through amendment for deficit reduction;

An amendment by Mr. DEFAZIO or Mr. WALDEN of Oregon regarding Secure Rural Schools county payments;

An amendment by Mr. PEARCE prohibiting funds for the continued operation of the Mexican wolf program;

An amendment by Mr. PEARCE prohibiting funds for the expansion of the Mexican wolf program;

An amendment by Mr. DENT prohibiting funds for implementation or enforcement of certain provisions of the Indian Gaming Regulatory Act;

An amendment by Mr. KINGSTON prohibiting funds for contracts to entities that do not participate in a basic pilot program related to illegal immigration;

An amendment by Mr. UPTON regarding use of Energy Star certified light bulbs;

An amendment by Mr. GARRETT of New Jersey limiting the use of funds for international conferences;

An amendment by Mr. JORDAN of Ohio reducing funds in the bill by 4.3 percent, which shall be debatable for 40 minutes;

An amendment by Mr. PRICE of Georgia reducing funds in the bill by 1 percent, which shall be debatable for 40 minutes;

An amendment by Mr. GARY G. MILLER of California regarding funding for the San Gabriel watershed study;

An amendment by Mr. BISHOP of Utah limiting the use of funds for nonprofits which are a party to a lawsuit against certain Federal agencies;

An amendment by Mr. BISHOP of Utah limiting the use of funds for land condemnation actions;

An amendment by Mr. DOOLITTLE regarding funding for the Secure Rural Schools and Community Self-Determination Act;

An amendment by Mr. STUPAK regarding funding for the EPA Administrator's security detail;

An amendment by Mr. KING of Iowa prohibiting funds for certain EPA computer modeling activities;

An amendment by Mr. CANNON prohibiting funds for certain oil shale leasing activities in Utah and Wyoming;

An amendment by Mr. CANNON limiting the use of funds to implement restrictions on certain oil and gas leasing activities;

An amendment by Mr. HELLER of Nevada prohibiting funds in contravention of a court decision related to the Southern Utah Wilderness Alliance;

An amendment by Mr. HELLER of Nevada limiting the use of funds for certain Heritage Areas that do not contain private property provisions;

An amendment by Mr. FLAKE prohibiting funds for the Ohio Association of Professional Firefighters in Columbus, Ohio;

An amendment by Mr. FLAKE prohibiting funds for the W.A. Young and Sons Foundry in Greene County, Pennsylvania;

An amendment by Mr. FLAKE prohibiting funds for the Philadelphia Art Museum in Pennsylvania;

An amendment by Mr. FLAKE prohibiting funds for the Payne Gallery at Moravian College in Pennsylvania;

An amendment by Mr. FLAKE prohibiting funds for certain entities related to the Southwest Pennsylvania Industrial Heritage Route;

An amendment by Mr. HENSARLING limiting funds for the Clover Bend Historic site;

An amendment by Mr. HENSARLING limiting funds for the St. Joseph's College Theater;

An amendment by Mr. HENSARLING limiting funds for the Bremertown Public Library;

An amendment by Mr. HENSARLING limiting funds for the Maverick Concert Hall;

An amendment by Mr. CAMPBELL of California limiting funds for Wetzel County Courthouse;

An amendment by Mr. CAMPBELL of California limiting funds for equipment for anadromous fish research;

An amendment by Ms. JACKSON-LEE of Texas regarding urban forestry;

An amendment by Ms. JACKSON-LEE of Texas regarding Smithsonian Institution outreach;

An amendment by Mr. OBEY regarding earmarks;

An amendment or amendments by Mr. DICKS regarding funding levels; and

An amendment by Mr. FEENEY regarding competitive sourcing.

Each such amendment may be offered only by the Member named in this request or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Interior, Environment, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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

There was no objection.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 514 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2643.

□ 1706

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2643) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. DAVIS of Alabama (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from Utah (Mr. BISHOP) had been postponed.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

The Clerk will read.

The Clerk read as follows:

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $280,602,000, to remain available until expended, as authorized by law; of which $8,000,000 is for the International Program; and of which $56,336,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,506,502,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): *Provided*, That unobligated balances under this heading available at the start of fiscal year 2008 shall be displayed by budget line item in the fiscal year 2009 budget justification.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $480,197,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities, and infrastructure; and for construction, capital improvement, 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; and in addition $40,000,000 to be transferred from the timber roads purchaser election fund and merged with this account, to remain available until expended: *Provided*, That $65,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources and for urgently needed road repairs required due to recent storm events: *Provided further*, That up to $65,000,000 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 the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety, water quality, or natural resources: *Provided further,* That funds becoming available in fiscal year 2008 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

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. 460l–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, $44,485,000, 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, $1,053,000, 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. (16 U.S.C. 4601–516–617a, 555a; Public Law 96–586; Public Law 76–589, 76–591; and 78–310.)

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), $56,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,053,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,974,648,000, to remain available until expended: *Provided,* That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further,* That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further,* That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2007 shall be transferred to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.) if necessary to reimburse the fund for unpaid past advances: *Provided further,* That, notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further,* That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further,* That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further,* That of the funds provided, $310,258,000 is for hazardous fuels reduction activities, $18,000,000 is for rehabilitation and restoration, $23,500,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $46,221,000 is for State fire assistance, $10,000,000 is for volunteer fire assistance, $14,252,000 is for forest health activities on Federal lands and $10,014,000 is for forest health activities on State and private lands: *Provided further,* That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, joint fire sciences, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further,* That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in the report accompanying this Act: *Provided further,* That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further,* That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to $10,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further,* That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further,* That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $9,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further,* That of the funds provided for hazardous fuels reduction, not to exceed $7,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: *Provided further,* That funds designated for wildfire suppression shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

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).

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.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development 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 in this Act or any other Act with respect to any fiscal year 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), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–107 (7 U.S.C. 8316(b)).

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 $73,285,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $24,021,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of not less than $5,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps or the Public Lands Corps (Public Law 109–154).

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 $100,000 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 sub-recipients: *Provided further,* That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

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

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

□ 1715

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

Mr. Chairman, I yield to the distinguished gentlewoman from Kansas (Mrs. BOYDA).

Mrs. BOYDA of Kansas. Mr. Chairman, I would like to enter into a colloquy with my colleague from Kansas, Ranking Member TIAHRT, and Chairman DICKS.

Mr. Chairman, I would like to bring to light an issue of great importance to southeast Kansas, and I think we have a visual down here that we can point to in a minute.

Treece, Kansas, is a small town of about 150 people. It is part of the Tri-State mining district of southwest Missouri, southeast Kansas and northwest Oklahoma, producing lead, zinc and coal. Much of the lead and zinc that was used in ammunition and equipment to win World War II came from this area. However, this mining has led to incredible environmental problems, to include significant subsidence and health problems from chat piles, otherwise known as mining waste. The photograph that we have here on the easel, those are the chat piles we are talking about.

This problem has been under study for years. In 2004, Senator INHOFE from Oklahoma arranged for the Army Corps of Engineers to conduct a subsidence risk study for northern Oklahoma towns similar to Treece. The results of this study lead to a voluntary buyout program allowing Picher, Oklahoma, residents to move.

The Kansas Geological Survey did a stability study and hazard evaluation of southeast Kansas mining areas in 1983. The report indicated that Treece is ''located within the Picher field and is surrounded on all sides by abandoned mine workings and is extensively undermined.''

