

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. BEAUPREZ

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 122, noes 298, not voting 13, as follows:

[Roll No. 195]

#### AYES—122

Akin	Gohmert	Myrick
Bachus	Goode	Neugebauer
Barrett (SC)	Goodlatte	Ney
Bartlett (MD)	Graves	Norwood
Beauprez	Green (WI)	Nunes
Blackburn	Gutknecht	Nussle
Boehner	Hall	Otter
Bonilla	Hastings (WA)	Paul
Boren	Hayes	Pence
Boustany	Hayworth	Petri
Brady (TX)	Hefley	Pickering
Burgess	Hensarling	Pitts
Burton (IN)	Herger	Poe
Buyer	Herseth	Pombo
Calvert	Hoekstra	Porter
Cannon	Hostettler	Renzi
Cantor	Hunter	Rogers (AL)
Carter	Issa	Rohrabacher
Chabot	Istook	Royce
Coble	Johnson, Sam	Ryan (WI)
Cole (OK)	Jones (NC)	Ryun (KS)
Cox	Keller	Salazar
Cubin	Kennedy (MN)	Sensenbrenner
Culberson	King (IA)	Sessions
Cunningham	Kingston	Shadegg
Davis, Jo Ann	Kline	Shimkus
Deal (GA)	Kuhl (NY)	Shuster
DeFazio	Latham	Souder
DeLay	Lewis (CA)	Stearns
Diaz-Balart, M.	Lewis (KY)	Sullivan
Doolittle	Linder	Taylor (MS)
Dreier	Lungren, Daniel	Thornberry
Emerson	E.	Tiahrt
Feeney	Manzullo	Udall (CO)
Flake	Marchant	Weldon (FL)
Fox	McCaul (TX)	Weiler
Franks (AZ)	McHenry	Westmoreland
Gallegly	McMorris	Wicker
Garrett (NJ)	Miller (FL)	Wilson (NM)
Gibbons	Miller, Gary	Wilson (SC)
Gingrey	Musgrave	Young (AK)

#### NOES—298

Abercrombie	Bishop (NY)	Cardin
Ackerman	Blumenauer	Cardoza
Aderholt	Blunt	Carnahan
Alexander	Boehert	Carson
Allen	Bonner	Case
Andrews	Bono	Castle
Baca	Boozman	Chandler
Baird	Boswell	Chocola
Baker	Boucher	Clay
Baldwin	Boyd	Cleaver
Barrow	Bradley (NH)	Clyburn
Barton (TX)	Brady (PA)	Conaway
Bass	Brown (OH)	Conyers
Bean	Brown (SC)	Cooper
Becerra	Brown, Corrine	Costa
Berkley	Brown-Waite,	Costello
Berman	Ginny	Cramer
Berry	Camp	Crenshaw
Biggert	Capito	Crowley
Bilirakis	Capps	Cuellar
Bishop (GA)	Capuano	Cummings

Davis (AL)	Kind	Regula
Davis (CA)	King (NY)	Rehberg
Davis (FL)	Kirk	Reichert
Davis (IL)	Knollenberg	Reyes
Davis (KY)	Kolbe	Reynolds
Davis (TN)	Kucinich	Rogers (KY)
Davis, Tom	LaHood	Rogers (MI)
DeGette	Langevin	Ros-Lehtinen
Delahunt	Lantos	Ross
DeLauro	Larsen (WA)	Rothman
Dent	Lee	Roybal-Allard
Diaz-Balart, L.	Levin	Ruppersberger
Dicks	Lipinski	Rush
Dingell	LoBiondo	Ryan (OH)
Doggett	Lofgren, Zoe	Sabo
Doyle	Lowe	Sanchez, Linda
Drake	Lynch	T.
Duncan	Mack	Sanchez, Loretta
Edwards	Maloney	Sanders
Ehlers	Markey	Saxton
Emanuel	Marshall	Schakowsky
Engel	Matheson	Schiff
English (PA)	Matsui	Schwartz (PA)
Eshoo	McCarthy	Schwarz (MI)
Etheridge	McCollum (MN)	Scott (GA)
Evans	McCotter	Scott (VA)
Everett	McCrery	Serrano
Farr	McDermott	Shaw
Fattah	McGovern	Sherman
Ferguson	McHugh	Sherwood
Filner	McIntyre	Simmons
Fitzpatrick (PA)	McKeon	Simpson
Foley	McKinney	Skelton
Forbes	McNulty	Slaughter
Ford	Meehan	Smith (NJ)
Fortenberry	Meek (FL)	Smith (TX)
Fossella	Meeks (NY)	Smith (WA)
Frank (MA)	Melancon	Snyder
Frelinghuysen	Menendez	Sodrel
Gerlach	Mica	Solis
Gilchrest	Michaud	Spratt
Gillmor	Miller (MI)	Stark
Gonzalez	Miller (NC)	Stupak
Gordon	Miller, George	Sweeney
Granger	Mollohan	Tanner
Green, Al	Moore (KS)	Tauscher
Green, Gene	Moore (WI)	Taylor (NC)
Grijalva	Moran (KS)	Terry
Gutierrez	Moran (VA)	Thomas
Harris	Murphy	Thompson (CA)
Hart	Murtha	Thompson (MS)
Hastings (FL)	Nadler	Tiberi
Higgins	Napolitano	Tierney
Hinchev	Neal (MA)	Towns
Hinojosa	Northup	Turner
Hobson	Oberstar	Udall (NM)
Holden	Obey	Upton
Holt	Oliver	Van Hollen
Honda	Ortiz	Velázquez
Hooley	Osborne	Visclosky
Hoyer	Owens	Walden (OR)
Hulshof	Oxley	Walsh
Hyde	Pallone	Wamp
Inglis (SC)	Pascarell	Wasserman
Inslee	Pastor	Schultz
Israel	Payne	Waters
Jackson (IL)	Pearce	Watson
Jefferson	Pelosi	Watt
Jenkins	Peterson (MN)	Waxman
Jindal	Peterson (PA)	Weiner
Johnson (CT)	Platts	Weldon (PA)
Johnson (IL)	Pomeroy	Wexler
Johnson, E. B.	Price (GA)	Whitfield
Jones (OH)	Price (NC)	Wolf
Kanjorski	Pryce (OH)	Woolsey
Kaptur	Putnam	Wu
Kelly	Radanovich	Wynn
Kennedy (RI)	Rahall	Young (FL)
Kildee	Ramstad	
Kilpatrick (MI)	Rangel	

#### NOT VOTING—13

Bishop (UT)	Larson (CT)	Millender-
Butterfield	LaTourette	McDonald
Harman	Leach	Shays
Jackson-Lee	Lewis (GA)	Strickland
(TX)	Lucas	Tancredo

□ 1735

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mr. FOLEY). The Committee will rise informally.

The Speaker pro tempore (Mr. REHBERG) assumed the chair.

#### A FURTHER MESSAGE FROM THE PRESIDENT

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

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

#### DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The Committee resumed its sitting.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the last word for the purposes of engaging in a colloquy with the gentleman from Oklahoma (Mr. COLE).

Mr. Chairman, I yield to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE of Oklahoma. Mr. Chairman, at the outset let me thank the gentleman from North Carolina (Mr. TAYLOR) for bringing forward a bill that I believe addresses many of the critical issues for the Department of the Interior.

It is impossible not to note that this budget environment creates genuinely tough challenges for the Department of the Interior. With that said, I believe the subcommittee has done an excellent job in crafting a bill that addresses those major problems.

Several years ago this committee provided funds for a new visitors center at Chickasaw National Recreation Area in my district. The bids came in high due to the rising cost of materials. Before the project could be downsized the Department of the Interior had to reprogram these funds for emergency wildfire suppression.

Mr. Chairman, I am asking that you consider restoring this project in conference should funds become available.

Mr. TAYLOR of North Carolina. Mr. Chairman, reclaiming my time, I understand the gentleman's concerns and the unfortunate turn of events which caused this project to be delayed, and I will give the request of the gentleman from Oklahoma (Mr. COLE) every possible consideration.

Mr. Chairman, I yield to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE of Oklahoma. Mr. Chairman, I want to thank the gentleman from North Carolina (Mr. TAYLOR), our distinguished chairman, for offering to work with me and the committee to resolve this through the conference process.

I believe that this is an important and critical step toward addressing what has been a very real injustice. I thank the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask unanimous consent that the bill through page 128 line 12 be

considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the bill from page 79 line 7, through page 128 line 12 is as follows:

#### CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, \$468,260,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*, That up to \$15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project.

#### LAND ACQUISITION

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

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

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

#### ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

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

#### RANGE BETTERMENT FUND

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

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

For expenses authorized by 16 U.S.C. 1643(b), \$64,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

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

For necessary expenses of the Forest Service to manage Federal lands in Alaska for

sustenance uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96-487), \$5,467,000, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS, FOREST SERVICE

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

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

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

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

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

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b, however in fiscal year 2006 the Forest Service may transfer funds to the "National Forest System" account from other agency accounts to enable the agency's law enforcement program to pay full operating costs including overhead.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate

Committees on Appropriations in accordance with the reprogramming procedures contained in the report accompanying this Act.

Not more than \$72,646,000 of the funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture.

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

Of the funds available to the Forest Service, \$4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101-593, of the funds available to the Forest Service, \$3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than \$250,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98-244, \$2,650,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That such funds shall be matched on at least a one-for-one basis by the Foundation or its subrecipients.

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

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed \$500,000.

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

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

For each fiscal year through 2009, funds available to the Forest Service in this Act may be used for the purpose of expenses associated with primary and secondary schooling for dependents of agency personnel stationed in Puerto Rico prior to the date of enactment of this Act, who are subject to transfer

and reassignment to other locations in the United States, at a cost not in excess of those authorized for the Department of Defense for the same area, when it is determined by the Chief of the Forest Service that public schools available in the locality are unable to provide adequately for the education of such dependents.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### INDIAN HEALTH SERVICE

##### INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$2,732,298,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That up to \$18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That \$507,021,000 for contract medical care shall remain available for obligation until September 30, 2007: *Provided further*, That of the funds provided, up to \$27,000,000, to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed \$268,683,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2006, of which not to exceed \$5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further*, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to

carry out activities typically funded under the Indian Health Facilities account: *Provided further*, That of the amounts provided to the Indian Health Service, \$15,000,000 is provided for alcohol control, enforcement, prevention, treatment, sobriety and wellness, and education in Alaska: *Provided further*, That none of the funds may be used for tribal courts or tribal ordinance programs or any program that is not directly related to alcohol control, enforcement, prevention, treatment, or sobriety: *Provided further*, That no more than 15 percent may be used by any entity receiving funding for administrative overhead including indirect costs: *Provided further*, That the Bureau of Indian Affairs shall collect from the Indian Health Service and tribes and tribal organizations operating health facilities pursuant to Public Law 93-638 such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals With Disability Education Act, 20 U.S.C. 1400, et seq.

##### INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$370,774,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That not to exceed \$500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed \$1,000,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That notwithstanding any other provision of law, funds appropriated for the planning, design, and construction of the replacement health care facility in Barrow, Alaska, may be used to purchase land up to approximately 8 hectares for a site upon which to construct the new health care facility: *Provided further*, That not to exceed \$500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

##### ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates

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

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

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

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process. Personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full time equivalent level of the Indian Health Service below the level in fiscal year 2002 adjusted upward for the staffing of new and expanded facilities, funding provided for staffing at the Lawton, Oklahoma hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

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

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

With respect to functions transferred by the Indian Health Service to tribes or tribal

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

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

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

#### NATIONAL INSTITUTES OF HEALTH

##### NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, \$80,289,000.

##### AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

##### TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, \$76,024,000, of which up to \$1,500,000, to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry: *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2006, and existing profiles may be updated as necessary.

#### OTHER RELATED AGENCIES

##### EXECUTIVE OFFICE OF THE PRESIDENT

##### COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed \$750 for official reception and representation expenses, \$2,717,000: *Provided*,

That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

##### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

##### SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$9,200,000: *Provided*, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further*, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

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

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$8,601,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

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

##### PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99-498, as amended (20 U.S.C. 56 part A), \$6,300,000.

##### SMITHSONIAN INSTITUTION

##### SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination,

and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, \$524,381,000, of which not to exceed \$10,992,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which \$9,086,000 for the reopening of the Patent Office Building and for fellowships and scholarly awards shall remain available until September 30, 2007; and including such funds as may be necessary to support American overseas research centers and a total of \$125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further*, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further*, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

##### FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, \$90,900,000, to remain available until expended, of which not to exceed \$10,000 is for services as authorized by 5 U.S.C. 3109: *Provided*, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

##### ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without the advance approval of the House and Senate Committees on Appropriations.

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

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

None of the funds available to the Smithsonian may be reprogrammed without the

advance written approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

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

#### NATIONAL GALLERY OF ART SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$97,100,000, of which not to exceed \$3,157,000 for the special exhibition program shall remain available until expended.

#### REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$16,200,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further*, That, notwithstanding any other provision of law, a single procurement for the Master Facilities Plan renovation project at the National Gallery of Art may be issued which includes the full scope of the Work Area #3 project: *Provided further*, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.

#### JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

##### OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$17,800,000.

##### CONSTRUCTION

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

#### WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

##### SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial

Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$9,085,000.

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

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

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$121,264,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including \$14,922,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account and "Challenge America" account may be transferred to and merged with this account.

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

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$122,605,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

##### MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$15,449,000, to remain available until expended, of which \$10,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

##### ADMINISTRATIVE PROVISIONS

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

##### COMMISSION OF FINE ARTS SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$1,893,000: *Provided*, That the

Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

##### NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956(a)), as amended, \$7,000,000: *Provided*, That no one organization shall receive a grant in excess of \$400,000 in a single year.

##### ADVISORY COUNCIL ON HISTORIC PRESERVATION

##### SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$4,860,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

##### NATIONAL CAPITAL PLANNING COMMISSION SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$8,177,000: *Provided*, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses to host international visitors engaged in the planning and physical development of world capitals.

##### UNITED STATES HOLOCAUST MEMORIAL MUSEUM

##### HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), \$41,880,000, of which \$1,874,000 for the museum's repair and rehabilitation program and \$1,246,000 for the museum's exhibitions program shall remain available until expended.

##### PRESIDIO TRUST

##### PRESIDIO TRUST FUND

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

##### WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

For necessary expenses of the White House Commission on the National Moment of Remembrance, \$250,000.

##### TITLE IV—GENERAL PROVISIONS

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete.

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 405. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 406. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2004.

SEC. 407. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

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

(c) REPORT.—On September 30, 2006, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

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

SEC. 408. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208, 105-83, 105-277, 106-113, 106-291, 107-63, 108-7, 108-108, and 108-447 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2005 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 409. Of the funds provided to the National Endowment for the Arts:

(1) The Chairperson shall only award a grant to an individual if such grant is award-

ed to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

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

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

SEC. 410. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 411. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

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

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

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

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

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

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

(3) the Chairperson shall report to the Congress annually and by State, on grants

awarded by the Chairperson in each grant category under section 5 of such Act; and

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

SEC. 412. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 413. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 414. Amounts deposited during fiscal year 2005 in the roads and trails fund provided for in the 14th paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 415. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 416. Prior to October 1, 2006, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 417. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 418. EXTENSION OF FOREST SERVICE CONVEYANCES PILOT PROGRAM.—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16

U.S.C. 580d note; Public Law 107-63) is amended—

(1) in subsection (b), by striking “40” and inserting “60”;

(2) in subsection (c) by striking “13” and inserting “25”; and

(3) in subsection (d), by striking “2008” and inserting “2009”.

SEC. 419. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 420. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 421. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the “Secretaries”) may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged business or micro-business: *Provided further*, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms “rural community” and “economically disadvantaged” shall have the same meanings as in section 2374 of Public Law 101-624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 422. No funds appropriated in this Act for the acquisition of lands or interests in

lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 423. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES.—

(1) Of the funds made available by this or any other Act to the Department of the Interior for fiscal year 2006, not more than \$3,450,000 may be used by the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2006 for programs, projects, and activities for which funds are appropriated by this Act and such funds shall not be available until the Secretary submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the reprogramming guidelines in House Report 108-330.

(2) Of the funds appropriated by this Act, not more than \$2,500,000 may be used in fiscal year 2006 for competitive sourcing studies and related activities by the Forest Service.

(b) COMPETITIVE SOURCING STUDY DEFINED.—In this section, the term “competitive sourcing study” means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

(c) COMPETITIVE SOURCING EXEMPTION FOR FOREST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2006.—Notwithstanding requirements of Office of Management and Budget Circular A-76, Attachment B, the Forest Service is hereby exempted from implementing the Letter of Obligation and post-competition accountability guidelines where a competitive sourcing study involved 65 or fewer full-time equivalents, the performance decision was made in favor of the agency provider; no net savings was achieved by conducting the study, and the study was completed prior to the date of this Act.

(d) In preparing any reports to the Committees on Appropriations on competitive sourcing activities, agencies funded in this Act shall include the incremental cost directly attributable to conducting the competitive sourcing competitions, including costs attributable to paying outside consultants and contractors and, in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel, consultant, travel, and training costs associated with program management.

