other important step for us to achieve balance is for Congress and the administration to work to increase water storage.

My concern, Mr. Chairman, is that new water supplies are not being pursued with the vigor and the commitment that they require. Congress authorized the Klamath Basin Water Supply Enhancement Act nearly 5 years ago; however, we have yet to see significant measurable progress towards developing new supplies.

Mr. Chairman, we hope to have your support for encouraging the Secretary of the Interior to put more money and more energy into using this authority to aggressively pursue new storage opportunities such as a Long Lake Reservoir which can provide more water for all interests in the Klamath Basin.

One last thing, Mr. Chairman. If any of my colleagues want to work to find solutions for the Klamath Basin, I want to personally invite them to come to the Committee on Resources' field hearing on July 17. Rather than an uninformed debate here on the House floor, we would talk to the people on the ground and engage in a thorough discussion about the real problems and constructive solutions.

We would talk about what farmers are actually doing for the refuges. We would discuss the scientific shortcomings and how to fix them for the long term. We would talk about how to develop more water supplies to create water supply certainty for all interests.

Mr. Chairman, again, I appreciate your support for honest debate and balanced solutions. I hope that we will have your support to implement expeditiously whatever commonsense balanced solutions might arise from our hearing.

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

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I would like to work with the gentleman and the Fish and Wildlife Service to ensure that what ultimately is done is something that will be productive and useful and not further fuel the controversies surrounding the Klamath program. I commend the gentleman for suggesting that and we certainly will work with him.

Mr. HERGER. I thank the gentleman.

□ 1800

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

I would ask that the chairman engage in a colloquy. Mr. Chairman, as we all know and probably too well, water issues in the Klamath Basin have caused a number of conflicts, not only in the upper, mid, and lower basin but also right here in this House in Washington, DC.

But, Mr. Chairman, this afternoon I would like to bring to our attention what I believe to be a very positive

step towards bringing some meaningful help to this issue of water throughout the Klamath Basin, a positive step that addresses both the issues that are important to farming and the issues important to fishing.

The land management agencies have pointed out that by repairing two dams in the Marble Mountain Wilderness Area that we could provide extra cool, clean water down one of the Klamath River's most important tributaries. I am working with other members of the California delegation and our colleague from the Oregon delegation who has this Klamath Basin in his district to explore potentially promising alternatives for the Klamath Basin, and I would ask my colleagues to please indulge us and to help us work through this in using the Interior appropriations bill as the vehicle to provide whatever may prove to be necessary to make these good, positive steps to continue so we can get this behind us.

In closing, I also would like to extend an invitation for those who are going to meet in the upper Klamath to discuss resource issues that are important to farming to please note they are welcome to come down to the mid- and the lower basin to hear from fishermen and fishing families so they fully understand what is important to the needs of the entire Klamath Basin.

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

Mr. THOMPSON of California. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentleman for yielding.

I would be happy to work with the gentleman on exploring promising solutions to the Klamath situation and with the California delegation and the Oregon delegation, also; and I commend the gentleman for his work.

Mr. THOMPSON of California. Mr. Chairman, I thank the gentleman very much.

AMENDMENT OFFERED BY MR. WEINER

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

The Clerk read as follows:

Amendment offered by Mr. WEINER:

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

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. Not later than July 31st, 2004, the Secretary of the Interior shall provide public access to the Statue of Liberty and its interior that is substantially equivalent to the access provided before September 11th, 2001.

Mr. TAYLOR of North Carolina. Mr. Chairman, I would like to reserve a point of order on the amendment.

The Chairman pro tempore (Mr. BASS). The gentleman from North Carolina (Mr. TAYLOR) has reserved a point of order.

The Chair recognizes the gentleman from New York (Mr. WEINER) for 5 minutes.

Mr. WEINER. Mr. Chairman, I thank the chairman and his terrific staff, Deb Weatherly, and the gentleman from

Washington (Mr. DICKS) and Mike Stephens and the gentleman from Pennsylvania (Mr. PETERSON) for their help with this amendment. This is quite simple, and I think it is something we could find broad consensus on in this House.

On September 11, 2 years, 8 months and 6 days ago, all national parks in these affected areas of Washington and New York were closed. Today, all that time later, the Statue of Liberty, the national park that is closest to Ground Zero, the national park that arguably represents all of the things that were attacked on September 11 and represents the values of this country, remains closed today.

What this amendment says is enough is enough, reopen the Statue of Liberty by July 31, 2004. It is not closed for lack of money. This House has allocated \$19.6 million for security enhancements, and that is between fiscal year 2002 and fiscal year 2004. There is an additional \$10 million or so in this budget for that. The time has come for the Statue of Liberty to be reopened.

It is almost mind-boggling to me that only a matter of weeks after September 11 the Washington Monument was reopened. The Republican National Convention, which by the way we would be welcoming with open arms to New York City, will soon be coming to New York City at least in part to the proximity to that attack on our country; and yet the National Park Service refuses to open the Statue of Liberty.

Recently, they made the announcement that we are going to allow people to go into Lady Liberty and stand next to her toes, that this was some kind of a great victory for the people of the United States, despite all of the money that had been allocated for reopening. If that does not gall my colleagues, take a look at this.

This is a picture of a Web site from something called the Statue of Liberty Foundation. They have raised more than \$7 million, which by the way is the amount that was originally said to be the cost for opening Lady Liberty. Folgers sponsors it. If a person sends in a Folgers can, they help contribute to reopening Lady Liberty. American Express has been giving a few dollars. Recently, the Daily News in New York City ran a campaign on their editorial page. People are giving donations of \$1, \$2, \$3 at a time.

Millions of dollars have been raised for what purpose? To open Lady Liberty, not open her feet. Open the crown. Open the part that is most glorious. Open the part that should be symbolic of us getting back on our feet, and yet it has not happened.

It is inexplicable. The Park Service, what have they been doing? Well, we are thinking about it. We are planning to make a plan. We are anticipating maybe coming up with an idea. The National Park Service should be ashamed of their inactions. We in Congress have done our job. We have given them money after money after money for

this purpose, to come up with security provisions.

We here in the House of Representatives, we had to figure out security as well. We have come up with some accommodations. People are back here and visiting. This monument is more than simply a national park. It is symbolic of this country. If the National Park Service is expecting us to believe that we are going to leave this closed ad infinitum, they have got another think coming. There is no way they can secure us in this building, they can secure us on airlines, they can secure us in the Washington Monument, they can secure us anywhere in the United States of America. Osama bin Laden is not going to keep the Statue of Liberty closed, and what this amendment says is we are not going to allow it to happen.

Republicans, Democrats, Independents alike have all contributed to help get this open. The taxpayers have contributed enormous amounts to help get this open. We have children doing cake sales all around the country to get the Statue of Liberty open; and what we are being told is, well, maybe someday we will allow people to go in and pat Lady Liberty's toes. That is about as far as we are going to get.

I believe it is outrageous. I believe it is outrageous, and we have to recognize something, that is, if we are going to raise money to reopen it, and allow people to be deceived in that way, the very least we in Congress should do is say, spend the money for what you said it was going to be for; and if by some unimaginable set of circumstances, the National Park Service, United States Armed Services, the NYPD, the United States Congress cannot figure out a way to reopen this monument, I hate to use an overworked cliché, but really, the terrorists have won. If they manage to keep this closed, it would be a shame.

I want to make one other point. I hope that when my colleagues on the Republican side of the aisle come visit New York, they have an opportunity to see the glory of traveling up to the crown of the Statue of Liberty, of seeing that glory, of participating in that. And what my colleagues will see is not only the glory of New York Harbor welcoming waves of new immigrants. They will see Ground Zero. It is a shame that when we stand at Ground Zero, the national park we see is one that is shamefully closed.

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from North Carolina (Mr. TAYLOR) insist on his point of order?

Mr. TAYLOR of North Carolina. Mr. Chairman, I do.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, while I may be sufficiently galled and while I appreciate the gentleman's welcome to New York, I must make a point of order against the

amendment because it imposes to change existing law and constitutes legislation in an appropriations bill, and therefore, violates clause 2 of rule XXI.

The rule states in pertinent part: No amendment to a general appropriation bill shall be in order if changing existing law. The amendment gives affirmative direction, in effect.

I ask for a ruling from the Chair.

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

Mr. WEINER. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN pro tempore. The gentleman from New York is recognized.