In a letter to me dated March 30 of this year from the EPA in D.C., they note that, ''The Treece sub-site is part of the former Picher mining field centered near the town of Picher, Oklahoma.'' In fact, Treece was originally platted as part of Picher, Oklahoma. It sits right on the Kansas-Oklahoma border and is separated from the town of Picher only by a political boundary. Treece receives its electricity and emergency services from Picher, Oklahoma.

The geology of Treece and mining techniques that were used are the same as in Picher. In fact, and this is the point I would like to make, Treece, Kansas, and Picher, Oklahoma, are in fact the same minefield.

Mr. Chairman, I would like to make two points: First, if we must, we will ask the Army Corps of Engineers to conduct a study similar to the one done in Picher. But we should not have to. The Treece community should be treated the same as Picher.

Second, while Treece is designated as part of the EPA Superfund site, EPA has yet to approve a request for funding that would remove the chat from Treece and other sites along the Kansas-Oklahoma border. This requested funding would allow removal of this dangerous material over a 10-year period.

Addressing both of these issues for the good people of Treece, Kansas, is long overdue, and we certainly appreciate this committee's attention.

Mr. TIAHRT. Mr. Chairman, if the gentleman from Washington will yield, I thank the gentlewoman from Kansas for bringing this to the attention of the House. This is a very important issue.

The community of Treece has been trying to bring this issue to resolution for years. In fact, it was over a decade ago when it first came to my attention, and I had a staff member working on it for some time. I am pleased that the gentlewoman is carrying on the work of her predecessor, Congressman Jim Ryun, and other Kansas officials. Earlier this year, State Representative Gatewood came to my office and asked for some help with the Office of Surface Mining, and we still have the request pending from them as well.

According to the estimates for the State of Kansas, it will cost approximately $8 million to conduct a buyout program, which is not a lot of money in the scheme of things. While we understand that the bill which we are debating today cannot address the buyout program, we both hope that the EPA will speed its approval of the funding to remove the chat and hope that other Federal resources will come to bear to help the people of Treece find relief through a similar buyout program.

I am also hopeful that the OSM and the Army Corps of Engineers will also help the residents in their struggle to improve their communities.

Mr. DICKS. Mr. Chairman, reclaiming my time, I want to thank my colleague from Kansas for working on this issue. I understand Treece's frustration and look forward to working with you to see what the agencies within our subcommittee's jurisdiction can do to help. We appreciate your bringing this to our attention.

Mrs. BOYDA of Kansas. Mr. Chairman, I would say thank you to both of the gentlemen. The good people of Treece are very deeply appreciative.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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)).

Funds available to the Forest Service, not to exceed $45,000,000, shall be assessed for the

purpose of performing facilities maintenance. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

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, $3,023,532,000, to remain available until September 30, 2009, except as otherwise provided herein, 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 not less than $561,515,000 shall be for contract medical care: *Provided further*, That of the funds provided, up to $32,000,000, 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 $274,638,000 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 2008, 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 the Bureau of Indian Affairs may 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 Disabilities 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, $360,895,000, 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 a federally-recognized Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed $1,000,000 from this account and the ''Indian Health Services'' account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

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.

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, $79,117,000.

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, $75,212,000, 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.

AMENDMENT NO. 24 OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. 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. 24 offered by Mr. LOBIONDO:

Page 89, line 13, after the first dollar amount, insert ''(increased by $1,000,000) (reduced by $1,000,000)''.

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

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

The Acting CHAIRMAN. The gentleman from Washington reserves a point of order.

The Chair recognizes the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, I rise today to strongly support this amendment. This amendment would simply put in $1 million and then take back out $1 million for the purpose of directing the administrator of the Agency for Toxic Substance and Disease Research to use these funds to conduct initial long-term testing of children exposed to mercury from mercury-contaminated industrial sites.

Last July, I learned that a daycare center in my district had been opened mistakenly on a site that was previously used by a thermometer manufacturer. The manufacturer had a history of mercury contamination and had not properly cleaned up the site.

The mercury contamination of this site was so egregious that parents spoke of their children coming home from the daycare center with bubbles of mercury clinging to their backpacks. As a result of this, the children who innocently played on the grounds of the daycare center were diagnosed with mercury levels much higher than normal and suffered symptoms of mercury poisoning, such as headaches, sleeping problems and rashes.

As you may know, mercury is a potent neurotoxin that can affect the nervous system.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, I am prepared to accept the amendment. We want to work with the gentleman on this a little bit to improve it as we get to conference. But we are prepared to accept it.

Mr. Chairman, I withdraw my point of order.

The Acting CHAIRMAN. The gentleman's point of order is withdrawn.

Mr. TIAHRT. Mr. Chairman, if the gentleman will yield, I want to thank the gentleman from New Jersey for taking an issue that is so important to his district and really important to the kids in that area that have been exposed to mercury and would join with the chairman in supporting your amendment.

Mr. LOBIONDO. Mr. Chairman, reclaiming my time, I thank the chairman and Mr. TIAHRT.

I would just like to point out that this incident demonstrated that children can, unfortunately, be exposed to mercury from contaminated industrial sites. The amendment will help ensure that funding will be available for any Member in any district that this may take place.

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. LOBIONDO).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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, $2,703,000: *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, $9,549,000: *Provided,* That the Chemical Safety and Hazard Investigation 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, $9,000,000, to remain available until expended: *Provided,* That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further,* That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further,* That no relocatee will be provided with more than one new or replacement home: *Provided further,* That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $7,297,000.

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, $536,295,000, of which $1,578,000 for fellowships and scholarly awards shall remain available until September 30, 2009, including such funds as may be necessary to support 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.

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, $116,100,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109.

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, $101,850,000, of which not to exceed $3,239,000 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, $18,017,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $20,200,000.

CAPITAL REPAIR AND RESTORATION

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, $23,150,000, 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, $10,000,000.

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, $160,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108–447.

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, $145,500,000, 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, $14,500,000, to remain available until expended, of which $9,500,000 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: *Provided further*, That section 309(1) of division E, Public Law 108–447, is amended by inserting ''National Opera Fellowship,'' after ''National Heritage Fellowship''.

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), $2,092,000: *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. 956a), as amended, $10,000,000: *Provided*, That no organization shall receive a grant in excess of $650,000 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), $5,348,000: *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, $8,265,000: *Provided*, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting 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), $44,996,000, of which $515,000 for the equipment replacement program shall remain available until September 30, 2009; and $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibition design and production 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, $22,400,000 shall be available to the Presidio Trust, to remain available until expended.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the White House Commission on the National Moment of Remembrance, $200,000, which shall be transferred to the Department of Veterans Affairs, ''Departmental Administration, General Operating Expenses'' account and be administered by the Secretary of Veterans Affairs.

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 other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

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

SEC. 406. 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 provided in, this Act or any other Act.

SEC. 407. 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 2005.

SEC. 408. (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, 2008, 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. 409. Notwithstanding any other provision of law, amounts appropriated 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, 108–447, 109–54, 109–289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for payments 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 2007 for such purposes, except that the Bureau of Indian Affairs and federally-recognized tribes may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 410. Prior to October 1, 2008, 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. 411. 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. 412. 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. 413. 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 micro-business or disadvantaged business: *Provided further,* That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further,* That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: *Provided further,* That the Secretaries shall develop guidance to implement this section: *Provided further,* That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 414. (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 2008, 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 2008 for programs, projects, and activities for which funds are appropriated by this Act.

(2) None of the funds available to the Forest Service may be used in fiscal year 2008 for competitive sourcing studies and related activities.

(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) 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.