SEC. 424. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects and activities to support governmentwide, departmental, agency or bureau administrative functions or headquarters, regional or central office operations shall be presented in annual budget justifications. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 425. None of the funds in this Act or prior Acts making appropriations for the Department of the Interior and Related Agencies may be provided to the managing partners or their agents for the SAFECOM or Disaster Management projects.

SEC. 426. (a) IN GENERAL.—An entity that enters into a contract with the United States to operate the National Recreation Reservation Service (as solicited by the solicitation numbered WO-04-06vm) shall not carry out any duties under the contract using:

(1) a contact center located outside the United States; or

(2) a reservation agent who does not live in the United States.

(b) NO WAIVER.—The Secretary of Agriculture may not waive the requirements of subsection (a).

(c) TELECOMMUTING.—A reservation agent who is carrying out duties under the contract described in subsection (a) may not telecommute from a location outside the United States.

(d) LIMITATIONS.—Nothing in this Act shall be construed to apply to any employee of the entity who is not a reservation agent carrying out the duties under the contract described in subsection (a) or who provides managerial or support services.

SEC. 427. Section 331, of Public Law 106-113, is amended—

(1) in part (a) by striking “2005” and inserting “2009”; and

(2) in part (b) by striking “2005” and inserting “2009”.

SEC. 428. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106-291; 114 Stat. 996; 43 U.S.C. 1701 note), is amended—

(1) in the first sentence, by striking “2005” and inserting “2008”;

(2) in the third sentence, by inserting “, National Park Service, Fish and Wildlife Service,” after “Bureau of Land Management”; and

(3) by adding at the end the following new sentence: “To facilitate the sharing of resources under the Service First initiative, the Secretaries of the Interior and Agriculture may make transfers of funds and reimbursement of funds on an annual basis among the land management agencies referred to in this section, except that this authority may not be used to circumvent requirements and limitations imposed on the use of funds.”

SEC. 429. The Secretary of Agriculture may acquire, by exchange or otherwise, a parcel of real property, including improvements thereon, of the Inland Valley Development Agency of San Bernardino, California, or its successors and assigns, generally comprising Building No. 3 and Building No. 4 of the former Defense Finance and Accounting Services complex located at the southwest corner of Tippecanoe Avenue and Mill Street in San Bernardino, California, adjacent to the former Norton Air Force Base. As full consideration for the property to be acquired, the Secretary of Agriculture may terminate the leasehold rights of the United States received pursuant to section 8121(a)(2) of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 999). The acquisition of the property shall be on such terms and conditions as the Secretary of Agriculture considers appropriate and may be carried out without appraisals, environmental or administrative surveys, consultations, analyses, or other considerations of the condition of the property.

SEC. 430. The Secretary of the Interior shall submit to the House Committee on Appropriations a report detailing the Federal expenditures pursuant to the Southern Nevada Public Lands Management Act (section 4(e)(3) of Public Law 105-263) for fiscal years 2003 and 2004.

SEC. 431. None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2006.

The Acting CHAIRMAN. Are there any points of order to pending provisions of the bill?

## POINTS OF ORDER

Mr. TOM DAVIS of Virginia. Mr. Chairman, I raise a point of order against section 413 of H.R. 2361, on the grounds that this provision changes existing law in violation of clause 2(b) of House rule XXI, and therefore is legislation included in a general appropriation bill.

The Acting CHAIRMAN. Does anyone else wish to be heard on the point of order?

The Chair finds that this section prescribes a legislative condition on the availability of funds. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

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

Mr. TOM DAVIS of Virginia. I raise a point of order against the provision beginning with "notwithstanding" on page 121, line 11, through the comma on line 12, on the grounds that this provision changes existing law in violation of clause 2(b) of House rule XXI and therefore is legislation included in a general appropriation bill.

The Acting CHAIRMAN. Does anyone wish to be heard on this point of order?

If not, the Chair is prepared to rule.

The Chair finds that this provision explicitly supersedes existing law. The provision therefore constitutes legislation in violation of clause 2 of rule XXI.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I have three other points of order. I will raise them individually.

I have a point of order against the provision beginning with "notwithstanding" on page 121, line 22, through the word "laws" on line 23, on the grounds that this provision also changes existing law in violation of clause 2(b) of House rule XXI.

The Acting CHAIRMAN. Does anyone wish to be heard? The Chair finds that this provision explicitly supersedes existing law. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I raise a point of order against the provision beginning with the word "notwithstanding" on page 124, line 6 through line 7, on the grounds that this provision changes existing law in violation of clause 2(b) of House rule XXI.

The Acting CHAIRMAN. Does anyone wish to be heard on this point of order?

Hearing none, the Chair finds that this provision explicitly supersedes existing law. The provision therefore constitutes legislation in violation of clause 2, rule XXI.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I raise a point of order

against the provision on page 124, lines 15 through 25, on the grounds that this provision changes existing law in violation of clause 2(b) of House rule XXI, therefore it is legislation included in a general appropriation bill.

The Acting CHAIRMAN. Does any Member wish to be heard on this point of order?

Hearing none, the Chair finds that this provision includes language imparting direction to certain agencies. The provision, therefore, constitutes legislation in violation of clause 2 of rule XXI.

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

AMENDMENT OFFERED NO. 7 BY MR. CHABOT

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. CHABOT:

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

SEC. \_\_\_\_ (a) None of the funds made available in this Act may be used for the designing or construction of forest development roads in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals.

(b) Subsection (a) shall not apply with respect to a forest development road for which construction is initiated before the date of the enactment of this Act.

Mr. POMBO. Mr. Chairman, I reserve a point of order against the amendment under rule XXI, clause 2.

The Acting CHAIRMAN. The point of order is reserved.

Pursuant to the order of House of today, the gentleman from Ohio (Mr. CHABOT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, established in 1907 by President Theodore Roosevelt, the Tongass is our Nation's largest forest, about the size of West Virginia. Located along Alaska's southeastern coast, it is often referred to as America's rain forest and is home to abundant wildlife, bald eagles, grizzly bears, wolves, and salmon, as well as old growth trees such as the giant Sitka spruce, western hemlock, and yellow cedar.

Mr. Chairman, each year the timber industry is subsidized by millions of tax dollars, taxpayer, hard working funding tax dollars for logging in the Tongass National Forest, approximately \$850 million since 1982.

Each year more taxpayer subsidized logging roads are built to extract the timber, and each year the road maintenance backlog gets more expensive. It is about \$100 million right now. There are already about 5,000 miles of roads in the Tongass.

That is enough road to drive from Washington, D.C. to Los Angeles and most of the way back. Even the Forest Service acknowledges that existing

roads are, quote, sufficient to satisfy local demand for road, recreation, subsistence, and community connectivity needs, unquote.

Mr. Chairman, this is a simple, straightforward amendment. It would stop the Forest Service from constructing new logging roads at taxpayer expense. Let me repeat that, at taxpayer expense, in the Tongass.

□ 1745

It does not prevent the timber industry from building their own roads. It does not prohibit the forest service from constructing roads needed for forest management, community connectivity, or for recreation. I know there are some who would have my colleagues believe differently, but this amendment has nothing to do with the roadless rule. It has everything to do with good government and fiscal responsibility.

This amendment is not an attempt to take away jobs in Alaska. In fact, between 1998 and 2004, Tongass-related jobs fell from over 1,500 to less than 300. That means that taxpayers are subsidizing each existing timber job to the tune of about \$163,000 per job, about four times the median U.S. household income. Despite massive taxpayer subsidies, Alaskan timber continues to decline.

That said, this amendment does not stop timber companies from continuing to log off the roads that the American taxpayers have already built for them. In fact, the Forest Service has a 10-year supply of timber remaining off current roads.

Between 1998 and 2004, half of Tongass timber contracts went unsold. This means taxpayers spend millions of dollars for the Forest Service to build roads and plan sales to access timber they often cannot even sell; and those they do sell, they do so at below-market rates. In fact, the Forest Service is offering to let logging companies cancel contracts already sold because the companies do not want the timber.

Mr. Chairman, I support logging in our national forests when it makes sense, when it is economically viable. I believe our forests should be actively managed so that they may be as healthy as possible; but while we need to be good stewards of our forests, we must also be good stewards of the American people's money.

It is time to restore some common sense and fiscal discipline to the Tongass timber program. I urge my colleagues to stand up for the American taxpayers and support this amendment.

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

## POINT OF ORDER

Mr. POMBO. Mr. Chairman, I make a point of order against the amendment.

The amendment constitutes legislation on an appropriations bill. Under the amendment, the limit on funds does not apply to roads under construction on the date of enactment of this bill.

Making this determination is far from simple. The Tongass National Forest is 16 million acres and access is basically limited to boat and plane. Compliance with this provision would require Forest Service personnel field visits to numerous locations where road contracts are in effect to determine if or when road construction has begun.

Therefore, determining the construction status of roads in the Tongass would take considerable effort on the part of the Forest Service. This new substantial duty makes this amendment legislative in nature.

I ask the Chair to sustain my point of order.

The Acting CHAIRMAN (Mr. FOLEY). Does any Member wish to be heard on the point of order?

The gentleman from New Jersey (Mr. ANDREWS) is recognized.

Mr. ANDREWS. Mr. Chairman, I would urge that the point of order be rejected on grounds that the language my friend cites explicates and explains a limitation. This is a limitation amendment, and the language in the amendment simply establishes the scope of the limitation.

The test is not whether the limitation is difficult to figure out. The test is whether it imposes a new obligation. This language does not, and I would urge rejection of the point of order.

Mr. CHABOT. Mr. Chairman, I would also like to be heard very briefly.

I acknowledge, I recognize, I would agree with everything that the gentleman from New Jersey just said. I also might bring to the attention the fact that this is essentially the same amendment that was offered and held in order in the last Congress.

The Acting CHAIRMAN. Does any other Member wish to speak on the point of order? The Chair will rule momentarily.

The gentleman from California (Mr. POMBO) makes a point of order that the amendment offered by the gentleman from Ohio (Mr. CHABOT) proposes to change existing law, in violation of clause 2(c) of rule XXI.

As recorded in Deschler's Precedents, volume 8, section 52, even though a limitation or exception therefrom might refrain from explicitly assigning new duties to officers of the government, if it implicitly requires them to make investigations, compile evidence, or make judgments or determinations not otherwise required of them by law, then it assumes the character of legislation and is subject to a point of order under clause 2(c) of rule XXI.

The proponent of a limitation carries the burden of establishing that any duties imposed by the provision either are merely ministerial or are already required by law.

The Chair finds that limitation proposed in the amendment offered by the gentleman from Ohio (Mr. CHABOT) does more than merely decline to fund a certain activity. Instead, it requires the officials concerned to discern or

discover the dates on which various road-construction projects were commenced within the periods in which they were authorized to commence.

On these premises, the Chair concludes that the amendment offered by the gentleman from Ohio (Mr. CHABOT) proposes to change existing law.

Accordingly, the point of order is sustained, and the amendment is not in order.

Mr. ANDREWS. Mr. Chairman, I move to appeal the ruling of the Chair.

The Acting CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. ANDREWS. Mr. Chairman, I ask unanimous consent to withdraw my motion.

The Acting CHAIRMAN. Without objection, the appeal is withdrawn.

There was no objection.

AMENDMENT NO. 1 OFFERED BY MR. RAHALL

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. RAHALL:

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

**SEC. \_\_\_\_ . LIMITATION ON USE OF FUNDS FOR SALE OR SLAUGHTER OF FREE-ROAMING HORSES AND BURROS.**

None of the funds made available by this Act may be used for the sale or slaughter of wild free-roaming horses and burros (as defined in Public Law 92-195).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. RAHALL).

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

Mr. Chairman, I am offering this amendment on behalf of myself, the gentleman from Kentucky (Mr. WHITFIELD), the gentleman from New York (Mr. SWEENEY), and the gentleman from South Carolina (Mr. SPRATT).

Mr. Chairman, America is blessed with a rich natural heritage. Part of that heritage are the herds of wild horses, direct descendants of animals that came here with early explorers and missionaries, which still roam the ranges in parts of the American West.

In 1971, Congress formally protected these wild horses and mandated that they could not be sold or processed into commercial products, in effect, slaughtered.

Since that time, when the Bureau of Land Management has determined that the wild horse population is excessive to the ability of the range to support them, captured animals have been offered to the public through adoption.

All of that changed as a result of a rider tucked away in the dead of night in the massive omnibus appropriations bill enacted last December.

With no public notice or comment, this rider trashed 33 years of national policy and lifted the prohibition on the commercial sale of America's wild horses.

Today, the gentleman from Kentucky (Mr. WHITFIELD) and I, along with our colleagues, the gentleman from New York (Mr. SWEENEY) and the gentleman from South Carolina (Mr. SPRATT), are offering this amendment to restore that prohibition, to stop the slaughter.

There is an urgency here. So far this year, 41 wild horses that we know of have been sent to one of the three foreign-owned slaughterhouses in this country. Moreover, the BLM has estimated that 8,400 horses need to be sold to comply with the recent change in the law.

To what end? To what end, I ask? So their meat can end up on menus in France, Belgium and Japan where it is considered a delicacy.

Incredible, simply incredible. We do not allow the commercial sale of horse flesh in this country for human consumption, but we are exporting horse meat for that purpose abroad.

Since introducing the legislation which is the basis for this amendment, I have received an impressive volume of heartfelt letters and e-mails from across the Nation.

The very notion that wild American horses would be slaughtered as a food source for foreign gourmets has struck a chord with the American people.

They see in this issue the pioneering spirit and the ideals of freedom, and the current policy has created disillusionment with many over how their government works and what their elected leaders stand for.

From Florida, Stacey wrote, "Knowing that the horses won't be there for my kids has made me feel sad, hurt and angry at our government."

A former West Virginian named Valerie who now resides in Nevada wrote, "I, and our friends, have enjoyed going on to the desert to see wild horses roaming free."

Jeremy from Oregon wrote, "Your support will help to restore the public's confidence by assuring us that Congress operates under the principles of for the people and by the people."

We must restore the people's faith. We must stop the slaughter of these American icons.

A week and a half ago, an annual rite of spring was held called the Running of the Kentucky Derby, a uniquely American institution.

I am wearing on my lapel a pin here, a symbol which bears the likeness of Ferdinand who won the 1986 Derby and the 1987 Breeders' Cup Classic, notable achievements. Yet his reward was to end his life in a Japanese slaughterhouse. Ferdinand was not a wild horse, true, from the American plain, but the issue is one in the same.

As children, many of us recall reading the compelling story in the book "Misty of Chincoteague." What type of message would we be sending today's

youth if Misty was rounded up and sent to be slaughtered.

For Misty's sake, for America's sake, vote for the Rahall-Whitfield amendment.

Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. WHITFIELD), a cosponsor of the amendment.

Mr. WHITFIELD. Mr. Chairman, I want to thank the gentleman for yielding me time very much; and as he so aptly stated, we would not be here today except for the action of Senator CONRAD Burns in the last omnibus bill.

What this motion and amendment that we are proposing today is really about, it is not so much about a few wild mustangs and burros, only 31,000 remaining in the wild western grazing lands. But what this is really about, it is about the fact that we have 18,000 permits issued by the Bureau of Land Management to ranchers in the West on 214 million acres of land, of which these ranchers are paying less than six cents per acre, per year. Now that is a good deal, and I can understand why they would be excited about it. They are grazing over 8 or 9 million cows on this land, and we are talking about 31,000 wild mustangs and burros on this 214 million acres of land, and the ranchers do not want any wild mustangs or burros on this land. That is really what this is all about.

The question becomes, is it in the heritage of America to protect the few remaining wild mustangs and burros? This amendment simply reverses the Burns amendment and restores 37 years of public policy of protecting wild mustangs and burros.

I can tell my colleagues I have a lot of cattle ranchers in my district in Kentucky, and they are in Tennessee and Florida and Texas and Alabama and Mississippi and Louisiana and all around this country, and all of them pay a lot more than six cents per acre per year for these permits and for land.

I might also add that these 18,000 permits of ranchers on these grazing lands in the West provide only 2 percent of the cows slaughtered in America, and we all like a good steak. We want to continue slaughtering cows for steaks because they are raised for that purpose; but we also have a responsibility to protect wild mustangs and burros who are native to this country, who have been protected in this country. They simply lost that protection because of a 4,000 page omnibus bill, and none of us was aware that the Burns amendment was in it.

□ 1800

So that is what this amendment is about.

Mr. RAHALL. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to get briefly to the point.

We can all have our differences as it relates to this issue, but as my colleagues have pointed out so appropriately, surreptitiously last year, snuck into the omnibus bill, is a piece of legislation that many of us have disagreement over. We all agree in this appropriation process that that is not the way Congress ought to go about doing its business and, worse yet, that legislation overturned decades, indeed generations of Congressional policy.