Mr. WEINER. Mr. Chairman, first of all, I want to thank the chairman of the committee and the ranking member. They have both allocated a remarkable amount of resources to solve this problem and deserve great praise.

I would argue on the point of order, Mr. Chairman, that this is not a change in existing law; that we, in existing law, have already articulated the will of this House that this monument be reopened; that this be a national park that we have allocated resources to. I would say that this is only a reiteration of existing law.

Now it might not be in this bill, but it is existing law; and I would even argue that given the allocation for security enhancements that it is the intention of this House that steps be taken; and therefore, it is not legislating in an appropriation bill, and if it is, we should do it anyway.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on this point of order? If not, the Chair will rule.

The Chair finds that this amendment includes language imparting direction. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. DICKS

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

The Clerk read as follows:

Amendment offered by Mr. DICKS:

At the end of the bill, before the short title, insert:

SEC. . . "The Secretary of the Interior shall submit a report to Congress 30 days after the enactment of this act with a date certain of when and whether the public will have full access to the Statue of Liberty including all areas that were closed after 9/11."

Mr. DICKS. Mr. Chairman, this is an amendment I have offered with the gentleman from Pennsylvania (Mr. PETERSON), and I think the chairman is prepared to accept it.

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

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

Mr. TAYLOR of North Carolina. Mr. Chairman, we have no objection to the amendment.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

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

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used to eliminate programs funded under Title III of the Healthy Forests Restoration Act.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, there are times when there are vehicles on the floor of the House that we wish to be more receptive and sensitive to the many myriad of issues that face our communities. The Interior bill is a first step for this effort to help us recognize that forestation and trees are not only valuable for Yellowstone, or some of our national parks, but they are, in fact, valuable for rural and urban America.

One of the most detrimental aspects of living in asphalt cities is the fact that we do not have green trees. My amendment simply reinforces the idea that in urban settings or in other settings we should make sure that no funds are used to eliminate the funding under the title III of Healthy Forests Restoration Act.

Clearly, I believe that we are threatened by the lack of urban forestation, and so my amendment really does speak to a point of importance that will ensure urban reforestation programs.

Let me applaud the Houston Partnership who spent many hours in Washington trying to convince Members of Congress of the value of increasing the number of trees in Houston. Planting of new trees and proper preservation of existing trees have proven to lead to a cleaner air quality, lowering of temperatures by countering the urban heat island effect, and a reduction of flooding that will benefit both human- and wildlife.

Mr. Chairman, let me tell my colleagues that Houston, Texas, knows firsthand about the heat island, and we certainly know firsthand about flooding. We also know firsthand the value of trees.

As I look at the trees in my own community, some 50, 60, 70, 100 years old, we know that they can be here today but in our community gone to-

morrow through some hurricane or tornado, and so this amendment is a commitment to the city of Houston that we will find ways in our legislative agenda and the appropriations process to recognize the value of treeing our urban and rural areas.

I would ask my colleagues to recognize the importance of Members making the point, even on the appropriations bill, to suggest that no funds should be kept from urban reforestation and that national parks, as I applaud and vote for amendments to protect them, should not be the only entity in which funding is secured as it relates to providing for reforestation or providing trees in our areas.

I hope to encourage my community not only to secure funds for reforestation but I encourage our neighborhoods to plant trees so that more trees can grow in our urban areas.

With that, Mr. Chairman, I am prepared at this time to withdraw this amendment, hoping that I have left a point of impact and to look forward to working with other appropriators in actual funding for the reforestation of Harris County, Houston, Texas, the fourth largest city in the Nation, that can really benefit from reforestation and to eliminate the heat island and the environmental effect as well.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to support my Amendment which states that none of the funds made available in this Act may be used to eliminate or restrict programs that are for the reforestation of urban areas. The Jackson Lee Amendment will ensure that urban reforestation programs, which are in dire need, will not be threatened. When many of us think of issues relating to the Interior we usually imagine rural areas or our National Parks, but it has become increasingly evident that urban areas also need to reap the benefits that reforestation provides. Planting of new trees and proper preservation of existing trees have proven to lead to cleaner air quality, lowering of temperatures by countering the Urban Heat Island Effect, and a reduction of flooding that will benefit both human and wildlife.

This initiative to plant trees is one that every major metropolitan city should undertake for the well-being of its inhabitants. It is a known fact that natural plants, especially trees, help to naturally improve air quality, an issue that is troublesome in many parts of America. The people of America and all future generations deserve to breathe clean air and not be forced to choke on smog-filled skies.

Many of America's largest cities unfortunately also face the consequences of the Urban Heat Island Effect. The Urban Heat Island Effect is caused in areas of low vegetation and large expanses of concrete and asphalt that absorb heat during the day and then release it to create hot-air "domes" over the city. The Urban Heat Island Effect can contribute to the temperature rising up to ten degrees higher; the effects of this increased temperature in the spring and summer months, as you can imagine, are severe. While research into this area is relatively new, science has shown links between the Urban Heat Island Effect and greater levels of bad ozone and a greater frequency of lightning storms as has

occurred in my district in Houston. The planting of new trees and proper preservation of existing trees has proven to reduce the results of Urban Heat Island Effect. It is imperative that we undertake these initiatives that can help counter the Urban Heat Island Effect and all of its destructive consequences.

Perhaps the greatest advantage of reforestation initiatives is that it will reduce the likelihood of flooding occurring. As many of you may know, the city of Houston is often faced with the very destructive and harsh effects of flooding. The planting of new trees has shown to be effective in significantly reducing storm water runoff, which often leads to large scale flooding. This is an issue that is the greatest environmental challenge that many large cities in America face.

It is truly important that this body accepts the Jackson Lee Amendment to prohibit funds made available in this Act to be used to eliminate or restrict programs that are for the reforestation of urban areas. The effects of a lack of forestation that concern human beings such as air quality, rising temperatures, and flooding also are of concern to the survival and long-term viability of wildlife in the area. While some may hold the belief that the funds for the Interior are only intended for rural areas or National Parks, it is my belief that people in urban areas must also be able to reap the benefits that come from greater protection of natural resources such as trees. I am asking that this body help to protect these new initiatives on behalf of large cities throughout America that are in need of environmental relief. In the end, I feel that programs to plant and preserve trees in urban areas will make a difference in the type of environment that future generations of Americans will have to face.

□ 1815

The CHAIRMAN pro tempore (Mr. BASS). Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

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

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in title I for "Land Acquisition and State Assistance" may be used to support the construction of the Gregory Lincoln Education Center located at 1101 Taft Street in the Fourth Ward of Houston, Texas.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, these are meaningful issues not only for Houston, but I believe this should be the philosophy of this body, and that is the preservation of historic artifacts and historic places.

This amendment goes directly to a very historic community that many people are aware of nationally because it is a site where the Emancipation Proclamation was delivered. It was a site called Freedman's Town where original ex-slaves lived. Now what we are attempting to do, and let me thank Gladys House, one of my constituents who has never left Fourth Ward, we are trying to protect the grave sites of slaves and ex-slaves and soldiers who fought in the Civil War.

I think all of us would have a soft spot in our heart when it comes to recognizing if a Nation disrespects its history. What does a Nation stand on? Some would say if you forget your history, you are doomed to repeat your past or not benefit from the past.

My amendment would suggest that our American history is valuable and when we offer to construct new sites, we should not disrespect that history. In my district, an historic cemetery bearing the remains of famous African American Buffalo soldiers and other African Americans rests beneath a proposed Houston independent school district construction site. It is the area of Fourth Ward in Freedman's Town, an area almost 150 years old. In 1984, Freedman's Town was described as the largest and last remaining, intact freed slave community in the Nation.

It has great value this new school, and I applaud it. In fact, I support this new school; but what I want to see happen and the reason I am on the floor today is to secure at least the affirmation that under the Interior appropriation we have the sense it is important to preserve and not to destroy. I support the building of this school, but I also believe it is crucial that we respect the burial grounds of the deceased, and particularly the historic nature of this.

I ask my colleagues to join me in working through the conference and working with other appropriators to reinforce the value of historic preservation and the preserving of these artifacts and grave sites in the Fourth Ward in Houston, Texas, a 150-year community.

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, one of the objectives of this bill is in the area of historic preservation through the Park Service and through the Department of Interior. This has been something that I have worked on in my own district.