(d) In carrying out any competitive sourcing study involving Department of the Interior employees, the Secretary of the Interior shall—

(1) determine whether any of the employees concerned are also qualified to participate in wildland fire management activities; and

(2) take into consideration the effect that contracting with a private sector source would have on the ability of the Department of the Interior to effectively and efficiently fight and manage wildfires.

SEC. 415. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2000, regarding the pilot program to enhance Forest Service administration of rights-of-way (as enacted into law by section 1000(a)(3) of Public Law 106–113; 113 Stat. 1501A–196; 16 U.S.C. 497 note), as amended, is amended—

(1) in subsection (a) by striking ''2006'' and inserting ''2012''; and

(2) in subsection (b) by striking ''2006'' and inserting ''2012''.

SEC. 416. Section 321 of the Department of the Interior and Related Agencies Appropriations Act, 2003, regarding Forest Service cooperative agreements with third parties that are of mutually significant benefit (division F of Public Law 108–7; 117 Stat. 274; 16 U.S.C. 565a–1 note) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2010''.

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

Mr. Chairman, I yield to the gentlewoman from New Hampshire (Ms. SHEA-PORTER) for a colloquy.

Ms. SHEA-PORTER. Mr. Chairman, I would like to thank you for your leadership on this bill, in particular for your strong support of increased funding for the National Wildlife Refuge System which protects our valuable natural resources and wildlife and maintains more than 96 million acres of land across the country.

I also want to thank ranking member Tiahrt and the entire Interior and Environment Subcommittee for their tireless work on this bill and, importantly, for including language and funding to help address some of the most pressing problems facing our National Wildlife Refuge System.

Mr. Chairman, the staffing shortages plaguing our wildlife refuges have been brought on by years of underfunding and a lack of commitment to ensuring that these pristine lands are kept safe, secure and properly maintained. The language included in the bill before us is a big step in the right direction, but I think you would agree it is only a first step.

We will need to do more if we want to alleviate the strain put on our refuges, like the Great Bay Wildlife Refuge along the eastern shore of New Hampshire. Great Bay protects a number of both Federal- and State-protected species, including the symbol of our American freedom, the Bald Eagle. However, funding shortages have caused the refuge system to severely cut back on staff at Great Bay over the past few years.

□ 1730

What once was a staff of four has been reduced to one, and now the refuge system has announced that they will be eliminating that position as early as next month. This will leave a major wildlife refuge with no full-time staff and totally unprotected for the large majority of the time. With over 60,000 visitors a year, this lack of staffing could pose a serious threat to the wildlife and ecosystem protected in Great Bay.

Mr. Chairman, I understand that there is strong language in your bill regarding the staffing shortages at refuges across the country. May I clarify that the increased funding provided to the wildlife refuge system through the operations and management accounts is meant to help the system address these shortfalls and ensure that staff is placed where needed to protect these environments?

Mr. DICKS. Yes, that is correct. As written in the committee record, the committee believes it is important to address the shortfalls in staffing around the Nation, and we have provided the largest operational increase in the history of the refuge system to do so.

We have also included language directing consideration to those areas, like Great Bay, that have pressing shortfalls and needs.

Ms. SHEA-PORTER. Thank you, Mr. Chairman. The committee has also included language addressing the problem of complexes. Would the chairman clarify the committee intent to reduce the number of complexes where refuges are consolidated into groups with staff overseeing multiple sites, sometimes with great distances between them?

Mr. DICKS. That is also correct. The committee includes language in our report directing the system to reduce the number of complexes. The increased funding is to be used to address staffing shortfalls, and the committee does not view the use of complexes as a sufficient means for managing refuges.

These complexes move the staff too far from the communities and resources that they serve, and we have asked that the number of complexes be reduced to the maximum extent possible.

Ms. SHEA-PORTER. I thank the chairman, and I appreciate his strong position on protecting these national treasures.

Mr. DICKS. Thank you for your good work on this. Protecting our national wildlife refuges was one of our major priorities in the subcommittee. We are pleased to have your support for the bill and this effort.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE V—GLOBAL CLIMATE CHANGE

SEC. 501. (a) The Congress finds that—

(1) greenhouse gases accumulating in the atmosphere are causing average temperatures to rise at a rate outside the range of natural variability and are posing a substantial risk of rising sea-levels, altered patterns of atmospheric and oceanic circulation, and increased frequency and severity of floods, droughts, and wildfires;

(2) there is a growing scientific consensus that human activity is a substantial cause of greenhouse gas accumulation in the atmosphere; and

(3) mandatory steps will be required to slow or stop the growth of greenhouse gas emissions into the atmosphere.

(b) It is the sense of the Congress that there should be enacted a comprehensive and effective national program of mandatory, market-based limits and incentives on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions at a rate and in a manner that (1) will not significantly harm the United States economy; and (2) will encourage comparable action by other nations that are major trading partners and key contributors to global emissions.

AMENDMENT OFFERED BY MR. SULLIVAN

Mr. SULLIVAN. 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. SULLIVAN:

Page 110, begining on line 20, strike section 501 and insert the following:

SEC. 501. It is the sense of the Congress that no Federally-mandated steps should be taken to mitigate global climate change if those steps would harm American consumers, workers, or businesses in any way.

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

The Acting CHAIRMAN. The gentleman from Washington reserves a point of order against the amendment.

Pursuant to the order of the House of today, the gentleman from Oklahoma (Mr. SULLIVAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. SULLIVAN. Mr. Chairman, this is a very important amendment. Any thoughtful legislation must ensure four things: That the lights stay on, that driving a car stays affordable, energy prices stay competitive, and that we protect people's jobs. If we think that we can achieve these goals without a continuing role for domestic fossil fuels, we're kidding ourselves.

We are addressing global warming, but we are not doing it in a vacuum. We are also charged with making sure that people in America have energy that power our jobs, and through them, our people's opportunity to succeed. If we do our jobs, people will keep their jobs.

I accept that the science on this matter is uneven, uncertain and evolving. That certainty hasn't changed, but now we seem to be pressuring ourselves, or someone is pressuring us, to legislate first and get the facts later. I hope we don't do that. I want to make sure that we get the best information available so we have a full and accurate definition of the problem before we start making decisions.

We have to be clear about the issues before us. Discussion of mandatory steps to cap CO_2 often misses the essential fact. Carbon dioxide, unlike carbon monoxide, and other compounds ending in ''oxide'' is not toxic. It is not a pollutant. Not only is it natural, it is indispensable for life on this planet.

What we need to understand is how does CO_2 fit into the atmospheric mix? I am told all CO_2 is only 0.038 percent of the atmospheric gases.

How does the CO_2 from fossil fuel combustion fit into the total annual CO_2 increase in the atmosphere? I am told it is only 0.4 percent of this amount.

How does U.S. fossil fuel consumption fit into mankind's overall share of fossil fuel energy use? I am told it is 22 percent and shrinking. That means if we shut down 100 percent of all fossil fuels in the United States, we would

only reduce CO_2 growth in the atmosphere by 0.088 percent. That is 0.0003 percent of atmospheric gases, and China will be filling in the gap and then some.

How much will any legislation we consider actually change the total U.S. emissions and, in turn, change total human emissions and, in turn, affect global greenhouse gas concentrations?

What will it cost? The people who will pay for our policy decisions are taxpayers and consumers and workers. What amount is the right amount to take from them and their families for our policies?

And we need to understand whether well-meaning steps to cap CO_2 here and now will simply drive industry offshore where control of actual pollution such SO_X, NO_X, mercury and particulate is far more lax.