Now, we can argue the substance and the differences as to whether this is economically feasible and right, and whether this is humane or not, but the fact of the matter is it was surreptitiously snuck in, it ought not to have happened, I believe it violates policy for more than a generation and 30 to 40 years of Congressional intent. We ought not to let that happen. So I urge my colleagues to support this amendment.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise to claim the time in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, this issue is about the proper management of wildlife and public lands, and the Committee on Appropriations is in charge of trying to adequately fund the United States agencies. If we want to get into the question of whether or not the six cents is being paid for grazing land or anything else, you need to go to the authorizing committees and have a debate there and get it changed and so forth.

We in the Committee on Appropriations have a situation where wild horses and burros cost the taxpayers \$40 million annually. Now, this is more than BLM spends on all wildlife management activities on public lands. There are currently 24,000 wild horses and burros that are kept in short-term, or long-term, either way, holding facilities. They are not roaming free. They are being housed in these short-term facilities, and that is costing \$20 million, and they are living there until they die.

BLM has the authority to sell the older or unadoptable animals. Now, if they are 10 years or older, or if they have been offered three times for sale and been turned down, then this would give BLM the authority to sell these older, unadoptable animals and conserve the \$40 million that we are talking about. That is what we are asking, and we think that is a prudent measure, so we urge our colleagues to defeat this amendment.

Mr. Chairman, I yield 2½ minutes to the gentleman from Nevada (Mr. GIBBONS).

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

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for yielding me this time. I come from the district that

has by far and away more wild horses in it than any district in the United States, bar none. Of the 30,000 horses we are talking about, 20,000 of them are in the Second District of Nevada. This amendment, if it is passed, will be a rule of unintended consequences on what happens to the management of these horses.

My colleagues, in Nevada horses do not always look beautiful like the horse that we see in Black Beauty. Sometimes they are misshapen. Sometimes they are deformed. That is because we cannot manage 20,000 horses on land which does not look like Kentucky, does not look like West Virginia. These horses get starved, they are weakened, they become diseased and, of course, they are not as easily adopted as before.

If this amendment is passed, the unintended consequence will be to prevent the Bureau of Land Management from properly managing. And today this amendment is moot. The Bureau of Land Management today announced strict new rules for the sale of wild horses. These changes will ensure America's wild horses and burros go to good homes, and the new rules will expressly prohibit the sale of these animals for slaughter.

Specifically, before horses are sold buyers must sign a contract that will bind them to providing humane care for the horse or burro. Buyers cannot sell or transfer ownership of any of the purchased horses or burros to any person or organization that intend to process them for commercial products. Anyone falsifying or concealing information in that contract is subject to criminal penalties under U.S. law.

Additionally, the BLM is working to ensure that all three U.S. horse processing plants make certain any BLM horses, which are easily identified by a unique brand under its mane, are turned away and the proper authorities are notified.

In sum, the new BLM rules will make it a crime to sell wild horses for slaughter, yet will allow for the sale of these animals to buyers seeking to provide them good caring homes.

I applaud the Bush administration and the Bureau of Land Management for taking responsible action to assure America's wild horses and burros are cared for, and I would like to thank the Ford Motor Company and the Take Pride in America Program, which this amendment will stop dead in its tracks, for supporting BLM in this effort and creating the Save the Mustangs Fund.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I rise in opposition to this amendment, and I certainly am one who is not in favor of the slaughtering of wild horses, but I am also as a fiscal conservative who is concerned about what happens along the way, because we are looking at a price of somewhere on the

order of \$20 million a year to take care of the horses that nobody wants to adopt right now.

There are some 37,000 wild horses and burros roaming on BLM managed lands in 10 western States. That is 9,000 more than the carrying capacity of the land. In the few seconds I have left, I want to show my colleagues this photo. This is from Nevada. This cage was put over this grass, and this is what the wild horses have done all around it, in terms of what happens in a fairly wet area. You get into the dry areas, and they completely overrun the range-land.

What we need to do is, if there is a problem with someone violating the law, we need to put the criminal penalties back in so they can be prosecuted, but the BLM have said they will not issue any contracts that will allow for any slaughter. Taking away their ability to sell the wild horses, however, will create a huge fiscal burden to the Federal Government and the taxpayer and not allow us to properly manage these herds.

So I urge a "no" vote on this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, this debate should be about one of public lands and wildlife management and nothing more. And I will be the first to say that I do not like to see these wild horses taken off the range, but at the same time they have to be properly managed.

Over the years, we in Congress and those in State governments have created a variety of methods to help control animal populations, whether it is placing a species under the protection of the Endangered Species Act when the numbers are dwindling or allowing increasing hunting for various species when the numbers of the species are too great. Wild horses should be no different.

We must remember that wild horses have virtually no natural predators and the herd sizes can double every 5 years. If these herds are not managed, wild horse numbers will increase at alarming rates. Left unmanaged wild horses not only degrade our public lands but they also create conditions where many times these horses would be unable to survive on their own.

In order to be good stewards of our public lands, these animals must be managed, and the only way to manage these herds is to take some of these animals off the range. The primary method for controlling horse populations has of course been adoption. But, unfortunately, adoptions have not kept up with our expanding wild horse and burro herds.

Mr. Chairman, I urge Members to oppose this amendment and support our public lands.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, I thank the chairman for yielding me this time and for his leadership on this issue.

Our public lands are of multiple use and must be managed for a variety of purposes, including hunting, grazing, fishing, recreating, wildlife, and many other uses. The Horse and Wild Burros Act recognized that horses and burros would have to coexist with these other uses and have been managed thusly since 1960.

Unfortunately, horse populations have far exceeded the desirable levels for years, causing serious resource damage. Serious-minded conservation groups, such as the National Association of Conservation Districts, the International Association of Fish and Wildlife Agencies, the Nature's Conservancy, and others have recognized the damage caused by these horses.

Balanced management must be restored in the public lands where wild horses roam. In an effort to achieve this balance, Congress gave the BLM the authority to sell the excess. All this, Mr. Chairman, has been said before, and I am not going to go into it again, except I will tell you that without this authority the only feasible option is leaving unadopted excess animals in contracted long-term holding facilities that we are now doing to the cost of at least \$9 million a year.

The loss of this new tool in selling would only mean that priority funding will keep going to care for and feed unadoptable animals instead of managing the number on the range and in balance with the demands of our other resources.

I would hope, Mr. Chairman, that my colleagues would see the wisdom in turning back this probably well-intended but misdirected amendment.

Mr. RAHALL. Mr. Chairman, I yield 30 seconds to the gentleman from Kentucky (Mr. WHITFIELD), the cosponsor of the amendment.

Mr. WHITFIELD. Mr. Chairman, I might add that BLM has already told us that under the Burns language they have no criminal penalties available to them. Even though they may put in a contract that a horse cannot be taken to slaughter they have no recourse if someone does it.

I would remind people once again that these are public lands, 214 million acres of land. We are talking about 30,000 wild horses we need to protect. We have companies like Ford Motor Company taking in horses now, and we have over 214 entities out in the country doing it. I think that there is plenty of money available.

Also, we would urge the BLM to euthanize horses rather than send them to slaughter. That is an option also. But this is a well-intended amendment and it would reintroduce the policy that has been the accepted policy in the U.S. for 37 years.

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

In conclusion, Mr. Chairman, the gentleman from Kentucky has just

touched upon a very important point, and that is that there are alternatives available to the outright slaughter; adoption and euthanization. These are alternatives rather than the slaughter of these animals.

In regard to what the gentleman from Nevada said, that BLM has recently done, what BLM has proposed in the last day or two in an effort to head off the successful passage of this amendment is illegal under the change in law that was made by the omnibus appropriation bill last year.

And I would say to the distinguished chairman of the subcommittee, in defense of the gentleman from California (Mr. POMBO) and myself on the authorizing committee, this change was made in an appropriation bill, not in an authorization bill. Therefore, it is incumbent the change or reversal be done in an appropriation measure.

So I would urge that my colleagues look at the humane side of this amendment, look at what is only fair to these American icons and vote for the Rahall-Whitfield-Sweeney-Spratt amendment.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia (Mr. GOODLATTE), the distinguished chairman of Committee on Agriculture.

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

Mr. GOODLATTE. Mr. Chairman, this is one of those issues where our opponents are trying to use emotion to overwhelm good policy. As is usually the case in such debates, the results are exactly the opposite of what is being advocated.

So it is with the proposal to revoke the Secretary of Interior's authority to sell excess wild horses and burros. Ironically, rather than saving wild horses, the amendment will have the perverse effect of ensuring their numbers will stay at unsustainable levels, adoption efforts will be hampered, and thousands of old unadoptable horses will stay stuck in limbo in long-term holding facilities, or as the gentleman from Kentucky suggested, euthanized. Oh, that makes a lot of sense.

But this is what you get. This is what you get with this kind of policy, horses that are starving to death on the range. The BLM has conducted an analysis of their wild horse and burro program and determined that if they had not removed many of the wild horses from the range, prolonged drought, reduced forage production, and poor health would have resulted in large losses during the winter of 2005.

□ 1815

In Cedar City, Utah, for example, over 100 horses had to be removed from the range to prevent their suffering and potential starvation.

It is ironic that the authority that was used to save nearly 2,000 horses

this past year is the very authority the sponsors of this amendment are trying to repeal.

If this amendment prevails, the only method to remove these horses will be adoption, which historically has failed to keep up with the explosion of the population. Inadequacy of the adoption program has resulted in many of these horses being sentenced to spend the rest of their lives in long-term facilities unsuitable for wild horses. I urge my colleagues to oppose this amendment.

Mr. Chairman, this is one of those issues where our opponents are trying to use emotion to overwhelm good policy. As is usually the case in such debates, the results are exactly the opposite of what is being advocated.

So it is with the proposal to revoke the Secretary of the Interior's authority to sell excess wild horses and burros. Ironically, rather than saving wild horses, the amendment will have the perverse effect of ensuring that their numbers will stay at unsustainable levels, adoption efforts will be hampered, and thousands of old, unadoptable horses will stay stuck in limbo in long-term holding facilities. Horses on the range will, most likely, starve to death.

BLM has conducted an analysis of their wild horse and burro program and determined that if they had not removed many of the wild horses from the range, prolonged drought, reduced forage production and poor health would have resulted in large losses during the winter of 2005. In Cedar city, Utah, for example, over 100 horses had to be removed from the range to prevent their suffering and potential starvation. It is ironic that the authority that was used to save nearly 2000 horses this past year is the very authority the sponsors of this amendment are trying to repeal.

If this amendment prevails, the only method to remove these horses will be adoption, which historically has failed to keep up with the explosion of the population. Inadequacy of the adoption program has resulted in many of these horses being sentenced to spend the rest of their life in long term unsuitable for wild holding facilities.

Because of the overwhelming cost of these facilities at the expense of the federal government, the number of horses on the range is still well above the appropriate management levels called for in law. Furthermore, one-half of the entire wild horse and burro operating budget is used to take care of "unadoptable" horses held in these facilities. This amendment would only cause those costs to skyrocket at the expense of the adoption program.

Last year, Congress enacted a law that allowed BLM to sell unadoptable horses that are over 10 years old or have been offered unsuccessfully for adoption three times, until the appropriate management level is reached. These proceeds are then used by BLM to help promote and finance their adoption program.

Currently there are 8400 horses in these long term facilities that need to be moved on through the program in order to prevent malnutrition and starvation that is associated with the overpopulation of the range land herds. By denying the funds to implement the sale program for wild horses and burros, this irresponsible amendment would eliminate a far more

efficient tool in the management of the program. By not allowing BLM to keep the herd in manageable numbers, this amendment endangers the welfare of the wild horses by exacerbating the deplorable conditions these animals must try to survive in where their only escape is death by starvation.

Vote for the welfare of the wild horses. Vote "no" on the Rahall-Whitfield Amendment.

Ms. HERSETH. Mr. Chairman, today I will vote in support of the amendment to the FY06 Interior Appropriations Bill, offered by Mr. RAHALL, that will prevent the Secretary of the Interior from expending funds to conduct sales of wild horses for the next fiscal year. That said, I am not categorically opposed to the sale of wild horses that live on federal lands and will seek to work with my colleagues to find a feasible solution to the federal land management challenges that underlie this issue.

Initially, let me indicate that I believe the process by which Wild Free-Roaming Horse and Burro Act was amended, with language inserted in an omnibus appropriations act without any public hearings or comment, was extremely inappropriate and that fact alone is grounds for Congress to revisit this issue.

I strongly believe that we must provide the Bureau of Land Management (BLM) and all federal land management agencies the tools and the resources they need to conserve our precious public resources. Ultimately, this may mean granting horse-sale authority to the BLM. I do not believe, however, that these wild horses should end up in slaughterhouses. The fact that forty-one wild horses were recently slaughtered at a foreign-owned processing facility, and an additional fifty-two barely escaped the same fate, clearly demonstrates that the current sale program is flawed, despite BLM efforts to implement safeguards and pursue a measured approach in administering the sale authority.

Humane alternatives to slaughter obviously exist, and federal agencies already have the authority to carry out such humane actions as adoption, sterilization, relocation, and placement with qualified individuals and organizations. Federal land managers may simply lack the resources they need to carry out these alternatives, but the answers to such questions are currently unclear. I urge Chairman POMBO of the House Committee on Resources to hold hearings on this matter so that we can ascertain the status of the BLM's management authorities and resources. I pledge to work with him to find solutions to this issue. In the meantime, because I believe that a one-year moratorium on BLM's sale authority for wild horses is needed to allow this debate, I offer my support to the Rahall Amendment.

Mr. MORAN of Virginia. Mr. Chairman, I am pleased to support the amendment to the Department of the Interior appropriations bill being offered by Mr. RAHALL and Mr. WHITFIELD to help save a national treasure—the wild horse. The wild horse is known throughout the world as a symbol of the American west, and we should be doing everything we can to protect it.

At the turn of the 20th century there were more than one million horses roaming the vast lands of our west, however by 1971 that number dropped to approximately 60,000 due to the actions of their main predator—humans.

Public outcry and the work of a group of citizens lead by Wild Horse Annie forced Congress to find a solution and pass the Wild Free Roaming Horse and Burro Protection Act to protect the wild horse. Throughout the years this law has been eroded, and currently, there are only 35,000 wild horses living on our lands today. Current law will only make this number decrease more rapidly.

I was saddened to learn about the provision in last year's omnibus appropriations bill that would allow the sale of any wild horse that has been rounded up and is more than ten years old. Because of this provision, at least forty-one wild horses have needlessly been slaughtered. If we do not pass this amendment to ensure that no tax dollars are used for any sale of wild thousands more could lose their lives.

There is no need for this senseless slaughter. There are other options that we can explore rather than killing this majestic animal. The Bureau of Land Management could reopen over one hundred herd management areas or use animal contraception methods to keep the size of the herds manageable. There is simply no reason for these horses to be slaughtered for use as meat in other countries.

The horse is more than just an animal to our country. It is a beloved literary figure, a character in a movie or television show, a symbol of adventure, a friend of the cowboy, and an important part of our history. William Shakespeare once stated that horses were, "As full of spirit as the month of May, and as gorgeous as the sun in Midsummer." I can say it no better and encourage all of my colleagues to join me and support the Rahall-Whitfield amendment and help save the wild horse.

Mr. PORTER. Mr. Chairman, I rise today in opposition to the Rahall amendment. Although I appreciate the good intentions of this amendment, I am deeply concerned about its potential for unintended consequences. In restricting the ability of the Bureau of Land Management (BLM) to sell wild horses and burros under the Wild Horse and Burro Act of 1971, we are also restricting opportunities for responsible owners or groups to purchase horses that might have otherwise been sentenced to spend their lives in holding facilities or to starve on our rangelands. I disagree with the actions of individuals who purchased horses under the Act and then sold them to a slaughter plant; however, I do not believe that we should prohibit responsible people from purchasing wild horses due to the actions of a few.

This morning, the BLM announced new regulations that will strictly prohibit individuals who purchase wild horses from sending these animals to slaughter. The BLM has also entered into a partnership with Ford Motor Company to help protect these wild horses for future generations. I applaud the BLM for their proactive stance on this issue, and I am hopeful that their initiatives will be successful so that other horses are sent to slaughter.

Mr. Chairman, I represent a district in Nevada, a state that is home to more wild horses than all other states combined. Although I

agree that wild horses are a symbol of the American West, I also believe that it is the responsibility of Congress to ensure that these animals are managed, protected, and controlled in an effective manner. It is a fact that the current number of wild horses in the nation greatly exceeds the ability of the BLM or the land to handle these animals. This explosive growth causes significant resource damage, as well as damage to the animals themselves. The adoption authority granted under the Wild Horse and Burro Act of 1971 has historically failed to keep up with the growth of the wild horse population. We must work to maintain responsible and humane alternatives, such as sale authority, in order to ensure that these animals are properly cared for.

Our wild horses are already competing for scarce sources of food and water on rangelands in arid states like Nevada, causing many of them to waste into skin and bones. I believe that some of these horses should be allowed to be sold to good homes, where they can receive proper nourishment and veterinary care, as opposed to competing for little food and water in the wild or being held in long-term holding pens. This is why I am developing legislation that would offer an incentive for responsible people who would like to adopt or purchase a horse under the Wild Horse and Burro Act. This incentive will be dependent on a number of requirements, one of which will be that these animals cannot be sold to slaughter. I look forward to working with my colleagues on this issue.