I completely concur that we must protect our past, and especially when we have these very sensitive sites that are important to the people of that area and the country. I commend the gentleman for taking leadership on this issue, and pledge that we will continue to work with the gentleman on this matter.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member, and let me acknowledge the work

that the Subcommittee on Interior and Related Agencies has done on this, and let me also thank State Senator Rodney Ellis and the Houston Independent School District for meetings that we are having, but the Federal Government must make this kind of national statement on the floor of the House embedded in the CONGRESSIONAL RECORD and the commitment to work forward, which is that we do have precious sites and they must be preserved.

I am hoping that we can find a way for this language to have some impact on those working in Houston so that no Federal funds will be able to be used to undermine these historic sites.

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

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

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

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

Mr. Chairman, there is an amendment at the desk that the gentleman from Florida (Mr. HASTINGS) originally offered. Unfortunately, the mother of the gentleman from Florida (Mr. HASTINGS) is in the hospital, and I know she is in the thoughts and prayers of all of us at this moment in time.

It is an amendment which I support, and I rise today to offer it. It will dedicate \$500,000 for outreach and assistance in minority and disadvantaged communities affected by Everglades restoration. When Congress first passed the Comprehensive Everglades Restoration Plan, it affirmed its commitment to clean up Florida's Everglades. That plan included an outreach and assistance component, which is critical to the success of this restoration plan.

As the Department of Interior and Army Corps of Engineer began their outreach, the gentleman from Florida (Mr. HASTINGS) and I and others believed their approach left many in minority and underserved communities in the dark and out of the process.

Many constituents did not understand how the plan benefited their lives and few minority owned small businesses had any knowledge on how to access the contract dollars that are to be spent by the State and Federal Government in their backyard. When the House overwhelmingly passed the Water Resources Development Act last September, it authorized \$3 million to be spent on outreach in minority and disadvantaged communities. This legislation, however, never became law, although the House's support for such efforts are clear.

The gentleman from Florida (Mr. HASTINGS) and others have worked tirelessly to encourage Interior and the Army Corps to incorporate issues of environmental justice into their plans, and focus outreach and assistance efforts on minority and disadvantaged communities. To their credit, they have done all they can. And their work,

combined with assistance from the office of the gentleman from Florida (Mr. HASTINGS) and others is starting to pay off.

Everglades restoration is the largest environmental cleanup in the history of our Nation. Our responsibility is to not only ensure that the restoration is a success, but also the process by which restoration occurs. The process of restoration and the restoration itself must be inclusive and equally benefit all communities, regardless of race, culture or socioeconomic status.

Our success is often limited by our resources. With \$500,000 specifically dedicated to Everglades restoration outreach in disadvantaged communities, the Department of Interior can make a much more significant contribution to our efforts.

Mr. Chairman, I would like to engage both the chairman and the ranking member on this issue which is of crucial importance to the constituents of south Florida.

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

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentleman for his point of personal privilege and his comments on the commitment to the restoration of the Everglades. He and I have spoken about the importance of ensuring that all communities affected by this restoration project be involved in the decision-making process and understand how the project affects their lives.

I am committed to working with him and with this bill as it goes forward to conference to encourage the Department of Interior and the Army Corps of Engineers to be sensitive to the restoration outreach and assistance in minority and other disadvantaged communities. I thank the gentleman for bringing it to our attention.

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

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

Mr. DICKS. Mr. Chairman, I appreciate the gentleman making this speech, and we all regret the gentleman from Florida (Mr. HASTINGS) is unable to be here today. I know both of you have been very active on the Everglades issue, and we want to see that all parts of the community, the minority and disadvantaged community, are not left out, and we will continue to work with you and the gentleman from Florida (Mr. HASTINGS) to make sure this is accomplished.

Mr. DEUTSCH. Mr. Chairman, I thank the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Washington (Mr. DICKS) for their kind words and commitment to work with the gentleman from Florida (Mr. HASTINGS) and myself. I believe the little amount for which we are asking will go a long way.

Mr. Chairman, I ask unanimous consent that my amendment be withdrawn

and express my desire to work with the chairman and ranking member of the committee when this bill goes to conference.

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. DEUTSCH) did not offer his amendment, so there is no need to have a unanimous consent request to withdraw it.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 18 offered by the gentleman from New York (Mr. HINCHEY); amendment offered by the gentleman from Vermont (Mr. SANDERS); amendment No. 4 offered by the gentleman from New Jersey (Mr. HOLT).

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

AMENDMENT NO. 18 OFFERED BY MR. HINCHEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) 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 vote was taken by electronic device, and there were—ayes 202, noes 215, not voting 16, as follows:

[Roll No. 261]

AYES—202

Ackerman	DeFazio	Hoeffel
Allen	DeGette	Holt
Andrews	Delahunt	Honda
Baird	DeLauro	Hooley (OR)
Baldwin	Deutsch	Hoyer
Bass	Dicks	Inslee
Becerra	Doggett	Israel
Bell	Doyle	Jackson (IL)
Berkley	Ehlers	Jackson-Lee
Biggert	Emanuel	(TX)
Bishop (NY)	Engel	Jefferson
Blumenauer	English	Johnson (IL)
Boucher	Eshoo	Jones (OH)
Bradley (NH)	Etheridge	Kanjorski
Brady (PA)	Evans	Kaptur
Brown (OH)	Farr	Kelly
Brown, Corrine	Fattah	Kennedy (RI)
Capps	Ferguson	Kildee
Capuano	Filner	Kind
Cardin	Ford	Kirk
Carson (IN)	Frank (MA)	Kleczka
Case	Frelinghuysen	Kucinich
Castle	Gephardt	Lampson
Chandler	Gerlach	Langevin
Clay	Gonzalez	Lantos
Clyburn	Goode	Larsen (WA)
Costello	Gordon	Larson (CT)
Cramer	Green (TX)	Leach
Crowley	Green (WI)	Lee
Cummings	Greenwood	Levin
Davis (AL)	Grijalva	Lewis (GA)
Davis (CA)	Gutierrez	LoBiondo
Davis (FL)	Harman	Lofgren
Davis (IL)	Hill	Lowey
Davis (TN)	Hinchey	Lucas (KY)
Davis, Tom	Hinojosa	Lynch

Majette	Payne	Snyder
Maloney	Pelosi	Solis
Markey	Platts	Spratt
Matsui	Price (NC)	Stark
McCarthy (MO)	Pryce (OH)	Strickland
McCarthy (NY)	Rahall	Tauscher
McCollum	Ramstad	Taylor (MS)
McDermott	Rangel	Terry
McGovern	Rodriguez	Thompson (CA)
McNulty	Ros-Lehtinen	Thompson (MS)
Meehan	Rothman	Tiberi
Meek (FL)	Roybal-Allard	Tierney
Meeks (NY)	Ruppersberger	Towns
Menendez	Rush	Udall (CO)
Michaud	Ryan (OH)	Udall (NM)
Millender-	Sabo	Upton
McDonald	Sánchez, Linda	Van Hollen
Miller (NC)	T.	Velázquez
Miller, George	Sanchez, Loretta	Visclosky
Mollohan	Sanders	Wamp
Moore	Saxton	Waters
Moran (VA)	Schakowsky	Watson
Murtha	Schiff	Watt
Nadler	Scott (VA)	Waxman
Napolitano	Sensenbrenner	Weiner
Neal (MA)	Serrano	Weldon (PA)
Obey	Shaw	Wexler
Olver	Shays	Whitfield
Ortiz	Sherman	Woolsey
Owens	Simmons	Wu
Pallone	Skelton	Wynn
Pascarell	Slaughter	
Pastor	Smith (NJ)	