Whether we like it or not, CO_2 correlates to national economic activity. That means jobs and the ability of working families to thrive is defined by jobs. Despite impressive gains in energy intensity over the past few years, a basic reality is that with the technology mix deployed today, to cap CO_2 emissions constraints economic output, jeopardizes economic growth, and eliminates people's jobs.

It is imperative that we reach rational conclusions, based on real evidence, about the reliability of our knowledge that CO_2 has the sort of impact on planetary temperature as people say.

At an Energy and Commerce hearing earlier this year, we learned that a cap-and-trade program added 40 percent to the wholesale cost of electricity in Germany. A cap-and-trade program could lead to real rate shock for electric consumers. High electricity costs will only drive manufacturers overseas, and American jobs will go along with them.

This cap-and-trade approach has been proven unworkable in countries that signed the Kyoto Protocol, and it would be unworkable in the United States. Few participants in the protocol are on track to achieve the international targets for carbon emissions reduction. An increasing number of the countries are unwilling to strangle economic growth through stricter carbon caps in the future.

Another fundamental flaw with the Kyoto agreement is the exclusion of India and China from its reach, particularly when China is soon to claim the distinction of being the largest emitter of carbon dioxide in the world.

The United States cap-and-trade program would fall the same failed trajectory as Kyoto. Its artificially high energy costs would cripple the United States manufacturing base and suppress job creation for working American families. And that's not all. Two of our greatest economic competitors in the world market, India and China, won't have to cap emissions and pay a premium for energy. Those two countries will laugh all of the way to the bank, and the joke will be on us. They will use it as an economic weapon.

What is very important when we look at this very important matter, we need to take our time, we need to gather the facts, and we need to educate other Members. The decisions we make will impact Americans for a long time in the future.

POINT OF ORDER

The Acting CHAIRMAN. Does the gentleman from Washington wish to be heard on his point of order?

Mr. DICKS. Mr. Chairman, I insist on my point of order.

The Acting CHAIRMAN. The gentleman from Washington is recognized on his point of order.

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

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

Mr. TIAHRT. Mr. Chairman, I think to strike this because it authorizes on an appropriations bill would be duplicative of what the current language does. It also authorizes on an appropriations bill, so I think the amendment should be made in order.

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

If not, the Chair is prepared to rule on the point of order.

The amendment proposes additional legislation to that permitted to remain in section 501 by addressing efforts to mitigate climate change beyond those contained in that section. Such additional legislation violates clause 2 of rule XXI.

The point of order is sustained.

AMENDMENT OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. 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. BARTON of Texas:

Strike section 501 (relating to global climate change).

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

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, it is ironic that we just had that point of order offered by my good friend, Mr. DICKS. Under the Armey rule, the former majority leader, the chairmen of the authorizing committees could send letters to the Rules Committee on appropriation bills and any part of the appropriation bill that was actually legislating on an appropriation bill, there was a standing point of order made in order that you could strike it.

So we wouldn't have had the Sullivan amendment and we would not have the amendment that I am about to offer if the current chairman of the Energy and Commerce Committee, Mr. DINGELL, had sent such a letter to the Rules Committee asking to reserve the point of order on this section 501. But Chairman DINGELL didn't do that, and so it is in the bill and Mr. DICKS can make a point of order that an amendment to it should be struck because it is legislating on an appropriation bill. What a great place this body is that we work in.

So what my amendment does is pretty straightforward. It strikes section 501. That cannot be ruled out of order. It can be voted down, and we will have a vote on this. But the Davis amendment that I am offering on his behalf can't be struck on a point of order.

What is it about this section 501 that is so onerous? Let me briefly synthesize what it says. I think it says some things that are factually incorrect.

It says that the Congress finds that greenhouse gases accumulating in the atmosphere are causing average temperatures to rise at a rate outside the range of natural variability. I think that a factually incorrect statement. It is a true statement that the temperature apparently is rising compared to what it was 150 years ago. In the late 1840s and early 1850s, temperature averages at most places that kept temperature records at that time were 1 to 2 degrees cooler than they are now. And the temperature appears to be going up. That is a true statement.

But I don't think that it is true that the temperature rate increase is outside the range of natural variability. The one thing about climate that is constant is that it is constantly changing.

The second incorrect statement is subparagraph 2 where it says there is a growing scientific consensus that human activity is a substantial cause of greenhouse gas accumulation.

Now I think it is indisputable that as we burn many of the hydrocarbons, obviously they are releasing CO_2 which is a greenhouse gas and that is accumulating in the atmosphere. That is a true statement. But whether that is a substantial cause is yet to be determined.

I would point out that the largest greenhouse gas by far is H_2O, water vapor. When you see a cloud in the sky, you are seeing a greenhouse gas accumulation in the sky. And water vapor is over 90 percent of all greenhouse gases. CO_2, carbon dioxide, is less than $\frac{3}{10}$ of 1 percent. So how could something that is such a small percentage be the cause of this temperature increase? It is an interesting theory, but it is yet to be proven.

In any event, because of these first two paragraphs, we get to the meat of the issue in section 501, and that is mandatory steps are required to slow or stop the growth of greenhouse gas emissions. Mandatory. Coercive. You have to do it whether you want to or not. You have to do it whether it makes sense or not.

We are far from a place, in my opinion, where we need to begin to legislate mandatory approaches, and that's what is so bad about this section 501. Now you may argue it is a sense of the Congress what is it going to do. It is just to show where we are. Well, I would point out that in the late 1970s, early 1980s, you begin to have these temporary 1-year moratoriums on drilling off the coast of various parts of our country. They seemed relatively harmless at the time. What could be wrong with that?

□ 1745

That has grown into such a significant part that it's almost impossible right now to drill anywhere in the United States that we haven't already been drilling for the last hundred years. There's a limit to how many holes we can drill in Texas. We've drilled over 2 million since 1901. We've found a lot of oil and gas, but at some point in time, we've got to drill where we haven't drilled before. In any event, section 501 is bad public policy and this amendment would strike it.

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

The Acting CHAIRMAN (Mr. BECERRA). The gentleman is recognized for 5 minutes.

Mr. DICKS. Thank you. I appreciate that.

The language in title V of this bill is identical to language added by the Appropriations Committee last year to the FY 2007 Interior bill when the Appropriations Committee was being run by the minority party of today. Since that time, this sense of the Congress has been supported by both an international scientific body and the United States Supreme Court.

First, the sense of Congress states that ''there is a growing scientific consensus that human activity is a substantial cause of greenhouse gas accumulation in the atmosphere.'' So far this year, the Intergovernmental Panel on Climate Change, a group consisting of hundreds of scientists from 113 countries, has issued two reports on the science of climate change, with a third report to be issued later this year. The panel's first report, issued in February, concluded that there is an overwhelming probability, at least 90 percent certainty, that human activities are warming the planet at a dangerous rate, with consequences that could take decades or centuries to reverse. The panel's second report on the consequences of global warming concluded ''with high confidence'' that greenhouse gases produced by human activity has already triggered changes in ecosystems on both land and sea. As evidence, the report cited longer growing seasons, earlier leaf-unfolding and earlier egg-laying by birds, traceable to human activity. The report estimates that 20 to 30 percent of the world's species could be in danger of extinction.

I have great respect for the gentleman from Texas, who I think did a good job as chairman of the Commerce Committee, but this is a sense of Congress. It's the authorizing committees that will enact the legislation. What this does is express concern that this problem must be addressed.