The Acting CHAIRMAN (Mr. FOLEY). All time has expired.

The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

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

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

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

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. DOOLITTLE

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DOOLITTLE:

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

SEC. 4 \_\_\_\_\_. None of the funds made available in this Act for the Department of the Interior may be used to implement the first proviso under the heading "UNITED STATES FISH AND WILDLIFE SERVICE—LAND ACQUISITION".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. DOOLITTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

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

Mr. Chairman, the provision in the fiscal year 2006 appropriations bill that is the subject of this amendment would allow the Fish and Wildlife Service to sell public lands in the Lower Klamath and Tule Lake Wildlife Refuges, and use the profits from the land sales to buy water rights.

None of the delegation, which, I might add, is represented by four of us from the areas that represents this area, had approved this provision; and the Department of the Interior failed to communicate their desire to implement this program to the relevant Members of Congress.

As Members of Congress whose constituents would be affected by a provision such as this, we feel it is necessary to have time to review the proposal in order to ensure that the proposed program best suits the needs of the local communities in our districts. I might add that this event represents a trend of continuous poor communication by the Department of the Interior and therefore we must ask that our amendment be adopted.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentleman for bringing this to our attention, and we have no objection to the gentleman's amendment at this time.

The Acting CHAIRMAN. Does any Member rise in opposition to the amendment?

Hearing none, the question is on the amendment offered by the gentleman from California (Mr. Doolittle).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HASTINGS of Florida:

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

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used in contravention of Executive Order 12898 (*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*) or to delay the implementation of that Order.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. HASTINGS of Florida. Mr. Chairman, I rise today to offer an amendment to H.R. 2361 that is of critical importance to the health and well-being of minority and low-income communities throughout the United States.

In an effort to cut down on the time constraints, let me just briefly explain the amendment. It prohibits the EPA from using funds in this bill to work in contravention of Executive Order 12898 and delay the implementation of that order.

My amendment makes clear Congress's support for the executive order and its original intention to achieve health and environmental equity in minority and low-income communities.

Mr. Chairman, to seek out environmental justice is an effort to achieve health and environmental equity across all community lines. In adopting my amendment, Congress will call on EPA to move forward with the identification of at-risk minority and low-income communities so appropriate steps can be taken to improve their health and well-being.

Justice should never be reserved only for those who can afford to help themselves. I ask for my colleagues' support to ensure EPA takes the appropriate steps to protect minority and low-income communities from continued environmental injustices.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, the amendment requires EPA to comply with the executive order by the first President Bush dealing with environmental justice. We have no objection to the amendment.

Mr. HASTINGS of Florida. Mr. Chairman, I include for the RECORD the findings of the EPA Inspector General Report and those in support of the amendment.

EVALUATION REPORT: EPA NEEDS TO CONSISTENTLY IMPLEMENT THE INTENT OF THE EXECUTIVE ORDER ON ENVIRONMENTAL JUSTICE—REPORT NO. 2004-P-00007—MARCH 1, 2004

#### EXECUTIVE SUMMARY

##### Purpose

In 1994, President Clinton issued Executive Order 12898, "Federal Action to Address Environmental Justice in Minority Populations and Low-income Populations," to ensure such populations are not subjected to a disproportionately high level of environmental risk. The overall objective of this evaluation was to determine how the U.S. Environmental Protection Agency (EPA) is integrating environmental justice into its day-to-day operations. Specifically, we sought to answer the following questions:

How has the Agency implemented Executive Order 12898 and integrated its concepts into EPA's regional and program offices?

How are environmental justice areas defined at the regional levels and what is the impact?

##### Results in brief

EPA has not fully implemented Executive Order 12898 nor consistently integrated environmental justice into its day-to-day operations. EPA has not identified minority and low-income, nor identified populations addressed in the Executive Order, and has neither defined nor developed criteria for determining disproportionately impacted. Moreover, in 2001, the Agency restated its commitment to environmental justice in a manner that does not emphasize minority and low-income populations, the intent of the Executive Order.

Although the Agency has been actively involved in implementing Executive Order 12898 for 10 years, it has not developed a clear vision or a comprehensive strategic plan, and has not established values, goals, expectations, and performance measurements. We did note that the Agency made an attempt to issue an environmental justice toolkit; endorsed environmental justice training; and required that all regional and programmatic offices submit "Action Plans" to develop some accountability for environmental justice integration.

In the absence of environmental justice definitions, criteria, or standards from the Agency, many regional and program offices have taken steps, individually, to implement environmental justice policies. This has resulted in inconsistent approaches by the regional offices. Thus, the implementation of environmental justice actions is dependent not only on minority and income status but on the EPA region in which the person resides. Our comparison of how environmental justice protocols used by three different regions would apply to the same city showed a wide disparity in protected populations.

We believe the Agency is bound by the requirements of Executive Order 12898 and does not have the authority to reinterpret the order. The Acting Deputy Administrator needs to reaffirm that the Executive Order 12898 applies specifically to minority and low-income populations that are disproportionately impacted. After 10 years, there is an urgent need for the Agency to standardize environmental justice definitions, goals, and measurements for the consistent implementation and integration of environmental justice at EPA.

#### *Recommendations*

We recommended that the Acting Deputy Administrator issue a memorandum reaffirming that Executive Order 12898 is an Agency priority and that minority and low-income populations disproportionately impacted will be the beneficiaries of this Executive Order. Additionally, EPA should establish specific time frames for the development of definitions, goals, and measurements. Furthermore, we recommended that EPA develop and articulate a clear vision on the Agency's approach to environmental justice. We also recommended that EPA develop a comprehensive strategic plan, ensure appropriate training is provided, clearly define the mission of the Office of Environmental Justice, determine if adequate resources are being applied to environmental justice, and develop a systematic approach to gathering information related to environmental justice.

#### *Agency comments and OIG evaluation*

In the response to our draft report, the Agency disagreed with the central premise that Executive Order 12898 requires the Agency to identify and address the environmental effects of its programs on minority and low-income populations. The Agency believes the Executive Order "instructs the Agency to identify and address the disproportionately high and adverse human health or environmental, effects of it (sic) programs, policies, and activities." The Agency does not take into account the inclusion of the minority and low-income populations, and indicated it is attempting to provide environmental justice for everyone. While providing adequate environmental justice to the entire population is commendable, doing so had already been EPA's mission prior to implementation of the Executive Order; we do not believe the intent of the Executive Order was simply to reiterate that mission. We believe the Executive Order was specifically issued to provide environmental justice to minority and/or low-

come populations due to concerns that those populations had been disproportionately impacted by environmental risk.

A summary of the Agency's response and our evaluation is included at the end of each chapter. The Agency's complete response and our evaluation of that response are included in Appendices D and E, respectively.

MAY 19, 2005.

Re support the Hastings Environmental Justice Amendment

DEAR REPRESENTATIVE: On behalf of our organizations, members, and supporters nationwide, we write to express our support for Representative Alcee Hastings' (D-FL) environmental justice amendment that will be offered to the Interior-EPA Appropriations bill.

The Hastings amendment will ensure that funds spent at the U.S. EPA cannot be spent in any way that conflicts with the 1994 Executive Order "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." EO 12898 directs each federal agency to develop an environmental justice strategy "that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, or activities on minority populations and low-income populations" with the goal of achieving equity in federally-funded programs for those communities.

The Hastings amendment is needed to get EPA to take the next steps that are needed to achieve the promise of fairness and equal treatment for minority and low-income communities in federal environmental programs.

Studies conducted by both government and non-government panels, including the National Academy of Sciences and the United Church of Christ have found that minority and low-income communities experience greater and more frequent exposures to unhealthy levels of environmental pollutants than other communities.

This problem was first addressed at EPA in 1992 when President George H.W. Bush created the Office of Environmental Equity at EPA (now the Office of Environmental Justice); it was addressed a second time by President Clinton, when he issued the Executive Order in 1994. Yet the EPA has so far failed to adopt needed measures to meaningfully address and correct this unequal treatment under environmental laws. The agency's failure to move forward on the important issue of environmental justice has been documented recently by the U.S. Commission on Civil Rights, and the EPA's Office of the Inspector General.

The Hastings amendment does not place new requirements on the EPA, but rather provides direction for the agency to fulfill its longstanding obligation to ensure that minority and low-income populations are not exposed to dangerous and disproportionately high levels of air pollution, water contamination, toxic hazards, or other environmental and health threats in their communities.

We urge you to cast your vote in support of the Hastings environmental justice amendment.

Sincerely,

Roger Rivera, President, National Hispanic Environmental Council; Robert D. Bullard, Director, Environmental Justice Resource Center, Clark Atlanta University (Atlanta, GA); Ansje Miller, Director, Environmental Justice & Climate Change Initiative (Oakland, CA); Beverly Wright, Director, Deep South Center for Environmental Justice, Dillard University (New Orleans, LA); Craig Williams, Director, Chemical Weapons Working Group (Berea, KY); Martin Hayden, Legislative Director, Earthjustice; Michael

Greene, Director, Center for Environmental Health (Oakland, CA); and David Christian, President, Serving Alabama's Future Environment (Jacksonville, AL).

Hilary Shelton, Director, Washington Bureau, NAACP; Martina Cartwright, Director, Environmental Law & Justice Center, Texas Southern University (Houston, TX); Peggy Shepherd, Executive Director, West Harlem Environmental Action (New York City, NY); Henry Clark, Director, West County Toxics Coalition (Richmond, CA); Tom Stephens, Director, National Lawyers Guild, Sugar Law Center (Detroit, MI); Luke Cole, Director, Center for Race, Poverty and the Environment (San Francisco, CA); Rufus Kinney, President, Families Concerned About Nerve Gas Incineration (Anniston, AL); and Reverend N.Q. Reynolds, President, Calhoun County Chapter of the Southern Christian Leadership Conference (Anniston, AL).

Robert O. Muller, President, Vietnam Veterans of America Foundation; Evelyn Yates, President, Pine Bluff for Safe Disposal (Pine Bluff, AR); John Nunn, President, Coalition for Safe Disposal (Worton, MD); Karyn Jones, President, GASP (Hermiston, OR); J. Daryl Byler, Director, Mennonite Central Committee Washington Office; Vernice Miller-Travis, Miller-Travis & Associates, (Washington, DC); Donele Wilkins, Executive Director, Detroiters Working for Environmental Justice; and Monique Harden, Co-Director, Nathalie Walker, Co-Director, Advocates for Environmental Human Rights (New Orleans, LA).

Jeanette Champion, President, Citizens for Environmental Justice (Anniston, AL); Sara Morgan, President, Citizens Against Incineration at Newport (Newport, IN); Jason Groenwald, Director, Families Against Incinerator Risk (Salt Lake City, UT); Peter Hille, President, Kentucky Environmental Foundation (Berea, KY); Douglas Meiklejohn, Executive Director, New Mexico Environmental Law Center (Santa Fe, NM); Rev. Anthony Evans, Director, National Black Church Initiative; and National Black Environmental Justice Network.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. HEFLEY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. HEFLEY: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by \$261,591,250.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from North Carolina (Mr. TAYLOR) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

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

Mr. Chairman, the amendment is identical to those I have offered to appropriations bills for the past couple of

years. The amendment trims outlays for H.R. 2361 by 1 percent under the Holman Rule, which means if the amendment passes, it will be up to the administration to determine where the cuts will fall.

I want to thank the gentleman from North Carolina (Mr. TAYLOR), the gentleman from Washington (Mr. DICKS), the ranking member. As always, they have done a solid job of this. I understand the dynamics of bringing a bill out of committee. They have done a good job. They are below what would have been expected, but we are still not at a balanced budget; and so I offer this amendment.

In fact, just the other day a Democratic colleague mentioned this bill and said the gentleman from North Carolina (Mr. TAYLOR) is "as tight as a snare drum," and I take that as an extreme compliment. That said, I do not think the funding levels of this bill are reflective of a country with a \$340 billion deficit.

The amendment would trim a penny on the dollar across the agencies funded by this bill. Despite the stripped-down character of the bill, I think there are still some areas worthy of examination.

For example, the Kennedy Center for Performing Arts. Some years ago as a member of the House Interior Committee, I heard testimony on deaccessioning the Kennedy Center from the National Park Service. James Wolfensohn, its director and later head of the World Bank, pleaded with the subcommittee to cut the center loose. He said the center needed millions of dollars in structural repairs, yet he could not move forward on them because of the Park Service contracting requirements and inflated costs. "Let us raise our own funds and we will be able to do this much more efficiently," he said. And so we did.

We got rid of the Kennedy Center, except that we did not really. The only National Park Service cut loose in the past 20 years, supposedly, and yet in this bill it includes \$17.8 million for operation and maintenance at the Kennedy Center and \$10 million for construction.

Now, I know the Kennedy Center has serious structural problems, but given the legislative history of this issue, I would like to know how long we are going to continue to have this center that we have to fund. That is just one example.

I question whether the various agencies really need all of the new vehicles authorized in this bill. I estimate at least \$5 million for those. I question some of the administrative accounts.

The chairman has done a fine job in reining in costs, particularly in the area of land acquisition; but at a time of a \$300-plus million deficit, we need to do more. This amendment would do that. Even in a small way, I encourage support of this amendment.

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

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

Mr. Chairman, I rise in opposition to the gentleman's amendment. The gentleman makes good points, and if he and I were the only two Members of Congress, we could probably sit down and come up with a tighter bill. There are 435 Members in the House, and we have 100 over in the Senate. We have tried to put together a balanced bill. Because of that, we have cut many things and had a very difficult time in doing it. I would have to strongly object to the gentleman's amendment.

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

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

Mr. Chairman, we have fought over the last few years to reinsert funding for the Park Service to take care of their uncontrollable costs, and we had a hard time doing that. We find out that 1 percent, when it is added up, is \$261 million. That is a very significant hit on these accounts in this important agency.

I would urge that Members support the chairman and we vote this amendment down.

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

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

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

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

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

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

AMENDMENT NO. 5 OFFERED BY MR. STUPAK

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. STUPAK:

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

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to finalize, issue, implement, or enforce the proposed policy of the Environmental Protection Agency entitled "National Pollutant Discharge Elimination System (NPDES) Permit Requirements for Municipal Wastewater Treatment During Wet Weather Conditions", dated November 3, 2003 (68 Fed. Reg. 63042).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. STUPAK) and the gentleman from North Carolina (Mr. TAYLOR) each will control 10 minutes.

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

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

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

Mr. STUPAK. Mr. Chairman, our amendment would stop the EPA from moving forward with a dangerous proposal that would allow more partially treated sewage into our waterways. This morning the EPA issued a statement saying it will not finalize its current proposal. The EPA has been mulling over this policy change for nearly 2 years.

I am pleased to see that the EPA has now recognized that this policy proposal is bad for our health, bad for our environment, and bad for business. Now Congress needs to seal the deal by passing our amendment to make sure this misguided proposal is gone for good.

Let me clarify something that has been misunderstood. Our amendment will not cost a thing. It will not change a thing. It leaves things just the way they are right now.

Currently, clean water rules say during major wet weather events, sewage treatment plants are allowed to combine the filtered but untreated human sewage with fully treated waste water before discharge, in a process known as "blending," when no other feasible alternative exists.

The EPA's 2003 proposal would weaken current environmental standards by allowing facilities to discharge largely untreated sewage virtually anytime it rains. Our amendment simply stops the EPA from weakening existing environmental standards and requires that sewage be effectively treated to remove the viruses, parasites, and bacteria that make people sick.

I know many of my colleagues are hearing that this amendment will pose astronomical costs on local communities. That is simply not true. This amendment will not cost communities a dime. Our amendment would maintain the current policy. It would not prevent utilities from blending under any of the current allowable legal circumstances. It would merely support current safeguards which do not allow blending when full treatment is feasible. Let me repeat that. Our amendment will not ban blending.

We have a clear policy choice. Should we provide effective treatment for sewage, remove pollutants that poison drinking water sources, close beaches, contaminate shellfish, make people sick, and rob the water of oxygen the fish need to breathe? Or should we allow routine discharges of inadequately treated sewage virtually every time it rains? To ask the question is to answer it. The choice is clear just as it has been under the Clean Water Act for the past 30 years.

Congress needs to send a strong, clear message on behalf of our constituents. We do not want human waste in the water we drink and swim in. As a step in the right direction, vote "yes" on the bipartisan Stupak/Shaw/Pallone/Miller amendment.

## GROUPS WEIGHING IN AGAINST EPA'S SEWAGE PROPOSAL

American Littoral Society; American Public Health Association; American Shore and Beach Preservation Assoc.; American Rivers; Children's Environmental Health Network; Citizens Campaign for the Environment; Clean Ocean Action; Clean Water Action; Coast Alliance; East Coast Shellfish Growers Association; Earthjustice; US Conference of Catholic Bishops; Environmental Integrity Project; and Coalition on the Environment and Jewish Life.

Lake Michigan Federation; League of Conservation Voters; National Fisheries Management Institute; Natural Resources Defense Council; New York Rivers United; Pacific Shellfish Growers Association; Physicians for Social Responsibility; Riverkeeper, Inc.; Sierra Club; Surfers' Environmental Alliance; Surfrider Foundation; The Ocean Conservancy; US PIRG; and US Conference on Catholic Bishops.