NOES—215

Abercrombie	Dunn	McCotter
Aderholt	Edwards	McCrery
Akin	Emerson	McHugh
Alexander	Everett	McInnis
Baca	Feeney	McIntyre
Bachus	Flake	McKeon
Baker	Foley	Mica
Ballenger	Forbes	Miller (FL)
Barrett (SC)	Fossella	Miller (MI)
Bartlett (MD)	Franks (AZ)	Miller, Gary
Barton (TX)	Frost	Moran (KS)
Beauprez	Gallegly	Murphy
Berry	Garrett (NJ)	Musgrave
Bilirakis	Gibbons	Myrick
Bishop (GA)	Gilchrest	Neugebauer
Bishop (UT)	Gillmor	Ney
Blackburn	Gingrey	Northup
Blunt	Goodlatte	Norwood
Boehlert	Goss	Nunes
Boehner	Granger	Nussle
Bonilla	Graves	Oberstar
Bonner	Gutknecht	Osborne
Bono	Hall	Ose
Boozman	Harris	Otter
Boswell	Hart	Paul
Boyd	Hastings (WA)	Pearce
Brady (TX)	Hayes	Pence
Brown (SC)	Hayworth	Peterson (MN)
Brown-Waite,	Hefley	Peterson (PA)
Ginny	Hensarling	Petri
Burgess	Herger	Pickering
Burns	Herseeth	Pitts
Burr	Hobson	Pombo
Burton (IN)	Hoekstra	Pomeroy
Buyer	Holden	Porter
Calvert	Hostettler	Portman
Camp	Houghton	Putnam
Cannon	Hulshof	Quinn
Cantor	Hunter	Radanovich
Capito	Hyde	Regula
Cardoza	Issa	Rehberg
Carson (OK)	Istook	Renzi
Carter	Jenkins	Reynolds
Chabot	John	Rogers (AL)
Chocola	Johnson (CT)	Rogers (KY)
Coble	Johnson, E. B.	Rogers (MI)
Cole	Johnson, Sam	Rohrabacher
Collins	Jones (NC)	Ross
Cooper	Keller	Royce
Crane	Kennedy (MN)	Ryan (WI)
Crenshaw	King (IA)	Ryun (KS)
Cubin	King (NY)	Sandlin
Culberson	Kline	Schrock
Cunningham	Kolbe	Scott (GA)
Davis, Jo Ann	LaHood	Sessions
Deal (GA)	Latham	Shadegg
DeLay	LaTourette	Sherwood
Diaz-Balart, L.	Lewis (CA)	Shimkus
Diaz-Balart, M.	Lewis (KY)	Shuster
Dingell	Linder	Simpson
Dooley (CA)	Lucas (OK)	Smith (TX)
Doolittle	Manzullo	Souder
Dreier	Marshall	Stearns
Duncan	Matheson	Stenholm

Stupak Thornberry Weldon (FL)
Sullivan Tiahrt Weller
Sweeney Toomey Wicker
Tancred Turner (OH)
Tanner Turner (TX)
Tauzin Vitter Wilson (NM)
Taylor (NC) Walden (OR)
Thomas Walsh Young (AK)
Young (FL)

NOT VOTING—16

Bereuter Isakson Oxley
Berman Kilpatrick Reyes
Conyers Kingston Smith (MI)
Cox Knollenberg Smith (WA)
DeMint Lipinski
Hastings (FL) Nethercutt

ANNOUNCEMENT BY THE CHAIRMAN PRO
TEMPORE

The CHAIRMAN pro tempore (Mr. BASS) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1849

Ms. EDDIE BERNICE JOHNSON of Texas and Messrs. HOEKSTRA, GUTKNECHT, BARTLETT of Maryland, and CHABOT changed their vote from “aye” to “no.”

Messrs. SEXTON, JOHNSON of Illinois, WAMP, HINOJOSA, and McDERMOTT changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT, AS MODIFIED, OFFERED BY MR. SANDERS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from Vermont (Mr. SANDERS) 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 152, noes 267, not voting 14, as follows:

[Roll No. 262]

AYES—152

Abercrombie Davis (CA) Grijalva
Ackerman Davis (FL) Gutierrez
Andrews Davis (IL) Herseth
Baca Davis, Jo Ann Hinchey
Baird DeFazio Hinojosa
Baldwin Delahunt Hoeffel
Becerra DeLauro Holden
Bishop (GA) Doggett Holt
Bishop (NY) Doyle Honda
Blumenauer Emanuel Hooley (OR)
Boswell Engel Inslee
Boucher English Jackson (IL)
Brady (PA) Eshoo Jackson-Lee
Brown (OH) Evans (TX)
Brown, Corrine Farr Johnson (CT)
Capps Fattah Johnson (IL)
Capuano Filner Johnson, E. B.
Carson (IN) Forbes Jones (NC)
Chandler Frank (MA) Jones (OH)
Clay Gephardt Kanjorski
Clyburn Goode Kaptur
Crowley Goodlatte Kelly
Cummings Green (TX) Kennedy (RI)
Davis (AL) Greenwood Kildee

Kind Moran (KS)
Klecza Moran (VA)
Kucinich Murtha
Langevin Nadler
Larsen (WA) Napolitano
Larson (CT) Neal (MA)
Lee Oberstar
Levin Obey
Lewis (GA) Oliver
Lofgren Owens
Lowey Pallone
Maloney Pascarelli
Markey Paul
Matsui Payne
McCarthy (NY) Pelosi
McCollum Peterson (MN)
McDermott Rohrabacher
McGovern Ross
McIntyre Rothman
McNulty Roybal-Allard
Meehan Royce
Meek (FL) Ruppersberger
Meeks (NY) Rush
Michaud Ryan (OH)
Millender Sánchez, Linda
McDonald T.
Miller (NC) Sanchez, Loretta
Miller, George Sanders

NOES—267

Aderholt Diaz-Balart, M.
Akin Dicks
Alexander Dingell
Allen Dooley (CA)
Bachus Doolittle
Baker Dreier
Ballenger Duncan
Barrett (SC) Dunn
Bartlett (MD) Edwards
Barton (TX) Ehlers
Bass Emerson
Beauprez Etheridge
Bell Everett
Berkley Feeney
Berry Ferguson
Biggart Flake
Bilirakis Foley
Bishop (UT) Ford
Blackburn Fossella
Blunt Franks (AZ)
Boehlert Frelinghuysen
Boehner Frost
Bonilla Gallegly
Bonner Garrett (NJ)
Bono Gerlach
Boozman Gibbons
Boyd Gilchrest
Bradley (NH) Gillmor
Brady (TX) Gingrey
Brown (SC) Gonzalez
Brown-Waite, Gordon
Ginny Goss
Burgess Granger
Burns Graves
Burr Neugebauer
Burton (IN) Ney
Buyer Northup
Calvert Norwood
Calvert Nunes
Camp Nussle
Cannon Ortiz
Cantor Osborne
Capito Ose
Cardin Otter
Cardoza Oxley
Carson (OK) Pastor
Carter Herger
Case Hill
Castle Hobson
Chabot Hoekstra
Choccola Hostettler
Coble Houghton
Cole Hoyer
Collins Hulshof
Cooper Hunter
Costello Hyde
Cox Israel
Cramer Issa
Crane Istook
Crenshaw Jefferson
Cubin Jenkins
Culberson John
Cunningham Johnson, Sam
Davis (TN) Keller
Davis, Tom Kennedy (MN)
Deal (GA) King (IA)
DeGette King (NY)
DeLay Kirk
Deutsch Kline
Diaz-Balart, L. Kolbe

Schakowsky
Scott (VA) Simmons
Skelton Skelton
Slaughter Ryan (WI)
Solis Ryan (KS)
Stark Sabo
Strickland Spratt
Stupak Stearns
Tauscher Stenholm
Taylor (MS) Sullivan
Terry Schrock
Thompson (CA) Scott (GA)
Thompson (MS) Sensenbrenner
Tierney Sessions
Towns Shadegg
Turner (TX) Shaw
Udall (NM) Shays
Velázquez Sherman
Visclosky Sherwood
Waters Shimkus
Watson Shuster
Watt
Weiner
Wexler
Woolsey
Wu

Rogers (AL) Simpson
Rogers (KY) Smith (MI)
Rogers (MI) Smith (NJ)
Ros-Lehtinen Smith (TX)
Ryan (WI) Snyder
Ryun (KS) Souder
Sabo Spratt
Sandlin Stearns
Saxton Stenholm
Schiff Sullivan
Schrock Sweeney
Scott (GA) Tancred
Sensenbrenner Tanner
Sessions Tauzin
Shadegg Taylor (NC)
Shaw Thomas
Shays Thornberry
Sherman Tiahrt
Sherwood Tiberi
Shimkus Toomey
Shuster Turner (OH)

NOT VOTING—14

Bereuter Isakson Nethercutt
Berman Kilpatrick Reyes
Conyers Kingston Serrano
DeMint Knollenberg Smith (WA)
Hastings (FL) Lipinski