Clearly, the sense of Congress correctly captures the state of global change science.

Second, the sense of Congress states that mandatory steps will be required to slow or stop the growth of greenhouse gas emissions into the atmosphere. In April of this year, the United States Supreme Court ruled in a 5–4 opinion that the U.S. Environmental Protection Agency has the statutory authority to regulate greenhouse gases from automobiles. The court also held that EPA has the discretion not to regulate only under very limited scenarios. This decision has been widely interpreted to force the administration to propose regulations to control greenhouse gas emissions. Clearly, the Supreme Court agrees with what I would consider our sense of Congress resolution.

Again, I state my opposition to the gentleman's amendment and urge a ''no'' vote on the amendment.

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

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

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. TIAHRT. I just wanted to mention to the chairman and to the House that even though this is a sense of Congress, I think that it is opposed enough in the way it is worded that the amendment should be agreed to and the language should be stricken. For example, in the very beginning, where, number one, it says, ''greenhouse gases accumulating in the atmosphere are causing average temperatures to rise at a rate outside the range of natural variability,'' we had a lot of testimony in this Subcommittee of Interior about this very issue. It was very clear that the scientists that study this say that we have large gaps in the scientific data, and it is still inconclusive.

One of the great examples of this is the ocean itself. The ocean itself is a carbon bank. It retains carbon sometimes. When it gets warmer, it actually allows carbon to go up into the atmosphere in the form of CO_2. That in itself brings the question whether carbon in our atmosphere is a cause of heat or whether heat is a cause of carbon in the air. If you look at the core samples that are found in the Antarctic which have been drilled down to go back and date what our environment was like hundreds of thousands of years ago, we find that there is a high carbon content in our atmosphere when our earth was warmer. And we do know that our earth is getting warmer. In fact, 10,000 years ago, Kansas was covered by a sheet of ice.

Just a weekend ago or so, I was back there playing golf, and I can tell you for sure, there is no ice covering the State of Kansas today. Why? Because the earth is getting warmer. But for us to say that the cause is human-induced raises the question. Even the Intergovernmental Panel on Climate Change when they looked at it this year, revised their estimate of the ocean going up because of climate change, from going up to 36 inches. They revised it downward to only going up 17 inches. So that means that they were half off.

They said that, as far as climate change, it's human-induced, and they have a 90 percent confidence level. Well, if that's based on their estimate of what the water level is going to be 10 years or 50 years from now, then they are admittedly 50 percent off, so that means they've only got a 45 percent confidence level. That means less than half.

My point is that there is no growing scientific consensus on the cause of climate change. In fact, it may be a normal cycle that we're going through. And, in fact, it may be a cycle that is moving us into a cooler climate rather than a warmer climate. So this language, I think, makes assumptions that are based on data that is inconclusive. The scientists tell us there are gaps in the data. It certainly isn't a consensus of Congress from my view. So I would think that we should adopt the gentleman's amendment.

I would yield to the gentleman from Texas.

Mr. BARTON of Texas. I thank the gentleman for yielding.

I just want to comment briefly on what Chairman DICKS said about this being in the bill last year. He is factually correct. We reserved a point of order on it last year. And the member of the committee that I chaired at the time who was supposed to make the point of order was caught in the cloakroom eating a candy bar, and the crafty appropriators closed the title before we could make the point of order. So it was in the bill last year only because we were asleep at the switch when it was our turn to raise the point of order. At least I'm not asleep at the switch this year.

Mr. DICKS. I would hope we're not asleep at the switch again, as the planet is heating up, and climate change is occurring.

Mr. TIAHRT. I agree that the temperature is going up. It's the cause that is a concern for me. The wording here says that we already know what the cause is and we should move forward and try to do something to stop it, and that includes some very drastic types of actions, including caps and market-based limits on incentives, mandatory market-based limits, I might say. It's my view that those things have not been successful in the past. In fact, when we did mandatory limits, I thought we ended up with gas lines and higher gas prices. That's my view.

I would ask that my colleagues here in the House accept this amendment and vote for it.

I yield back the balance of my time.

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

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

Mr. BARTON of Texas. 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 Texas will be postponed.

AMENDMENT OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. 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. BISHOP of Utah:

At the end of the bill, before the long title, add the following new section:

''SEC. ____. No funds made available by this Act shall be used to condemn land.''

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

Mr. DICKS. Mr. Chairman, I reserve a point of order on this amendment.

The Acting CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, in my short time as the ranking member on the Subcommittee on National Parks, Forests and Public Lands, I have already heard a number of stories from property owners who have been threatened or bullied with the hammer of eminent domain. Thousands of acres each year are taken from private citizens and against their will in order to expand our national parks and our national forests. This is done in spite of the fact that the Federal Government has so much land it cannot possibly manage what it already has.

Landowners, when faced with the possibility of a long, protracted war against bureaucrats, land managers and legions of Federal lawyers, often choose simply to walk away. What is most outrageous then is the fact that these people are then labeled by us as willing sellers.

This has happened to landowners across our Nation. We've had examples from people living near the Everglades in Florida, to the Cape Cod National Seashore in Massachusetts, to Voyageurs National Park in Minnesota, just a few places where there has been, in my estimation, egregious abuse by the Federal Government.

I have letters from a family in Maine who endured 20 years in a battle with the Federal Government. They wrote that the negotiations between my family and the Park Service over what could have been a simple land donation exceeded 20 years and had a serious, long-term detrimental effect on my family, the ski area they owned, the surrounding community. Eventually, after millions of dollars were lost and countless hours of time from high-ranking State and Federal officials were consumed, strained professional careers of an entire at-risk community and the negative health and financial repercussions of my family members, this issue was finally resolved. For now.

Here is another example of a Franciscan friar who talked about the threats of eminent domain that hanged over his ministry for years and years and years. In his words, again, simply over 118 acres of the friar's property: We offered the National Park Service the opportunity to switch back the trail to the original setting, so that not only the trail could be maintained, but there would be a natural environment for it. But the National Park Service refused this option and threatened to proceed with eminent domain. There is no reason that that friar and his ministry should have had that hanging over his head for years and years and years.

Mr. Chairman, the Secretary of Interior has the power in statute for using this hammer of eminent domain. Even today, when we do authorization bills, we don't even have the sense to try and limit that kind of authority or power. Even in those situations where it is clearly said in the testimony and in the hearings that they do not want to use eminent domain, we do nothing to try and stop that potential authority. If we really say that we don't want to use eminent domain to acquire these lands, we ought as well use the logical step of saying so.

In light of the Kelo decision, so many people are now aware of the potential abuse by government entities on private property through the use of eminent domain, now is the time for us clearly to say that private property is important, and it should be respected by the Federal Government. That's exactly what this amendment tries to do, is to clarify that we do respect private property; we respect it, and we will not use eminent domain to take land away from private citizens.

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

Mr. DICKS. Mr. Chairman, I withdraw my point of order.

We will accept the gentleman's amendment.

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

The amendment was agreed to.

Mr. BISHOP of Utah. Mr. Chairman, I ask for a recorded vote on that last motion.

Mr. DICKS. I think the time has expired, Mr. Chairman. This was not done in a timely way.

The Acting CHAIRMAN. The gentleman from Washington is correct. The gentleman from Utah's request was not timely.

Mr. BISHOP of Utah. Let me try one thing here. I will ask under unanimous consent.

Mr. DICKS. I object.

The Acting CHAIRMAN. Objection is heard.