Mr. Chairman, I thank the gentleman for raising this concern and want to clarify this issue for him.

The short answer is "no."

My amendment would not change the existing requirements for CSO communities, which are outlined in the 1994 CSO Policy and were incorporated in the CWA in 2000.

The CSO policy allows combined sewer systems to bypass secondary treatment when it is not feasible to provide full treatment for sewage.

Bypassing is allowed under the CSO policy as part of a long-term plan to minimize sewer overflows and maximize treatment.

EPA's proposed sewage dumping policy is inconsistent with the 1994 CSO policy because it would allow bypassing full treatment even when it is feasible.

The proposed policy would undercut those communities investing in long-term solutions that are protective of public health, the environment, and downstream economies.

The proposed policy would also allow separate sanitary sewer systems to bypass secondary treatment and discharge largely untreated sewage even if full treatment would be feasible, as it should be under normal operating conditions for most well operated and maintained separate sanitary systems.

Given the heavy load of viruses, parasites, bacteria, toxic chemicals, and other contaminants in sewage, it is critical that sewage treatment plants strive to achieve full treatment, not just discharge poorly treated sewage because it is cheaper to do so.

I also incorporated Mr. MEEHAN's statement relating blending policy to this statement.

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

□ 1830

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

First I all I would like to read a letter from the Assistant Administrator of the Environmental Protection Agency:

"Dear Chairman Taylor:

"This is regarding the November 2003 Draft Blending Policy which addresses the management of peak wet weather flows at municipal wastewater treatment facilities. The draft policy received extensive public comment and has been the subject of considerable on-

going discussion and debate, including being the focus of a recent hearing before the House Subcommittee on Water Resources and Environment.

"Based on our review of all of the information received, we have no intention of finalizing the blending policy as proposed in November 2003. We continue to review policy and regulatory options to manage this issue."

I think this letter is self-explanatory.

Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN), the distinguished chairman of the Subcommittee on Water Resources and Environment.

Mr. DUNCAN. I thank the gentleman for yielding me this time.

Mr. Chairman, the author of this amendment, the gentleman from Michigan (Mr. STUPAK), is a good man and a good friend of mine and I think he is well intentioned, but I think my colleagues should know that this amendment is opposed by the U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, the National Rural Water Association, and 38 other national and State water organizations whose job it is to protect the environment and provide communities with clean water.

Let me tell you why these organizations oppose this amendment. Communities all over the country have wastewater treatment plants that are designed and permitted to allow blending during extreme wet weather events. That is only a very small percentage of the time, usually maybe 2 or 3 percent.

These plant designs allow communities to prevent sewer overflows and meet all Clean Water Act standards in a cost-effective way. If blending is prohibited, then cities like Atlanta, Detroit, Cincinnati, Tacoma, Portland, Oregon, Boston and many, many others would have to spend billions of dollars to change their wastewater treatment plant designs, all to deal with extreme wet weather events that occur only once or twice a year. Some individual cities could have to spend as much as \$100 million on this or perhaps even more.

Blending has been mischaracterized as the discharge of raw sewage. This is not true. Here are the facts. During normal dry weather operation of a typical wastewater treatment plant, the wastewater receives three stages of treatment: solids removal, biological treatment, and disinfection. During extreme wet weather events, wastewater flows can exceed the capacity of the biological treatment unit. In those cases a plant then treats it twice. This blending does not mean the discharge of raw sewage into any river or waterway. These flows are recombined and blended with wastewater chemical treatments and so forth and disinfection so that it meets all Clean Water Act water quality and technology-based treatment standards.

This practice is not a bypass around treatment because it is part of the plant's permitted treatment design.

We held a hearing on this. Let me just tell you a few quotes from some of the experts.

One person from the Ohio River Valley Water Sanitation Commission said, "In the case of the Ohio River, without our blending policy more untreated overflows would occur and the water quality impacts of wet weather would be more damaging."

The head of an agency in California said, "With blending, our member communities can provide the maximum clean water treatment possible to unpredictable, exceptionally heavy rains and snowmelt, while still meeting permit limits which are set to protect public health and the environment."

A water executive from Little Rock, Arkansas, said, "Blending protects public utility infrastructure by preventing washout of sensitive biological systems and protects public health and private property."

Another official said, "A prohibition of blending will result in the need for extremely expensive facility upgrades that will not result in any meaningful improvement to water quality or protection of the public health."

If we prohibit blending, it will cause worse environmental trouble than if we allow these experts and these utilities to proceed with it. There is a lot of misunderstanding on this issue. What we should do is we should work with the gentleman from Michigan because what he wants to accomplish and what we want to accomplish is really the same thing. We need to have more work on this before we leap into this very complicated situation.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. SHAW), one of the cosponsors of this amendment.

Mr. SHAW. I thank the gentleman for yielding me this time.

Mr. Chairman, I am very pleased to offer this amendment along with my colleagues because the EPA's proposed guidance would hurt water treatment practices already in place in my home State of Florida.

Governor Jeb Bush and the Florida Department of Environmental Protection support this amendment. I am not here to impose any added costs to treatment plants. There is a rumor, as has just been expressed by my friend from Tennessee, that our amendment would cost upwards of \$200 billion in added costs to cities. This is just plain wrong. Our amendment does not impose any new regulations. It simply allows cities and States to maintain their current level of water treatment practices. Florida has a higher level of treatment and should not be forced to step back.

I urge my colleagues to vote "yes" on the Stupak-Shaw-Pallone-Miller amendment. A "yes" vote is a vote for safe, clean water.

Mr. STUPAK. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. PALLONE), also a cosponsor of our amendment.

Mr. PALLONE. Mr. Chairman, I am also pleased to be a cosponsor of this amendment.

Let me be very clear. This amendment would not ban all blending. In fact, it would have no effect on any currently permitted uses of blending. The Clean Water Act already says you can blend but only during a serious rain event. The EPA's proposed policy change, however, would let sewer operators bypass secondary treatment anytime it rains. That is what really could add a lot more sewage to our waters.

I have been fighting this proposal every step of the way and the EPA has finally said they are not going to do it. However, we must make sure that they do not. I understand that the EPA is now saying they are no longer going to finalize this proposed policy change, but they could change their mind tomorrow.

It should be a very easy vote for Members. We are saying that this is a bad idea. The EPA is now saying it is a bad idea. We are just making sure that the EPA actually does what it says it will do, because, who knows, tomorrow they may change their mind. But I do not want anybody here to think that all blending is going to be banned. You can still do it during a serious rain event, but you should not be allowed to do it anytime you want because that is going to increase tremendously the volume of material that does not have secondary treatment. And you will not have secondary treatment if you allow this policy to go ahead. It will be able to make an exemption anytime you please, and that is the problem. Our waters will get dirty. It will affect our tourism, our shellfish in coastal States around the country. Do not allow it to happen.

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

Does the gentleman intend his amendment to have any impact on the policies of the EPA regions and States that allow blending today and have issued permits allowing blending?

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

Mr. TAYLOR of North Carolina. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, I thank the gentleman for his question, but our amendment does not intend to have any impact on any of the existing policies of EPA regions and States that allow blending or on any Clean Water Act permit that allows blending. We are saying maintain the status quo.

Mr. TAYLOR of North Carolina. Mr. Chairman, reclaiming my time, we would accept the gentleman's amendment under that representation.

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

Mr. STUPAK. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. MILLER), also a coauthor of this amendment.

Mr. MILLER of Florida. I thank my good friend for yielding time.

Mr. Chairman, obviously we are here tonight to talk about just a common-sense issue in regards to this blending issue. I, in fact, have been involved in the construction of and the management of wastewater treatment plants. Blending is used obviously in very high water times and I think that that is an issue that we have heard raised tonight. We are not in any way trying to stop the issue of blending during the storm season, but the fact of the matter is, in 2003 there were more than 18,000 closings or advisories around the United States and that was 5,000 more than ever at any time before. These closings were due to fecal coliform increases in bacterial levels outside of the norm.

The fact of the matter is it does not take a medical degree to understand that this is a health issue for our families and our children that are out there that are actually swimming sometimes in this waste. In fact, we are looking at the blending of untreated solid free waste with treated sewage. The Clean Water Act already allows for that blending to take place.

As the gentleman from Michigan says, we are not trying to change the last resort issue. What we are trying to do is to set up an issue where we cannot have these wastewater treatment plants continue to dump more less treated or smaller treated wastewater into our waterways.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I rise in strong support of this amendment offered by my colleagues which will prevent the EPA from finalizing a policy that may increase the risks of waterborne illness and harm our Nation's waterways. Thirty-three years after the passage of the Clean Water Act, the EPA should not be implementing policies which will allow more sewage into our waterways. Such a policy could result in water systems with more pathogens, viruses, bacteria and parasites that make people sick, contaminate our drinking water supplies, harm fish and other aquatic life.

I believe this is a misguided policy. The use of secondary biological treatment to remove bacteria and pathogens from sewage has been in place for decades in order to protect the public from waterborne illnesses, and I believe we must preserve these longstanding standards. Blending waste streams at times other than natural emergencies will result in an unnecessary discharge of harmful contaminants into our waters. We have a responsibility to fully treat all wastewater, and the EPA's proposal to bypass the crucial second treatment step and allow more bacteria into our local water sources is just plain wrong.

We should be focused more on strengthening the federal commitment to water infrastructure, which we all know has been stagnant for many years now.

I plan soon on reintroducing my bill, the Clean Water Infrastructure Financing Act,

which will authorize funding levels in the Clean Water State Revolving Fund which better reflect the considerable depth of our Nation's wastewater infrastructure needs.

I urge strong support for this amendment because we must invest in effective sewage treatment to help ensure that our constituents are protected from health hazards. Effective sewage treatment will reduce the risk of waterborne illness and protect public health.

Again, I thank my colleagues Mr. STUPAK, Mr. SHAW, Mr. MILLER and Mr. PALLONE for offering this important amendment and urge strong support from my colleagues.

I would also like to thank my colleagues Mr. TAYLOR and Mr. DICKS and their staff for their hard work with the difficult task of putting this bill together.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) who supports the amendment.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I thank the gentleman from North Carolina for agreeing to this amendment.

Mr. Chairman, water is one of the most precious resources Floridians possess. Representing several of the State's largest water reserves, protecting the quality and availability of our water has always been a top priority.

Unfortunately, the EPA is proposing this dumping rule that would damage the integrity of America's water. The proposed rule which they now have said that they are not going to implement was not a very well thought out one. The blended wastewater concept would then be discharged into our waterways. The consequences of this strategy could be very dire. Certainly in a State like Florida where we have more than our share of heavy rains during rainy season, and you can be darn sure we are going to have a lot of hurricanes again, it would be virtually playing Russian roulette every time that citizens would be drinking tap water.

I cannot in good conscience allow the rule to go forward and have that communicated to the EPA. I am very delighted that today a letter did come from them that they are not going forward with this. But keeping it in the legislation is very wise policy.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. FITZPATRICK) who has been helping us on this amendment.

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, I rise tonight in strong support of the Stupak amendment to the Interior appropriations bill. This amendment will stop the EPA's ill-advised proposal to allow treatment plants to dump untreated sewage into our Nation's waterways.

Mr. Chairman, the EPA's proposed change is just plain a bad idea. In fact, just this morning as we have heard, the EPA recognized just how bad an idea it was and announced that it was reconsidering its proposal. It is a bad idea to permit our water to contain bacteria, viruses, parasites and intestinal worms

capable of causing cholera, hepatitis, gastroenteritis and dysentery. The EPA steps backward when it advocates for polluters to discharge half-way-treated sewage into our Nation's waters. Notwithstanding today's EPA decision to reconsider its proposed policy change, it remains necessary to pass this amendment.

I urge my colleagues to vote in favor of the amendment and ensure that the EPA does not change its mind again and attempt to impose an imprudent sewage blending policy on America at some point in the future.

Mr. STUPAK. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois (Mr. KIRK) who has been very helpful on this amendment.

Mr. KIRK. Mr. Chairman, I thank the gentleman for yielding time. I want to really applaud the gentleman from Michigan for putting together a truly bipartisan amendment that not only put together a broad coalition of Members in this House, including the chairman of the subcommittee, who has accepted the amendment, to stop this blending regulation.

□ 1845

We all saw when Milwaukee dumped over 4 billion gallons of sewage into Lake Michigan just last year and an incredible rise in the number of beach closings along the Illinois shoreline: Nine in Glencoe, 12 in Wilmette, 34 in Winnetka, a rising tide of dirty water that would have been increased with this.

But what this bipartisan amendment has done is it has backed down the EPA. Thanks to his work and Members on both sides of this aisle, the EPA has largely accepted what this amendment would have already laid out and have stopped this regulation. It is going to listen to the Congress on environmental protection, and I really want to thank my subcommittee chairman for accepting this amendment.

The Acting CHAIRMAN (Mr. FOLEY). The time of the gentleman from Michigan (Mr. STUPAK) has expired. The gentleman from North Carolina (Mr. TAYLOR) has 4 minutes remaining.

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

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

Mr. TAYLOR of North Carolina. I yield to the gentleman from Michigan.

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

Can the chairman clarify that the intent of our amendment is to ensure that all EPA regions and all the permits that are written will comply with the current Clean Water Act rules and safeguards? Is that his intent also?

Mr. TAYLOR of North Carolina. Mr. Chairman, reclaiming my time, it is my understanding, but I would like to talk with the gentleman. This is a new area, a new part of the committee, and I would like to work with him as we go

on with the bill toward conference. But that is my understanding.

Mr. STUPAK. Mr. Chairman, if the gentleman will continue to yield, with the understanding, and it is certainly our understanding, that all EPA regions and all permits that are written must comply with the Clean Water Act rules and safeguards, and that is the only thing we are trying to do here. We are not trying to change anything. So with the assurances from the chairman that he will make sure that that is what we are going to do and we have some time to clarify this even further, we will not ask for a recorded vote. We accept his courtesy that he will accept our amendment and make it a part of the bill, and we look forward to working with him on this and other related matters.

I want to thank the gentleman from Tennessee (Mr. DUNCAN) also for his work in this area, along with the gentleman from Washington (Mr. DICKS) and the Members on our side.

Mr. TAYLOR of North Carolina. Mr. Chairman, reclaiming my time, I appreciate the gentleman's activity. We will work with him.

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

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

Mr. Chairman, at this point I had intended to offer an amendment to the Stupak amendment because I am certainly in support of the content. But given the agreement that has been reached between the two parties, there is no need for me to offer that amendment.

I would simply observe, however, that I hope we do not kid ourselves. It is very good that this amendment is being adopted, but it again illustrates the need for, in fact, increasing, rather than reducing, the amount of money that we put into the Clean Water Revolving Fund, and I would hope that we would remember this as the bill goes through the system because we can avoid controversies such as this. We can avoid putting EPA into a position of even considering such an outlandish regulation if we are providing much more by way of financial help to the communities so that they will not be concerned about stiffening EPA regulations to protect public health.

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

Mr. MEEHAN. Mr. Chairman, I rise to applaud my good friend, the gentleman from Michigan, for his commitment to protecting public health and the environment.

Over the last century, the nation's wastewater infrastructure has resulted in enormous strides in improving public health.

I represent the Merrimack Valley region of Massachusetts.

The Merrimack River was once among the most polluted waterways in the nation.

Moreover, the northeast is ridden with out-moded sewer infrastructure that is designed to overflow into public waterways.

During heavy weather, these combined sewer systems steer raw, untreated sewage

into rivers like the Merrimack, and bays such as Casco bay in Maine.

The challenge to control cso's has been both of technical and financial feasibility.

Some treatment plants use a blending by-pass during periods of heavy weather so that cso's receive some treatment rather than none at all.

In economically-distressed communities such as Lawrence, Haverhill, and Lowell that have combined sewer systems, it is not currently possible to provide full treatment for all sewage during wet weather.

I seek assurance from the gentleman from Michigan that his amendment would not prohibit cso communities from blending if it is authorized by their permits in accordance with the Clean Water Act.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong support for the Stupak/Shaw anti-sewage dumping amendment. Each year, 850 billion gallons of contaminated sewage poisons lakes, rivers, and oceans each year. Discharging inadequately treated sewage into our waterways harms the environment, our constituents' health, and even our economic growth. By permitting "blending" during standard weather systems, we are providing our citizens with a false sense of security that we are furnishing them with safe conditions. When the secondary treatment of sewage water is sidestepped, the citizens face exposure to viruses, parasites, bacteria, and toxic chemicals that can cause Hepatitis A and Giardia. Further, this puts small children, the elderly, and those already vulnerable by other illnesses with additional life threatening conditions. Not only is health at risk, but the economy. Many industries work from lake and ocean commodities. Subsequently, blended sewage in the water would destroy much of their viable product. In my own district, in the heart of Chicago, routine blending will inhibit my constituents' use of the lakefront beaches, harm our water industries, and make the drinking water dangerous and even deadly.