ANNOUNCEMENT BY THE CHAIRMAN PRO
TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1857

Mr. SCHIFF and Mr. DEUTSCH changed their vote from “aye” to “no.” So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. HOLT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 4 offered by the gentleman from New Jersey (Mr. HOLT) 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 198, noes 224, not voting 11, as follows:

[Roll No. 263]

AYES—198

Abercrombie Carson (OK) Doggett
Ackerman Case Dooley (CA)
Andrews Castle Doyle
Baca Chabot Edwards
Baird Chandler Ehlers
Baldwin Clay Emanuel
Becerra Clyburn Engel
Bell Cooper English
Berkley Costello Eshoo
Berry Crowley Etheridge
Biggart Cummings Evans
Bishop (NY) Davis (AL) Farr
Blumenauer Davis (CA) Fattah
Bono Davis (FL) Ferguson
Boucher Davis (IL) Foley
Brady (PA) Davis (TN) Ford
Brown (OH) DeFazio Frank (MA)
Brown, Corrine DeGette Frost
Capito Delahunt Garrett (NJ)
Capps DeLauro Gephardt
Capuano Deutsch Gilchrest
Cardin Dicks Gillmor
Carson (IN) Dingell Gonzalez

Gordon	Lofgren	Rush	Porter	Sanders	Taylor (NC)
Goss	Lowey	Ryan (OH)	Portman	Sandlin	Terry
Green (TX)	Lynch	Sabo	Pryce (OH)	Schrock	Thomas
Greenwood	Majette	Sánchez, Linda	Putnam	Sensenbrenner	Thornberry
Grijalva	Maloney	T.	Quinn	Sessions	Tiahrt
Gutierrez	Markey	Saxton	Radanovich	Shadegg	Tiberi
Harman	Marshall	Schakowsky	Ramstad	Shaw	Toomey
Hill	Matsui	Schiff	Regula	Sherwood	Turner (OH)
Hinchey	McCarthy (MO)	Scott (GA)	Rehberg	Shimkus	Upton
Hinojosa	McCarthy (NY)	Scott (VA)	Renzi	Shuster	Vitter
Hoeffel	McCollum	Serrano	Reynolds	Simpson	Walden (OR)
Holden	McDermott	Shays	Rogers (AL)	Smith (MI)	Wamp
Holt	McGovern	Sherman	Rogers (KY)	Smith (TX)	Waters
Honda	McIntyre	Simmons	Rogers (MI)	Stearns	Weldon (FL)
Hooley (OR)	McNulty	Skelton	Rohrabacher	Stenholm	Weldon (PA)
Hoyer	Meehan	Slaughter	Ros-Lehtinen	Stupak	Weller
Inlee	Meek (FL)	Smith (NJ)	Ross	Sullivan	Wicker
Israel	Meeks (NY)	Snyder	Royce	Sweeney	Wilson (NM)
Jackson (IL)	Menendez	Solis	Ruppersberger	Tancred	Wilson (SC)
Jackson-Lee	Millender-	Souder	Ryan (WI)	Tanner	Wolf
(TX)	McDonald	Spratt	Ryun (KS)	Tauzin	Young (AK)
Jefferson	Miller (NC)	Stark	Sánchez, Loretta	Taylor (MS)	Young (FL)
Johnson (CT)	Miller, George	Strickland			
Johnson (IL)	Mollohan	Tauscher			
Johnson, E. B.	Moore	Thompson (CA)	Bereuter	Hastings (FL)	Nethercutt
Jones (OH)	Moran (KS)	Thompson (MS)	Berman	Isakson	Reyes
Kanjorski	Moran (VA)	Tierney	Conyers	Kilpatrick	Smith (WA)
Kaptur	Nadler	Towns	DeMint	Lipinski	
Kelly	Napolitano	Turner (TX)			
Kennedy (RI)	Neal (MA)	Udall (CO)			
Kildee	Obey	Udall (NM)			
Kirk	Oliver	Van Hollen			
Kleczka	Owens	Velázquez			
Kucinich	Pallone	Visclosky			
Lampson	Pascrell	Walsh			
Langevin	Pastor	Watson			
Lantos	Payne	Watt			
Larsen (WA)	Pelosi	Waxman			
Larson (CT)	Price (NC)	Weiner			
Leach	Rahall	Wexler			
Lee	Rangel	Whitfield			
Levin	Rodriguez	Woolsey			
Lewis (GA)	Rothman	Wu			
LoBiondo	Roybal-Allard	Wynn			

NOES—224

Aderholt	Deal (GA)	King (IA)
Akin	DeLay	King (NY)
Alexander	Diaz-Balart, L.	Kingston
Allen	Diaz-Balart, M.	Kline
Bachus	Doolittle	Knollenberg
Baker	Dreier	Kolbe
Ballenger	Duncan	LaHood
Barrett (SC)	Dunn	Latham
Bartlett (MD)	Emerson	LaTourette
Barton (TX)	Everett	Lewis (CA)
Bass	Feeney	Lewis (KY)
Beauprez	Filner	Linder
Bilirakis	Flake	Lucas (KY)
Bishop (GA)	Forbes	Lucas (OK)
Bishop (UT)	Fossella	Manzullo
Blackburn	Franks (AZ)	Matheson
Blunt	Frelinghuysen	McCotter
Boehlert	Galleghy	McCrery
Boehner	Gerlach	McHugh
Bonilla	Gibbons	McInnis
Bonner	Gingrey	McKeon
Boozman	Goode	Mica
Boswell	Goodlatte	Michaud
Boyd	Granger	Miller (FL)
Bradley (NH)	Graves	Miller (MI)
Brady (TX)	Green (WI)	Miller, Gary
Brown (SC)	Gutknecht	Murphy
Brown-Waite,	Hall	Murtha
Ginny	Harris	Musgrave
Burgess	Hart	Myrick
Burns	Hastings (WA)	Neugebauer
Burr	Hayes	Ney
Burton (IN)	Hayworth	Northup
Buyer	Hefley	Norwood
Calvert	Hensarling	Nunes
Camp	Herger	Nussle
Cannon	Hersteth	Oberstar
Cantor	Hobson	Ortiz
Cardoza	Hoekstra	Osborne
Carter	Hostettler	Ose
Chocola	Houghton	Otter
Coble	Hulshof	Oxley
Cole	Hunter	Paul
Collins	Hyde	Pearce
Cox	Issa	Pence
Cramer	Istook	Peterson (MN)
Crane	Jenkins	Peterson (PA)
Crenshaw	John	Petri
Cubin	Johnson, Sam	Pickering
Culberson	Jones (NC)	Pitts
Cunningham	Keller	Platts
Davis, Jo Ann	Kennedy (MN)	Pombo
Davis, Tom	Kind	Pomeroy

Porter	Sanders	Taylor (NC)
Portman	Sandlin	Terry
Pryce (OH)	Schrock	Thomas
Putnam	Sensenbrenner	Thornberry
Quinn	Sessions	Tiahrt
Radanovich	Shadegg	Tiberi
Ramstad	Shaw	Toomey
Regula	Sherwood	Turner (OH)
Rehberg	Shimkus	Upton
Renzi	Shuster	Vitter
Reynolds	Simpson	Walden (OR)
Rogers (AL)	Smith (MI)	Wamp
Rogers (KY)	Smith (TX)	Waters
Rogers (MI)	Stearns	Weldon (FL)
Rohrabacher	Stenholm	Weldon (PA)
Ros-Lehtinen	Stupak	Weller
Ross	Sullivan	Wicker
Royce	Sweeney	Wilson (NM)
Ruppersberger	Tancred	Wilson (SC)
Ryan (WI)	Tanner	Wolf
Ryun (KS)	Tauzin	Young (AK)
Sánchez, Loretta	Taylor (MS)	Young (FL)

NOT VOTING—11

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BASS) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1905

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. UDALL of Colorado. Mr. Chairman, this bill is important for everyone, because all Americans have a stake in the work of the agencies that if funds. But it is especially important for Coloradans and the residents of the other Western States that have large Native American populations and that are so immediately and directly affected by the management of the Federal lands.

So, I would like to be able to support the bill—but, regretfully, the bill falls too far short of what is needed for me to be able to do so. My opposition to the bill does not reflect any lack of respect of Chairman TAYLOR or for our colleague from Washington, Mr. DICKS, the distinguished and able ranking member of the subcommittee. I think that in general they have done the best they could with the very limited allocation of funds that was made available to them.