AMENDMENT NO. 7 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 111, after line 17, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available under this Act may be used to promulgate or implement the Environmental Protection Agency proposed regulations published in the Federal Register on January 3, 2007 (72 Fed. Reg. 69).

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

The Chair recognizes the gentlewoman from Texas.

□ 1800

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, before I begin, I would like to commend the gentleman from Washington and Chairman DICKS and the gentleman from Kansas (Mr. TIAHRT) for their good work on this underlying bill.

The amendment I offered today stems directly from concerns I have over a recently proposed rule by the Environmental Protection Agency that could radically alter the current interpretation of the Clean Air Act and adversely impact public health.

On December 21 last year, 4 days before Christmas, EPA introduced a cleverly timed proposal that would essentially weaken hazardous air pollutant emission standards for major sources of pollution as defined by section 112 of the Clean Air Act. My amendment would prohibit the use of fiscal year 2008 funds by EPA to promulgate this ill-advised and environmentally dangerous proposal.

Currently, major sources, major source polluters, facilities that emit 10 tons per year of a single air toxin or 25 tons per year of any combination of toxic pollutants are required to comply with the Maximum Achievable Control Technology standards, called MACT, permanently, a policy adopted in 1995 known as Once In, Always In.''

MACT standards are technology-based area emission standards established under title 3 of the 1990 Clean Air Act amendment. Compliance with MACT standards can require facility owners and operators to meet emission limits, install emission control technologies, monitor emissions and/or operating parameters and use specified work practices.

These public safeguard standards have proven most effective in reducing

toxic, harmful, cancer-causing eye pollutants such as mercury, chlorine, benzene, methanol and asbestos. If EPA's proposed rule were to take effect, industrial facilities could emit hazardous air pollutants at levels just below 10/25 major source thresholds and not be subject to the MACT standards.

This move has been criticized by the State clean air agencies, our regional officers, our major metropolitan leaders, as well as the county leaders and environmental groups. A majority of EPA's own regional offices initially excluded from viewing and providing input on the proposed policy have been highly critical of the proposed rule citing health and emission concerns.

EPA has done very little to justify such a dramatic shift in congressional intent or the agency's own long-standing interpretation. Moreover, the Agency has performed very little, if any, substantive emissions analysis, and they have performed no public health analysis for any industrial sector. In my view the Agency's proposed rule represents another installment of regulatory attacks designed to gut the Clean Air Act.

The public health of this Nation should not be forced to take the back seat to the interest of big polluters. The congressional authorities captured in section 112 of Clean Air Act are intended to ensure that major source emitters of hazardous air pollutants are required to comply with MACT standards permanently to ensure that the elimination of air toxics are achieved and maintained in the interest of public health.

In 1995, upon adoption of the ''once in, always in'' policy, EPA stated the following:

''EPA believes that this once in, always in policy follows most naturally from the language and structure of the [Clean Air Act] statute. In many cases, application of MACT will reduce a major emitter's emissions to levels substantially below the major thresholds.

''Without a once in, always in policy, these facilities could 'backslide' from MACT control levels by obtaining potential-to-emit limits, escaping applicability of the MACT standard, and increasing emissions to the major source threshold.

''Thus, the maximum achievable emission reductions that Congress mandated from major sources would not be achieved.

''A once in, always in policy ensures that MACT emission reductions are permanent, and that the health and environment protection provided by MACT standards is not undermined.''

In the Federal Register, the Agency raged on and on about how great the proposed rule is for major source polluters, because it will create incentives for industry to reduce emissions.

The Acting CHAIRMAN. The gentlewoman's time has expired.

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

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DICKS. I yield to the gentlelady from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. When it comes to quantifying the implications of this proposal on the environment and public health of this Nation, the Agency is silent.

The burden of proof regarding soundness of this proposed rule rests squarely on the shoulders of EPA. Thus far, the Agency has failed, at best, to make even a lackluster case.

My constituents in Dallas and the surrounding area are already burdened by the scarlet letter of nonattainment. I refuse to let their public health be subject to another further deterioration from a proposal laced with tortured assumptions. This is an unsound policy that should be stopped.

I urge my colleagues to join me in supporting clean air, a healthy environment, and a strong Clean Air Act. Vote ''yes'' on the Johnson amendment and the Interior and the Environment Appropriations bill.

While I appreciate the vigor of the opposing side's view on this matter, it is my respectful view that they are simply wrong on this matter.

I would like to amplify an area of concern raised by EPA's own regional offices regarding enforcement should the once in, always in policy be negated.

In a 2005 Regional Memorandum to EPA Headquarters, the regions assert the following:

A related concern with regard to the draft changes as written is that a facility, by changing from a major source to an area source, and back again, could virtually avoid regulation and greatly complicate any enforcement against them.

Take, for example, a facility that is covered by a MACT standard, and has 3 years from the date the rule is promulgated to come into compliance. Three years go by, and just before the end of that time period, the facility announces its area source status.

If an area source regulation exists, there may also be some equivalent waiting period before the facility is required to comply with the area source requirements.

If the facility later announces that it is after all, a major source, then it may again enter a grace period, possibly up to another 3 years, before it is subject to the MACT standard requirements.

Thus, by continually going back and forth between major and area source status, a facility could be a major source [polluter] for most of its operating life and never have to comply with the MACT standard requirements.

Again Mr. Chairman, these are not my words but those of EPA's own regional offices.

Mr. Chairman, my congressional district lies within the heart of EPA Region 6. Throughout Region 6 there are approximately 3,000 major source polluters according to EPA data.

If EPA's rule were to take effect, based on the guidance of EPA's own regional offices I just referenced, 3,000 major source polluters could continually backslide on a public health safeguard meant to minimize my constituent's exposure to toxic, cancer causing air pollutants.

Clearly, this was not the intent of Congress as reflected in Section 112 of the Clean Air Act.

Mr. Chairman, I include for the RECORD a memorandum dated December 13, 2005, from Michael S. Bandrowski, Chief, Air Toxics, Radiation and Indoor Air Office, Region IX, of the Environmental Protection Agency.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION IX.
San Francisco, CA, December 13, 2005.

REGIONAL COMMENTS ON DRAFT OIAI POLICY REVISIONS

DAVID COZZIE,
Group Leader, Minerals and Inorganic Chemicals Group, Office of Air Quality Planning and Standards.

Thank you for allowing the Regional Offices the opportunity to comment on the draft proposed changes to the General Provisions of 40 CFR Part 63, intended to replace EPA's Once-in-Always-In (OIAI) policy established in a May 16, 1995, memorandum entitled, ''Potential to Emit for MACT standards—Guidance on Timing Issues,'' from John S. Seitz to the Regional Air Directors. A draft copy of the proposed changes, dated November 16, 2005, was received by Region IX on November 30, 2005, and we shared this copy with the Regional Offices. As sub-lead Region for air toxics, we have summarized and consolidated the feedback received from the Regional Offices, and are forwarding these Regional comments and concerns through this memo. Eight Regions provided comments. For your convenience, the original comments from each Regional Office are included as attachments to this memo.

Over the years, many questions and implementation issues have arisen that have initiated the reconsideration of the OIAI policy. The new revisions being planned by OAQPS would essentially negate the original policy, and this change would be codified in the 40 CFR Part 63 General Provisions. This change in policy would have major implications for implementation and enforcement of the maximum achievable control technology (MACT) standards. The Regional Offices, therefore, appreciate the opportunity to review and comment on HQ drafts before the revisions are proposed in the FEDERAL REGISTER for public comment. However, we are disappointed that OAQPS formulated revisions to the OIAI policy without seeking Regional input and was reluctant to share the draft policy with the Regional Offices. This trend of excluding the Regional Offices from involvement in rule and policy development efforts is disturbing. We are requesting that OAQPS establish a means for Regional input during the development of future policies and rules.