These devastating and misguided decisions will damage not only the current, and already failing situation, but also our long term solutions. By allowing routine blending, it will only increase the concentration of the contaminant in our environment. Other solutions must be considered. For example, constructing additional facilities to hold sewage until it is fully treated can transfer some of the overflow problem. Therefore, I urge my fellow colleagues to prohibit these policies from being changed. With our continued efforts, we can continue to provide a healthy and productive environment for our citizens.

Ms. WOOLSEY. Mr. Chairman, how much farther are we going to have to roll back the clock before we realize the harm that we are doing to our environment? Do we have to get to the point of rivers catching on fire again?

The EPA, the agency that is supposed to be protecting our environment, is attempting to turn back the clock by releasing a new policy that will increase waterborne diseases and deaths.

This latest EPA policy to allow sewage treatment plants to routinely divert untreated sewage into our rivers and oceans, where we get our water and where we swim is not something that appeals to me.

Instead of turning back the clock and allowing sewage to flow freely in our rivers, we must increase our investment in upgrading

wastewater treatment plants. Ironically, this bill actually decreases the amount of federal funding for upgrading wastewater treatment plants.

It is time that we started moving forward and not backward on protecting our rivers and our oceans. I urge all of my colleagues to join me in supporting this important amendment.

Mr. PASCRELL. Mr. Chairman, our communities are on the front lines in their attempts to meet the requirements of the Clean Water Act.

Hundreds of billions of dollars are needed to meet real and pressing needs, and the federal government is not paying its fair share.

As a former Mayor and lifelong resident of Paterson, NJ, I can personally attest that our cities are struggling to make ends meet. The money to make any wastewater upgrades must come from somewhere, and the Congress needs to step up to plate.

The funding levels in this bill reflect almost a half billion dollars in cuts to the Clean Water State Revolving Fund over the past two years. My state of New Jersey will have lost \$20 million alone.

EPA's state and tribal assistance grant program is also slashed by almost half a billion dollars.

Enacting these cuts and ignoring these needs undermines our ability to treat sewage, particularly during wet weather events.

It is important that we have uniform clean water regulations across our nation. I do believe that our communities need a thoughtful blending policy.

However, the November 2003 policy the EPA has proposed is not the right one at this time. If the Stupak Amendment comes to a vote, I will support it.

The EPA can do better, and the Congress should demand better.

But all sides need to be pragmatic. It is imperative that common ground can be found to develop a solution we can all live with.

A limiting amendment which stops work on the blending issue will not benefit our environment and it will not benefit the public health.

It will certainly not benefit communities and public water utilities trying to do the best they can with the limited resources they have available.

I would like to thank my friend from Michigan for bringing this amendment to the House floor. He is truly a champion in our quest for clean water and should be commended for his work protecting the Great Lakes.

I would also like to thank my Chairman of the Water Resources Subcommittee, Mr. DUNCAN. He is also a champion for clean water, and a leader in our quest to provide assistance to local communities for their treatment systems.

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

The amendment offered by my colleague from Michigan would prohibit the Environmental Protection Agency from spending any of the funds provided by this bill to finalize any new policy related to sewage blending.

Mr. Chairman, when EPA proposed to issue a new policy document on sewage blending, I was concerned that it could cause an increase in the frequency of blending by those communities that current use the practice, and an increase in the number of communities that use the practice. That is why I thought the policy was flawed. I do not believe that there currently is enough information available to EPA and state permit writers to know that any in-

crease in the use of blending is protective of human health and the environment. That is why I believe that issuing a policy that could increase the use of blending is wrong.

Sewage blending is the practice of taking partially treated wastewater, mixing it with fully treated wastewater, and then relying on the dilution to meet discharge limits. I do not believe that sewage blending is what was intended when the secondary treatment requirements for publicly owned treatment works were put in place by Congress in 1972.

Congress intended that all domestic sewage receive a minimum of secondary treatment, and greater levels of treatment where water quality demanded it. Since sewage blending is a process that is used only during periods of high flows, then the question presents itself as to whether blending complies with the secondary treatment requirements. Even the proponents of blending acknowledge that blending is used only in limited high flow circumstances—at all other times the sewage otherwise receives full secondary treatment.

The current, acknowledged limitations on the use of blending lead to the question—if blending constitutes secondary treatment, then why is it not acceptable all the time, or if it does not constitute secondary treatment, why is it allowed at all?

Recently, the EPA Assistant Administrator for Water acknowledged, "the heart and soul of the Clean Water Act, is that dilution is not the solution to pollution, that you need to treat the sewage. Blending isn't the solution. It's a short-term fix. [EPA] want[s] to make sure that it only occurs in the very limited, narrow circumstances and that it meets all requirements in their Clean Water Act permit, and that water quality standards downstream are also maintained."

Mr. Chairman, increasing the use of blending is not an acceptable long-term solution to meeting secondary treatment requirements. I support the amendment to bring the expanded use of blending policy to a halt.

#### POINT OF ORDER

Mr. TAYLOR of North Carolina. Mr. Chairman, I raise a point of order. We have an agreement. I do not think we can strike the last word when we have a time agreement.

Would the chairman rule on that and inform me?

The Acting CHAIRMAN. Under the order of the House of earlier today, only the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Interior, Environment, and Related Agencies may offer a pro forma amendment to a pending amendment.

The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. TIAHRT

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. TIAHRT:

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

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to promulgate

regulations without outside auditing to determine the authenticity of the scientific methods used to develop such regulations.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve a point of order against the amendment.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas (Mr. TIAHRT).

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

Last year our trade deficit surpassed \$670 billion. Our Federal budget deficit was more than \$300 billion, and we saw too many high-quality, good-paying jobs go overseas. It has become more and more difficult to keep and create jobs and small businesses here in America. And when we look around at what the world is doing, unless we change the environment here in America we are going to become a third-rate economy.

Over the last generation, starting in the 1960s, Congress has created barriers to keeping and creating jobs. We must remove those barriers.

Mr. Chairman, one of those barriers created by Congress is bureaucratic red tape. Others are rising health care costs, education policy, research and development policy, energy policy, unenforceable trade policy, tax policy, and lawsuit abuse. My amendment goes to the heart of the problem centered around the unnecessary bureaucratic red tape.

My amendment is designed to require an outside audit to determine that science is used to develop regulations at the EPA that are unbiased and well substantiated. At a minimum major rules by the EPA should go through a Science Advisory Board and rules should then be audited by a neutral third party to ensure that our environmental regulations are based on scientific facts and not emotional theory.

There are reporting rules promulgated by the EPA that do nothing to protect the environment or the health and well-being of the citizens but cost American businesses hundreds of millions of dollars and thousands of jobs.

One example of an unnecessary burden to the American small businesses is the EPA's toxic release inventory lead rule. The rule requires that businesses report annually on how much lead is used. Not how much lead is emitted into the atmosphere, but how much lead the business uses. In June, 2002, a small business owner from Baltimore, Maryland testified before the Regulatory Reform and Oversight Subcommittee of the Committee on Small Business on how this particular EPA reporting rule causes harm to her business. We can see how ridiculous and wasteful this EPA rule is to our economy without making our air any cleaner. Nancy Klinefelter is president of Baltimore Glassware Decorators. Her small business specializes in printing

small quantities of custom glass and ceramic ware for special occasions. Some of Nancy's work can even be found in the House gift shop and some is sold in the EPA's gift shop. When they print mugs or glasses for customers, they sometimes use lead-bearing colors on the outside surface. These colors are expensive, so they use a minimum amount of paint, just that which is needed to color the surfaces and they try to reduce waste. And the finishing process ensures that none of the lead leaches out. So their products are safe for anyone who uses them.

But because of the EPA's Toxics Release Inventory lead rule, Nancy's business is forced to compile daily records on how much color is used for the mugs because the color contains a very small amount of lead. Each year her small business has to report to the EPA how much lead has been used. It costs her about \$7,000 annually and across the Nation about \$70 million every year. And what do the Americans get for the millions that are spent? Cleaner air? No. Less lead being used? No. Less exposure to lead by children? No. The answer is none of these. But all the American people get from these thousands of reports are estimates on how much lead is being consumed, but our air is not any cleaner.

Mr. Chairman, with the hopes of working during the conference committee report, I intend to withdraw this amendment because I know it is subject to a point of order. I hope that we can work together with the gentleman from North Carolina (Chairman Taylor) in the conference report to try to remove some of these unnecessary regulations.

So, in conclusion, we must not move forward with our government to implement regulatory burdens like this on the American public because it drives jobs overseas, it increases the trade deficit, it reduces the Federal revenue, and it moves us toward a third-rate economy.

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

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

There was no objection.

AMENDMENT NO. 9 OFFERED BY MR. POMBO

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. POMBO:  
At the end of the bill (before the short title) add the following new section:

SEC. \_\_\_\_\_. The funds appropriated in this Act under the following headings are available only to the extent provided for in authorizing legislation enacted before the date of the enactment of this Act or on or after such date:

(1) "Bureau of Land Management—Range Improvements".

(2) "United States Fish and Wildlife Service—Resource Management".

(3) "United States Fish and Wildlife Service—Cooperative Endangered Species Conservation Fund".

(4) "United States Fish and Wildlife Service—Neotropical Migratory Bird Conservation".

(5) "United States Fish and Wildlife Service—Multinational Species Conservation Fund".

(6) "National Park Service—Historic Preservation Fund".

(7) "United States Geological Survey—Surveys, Investigations, and Research".

(8) "Bureau of Indian Affairs—Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians".

(9) "Indian Health Service—Indian Health Services".

(10) "Indian Health Service—Indian Health Facilities".

(11) "Executive Office of the President—Council on Environmental Quality and Office of Environmental Quality".

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

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. POMBO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. POMBO).

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

Appropriations without authorizations or that exceed authorized levels violate House rule XXI, clause 2. This amendment enforces this rule by not allowing moneys to be spent for 10 specified programs within the Committee on Resources' sole jurisdiction which are not authorized to be funded in fiscal year 2006 until the Committee on Resources authorizes them. The money remains in the bill but cannot be obligated by the agencies until the authorizing committee authorizes them to do so.

Because the Interior appropriations bill often combines both authorized and unauthorized programs in a single number, such as funding for survey activities of the U.S. Geological Survey, the amendment assures that these programs which are authorized by fiscal year 2006, their funding cannot continue.

For those programs which are authorized but the amount appropriated exceeds the authorized level, such as in the case for the Council on Environmental Quality, then the amendment restricts the funding to the authorized level.

The purpose of this amendment is to give us the ability to go back and authorize a number of these programs that have not been authorized for years and in some cases in excess of a dozen years. One of the major problems that we have is the Committee on Appropriations gets in the position of having to continue to appropriate money on these unauthorized programs because they are important programs. But in this case what we are talking about is \$5.3 billion that is being appropriated. So this is a fiscal issue.

I believe that the taxpayer demands that we do our job in authorizing these programs and make sure that the public is getting their money's worth out of these different programs. Currently,

I do not believe that is the case. And it gives us the ability to go back and authorize those programs.

I believe this is something that is extremely important. The gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Washington (Mr. DICKS) have worked with us on a number of different things that are in this bill over the past year. But when it comes to some of these major programs that we have not been able to get an authorization on, I believe the time is now for us to move forward and begin to fence off those moneys until we can get an authorization done.

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

#### POINT OF ORDER

Mr. DICKS. Mr. Chairman, I raise a point of order against the amendment. I do it with great respect for the chairman, but I just worry about what the consequences of his amendment would be to this bill.

Therefore, Mr. Chairman, I raise a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

The Acting CHAIRMAN (Mr. HASTINGS of Washington). Does any Member wish to be heard on the point of order?

Mr. POMBO. Mr. Chairman, I realize that the gentleman is correct when he talks about authorizing an appropriations bill and the effect that my amendment would have. But I would urge the Chair to rule the amendment in order because what I am trying to do is strip out and put fencing around appropriations for unauthorized programs. It seems kind of ironic that my amendment that goes after unauthorized programs would be ruled out of order for the very reason that I have been going after those programs.

I urge the chairman to rule the amendment in order.

The Acting CHAIRMAN. If no other Member wishes to be heard, the Chair is prepared to rule.

The Chair finds that this amendment requires new duties. 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.

□ 1900

AMENDMENT OFFERED BY MS. SOLIS

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

The Acting CHAIRMAN (Mr. HASTINGS of Washington). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. SOLIS:  
Add at the end of the bill (preceding the short title) the following:

SEC. 4 \_\_\_\_\_. None of the funds made available in this Act may be used by the Administrator of the Environmental Protection Agency—

(1) to accept, consider, or rely on third-party intentional dosing human studies for pesticides; or

(2) to conduct intentional dosing human studies for pesticides.

The Acting CHAIRMAN. Pursuant to the order of the House today, the gentlewoman from California (Ms. SOLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. SOLIS).

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

This amendment would ensure that the Environmental Protection Agency could not use funds in this legislation to accept, consider, or rely on studies from outside parties that intentionally expose human beings to pesticides. It would also ensure that the EPA could not spend any funds conducting its own studies which intentionally expose humans to pesticides.

According to EPA Administrator Stephen Johnson back in 2001, EPA "believes that we have a more than sufficient database, through use of animal studies, to make licensing decisions that meet the standard, to protect the health of the public, without using human studies."

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

Ms. SOLIS. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, if we withdraw any objection to this amendment, is the gentlewoman envisioning a rollcall vote or just a simple voice vote?

Ms. SOLIS. Mr. Chairman, no rollcall vote.

Mr. TAYLOR of North Carolina. Mr. Chairman, I withdraw any objection to this amendment.

Ms. SOLIS. Mr. Chairman, I yield myself such time as I may consume, and I thank the gentleman from North Carolina.

Mr. Chairman, I will submit the remainder of my statement for the RECORD, and I would ask that Members of the House approve this amendment. It is long overdue. I am very grateful to accept support from the other side of the aisle.

Despite this statement, the EPA can devise and conduct studies where humans—children and adults—are exposed to pesticides.

Current practices also allow the EPA to accept studies from the pesticide industry and other outside sources so these studies can be used to help develop regulations or approve pesticides.

Right now, the United States Environmental Protection Agency—the agency in charge of protecting public health from environmental toxins—is encouraging industry to use human beings as guinea pigs.

What may be the greatest offense yet, is that the EPA is conducting and engaging in these studies with no binding safeguards to make sure these tests protect public health.

The EPA has chosen to go against the recommendation of the National

Academy of Sciences and against the wishes of its own Science Advisory Board and Science Advisory panel.

Not only are there no binding safeguards for EPA conducted studies, but many of the outside studies which the EPA accepts fail to meet minimum international standards established in the Nuremberg Code and in the Helsinki Declaration of the World Medical Association.

This behavior is deplorable, unethical, and wrong.

Our amendment is critical because, in the absence of binding standards at EPA, the pesticides industry has increased its use of human testing studies and putting more humans at risk for what are frequently statistically invalid studies.

The trend of using humans—both children and adults—as guinea pigs is a trend that needs to stop.

The EPA needs to have binding safeguards in place, and we need to have information about how a better understanding of how dangerous and toxic these pesticides are for our children.

Without these safeguards the EPA should not be conducting tests which dangerously expose humans to pesticides nor should it be developing policy based on third party studies which fail to meet even basic internationally accepted standards.

My colleagues, the Solis-Bishop amendment is supported by environmental and diverse religious organizations and among more than 80,000 others who have written to me saying they oppose the CHEERS study and support a moratorium on this type of testing.

I urge you to support our amendment and prevent the unregulated and unethical testing of pesticides on humans.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BISHOP), the cosponsor of this amendment.

Mr. BISHOP of New York. Mr. Chairman, I want to thank the gentlewoman from California for her leadership on this issue and for yielding me this time, and I want to thank the chairman for accepting our amendment.

I have a statement that I will submit for the RECORD.

Mr. Chairman, I thank the gentlewoman from California (Ms. SOLIS), for yielding and introducing this amendment, which I'm proud to cosponsor.

Mr. Chairman, how do you make a bad idea worse? If you're EPA, offer families \$970 to videotape their children reacting to bug sprays, carpet cleaners, and other household pesticides.

Then, invite the American Chemistry Council as a partner in this study, knowing that in exchange for \$2 million paid toward the study, it wants looser regulations for the pesticide industry, which in turn wants to use humans instead of animals so it can justify relaxed exposure limits.

EPA's study is as poorly conceived as its acronym: CHEERS—which stands

for the Children's Health Environmental Exposure Research Study. It's a trifecta of unethical, immoral, and unscientific research.

It violates the post World War II "Nuremberg Code," which outlawed medical testing, including pesticide testing on people.

It advances private rather than medical interests, putting industry ahead of public health.

And despite EPA's own Science Advisory Board and Scientific Advisory Panels recommending strict safeguards for human testing, EPA failed to adopt them.

Mr. Chairman, we all want to understand how common chemicals like those found under the kitchen sink can hurt children, the elderly and the most vulnerable to poisoning. But the way to collect that information should not involve hurting the very people we want to protect.

The government should not be asking families to turn their babies into lab rats. We should be protecting children, not exposing them to pesticides.

Although we passed this amendment by unanimous consent two years ago, EPA resurrected the study when the fiscal year expired in October.