In particular, I think they should be commended for their efforts to provide funds for reducing the hazardous fuels that have built up in our forests and for responding to wildfires that threaten so many western communities. However, in many other areas the bill falls far short of what I think should be acceptable. It does not provide enough for the essential operations of the National Park System or the other parts of the Federal lands that provide recreational opportunities for so many people, as well as supplying the fresh water and sound habitats that are essential for fish and wildlife.

And it conspicuously fails to make the necessary investments, including land acquisitions and other steps, needed to respond to the increased stress on open spaces and natural resources from the rapid and ongoing population growth in Colorado and other States. This failure breaks the promises of the Land and Water Conservation Fund Act and flies in the face of the more recent agreement between the appropriations committee and the large majority that voted for the Conservation and

Reinvestment Act sponsored by our colleague from Alaska, Mr. YOUNG. And, even worse, it also breaks faith with the future and with the future generations that would be the beneficiaries of those investments.

For example, we should be providing funds to complete the acquisition of lands in the Beaver Brook watershed that the city of Golden, Colorado, has agreed to sell for inclusion in the National Forest System. We also should provide funds to complete the acquisition of the lands that are to become part of the Great Sand Dunes National Park and Preserve and to constitute the new Baca National Wildlife Refuge, as well as to complete other needed acquisitions in other parts of Colorado. But, instead, the bill includes no funds at all for these or any other acquisition projects—not only in Colorado but anywhere else. This is not acceptable.

Mr. Chairman, I recognize that today is not the end of the story. The Senate still has to act on this appropriations bill, and I expect that a revised version of the legislation will come before the House at a later date. My hope is that the result of that progress will be a bill that is sufficiently improved that it will deserve the support of the entire body. For the time being, however, I cannot support this bill and will vote against it.

Mr. HONDA. Mr. Chairman, I rise to express my steadfast support for the DeFazio/Turner Amendment, which will allow the Transportation Security Administration to properly staff security operations at airports this summer.

Airline industry experts expect this summer to be the busiest travel period in the last four years. 65 million passengers are projected to travel through U.S. airports each month—a 12 percent increase over last year. Instead of giving TSA the flexibility necessary to accommodate this growth, Congress has imposed a cap on the number of security screeners TSA can deploy. This restriction threatens to delay passengers and compromise security.

As thousands of travelers already know, too few screeners means delays for airport passengers, a problem that will only worsen during the busy summer travel season. In traveling through Mineta San Jose International Airport each week, I regularly witness hour-long waits at both passenger and baggage screening lanes that are understaffed due to GSA personnel shortages. In fact, at San Jose Airport, TSA is currently 60 full time employees below the authorized FTE level of 356. And in a disturbing development, TSA reduced the authorized level this year from 423 to 356—making authorized staffing levels more commensurate with actual staffing levels, but more disproportionate with proper staffing levels. San Jose Airport officials assert that 500 FTEs would more accurately reflect the security needs at the airport.

Airports are not just transportation gateways—they also facilitate economic growth. As this Nation recovers from a devastating recession, the Federal cap limiting TSA staff levels must not threaten our Nation's mobility and economic growth. Let's untie the hand behind TSA's back so it can fight the war on terrorism without undue delay to American travelers or restraints on regional economic growth. I urge my colleagues to support the DeFazio Turner Amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am here today to voice my opposition to the 2005 Interior Appropriations bill because

I feel this is a right-wing attack on so many of social and environmental programs that desperately need our assistance now.

The bill provides \$19.5 billion in discretionary funding for FY 2005. The funds appropriated in the bill are \$220 million below President Bush's budget request and \$257 million below the levels enacted for FY 2004. Due to the massive GOP tax cuts enacted over the last 3 years, this bill was given an unrealistically low allocation by the House GOP leadership, and therefore numerous key programs are underfunded by the GOP bill—including national parks and conservation programs.

The GOP bill severely underfunds national parks, providing \$1.69 billion for the operation of the national parks, which is exactly the Administration's request. Our national park system is in crisis—with the underfunding of the national park system well-documented in several recent studies. Indeed, under the Administration's budget, 241 of the 388 park units in the national park system will actually receive LESS money in 2005 than they received in 2003—despite the fact that more and more visitors are coming to the national parks. Some of the national parks receiving less funding in 2005 than they received in 2003 include the Grand Canyon, Yosemite, Great Smoky Mountains, Shenandoah, Sequoia, Pinnacles, Zion, Redwood, and Little Bighorn.

The GOP Interior bill breaks a bipartisan conservation funding agreement made in 2000. Like last year's Interior Appropriations bill, this GOP bill completely abandons the historic, bipartisan conservation funding agreement that was reached in 2000 and included in the FY 2001 Interior Appropriations Act (PL 106-291). This landmark agreement reached in 2000 as a bipartisan commitment for \$12 billion in funding for land and water conservation funding over the next six years. This six-year funding commitment was to be used for preserving the great lands and places of America, for saving endangered and threatened species, and for helping States and local communities with their conservation and recreation programs through creative partnerships.

In my district, one program that is going to particularly suffer is Opera in the Heights. This program, which brings music appreciation and education to low income communities, needed only \$100,000 to ensure the successful completion of the most critical improvements to Lambert Hall. Opera in the Heights faces a critical time of transition. The company is experiencing phenomenal growth in national reputation and attendance and has, for all practical purposes, outgrown its home. Such success stories as these must be nourished, and not squashed by a partisan bill in which the authors seek to further their own interests.

Right now, Opera in the Heights has a charming structure from 1923, as close to a small European opera house as anything available in this country. The opera is now committed in staying in Lambert Hall and working with the owners of the building to adapt the space for future years of use. Toward that goal, they must address the outdated seating, plumbing, electricity, and ADA accessibility if this great historic building can continue to introduce live classical operas, musical concerts and other theater productions to new audiences.

The main activity occurring in this space is performances provided by small to mid-sized non-profit arts organizations. For eighty years,

the venue has been home to Opera in the Heights, its primary tenant, producing four fully staged, traditional operas each season in pursuit of its mission to provide a stage for emerging opera performers and to bring affordable opera to the region.

Performing arts of great national significance, primarily through Opera in the Heights, occurs throughout the year in this historic building on the national register. Just as talented young athletes hone their skills on farm teams, young singers and musicians must have the opportunity to perform major operatic roles in regional companies like Opera in the Heights. Young talented singers from graduate schools across the country come to audition for roles. Singers have come in from as many as 22 States for one audition weekend hoping for the chance to get to learn a lead role; New York, Virginia, Florida, California, Indiana, and New Jersey will be represented in this season's casts. One of the reasons singers choose to come to Opera in the Heights is the reputation of their Maestro, William Weibel, who retired to Houston after 35 years conducting opera at San Francisco, Chicago Lyric, and The Met. Singers love the opportunity to learn from his wealth of personal experience in how a role should be sung.

Without the experiences provided by companies like Opera in the Heights, singers are forced to move to Germany, where many small opera houses offer hundreds of singers each year the chance to learn the lead roles required by the larger US companies. Most people are unaware that US regional opera companies do not allow singers to even audition for a role if they haven't already performed somewhere else. Opera in the Heights is happy to be the "somewhere else."

Helping improve Lambert Hall would contribute to continued preservation of examples of great architecture, as recognized by the National Historic Register. Lambert Hall's fine acoustics and enormous stained glass windows make it a venue of choice for audience members from all over the State, as well as family members who fly in to hear the singers we cast from all over the country. Eight times a year (twice for each opera), Lambert Hall is filled with seniors from assisted living centers and recreation centers, coming to hear the one-hour versions of each opera for just \$5. Admission for and length of the program are perfect fits with these groups, many of whom are disabled and can't sit for long periods of time.

It pains me to see that this Interior Appropriations bill strikes out programs such as these; these pillars of our community must be cherished and maintained.

Mr. UDALL of Colorado. Mr. Chairman, I considered offering an amendment dealing with RS 2477 claims that was printed in the RECORD. I will not offer that amendment today, but I do want to briefly explain the problem that it was intended to address.