With regard to the OIAI policy, all the Regional Offices that submitted comments acknowledged the need for a change from the 1995 guidance in limited circumstances. For example, if EPA finalizes the delisting of methyl ethyl ketone as a hazardous air pollutant (HAP), it would be logical for EPA to allow existing major sources of HAPs to reevaluate their PTE, excluding emissions of methyl ethyl ketone. Likewise, if a source eliminates, or significantly reduces their use of HAPs, then it would be reasonable for EPA to allow such a source to reevaluate MACT standard applicability. In addition, certain pollution prevention benefits may follow in circumstances where a source has an incentive to obtain actual reductions in emissions of HAPs equivalent to or greater than the level required by the MACT standard with less burden and cost. Overall, the Regions support the intent behind the draft proposed amendments to provide incentive to companies for engaging in emission-reducing activities. Several Regions also explicitly stated their support of revising the policy through a public rulemaking process and encouraging sources to explore different control technologies and pollution prevention

options to reduce emissions and potential to emit (PTE). One Region was supportive of the change in policy as drafted. However, all other Regional Offices expressed varying degrees of concern about allowing any source to take synthetic minor limits at any time, for any reason. The concerns are described below, followed by suggestions for addressing these concerns while still encouraging existing MACT sources to take actions towards pollution prevention. Our comments are organized as follows:

HEALTH AND EMISSIONS CONCERNS

1. Reversal of Position with Inadequate Justification

The May 16, 1995, Seitz memo regarding potential to emit for MACT standards states: EPA believes that this once in, always in policy follows most naturally from the language and structure of the statute. In many cases, application of MACT will reduce a major emitter's emissions to levels substantially below the major thresholds. Without a once in, always in policy, these facilities could ''backslide'' from MACT control levels by obtaining potential-to-emit limits, escaping applicability of the MACT standard, and increasing emissions to the major-source threshold (10/25 tons per year).

Thus, the maximum achievable emissions reductions that Congress mandated for major sources would not be achieved. A once in, always in policy ensures that MACT emissions reductions are permanent, and that the health and environmental protection provided by MACT standards is not undermined. (See page 9)

Elsewhere, the Seitz memo states: In the absence of a rulemaking record supporting a different result, EPA believes that once a source is required to install controls or take other measures to comply with a MACT standard, it should not be able to substitute different controls of measures that happen to bring the source below major source levels. (See page 5)

While it is true that policy is not set in stone, and that policy decisions may be reversed, the preamble, as currently drafted, does not set forth an adequate rulemaking record to justify this drastic change in interpretation. In 1995, EPA believed that the OIAI policy follows ''most naturally'' from the language and structure of the statute, and that allowing facilities to backslide would undermine the maximum achievable emissions reductions mandated by Congress. Now, in 2005, EPA is claiming that ''there is nothing in the statute which compels the conclusion that a source cannot attain area source status after the first compliance date of a MACT standard'' (see page 15 of the draft proposed changes). In order to provide an adequate rulemaking record, the preamble should more clearly articulate why EPA no longer believes that the OIAI policy flows naturally from the statute.

2. Increased HAP Emissions Resulting from Abandoning MACT Control Levels

The Clean Air Act requires the maximum degree of reduction in emissions of HAPs from sources subject to the MACT standards. The reductions anticipated through the MACT program will not be achieved through the strategy described in the draft rule proposal. A key concern is that the draft proposal allows facilities to obtain synthetic minor permits after the MACT standard compliance date by taking potentially less protective requirements than the MACT standard would otherwise require them to install. The proposal, as written, would be detrimental to the environment and undermine the intent of the MACT program.

Many MACT standards require affected facilities to reduce their HAP levels at a control efficiency of 95% and higher. In many instances, the MACT requirements could lead to greater reductions when compared to sources accepting synthetic minor limits of 24 tons per year (tpy) for a combination of HAPs and 9 tpy for a single HAP. Clearly, the intent in promulgating MACT standards was to reduce emissions to the extent feasible, not just to the minor source level. However, under the current draft proposal, the reductions that were intended to be achieved through the MACT standards would be offset by synthetic minor limits that allow sources to emit HAPs at levels higher than those allowed by the MACT standard. The cost of the increased HAP emissions would be borne by the communities surrounding the sources. On pages 15 and 16 of the draft preamble, EPA states:

''A concern has been raised that sources that are currently well below the major source threshold will increase emissions to a point just below the threshold. We believe these concerns are unfounded. While this may occur in some instances, it is more likely that sources will adopt PTE limitations at or near their current levels to avoid negative publicity and to maintain their appearance as responsible businesses.''

This statement is unfounded and overly optimistic. Regional experience indicates that sources requesting synthetic minor limits to avoid a MACT standard typicaI1y request, and are frequently given, limits of at least 24 tpy for a combination of HAPs and 9 tpy for a single HAP. The Regional Offices anticipate that many sources would take limits less stringent than MACT requirements, if allowed. Thus, the cumulative impact of many ''area'' sources whose status is derived after the MACT compliance date could be significant. This change in policy would offset the intended environmental benefits of the MACT standards. Although the draft changes could serve to alleviate some possible inequity under the current OIAI policy, or encourage some sources to further reduce emissions to achieve area source status, EPA should look closely at this issue to determine whether the likely benefits would be greater than the potential environmental costs. This analysis should occur before the proposal is put forth for public comment. One Region suggested that EPA should not enact a policy allowing facilities to qualify out of the MACT standards until a strong area source toxics program is in place, or until state, local and tribal air quality agencies have programs that can provide an equivalent level of protection.

A related concern with regard to the draft changes as written is that a facility, by changing from a major source to an area source, and back again, could virtually avoid regulation and greatly complicate any enforcement against them. Take, for example, a facility that is covered by a MACT standard, and has three years from the date that the rule is promulgated to come into compliance. Three years go by, and just before the end of that time period, the facility announces its area source status. If an area source regulation exists, there may also be some equivalent waiting period before the facility is required to comply with the area source requirements. If the facility later announces that it is, after all, a major source, then it may again enter a grace period, possibly up to another 3 years, before it is subject to the MACT standard requirements. Thus, by continually going back and forth between major and area source status, a facility could be a major source for most of its operating life and never have to comply with the MACT standard requirements. The 1995 OIAI policy recognizes this and states, ''The EPA believes the structure of section 112 strongly suggests certain outer limits for when a source may avoid a standard through a limit on its potential to emit.'' This type of problem must be addressed if the OIAI policy is changed.

MICHAEL S. BANDROWSKI,
Chief, Air Toxics, Radiation and Indoor Air Office, Region IX.

Mr. DICKS. Mr. Chairman, I rise in support of the gentlelady's amendment. EPA's proposed rule would weaken almost every air toxic rule issued since 1990 by allowing some air pollution sources to increase their emissions. EPA purports that the proposed changes would encourage more sources to strive for additional reductions of toxic air pollution. Yet the EPA cannot provide concrete data to support this assumption and has avoided quantifying the environmental impacts of this proposal.

In fact, when given the opportunity to comment on the proposal, EPA's own regional office expressed significant concerns about the increase in emissions that will likely occur from the revisions to the existing policy.

I congratulate the gentlelady on her amendment and urge that the committee accept it.