We need to pass the Solis-Bishop amendment to ensure EPA's research is based on sound science with the highest ethical standards.

Our amendment is supported by a broad coalition of environmental advocates, including the Alliance for Human Research Protection in my home state of New York.

I strongly encourage my colleagues to support this amendment, again thank the gentlewoman from California for her excellent work.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. SOLIS).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. GARRETT of New Jersey:

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

SEC. \_\_\_\_ None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 Federal employees at any single conference occurring outside the United States.

The Acting CHAIRMAN. Pursuant to the order of the House today, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The CHAIR recognizes the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the one question that I get when I go back to my district is, what is it that the Federal Government and Congress spend all their money on, and some of the things that we hear about sometimes is excess of spending in various areas.

One of the things that raises the ire of a lot of people is when they hear about trips by Members of the executive branch and others going overseas for maybe notable and worthwhile causes, but in excess of the number of people that we really need to send there. We have heard examples in past Congresses, and we have raised this amendment in past Congresses when we heard about 100, 150, 200 members of the executive branch going over for various causes.

We present an answer to this problem by saying that whenever an agency decides to send someone overseas for a trip, we should limit the number of Federal employees that go. My amendment will do that very simply. It will limit the number of Federal employees that are sent to international conferences funded under this bill to 50.

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

Mr. GARRETT of New Jersey. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I commend the gentleman for his concern about the excessive foreign travel. This subcommittee has conducted extensive oversight using the Inspector General and the Government Accountability Office on the use of foreign travel on large conferences. I accept the gentleman's amendment.

Mr. GARRETT of New Jersey. Mr. Chairman, I thank the chairman for accepting the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COSTA

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. COSTA:

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

SEC. 4 \_\_\_\_\_. None of the funds made available in this Act for the Department of the Interior may be used to enter into or renew any concession contract except a concession contract that includes a provision that requires that merchandise for sale at units of the National Park System be made in any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, or the Commonwealth of the Northern Mariana Islands.

The Acting CHAIRMAN. Pursuant to the order of the House today, the gentleman from California (Mr. COSTA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. COSTA).

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

In 2004, approximately 263 million Americans and people throughout the world visited our Nation's 388 national parks, memorials, and national monuments. This summer, we know, as we approach the Memorial Day weekend, that additional hundreds of millions of Americans and other visitors from throughout the world will continue to visit our national parks.

Mr. Chairman, I think that when American families and those from throughout the world visit our wonderful treasures across the United States, that it would be nice if the souvenirs that they take home with them were actually made in our country. I believe that it is patriotic that our souvenirs that we bring home from our national treasures, in fact, be made by American workers.

The amendment before us would require that all souvenir products sold in America's national park system prospectively be made in America. Therefore, I ask my colleagues to support this amendment.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, we have no objection at this time to this amendment.

Mr. COSTA. Mr. Chairman, I ask that my colleagues accept the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. COSTA).

The amendment was agreed to.

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

Mr. Chairman, my understanding is that there are no other amendments left to the bill, and I simply want to say that I think the chairman of the subcommittee has been very fair and balanced in the way he has approached the bill. I think the bill is not fair and balanced, not because of anything the gentleman from North Carolina (Mr. TAYLOR) did, but simply because it could not be under the budget adopted by the majority party 2 weeks ago.

How many Member votes on this bill is, in my view, up to that Member. I am not going to be asking any Member to vote any way on any appropriation bill, but I will be voting "no," and I would like to briefly explain why.

I am simply not going to vote to gut the main program that we use to help local communities to deal with a \$300 billion-plus backlog of decrepit sewer and water systems. I am not going to vote to leave 200 of our 544 wildlife refuges without a single staff person. I am not going to vote to cripple EPA enforcement programs to the tune of \$400 million.

This bill does all of those things, not because the gentleman from North Carolina (Mr. TAYLOR) wanted to, but

simply because of what the majority leader said 2 weeks ago when he said, "This is the budget the American people voted for when they voted for a Republican House, a Republican Senate, and a Republican White House." I do not agree with Mr. DELAY on much, but I agree with him in that assessment.

So I would simply say, if Members are comfortable with implementing that kind of a budget that puts \$140,000 tax cuts for millionaires ahead of protecting American children from dirty drinking water, then they ought to feel comfortable voting "yes." I am not, and I will vote "no."

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

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

Amendment offered by Mr. RAHALL of West Virginia;

Amendment offered by Mr. HEFLEY of Colorado.

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

AMENDMENT NO. 1 OFFERED BY RAHALL

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia (Mr. RAHALL) 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 Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 249, noes 159, not voting 25, as follows:

[Roll No. 196]

AYES—249

Ackerman	Cardin	Doggett
Aderholt	Carnahan	Doyle
Allen	Carson	Dreier
Andrews	Case	Edwards
Baca	Castle	Ehlers
Baird	Chabot	Emanuel
Baldwin	Cleaver	Engel
Bartlett (MD)	Clyburn	English (PA)
Barton (TX)	Conyers	Eshoo
Bass	Cooper	Etheridge
Bean	Costello	Evans
Becerra	Cramer	Everett
Berkley	Crowley	Farr
Berman	Cuellar	Fattah
Berry	Cummings	Ferguson
Biggert	Cunningham	Filner
Billakis	Davis (AL)	Fitzpatrick (PA)
Bishop (GA)	Davis (CA)	Foley
Bishop (NY)	Davis (IL)	Forbes
Blumenauer	Davis (TN)	Ford
Bono	Davis, Jo Ann	Fossella
Boozman	Davis, Tom	Franks (AZ)
Boucher	Deal (GA)	Frelinghuysen
Bradley (NH)	DeFazio	Gallely
Brady (PA)	DeGette	Gonzalez
Brown, Corrine	Delahunt	Goode
Burgess	DeLauro	Gordon
Butterfield	Dent	Green (WI)
Capito	Diaz-Balart, L.	Green, Al
Capps	Diaz-Balart, M.	Green, Gene
Capuano	Dicks	Grijalva

Gutierrez  
Hall  
Harris  
Hastings (FL)  
Hayworth  
Hersteth  
Higgins  
Hinchey  
Hobson  
Holden  
Holt  
Honda  
Hooley  
Hostettler  
Hoyer  
Hyde  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jefferson  
Johnson (IL)  
Johnson, E. B.  
Jones (NC)  
Jones (OH)  
Kanjorski  
Kaptur  
Keller  
Kelly  
Kennedy (MN)  
Kennedy (RI)  
Kildee  
Kilpatrick (MI)  
Kind  
King (NY)  
Kirk  
Kucinich  
Kuhl (NY)  
Langevin  
Lantos  
Larsen (WA)  
Lee  
Levin  
Linder  
Lipinski  
LoBiondo  
Lofgren, Zoe  
Lowey  
Maloney  
Markey  
Matsui  
McCarthy  
McCaul (TX)

## NOES—159

Abercrombie  
Akin  
Alexander  
Bachus  
Baker  
Barrett (SC)  
Beauprez  
Bishop (UT)  
Blackburn  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bonner  
Boren  
Boswell  
Boustany  
Boyd  
Brady (TX)  
Brown (SC)  
Brown-Waite,  
Ginny  
Burton (IN)  
Buyer  
Calvert  
Camp  
Cannon  
Cantor  
Cardoza  
Carter  
Chandler  
Chocola  
Coble  
Cole (OK)  
Conaway  
Costa  
Cox  
Crenshaw  
Cubin  
Davis (FL)  
Davis (KY)  
DeLay  
Dingell  
Doolittle

McCollum (MN)  
McCotter  
McDermott  
McGovern  
McHugh  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Murphy  
Murtha  
Myrick  
Nadler  
Napolitano  
Neal (MA)  
Norwood  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor  
Payne  
Pelosi  
Pence  
Pitts  
Platts  
Price (NC)  
Rahall  
Ramstad  
Rangel  
Reyes  
Reynolds  
Rogers (MI)  
Ros-Lehtinen  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta

Sanders  
Saxton  
Schakowsky  
Schiff  
Schwartz (PA)  
Scott (GA)  
Scott (VA)  
Serrano  
Shaw  
Sherman  
Simmons  
Skelton  
Slaughter  
Smith (NJ)  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stupak  
Sweeney  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Weldon (PA)  
Weller  
Wexler  
Whitfield  
Wilson (NM)  
Woolsey  
Wu  
Wynn  
Young (FL)

Manzullo  
Marshall  
Matheson  
McCrery  
McHenry  
McIntyre  
McKeon  
McMorris  
Melancon  
Mica  
Miller (FL)  
Miller, Gary  
Moran (KS)  
Musgrave  
Neugebauer  
Ney  
Northup  
Nunes  
Nussle  
Oberstar  
Osborne  
Otter  
Oxley  
Pearce  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pombo  
Pomeroy  
Porter  
Price (GA)  
Pryce (OH)  
Putnam  
Regula  
Rehberg  
Reichert  
Renzi  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Ross  
Royce  
Ryan (WI)

Ryun (KS)  
Sabo  
Salazar  
Schwarz (MI)  
Sensenbrenner  
Sessions  
Shadegg  
Sherwood  
Shimkus  
Shuster

Barrow  
Brown (OH)  
Clay  
Culberson  
Frank (MA)  
Gerlach  
Harmach  
Hinojosa  
Jackson-Lee  
(TX)

Simpson  
Smith (TX)  
Sodrel  
Souders  
Stearns  
Sullivan  
Taylor (NC)  
Terry  
Thomas  
Thornberry

## NOT VOTING—25

Larson (CT)  
LaTourette  
Leach  
Lewis (GA)  
Lucas  
Lynch  
Marchant  
Millender-  
McDonald  
Moran (VA)

Tiahrt  
Tiberi  
Walden (OR)  
Walsh  
Weldon (FL)  
Westmoreland  
Wicker  
Wilson (SC)  
Wolf

Paul  
Poe  
Radanovich  
Shays  
Strickland  
Tancredo  
Young (AK)

Gibbons  
Goodlatte  
Graves  
Green (WI)  
Gutknecht  
Hall  
Harris  
Hart  
Hefley  
Hensarling  
Herger  
Hoekstra  
Hostettler  
Inglis (SC)  
Issa  
Jenkins  
Jindal  
Johnson, Sam  
Jones (NC)  
Keller  
Kennedy (MN)

King (IA)  
Lewis (KY)  
Linder  
Mack  
Manzullo  
McCotter  
McHenry  
Miller (FL)  
Miller, Gary  
Moran (KS)  
Musgrave  
Myrick  
Neugebauer  
Norwood  
Otter  
Paul  
Pence  
Petri  
Pitts  
Poe  
Price (GA)

## NOES—326

Davis (TN)  
Davis, Tom  
DeFazio  
DeGette  
Delahunt  
DeLauro  
DeLay  
Dent  
Diaz-Balart, L.  
Dicks  
Dingell  
Doggett  
Doolittle  
Doyle  
Drake  
Dreier  
Edwards  
Ehlers  
Emanuel  
Emerson  
Engel  
English (PA)  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Ferguson  
Filner  
Fitzpatrick (PA)  
Forbes  
Ford  
Fortenberry  
Fossella  
Frank (MA)  
Frelinghuysen  
Gallegly  
Gerlach  
Gilchrist  
Gillmor  
Gingrey  
Gohmert  
Gonzalez  
Goode  
Gordon  
Granger  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hersteth  
Higgins  
Hinchey  
Hinojosa  
Hobson  
Holt  
Honda  
Hooley  
Hoyer  
Hulshof  
Hunter  
Hurt  
Inslee  
Israel  
Jackson (IL)  
Jefferson  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.

Ramstad  
Rogers (MI)  
Rohrabacher  
Royce  
Ryan (WI)  
Ryun (KS)  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Stearns  
Sullivan  
Tanner  
Taylor (MS)  
Terry  
Thornberry  
Petri  
Westmoreland  
Wilson (SC)

Kanjorski  
Kaptur  
Kelly  
Kennedy (RI)  
Kildee  
Kilpatrick (MI)  
Kind  
King (NY)  
Kingston  
Kirk  
Kline  
Knollenberg  
Kolbe  
Kucinich  
Kuhl (NY)  
LaHood  
Langevin  
Lantos  
Larsen (WA)  
Latham  
Lee  
Levin  
Lewis (CA)  
Lipinski  
LoBiondo  
Lofgren, Zoe  
Lowey  
Lungren, Daniel  
E.  
Lynch  
Maloney  
Marchant  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy  
McCaul (TX)  
McCollum (MN)  
McCrery  
McDermott  
McGovern  
McHugh  
McIntyre  
McKeon  
McKinney  
McMorris  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Melancon  
Menendez  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Ney  
Northup  
Nunes  
Nussle  
Oberstar  
Obey  
Oliver

Messrs. BAKER, SCHWARZ of Michigan, CARDOZA, JENKINS and SULLIVAN changed their vote from “aye” to “no.”

Mr. LOBIONDO, Mrs. MALONEY, and Messrs. CLEAVER, JOHNSON of Illinois, ORTIZ, Ms. CORRINE BROWN of Florida, Messrs. BACA, TURNER, BARTLETT of Maryland, FORBES, WAMP, BOOZMAN, HOBSON, Mrs. MILLER of Georgia and Mr. MYRICK, Mr. BISHOP of Georgia and Mr. DICKS changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BARROW. Mr. Chairman, on rollcall No. 196, had I been present, I would have voted “aye.”

Mr. MORAN of Virginia. Mr. Chairman, on rollcall No. 196, I was delayed in traffic. Had I been present, I would have voted “aye.”

Stated against:

Mr. HINOJOSA. Mr. Chairman, I regret that I was unavoidably detained. Had I been present, I would have voted “no” on rollcall No. 196.

AMENDMENT NO. 11 OFFERED BY MR. HEFLEY

The Acting CHAIRMAN (Mr. HASTINGS of Washington). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) 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 Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 90, noes 326, not voting 17, as follows:

[Roll No. 197]

## AYES—90

Akin  
Baker  
Barrett (SC)  
Bartlett (MD)  
Barton (TX)  
Bean  
Beauprez  
Bilirakis  
Blackburn  
Brady (TX)

Brown-Waite,  
Ginny  
Burgess  
Burton (IN)  
Buyer  
Cannon  
Chabot  
Chocola  
Cubin  
Davis, Jo Ann

Deal (GA)  
Diaz-Balart, M.  
Duncan  
Everett  
Feeney  
Flake  
Foley  
Fox  
Franks (AZ)  
Garrett (NJ)

Ortiz	Ryan (OH)	Thompson (CA)
Osborne	Sabo	Thompson (MS)
Owens	Salazar	Tiahrt
Oxley	Sánchez, Linda	Tiberi
Pallone	T.	Tierney
Pascarell	Sanchez, Loretta	Towns
Pastor	Sanders	Turner
Payne	Saxton	Udall (CO)
Pearce	Schakowsky	Udall (NM)
Pelosi	Schiff	Upton
Peterson (MN)	Schwartz (PA)	Van Hollen
Peterson (PA)	Schwarz (MI)	Velázquez
Pickering	Scott (GA)	Visclosky
Platts	Scott (VA)	Walden (OR)
Pombo	Serrano	Walsh
Pomeroy	Shaw	Wamp
Porter	Sherman	Wasserman
Price (NC)	Sherwood	Schultz
Pryce (OH)	Simmons	Waters
Putnam	Simpson	Watson
Rahall	Skelton	Watt
Rangel	Slaughter	Waxman
Regula	Smith (NJ)	Weiner
Rehberg	Smith (TX)	Weldon (FL)
Reichert	Smith (WA)	Weldon (PA)
Renzi	Snyder	Weller
Reyes	Sodrel	Wexler
Reynolds	Solis	Whitfield
Rogers (AL)	Souder	Wicker
Rogers (KY)	Spratt	Wilson (NM)
Ros-Lehtinen	Stark	Wolf
Ross	Stupak	Woolsey
Rothman	Sweeney	Wu
Roybal-Allard	Tauscher	Wynn
Ruppersberger	Taylor (NC)	Young (FL)
Rush	Thomas	

## NOT VOTING—17

Clay	Larson (CT)	Radanovich
Cox	LaTourette	Shays
Harman	Leach	Strickland
Istook	Lewis (GA)	Tancredo
Jackson-Lee	Lucas	Young (AK)
(TX)	Millender-	
Jones (OH)	McDonald	

## ANNOUNCEMENT BY THE ACTING CHAIRMAN

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

□ 1946

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mr. HASTINGS of Washington). 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, Environment, and Related Agencies Appropriations Act, 2006”.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS) having assumed the chair, Mr. HASTINGS of Washington, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2361) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 287, the previous question is ordered.

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

The amendments were agreed to.

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

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

## MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. Yes, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY of Wisconsin moves to recommit the bill, H.R. 2316, to the Committee on Appropriations to report the same promptly with an amendment to provide an additional \$242,000,000 for the Clean Water State Revolving Fund and \$110,000,000 for State and Tribal Assistance Grants.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes in support of his motion to recommit.

Mr. OBEY. Mr. Speaker, I will take only 1 minute. The budget resolution passed earlier this year told the Congress to find a way to meet the targets in that resolution, even if we had to gut the Clean Water program and to cut the STAG grants.