Last year, the House adopted a similar—not identical, but similar—amendment. Unfortunately, it was dropped in conference. So, the original need for an amendment remains. The need is to protect not just Federal lands but also private property and the public interest. All three are threatened by the plans of the Interior Department to go ahead with back-room land deals that fly in the face of Congressional intent.

The Interior Department would do this by issuing "disclaimers of interest"—documents

like deeds that cede land—under new rules that allow the disclaimers to be issued to applicants who wouldn't have been eligible before. And the Interior Department has announced it is ready to give those "disclaimers" to parties seeking them in order to clear the way for building roads under an 1866 law. That law—one of the 19th-century laws to promote settlement in the West—granted rights-of-way "for the construction of highways" on Federal lands.

It later became section 2477 of the Revised Statutes—or RS 2477. It was repealed in 1976, but the repeal did not affect existing rights, and did not set a deadline for claiming those rights. So, there is no way of telling how many claims might be made or what lands could be affected.

RS 2477 claims can involve not just Federal lands but also lands that once were Federal but that now belong to other owners. That includes millions of Acres that now are ranches or farms, or residential subdivisions, or single-family homes, or private cabins in the mountains like ones owned by some of my constituents. Also at risk are millions of acres in the National Parks, National Forests, National Wildlife Refuges, National Monuments, Wild and Scenic Rivers, as well as wilderness areas and areas that deserve protection and as wilderness areas.

This problem is not new, but it is very serious. It needs to be resolved—but not the way the Interior Department wants to resolve it.

What the Interior Department wants is to negotiate in secret and then issue the "disclaimers" I described. They started that process with the State of Utah. And other parties—including the current Administration in Colorado—are starting to ask for deals of their own. That is the wrong way to resolve this.

What is needed is for Congress to settle it with new legislation—which is what Congress told the Clinton administration when they tried to handle it administratively. To make sure they got the message, Congress passed a law that says any new RS 2477 rules must be authorized by Congress.

That law is still on the books—and repeating that message would be the purpose of the amendment. The Administration says that message is irrelevant. They say they can go forward, in the face of that law passed by Congress. Others disagree. For starters, a recent GAO opinion says that the Interior Department's agreement with Utah violates that law. The Interior Department says they think GAO is wrong about that.

But whether GAO is right or wrong, one thing is for sure—if the Interior Department goes ahead on its present course, it is headed for nothing but more litigation. The best way to resolve this issue is by enacting new legislation, after public hearings and open debate.

That's why I have introduced a bill—H.R. 1639—to do just that. My bill would set a deadline—four more years—for filing RS 2477 claims. It would establish a fair, open administrative process for handling those claims. And it would set another deadline for any lawsuit challenging the result of that administrative process.

Maybe my bill could be improved, and some of our colleagues may want to propose their own ideas—that is the legislative process. And that is how this issue should be resolved, not by backroom deals or clever maneuvers to try to side-step Congress. Instead of trying to

side-step Congress, the Administration should work with the Resources Committee and the Congress.

Mr. Chairman, I am not going to impose on the time of the House by calling for a vote on this amendment today. Still, the problem has not gone away. Congress should address it—and sooner, or later, we will have to address it. For the moment, however, Mr. Chairman, I will continue to seek to have the Resources Committee address the issue.

I yield back any time I have remaining.

Mr. STARK. Mr. Chairman, I rise in opposition to H.R. 4568, the Interior Appropriations bill.

This legislation shortchanges our Nation's environment and ignores the important priority Americans place on protecting our pristine lands, parks and open space. Republicans have broken a basic commitment to conservation. Back in 2000, Democrats and Republicans agreed to provide \$12 billion over six years for land and water conservation. These are resources dedicated to preserving lands and wilderness, protecting wetlands and wildlife, and creating parks and open space in local communities.

Unfortunately, this bill breaks that promise. Funding for conservation efforts in this bill is 50 percent below what we agreed upon in 2000. In fact, there is no money provided to acquire and set aside new lands and open space. This is extremely short-sighted considering our growing problems with urban sprawl and Americans' desire to preserve natural areas. Indeed it is downright cynical when you consider Republican efforts to open up natural lands for drilling and other harmful development.

Most tragic of all, this bill ignores the jewels that Americans treasure most: our national parks. For years, the National Park System has been overburdened by a maintenance backlog of decaying infrastructure, trails, and roads. Our parks have been forced to get by with insufficient resources for their operations. As more and more Americans flock to our national parks each year, this will mean diminished public access and less opportunity for recreation at our parks.

This bill's paltry funding does little if nothing to help our parks or stop their decline. California is home to some of the most popular national parks, like Yosemite, Sequoia and the Redwoods. We should be increasing our funding of these national treasures. Yet under this bill, funding will go down. The same is true for the Grand Canyon and close to 250 parks throughout the country.

This is a real shame. Americans love their National Parks and consistently and repeatedly ask their leaders to fully care for these treasures. We owe it to our children and future generations to do just that.

I urge my colleagues to vote down this insufficient and irresponsible bill. The environment—and the American people—deserve better.

Mr. LEWIS of California. Mr. Chairman, it has come to my attention that the Interior Appropriations Subcommittee was unable to include '05 funding for a system of recreational trails surrounding Diamond Valley Lake, as authorized in PL 106-500.

There are many constituents in my District who are counting on being able to enjoy these trails with their families and friends as a significant new recreational facility in one of California's fastest-growing communities.

I would like to ask my friend, the distinguished Chairman of the Interior subcommittee, if he would consider giving this project additional consideration during the conference on this fiscal 2005 legislation, particularly if the Senate is able to include this matter in its bill?

On behalf of the hard-working people of Riverside County, California, I thank the gentlemen for his consideration.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise to thank Chairman ROGERS and Ranking Member SABO for their hard work on this legislation. It is an immense challenge to be in charge of the funding of this Nation's homeland security . . . and they have done the best that they can with this bill.

In particular, I want to raise an issue that is of concern to me: The need to address and integrate psychological resiliency into our national readiness plans. Building psychological resilience is one of the most effective counterterrorism strategies we could have, because it fights terrorism on the real battleground—the psyche of the American people.

The Israelis have learned this and see resilience development as a key component of counterterrorism. Referring to terrorism, former New York Mayor Rudy Giuliani said: "This is all a question of human psychology. It is all a question of understanding how to manage fear. The most important thing to explain to people about managing fear is that courage is not the absence of fear, it is the management of it."

In Full Committee I offered an amendment to call for a report between the Institutes of Medicine and the Department of Homeland Security on resilience development and how this resiliency can be harmed by the ways in which the media report on terrorism, or can be harmed by the way terrorist threat information is communicated to the public.

Although the Department is funding some University-based grants in this area, only one is specifically geared toward the "behavioral" aspects associated with terrorism. It is my hope that I can work with the Chairman and Ranking Member to address this issue further and to build on the work that they are doing and to expand outside the arena of individual Universities.

The CHAIRMAN pro tempore. The Clerk will read the last two lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2005".

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. BASS, 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 the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes, pursuant to House Resolution 674, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

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

The amendments were agreed to.

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

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

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

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

The vote was taken by electronic device, and there were—yeas 334, nays 86, not voting 13, as follows:

[Roll No. 264]