What this motion says is that the committee ought to go back to the drawing board and find a way to meet these targets without cutting either the STAG grants or the Clean Water Revolving Fund. It would simply ask the committee to provide an additional \$242 million to the Clean Water Revolving Fund and \$110 million for State and Tribal Assistance Grants, returning both programs to last year's level.

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

Mr. TAYLOR of North Carolina. Mr. Speaker, I rise in opposition to the motion to recommit, and I wish we did not have to have a rollcall vote.

This motion to recommit kills the bill by adding \$352 million, and I oppose this motion.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

## RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair

will reduce to 5 minutes the minimum time for the electronic vote on the question of final passage.

The vote was taken by electronic device, and there were—ayes 191, noes 228, not voting 14, as follows:

[Roll No. 198]

## AYES—191

Abercrombie	Gonzalez	Ortiz
Ackerman	Gordon	Owens
Allen	Green, Al	Pallone
Andrews	Green, Gene	Pascarell
Baca	Grijalva	Pastor
Baird	Gutierrez	Payne
Baldwin	Hastings (FL)	Pelosi
Barrow	Herseth	Peterson (MN)
Bean	Higgins	Pomeroy
Becerra	Hinchey	Price (NC)
Berkley	Hinojosa	Rahall
Berman	Holt	Rangel
Berry	Honda	Reyes
Bishop (GA)	Hooley	Ross
Bishop (NY)	Hoyer	Rothman
Blumenauer	Inslee	Roybal-Allard
Boren	Israel	Ruppersberger
Boswell	Jackson (IL)	Rush
Boucher	Jefferson	Ryan (OH)
Boyd	Johnson, E. B.	Sabo
Brady (PA)	Jones (OH)	Salazar
Brown (OH)	Kaptur	Sánchez, Linda
Brown, Corrine	Kennedy (RI)	T.
Butterfield	Kildee	Sanchez, Loretta
Capps	Kilpatrick (MI)	Sanders
Cardin	Kind	Schakowsky
Cardoza	Kucinich	Schiff
Carnahan	Langevin	Schwartz (PA)
Carson	Lantos	Scott (GA)
Case	Larsen (WA)	Scott (VA)
Chandler	Lee	Serrano
Cleaver	Levin	Sherman
Clyburn	Lipinski	Skelton
Conyers	Lofgren, Zoe	Slaughter
Cooper	Lowey	Smith (WA)
Costa	Lynch	Snyder
Costello	Maloney	Solis
Cramer	Markey	Spratt
Crowley	Marshall	Stark
Cuellar	Matheson	Stupak
Cummings	Matsui	Tanner
Davis (AL)	McCarthy	Tauscher
Davis (CA)	McCollum (MN)	Taylor (MS)
Davis (FL)	McDermott	Thompson (CA)
Davis (IL)	McGovern	Thompson (MS)
Davis (TN)	McIntyre	Tierney
DeFazio	McKinney	Towns
DeGette	McNulty	Udall (CO)
Delahunt	Meehan	Udall (NM)
DeLauro	Meek (FL)	Van Hollen
Dicks	Meeks (NY)	Velázquez
Dingell	Melancon	Visclosky
Doggett	Menendez	Wasserman
Doyle	Michaud	Schultz
Edwards	Miller (NC)	Waters
Emanuel	Miller, George	Watson
Engel	Moore (KS)	Watt
Eshoo	Moore (WI)	Waxman
Etheridge	Moran (VA)	Weiner
Evans	Nadler	Wexler
Farr	Napolitano	Woolsey
Fattah	Neal (MA)	Wu
Filner	Oberstar	Wynn
Ford	Obey	
Frank (MA)	Olver	

## NOES—228

Aderholt	Boustany	Conaway
Akin	Bradley (NH)	Cox
Alexander	Brady (TX)	Crenshaw
Bachus	Brown (SC)	Cubin
Baker	Brown-Waite,	Culberson
Barrett (SC)	Ginny	Cunningham
Bartlett (MD)	Burgess	Davis (KY)
Barton (TX)	Burton (IN)	Davis, Jo Ann
Bass	Buyer	Davis, Tom
Beauprez	Calvert	Deal (GA)
Biggert	Camp	DeLay
Bilirakis	Cannon	Dent
Bishop (UT)	Cantor	Diaz-Balart, L.
Blackburn	Capito	Diaz-Balart, M.
Blunt	Capuano	Doolittle
Boehlert	Carter	Drake
Boehner	Castle	Dreier
Bonilla	Chabot	Duncan
Bonner	Chocoma	Ehlers
Bono	Coble	Emerson
Boozman	Cole (OK)	English (PA)

Everett	King (NY)	Pryce (OH)	Burgess	Hayes	Pence	NAYS—89		
Feeney	Kingston	Putnam	Burton (IN)	Hayworth	Peterson (MN)	Ackerman	Hostettler	Pascrell
Ferguson	Kirk	Ramstad	Butterfield	Hensarling	Peterson (PA)	Allen	Hoyer	Paul
Fitzpatrick (PA)	Kline	Regula	Buyer	Herger	Petri	Baird	Inslee	Payne
Flake	Knollenberg	Rehberg	Kalvert	Herse	Pickering	Baldwin	Israel	Pelosi
Foley	Kolbe	Reichert	Camp	Higgins	Pitts	Becerra	Jackson (IL)	Rahall
Forbes	Kuhl (NY)	Renzi	Cannon	Hinchey	Platts	Berkley	Jones (NC)	Rohrabacher
Fortenberry	LaHood	Reynolds	Cantor	Hinojosa	Poe	Berman	Jones (OH)	Ryan (OH)
Fossella	Latham	Rogers (AL)	Capito	Hobson	Pombo	Berry	Kind	Salazar
Fox	Lewis (CA)	Rogers (KY)	Capuano	Hoekstra	Pomeroy	Bishop (NY)	Kucinich	Sánchez, Linda
Franks (AZ)	Lewis (KY)	Rogers (MI)	Cardoza	Holden	Porter	Blumenauer	Lantos	T.
Frelinghuysen	Linder	Rohrabacher	Carnahan	Hooley	Price (GA)	Brown (OH)	Lee	Sanchez, Loretta
Gallegly	LoBiondo	Ros-Lehtinen	Carson	Hulshof	Price (NC)	Capps	Lofgren, Zoe	Sanders
Garrett (NJ)	Lungren, Daniel	Royce	Carter	Hunter	Pryce (OH)	Cardin	Markey	Schakowsky
Gerlach	E.	Ryan (WI)	Case	Hyde	Putnam	Chandler	Matheson	Solis
Gibbons	Mack	Ryun (KS)	Castle	Inglis (SC)	Ramstad	Conyers	Matsui	Stark
Gilchrest	Manzullo	Saxton	Chabot	Issa	Rangel	Costello	McCarthy	Stearns
Gillmor	Marchant	Schwarz (MI)	Chocola	Istook	Regula	Davis (IL)	McCollum (MN)	Tanner
Gingrey	McCaul (TX)	Sensenbrenner	Cleaver	Jefferson	Rehberg	DeGette	McDermott	Tauscher
Gohmert	McCotter	Sessions	Clyburn	Jenkins	Reichert	DeLauro	McGovern	Taylor (MS)
Goode	McCrery	Shadegg	Coble	Jindal	Renzi	Dingell	McKinney	Tierney
Goodlatte	McHenry	Shaw	Cole (OK)	Johnson (CT)	Reyes	Eshoo	Menendez	Udall (CO)
Granger	McHugh	Sherwood	Conaway	Johnson (IL)	Reynolds	Ethridge	Michaud	Van Hollen
Graves	McKeon	Shimkus	Cooper	Johnson, E. B.	Rogers (AL)	Flake	Miller, George	Velázquez
Green (WI)	McMorris	Shuster	Costa	Johnson, Sam	Rogers (KY)	Frank (MA)	Moore (WI)	Wasserman
Gutknecht	Mica	Simmons	Cox	Kanjorski	Rogers (MI)	Franks (AZ)	Nadler	Schultz
Hall	Miller (FL)	Simpson	Cramer	Kaptur	Ros-Lehtinen	Grijalva	Napolitano	Waters
Harris	Miller (MI)	Smith (NJ)	Crenshaw	Keller	Ross	Gutierrez	Neal (MA)	Waxman
Hart	Miller, Gary	Smith (TX)	Crowley	Kelly	Rothman	Hastings (FL)	Oberstar	Wexler
Hastings (WA)	Mollohan	Sodrel	Cubin	Kennedy (MN)	Roybal-Allard	Hefley	Obey	Woolsey
Hayes	Moran (KS)	Souder	Cuellar	Kennedy (RI)	Royce	Holt	Owens	
Hayworth	Murphy	Stearns	Culberson	Kildee	Ruppersberger	Honda	Pallone	
Hefley	Murtha	Sullivan	Cummings	Kilpatrick (MI)	Rush			
Hensarling	Musgrave	Sweeney	Cunningham	King (IA)	Ryan (WI)	Clay	Leach	Radanovich
Herger	Myrick	Taylor (NC)	Davis (AL)	King (NY)	Ryun (KS)	Harman	Lewis (GA)	Shays
Hobson	Neugebauer	Terry	Davis (CA)	Kingston	Sabo	Jackson-Lee	Lucas	Strickland
Hoekstra	Ney	Thomas	Davis (FL)	Kirk	Saxton	(TX)	Marchant	Tancred
Holden	Northup	Thornberry	Davis (KY)	Kline	Schiff	Larson (CT)	Millender-	Young (AK)
Hostettler	Norwood	Tiahrt	Davis (TN)	Knollenberg	Schwartz (PA)	LaTourette	McDonald	
Hulshof	Nunes	Tiberi	Davis, Jo Ann	Kolbe	Schwartz (MI)			
Hunter	Nussle	Turner	Davis, Tom	Kuhl (NY)	Scott (GA)			
Hyde	Osborne	Upton	Deal (GA)	LaHood	Scott (VA)			
Inglis (SC)	Otter	Walden (OR)	DeFazio	Langevin	Sensenbrenner			
Issa	Oxley	Walsh	Delahunt	Larsen (WA)	Serrano			
Istook	Paul	Wamp	DeLay	Latham	Sessions			
Jenkins	Pearce	Weldon (FL)	Dent	Levin	Shadegg			
Jindal	Pence	Weldon (PA)	Diaz-Balart, L.	Lewis (CA)	Shaw			
Johnson (CT)	Peterson (PA)	Weller	Diaz-Balart, M.	Lewis (KY)	Sherman			
Johnson (IL)	Petri	Westmoreland	Dicks	Linder	Sherwood			
Johnson, Sam	Pickering	Whitfield	Doggett	Lipinski	Shimkus			
Jones (NC)	Pitts	Wicker	Doolittle	LoBiondo	Shuster			
Kanjorski	Platts	Wilson (NM)	Doyle	Lowey	Simmons			
Keller	Poe	Wilson (SC)	Drake	Lungren, Daniel				
Kelly	Pombo	Wolf	Dreier	E.				
Kennedy (MN)	Porter	Young (FL)	Duncan	Lynch				
King (IA)	Price (GA)		Edwards	Mack				

## NOT VOTING—14

Clay	Leach	Shays
Harman	Lewis (GA)	Strickland
Jackson-Lee	Lucas	Tancred
(TX)	Millender-	Young (AK)
Larson (CT)	McDonald	
LaTourette	Radanovich	

□ 2008

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BASS). The question is on the passage of the bill.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 329, nays 89, not voting 15, as follows:

[Roll No. 199]

## YEAS—329

Abercrombie	Bean	Boozman
Aderholt	Beauprez	Boren
Akin	Biggart	Boswell
Alexander	Bilirakis	Boucher
Andrews	Bishop (GA)	Boustany
Baca	Bishop (UT)	Boyd
Bachus	Blackburn	Bradley (NH)
Baker	Blunt	Brady (PA)
Barrett (SC)	Boehlert	Brady (TX)
Barrow	Boehner	Brown (SC)
Bartlett (MD)	Bonilla	Brown, Corrine
Barton (TX)	Bonner	Brown-Waite,
Bass	Bono	Ginny

Burgess	Hayes	Pence
Burton (IN)	Hayworth	Peterson (MN)
Butterfield	Hensarling	Peterson (PA)
Buyer	Herger	Petri
Kalvert	Herse	Pickering
Camp	Higgins	Pitts
Cannon	Hinchey	Platts
Cantor	Hinojosa	Poe
Capito	Hobson	Pombo
Capuano	Hoekstra	Pomeroy
Cardoza	Holden	Porter
Carnahan	Hooley	Price (GA)
Carson	Hulshof	Price (NC)
Carter	Hunter	Pryce (OH)
Case	Hyde	Putnam
Castle	Inglis (SC)	Ramstad
Chabot	Issa	Rangel
Chocola	Istook	Regula
Cleaver	Jefferson	Rehberg
Clyburn	Jenkins	Reichert
Coble	Jindal	Renzi
Cole (OK)	Johnson (CT)	Reyes
Conaway	Johnson (IL)	Reynolds
Cooper	Johnson, E. B.	Rogers (AL)
Costa	Johnson, Sam	Rogers (KY)
Cox	Kanjorski	Rogers (MI)
Cramer	Kaptur	Ros-Lehtinen
Crenshaw	Keller	Ross
Crowley	Kelly	Rothman
Cubin	Kennedy (MN)	Roybal-Allard
Cuellar	Kennedy (RI)	Royce
Culberson	Kildee	Ruppersberger
Cummings	Kilpatrick (MI)	Rush
Cunningham	King (IA)	Ryan (WI)
Davis (AL)	King (NY)	Ryun (KS)
Davis (CA)	Kingston	Sabo
Davis (FL)	Kirk	Saxton
Davis (KY)	Kline	Schiff
Davis (TN)	Knollenberg	Schwartz (PA)
Davis, Jo Ann	Kolbe	Schwartz (MI)
Davis, Tom	Kuhl (NY)	Scott (GA)
Deal (GA)	LaHood	Scott (VA)
DeFazio	Langevin	Sensenbrenner
Delahunt	Larsen (WA)	Serrano
DeLay	Latham	Sessions
Dent	Levin	Shadegg
Diaz-Balart, L.	Lewis (CA)	Shaw
Diaz-Balart, M.	Lewis (KY)	Sherman
Dicks	Linder	Sherwood
Doggett	Lipinski	Shimkus
Doolittle	LoBiondo	Shuster
Doyle	Lowey	Simmons
Drake	Lungren, Daniel	
Dreier	E.	
Duncan	Lynch	
Edwards	Mack	
Ehlers	Maloney	
Emanuel	Manzullo	
Emerson	Marshall	
Engel	McCaul (TX)	
English (PA)	McCotter	
Evans	McCrery	
Everett	McHenry	
Farr	McHugh	
Fattah	McIntyre	
Feeney	McKeon	
Ferguson	McMorris	
Filner	McNulty	
Fitzpatrick (PA)	Meehan	
Foley	Meek (FL)	
Forbes	Meeks (NY)	
Ford	Melancon	
Fortenberry	Mica	
Fossella	Miller (FL)	
Fox	Miller (MI)	
Frelinghuysen	Miller (NC)	
Gallegly	Miller, Gary	
Garrett (NJ)	Mollohan	
Gerlach	Moore (KS)	
Gibbons	Moran (KS)	
Gilchrest	Moran (VA)	
Gillmor	Murphy	
Gingrey	Murtha	
Gohmert	Musgrave	
Gonzalez	Myrick	
Goode	Neugebauer	
Goodlatte	Ney	
Gordon	Northup	
Granger	Norwood	
Graves	Nunes	
Green (WI)	Nussle	
Green, Al	Olver	
Green, Gene	Ortiz	
Gutknecht	Osborne	
Hall	Otter	
Harris	Oxley	
Hart	Pastor	
Hastings (WA)	Pearce	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 2018

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the record and regret that I could not be present today, Thursday, May 19, 2005 to vote on rollcall votes Nos. 190, 191, 192, 193, 194, 195, 196, 197, 198 and 199 due to family medical emergency.

Had I been present, I would have voted: “no” on rollcall vote No. 190 on calling the previous question on H. Res. 287—The rule providing for consideration of H.R. 2361—Department of the Interior, Environment, and Related Agencies Appropriations Act for Fiscal Year 2006; “no” on rollcall vote No. 191 on an amendment to H.R. 2361 to increase funding for Payments in Lieu of Taxes (PILT) by \$4,800,000 and to reduce funding to the National Endowment for the Arts; “no” on rollcall vote No. 192 on amendments en bloc to H.R. 2361 to insert “oil” after “offshore” on page 53, line 12 strike “and natural gas” on page 53, line 20 and to strike “and natural gas” on page 54 line 3; “no” on rollcall vote No. 193 on an amendment to H.R. 2361 to reduce funding for the Environmental Protection Agency—Science and Technology by \$130 million and to increase funding for the Environmental Protection Agency—Hazardous Substance Superfund by \$130 million; “yea” on rollcall vote No. 194 on an amendment to H.R. 2361 to increase funding in the Clean Water State Revolving Fund by \$100 million; “no” on