YEAS—334

Abercrombie	Davis (CA)	Hulshof
Ackerman	Davis (FL)	Hunter
Aderholt	Davis (IL)	Hyde
Akin	Davis (TN)	Inlee
Alexander	Davis, Jo Ann	Issa
Baca	Davis, Tom	Istook
Bachus	Deal (GA)	Jefferson
Baird	DeFazio	Jenkins
Baker	DeLay	John
Ballenger	Deutsch	Johnson (CT)
Barrett (SC)	Diaz-Balart, L.	Johnson (IL)
Bartlett (MD)	Diaz-Balart, M.	Johnson, E. B.
Barton (TX)	Dicks	Johnson, Sam
Bass	Doggett	Jones (OH)
Beauprez	Dooley (CA)	Kanjorski
Bell	Doolittle	Kaptur
Berkley	Doyle	Keller
Biggert	Dreier	Kelly
Bilirakis	Duncan	Kennedy (MN)
Bishop (GA)	Dunn	Kennedy (RI)
Bishop (UT)	Edwards	Kildee
Blackburn	Ehlers	King (NY)
Blunt	Emerson	Kingston
Boehlert	Engel	Kirk
Boehner	English	Kline
Bonilla	Etheridge	Knollenberg
Bonner	Everett	Kolbe
Bono	Fattah	LaHood
Boozman	Feeney	Lampson
Boucher	Ferguson	Langevin
Boyd	Filner	Lantos
Bradley (NH)	Foley	Larsen (WA)
Brady (PA)	Forbes	Latham
Brady (TX)	Ford	LaTourrette
Brown (SC)	Fossella	Leach
Brown, Corrine	Frelinghuysen	Levin
Brown-Waite,	Frost	Lewis (CA)
Ginny	Gallegly	Lewis (KY)
Burgess	Garrett (NJ)	Linder
Burns	Gephardt	LoBiondo
Burr	Gerlach	Lowe
Burton (IN)	Gibbons	Lucas (KY)
Buyer	Gilchrest	Lucas (OK)
Calvert	Gillmor	Maloney
Camp	Gingrey	Manzullo
Cannon	Gonzalez	Marshall
Cantor	Goode	Matsui
Capito	Goodlatte	McCarthy (NY)
Cardin	Gordon	McCollum
Cardoza	Goss	McCotter
Carson (IN)	Granger	McCrery
Carson (OK)	Graves	McDermott
Carter	Green (TX)	McHugh
Case	Green (WI)	McInnis
Castle	Greenwood	McIntyre
Chabot	Gutknecht	McKeon
Chandler	Hall	McNulty
Chocoma	Harman	Meehan
Clay	Harris	Meek (FL)
Clyburn	Hart	Meeks (NY)
Coble	Hastings (WA)	Mica
Cole	Hayes	Millender-
Collins	Hayworth	McDonald
Costello	Hefley	Miller (MI)
Cox	Herger	Miller (NC)
Cramer	Herseth	Miller, Gary
Crane	Hill	Mollohan
Crenshaw	Hinojosa	Moore
Crowley	Hobson	Moran (KS)
Cubin	Hoekstra	Moran (VA)
Culberson	Holden	Murphy
Cummings	Hooley (OR)	Murtha
Cunningham	Houghton	Musgrave
Davis (AL)	Hoyer	Myrick

Napolitano	Reynolds	Stenholm
Neal (MA)	Rodriguez	Stupak
Neugebauer	Rogers (AL)	Sweeney
Ney	Rogers (KY)	Tancredo
Northup	Rogers (MI)	Tauscher
Norwood	Ros-Lehtinen	Tauzin
Nunes	Ross	Taylor (MS)
Nussle	Rothman	Taylor (NC)
Oberstar	Roybal-Allard	Terry
Olver	Ruppersberger	Thomas
Ortiz	Rush	Thompson (CA)
Osborne	Ryan (OH)	Thompson (MS)
Ose	Ryan (WI)	Thornberry
Otter	Ryun (KS)	Tiberi
Oxley	Sabo	Towns
Pastor	Sanchez, Loretta	Turner (OH)
Pearce	Sandlin	Turner (TX)
Pelosi	Saxton	Udall (NM)
Pence	Scott (GA)	Upton
Peterson (MN)	Scott (VA)	Visclosky
Peterson (PA)	Serrano	Vitter
Pickering	Sessions	Walden (OR)
Pitts	Shadegg	Walsh
Platts	Shaw	Wamp
Pombo	Sherman	Watson
Pomeroy	Sherwood	Watt
Porter	Shimkus	Weldon (FL)
Portman	Shuster	Weldon (PA)
Price (NC)	Simmons	Weller
Pryce (OH)	Simpson	Wexler
Putnam	Skelton	Whitfield
Quinn	Slaughter	Wicker
Radanovich	Smith (MI)	Wilson (NM)
Ramstad	Smith (NJ)	Wilson (SC)
Rangel	Smith (TX)	Wolf
Regula	Snyder	Wynn
Rehberg	Souder	Young (AK)
Renzi	Spratt	Young (FL)

NAYS—86

Allen	Hostettler	Petri
Andrews	Israel	Rahall
Baldwin	Jackson (IL)	Rohrabacher
Becerra	Jackson-Lee	Royce
Berry	(TX)	Sánchez, Linda
Bishop (NY)	Kind	T.
Blumenauer	King (IA)	Sanders
Boswell	Klecza	Schakowsky
Brown (OH)	Kucinich	Schiff
Capps	Larson (CT)	Sensenbrenner
Capuano	Lee	Shays
Cooper	Lewis (GA)	Solis
DeGette	Lofgren	Stark
Delahunt	Lynch	Stearns
DeLauro	Majette	Strickland
Dingell	Markey	Sullivan
Emanuel	Matheson	Tanner
Eshoo	McCarthy (MO)	Tiahrt
Evans	McGovern	Tierney
Farr	Menendez	Toomey
Flake	Michaud	Udall (CO)
Frank (MA)	Miller (FL)	Van Hollen
Franks (AZ)	Miller, George	Velázquez
Grijalva	Nadler	Waters
Gutierrez	Obey	Waxman
Hensarling	Owens	Weiner
Hinchey	Pallone	Woolsey
Hoeffel	Pascrell	Wu
Holt	Paul	
Honda	Payne	

NOT VOTING—13

Bereuter	Isakson	Reyes
Berman	Jones (NC)	Schrock
Conyers	Kilpatrick	Smith (WA)
DeMint	Lipinski	
Hastings (FL)	Nethercutt	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1923

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that

all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4567, and that I may include extraneous and tabular material.

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

There was no objection.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 675 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. 4567.

□ 1923

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. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Kentucky. (Mr. ROGERS) and the gentleman from Minnesota (Mr. SABO) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to be here to present to the body the fiscal year 2005 Homeland Security Appropriations bill, the second such bill ever written by the Committee on Appropriations.

The bill before us provides \$32 billion for the Department of Homeland Security. That is \$1.1 billion above the current year, and \$496 million above the President's request.

Mr. Chairman, it is very hard to believe that the Department was created just a year ago. There have been growing pains, but tremendous progress has been made. This is not an easy task to get our arms around, but I think the Department is succeeding, and their success is significant.

In just one year, for example, the Department has inventoried the Nation's critical infrastructure to include more than 33,000 facilities. The Department is identifying and reducing vulnerabilities at chemical facilities, nuclear power plants, national monuments, subway and light rail systems, and commercial sites. The Department has streamlined the process used to get the money out to first responders, setting up a one-stop shop. They continue to work with State and local govern-

ments to identify choke points so that money can flow quickly and get where it is needed. The Department regularly communicates threat information with State and local officials. Last year, the Department issued 41 warnings and advisory notices to State and local entities.

The Department established a two-way communications system with State and local homeland security personnel. This system was recently used in Kentucky when there was a small-pox scare in the small rural town of London. The information was quickly passed on to the Department and other Federal officials and appropriate action was immediately taken. The system works.

The Department has increased their presence to more than 38 ports in 18 different countries, prescreening all high-risk cargo before it reaches our shores. The Department has established three Homeland Security Centers of Excellence, created standards for first responder equipment, and installed and operated sensor systems in 30 high-risk cities to detect biohazards. Those are just some things that they are doing.

There is no doubt, Mr. Chairman, that more work needs to be done, but the Department is clearly on the right track, identifying our vulnerabilities, matching them to threats, and putting out specific guidance on ways to protect our homeland.

Fiscal year 2005 will be the second full year of operation for the Department. This bill continues the successes of the past year and includes initiatives to move us closer to our goals of prevention, preparedness, and response.

The bill provides \$4.1 billion for our first responders, the first line of defense. These brave men and women are the first on the scene whenever there might be a problem. They are the backbone of our communities.

Since 9/11, this Congress has provided \$26.7 billion for these first responders. Those dollars have helped train more than 285,000 police, fire, and emergency medical personnel around the Nation to respond to acts of terrorism, including weapons of mass destruction. No community in America, whether urban or rural, is immune from acts of terrorism. This bill strikes a balance between funding high-risk communities and providing support for States and localities, striving to achieve and maintain minimum levels of preparedness. For 2005 we propose an additional \$1.175 billion to improve security in our urban and most populated areas.

The United States is the most open nation in the world. Our borders are the gateway for billions of dollars in commercial trade and millions of visitors. However, these same borders are potential entry points for terrorists and weapons of mass destruction. This 2005 bill provides \$9.8 billion for border protection and related activities. This funding will continue our efforts to create smart borders that keep terrorists out of America without stemming