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

Mr. TIAHRT. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Kansas is recognized for 5 minutes.

Mr. TIAHRT. Mr. Chairman, I rise in opposition to the amendment. The administration proposed the rule, and the reason for it is simple, and it is to provide incentives and to encourage industry to lower emissions. It reminds me of the story when the Kansan went over across the river to visit Missouri.

The story goes that he took the ferry across, and he was picked up by a gentleman who had a cart with a mule in front of it. The gentleman was dangling a carrot in front of the mule. The mule would move forward, and that incentive got the mule to move.

So he went down to the courthouse in Saint Joseph, and he conducted his business. Then he went back out to get a ride back to the ferry, and there was another gentleman with a cart and a mule. So he hopped in the back of the cart and he said, I would like to go back to the ferry.

And the mule skinner said, ''Giddyap,'' and the mule did not move. So he got out of the car and he pulled out a 2 by 4, and he whacked the mule in the head. The guy from Kansas said, ''well, why'd you do that.'' He said, ''well, I had to get the mule's attention.'' He got back in the cart, and he said, ''Giddyap.''

The man from Kansas said, ''Wouldn't it have been better if you gave the mule an incentive, like a carrot,'' and he explained the whole story.

Well, Mr. Chairman, the companies have no incentives under the old Clinton policy to reduce pollution, because once designated as a major source, they are always designated as a major source. As a result, companies are stuck at certain levels of pollution and

not provided with any incentive, no carrot whatsoever to lower their emissions below that level.

Over the last decade, pollution prevention methods have changed, and many companies are now embracing the economics of environmental protection. EPA is currently reviewing the public comments on this proposed rule, and we should allow that process to move forward.

The bottom line is, if there is even a chance that this proposed rule would encourage more sources to strive for additional reductions of toxic air pollution with these new incentives, then we should encourage that action.

I therefore urge a ''no'' vote on this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

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

Mr. TIAHRT. 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 gentlewoman from Texas will be postponed.

AMENDMENT OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. 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. BISHOP of Utah:
At the end of the bill, add the following:
''SEC. ___. No funds made available by this Act may be made available through a grant to any Internal Revenue Code 501(c)(3) organization who is a party to a lawsuit against the dispensing agency.''

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

The Chair recognizes the gentleman from Utah.

Mr. BISHOP. Thank you.

Mr. DICKS. Mr. Chairman, I reserve a point of order on this amendment.

The Acting CHAIRMAN. The gentleman from Washington's reservation is not timely.

The gentleman from Utah is recognized.

Mr. BISHOP of Utah. Mr. Chairman, there is something that is happening in the Department of Interior that is disturbing. So-called nonprofits, many of them financed by wealthy individuals, are lining up with their hands extended, requesting and accepting government handouts in the form of grants.

Then what do these nonprofits do with the taxpayers' money? They come back and they sue the same agents that wrote them a check.

At the same time, these 501(c)(3)s complain that the agencies are then underfunded. Now it's difficult to see how land management agencies are ever going to have enough money to take care of their responsibilities and appease the nonprofits when a good chunk of their budget is siphoned off yearly by defending themselves against endless lawsuits.

501(c)(3)s have a great system. It's a very efficient business model for them. It does defy logic except in what we call the bureaucracy of the Federal Government. These nonprofits bite the hand that feeds them, and the hand simply can't stop itself from feeding them even more. After biting the hand, they then go out and find more money to continue the assault, line their pockets, all along touting their advocacies on behalf of the hand they had just bitten.

My amendment provides a potential remedy to this disturbing and increasing trend. It would prohibit funds in this bill from being dispersed to 501(c)(3)s that are party to litigation against the dispensing agency. In other words, if you are suing the Department of the Interior, you are not eligible to receive money from the Department of the Interior.

I believe, as everyone does, in the right to sue, but it defies logic that we would ask taxpayers to finance litigation against themselves. The taxpayer ends up paying twice, first in the form of the handouts to the nonprofit, and then when the government's attorney needs to be paid for defending it.

Keep in mind, this also diverts money from critical needs on our public land. The maintenance backlog on our lands is well documented, reaches into billions of dollars, and we can't even say the taxpayers are even hit a third time when they try to access these multiple-use public lands only to find out that the particular activity is currently off limits due to ongoing litigation brought on by so-called nonprofit advocacy groups generously financed by the taxpayers.

Now some may say that there are legitimate reasons to take the government to court. I would agree with that statement. But I would not agree that it's the government's responsibility to fund that complaint, especially the same government entity you are at the same time suing.

This amendment is very simple. If a nonprofit organization can afford to finance elaborate fundraising campaigns to enrich themselves, certainly they can afford to sue the government on their own dime. Don't let these organizations sell you underchronic underfunding of agency X, Y and Z when they, themselves, are draining that agency from resources by the millions. This two-faced scheme must be stopped. It's time for us to show the taxpayers some respect and stop playing this type of a game with their money.

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

Mr. DICKS. Mr. Chairman, I rise in opposition to the amendment and move to strike the requisite number of words.

The Acting CHAIRMAN. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, this amendment, while straightforward is not what it seems. While it seems logical that we should not issue grants to any group that is in litigation with the agency issuing the grant, that could result in far-reaching consequences. Even the gentleman, I don't think, could predict accurately all of the implications of this.

For instance, this amendment could very well impact programs in Indian country. Many tribes choose to create, through separate organizing documents, an entity separate from the tribe that does not have sovereign powers and is organized exclusively for purposes described under IRC section 501(c)(3).

□ 1815

Here are some examples of non-profit groups within Indian Country:

United Tribes Technical College, the Inter-tribal Bison Council, the Affiliated Tribes of the Northwest, the Native American Chamber of Commerce, the National Congress of American Indians.

If organizations such as these were involved in any litigation against the Department of the Interior, they would be ineligible to receive grants. Now, I remind the Chair that many tribal organizations across the Nation are in litigation with the Department of the Interior. Are we to deny the services these groups provide to Indian Country because they have longstanding legal disputes with the U.S. Government?

In addition to Indian Country, there are many wildlife conservation groups whose grassroots members provide thousands of hours of services to agencies in this bill. Groups that help the agencies with natural resource education, wildlife and habitat management, maintenance and upkeep of our national wildlife refuges and parks, and many other important efforts. These groups would be denied grants to provide those services because their parent organizations are involved in litigation regarding a legitimate difference in policy with the United States.

I think this is an ill-advised amendment, and I strongly urge a ''no'' vote on this amendment.

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

The amendment was rejected.

AMENDMENT NO. 20 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. 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. 20 offered by Ms. JACKSON-LEE of Texas:

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

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. ___. None of the funds made available in this Act may be used to eliminate or restrict programs that are for the reforestation of urban areas.

Mr. TIAHRT. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, my amendment is simple, and it sends a very important message to the United States Congress. As I do that, let me thank the chairman of the full committee and the chairman of the subcommittee and all of those who are prepared to work in a bipartisan manner. I can see that the tone has changed on this particular bill because this is an amendment that was accepted last year.

My amendment is simple, as I said. It emphasizes the importance of urban forests and preserves our ability to return urban areas to healthy and safe living environments for our children. An identical amendment was offered to last year's appropriations bill, H.R. 5386, and was adopted by voice vote.

This amendment emphasizes surveys that indicate that some urban forests are in serious danger. In the past 30 years alone, we have lost 30 percent of all our urban trees, a loss of over 600 million trees. Some of it has been lost to devastating natural disasters. For example, in my travels to New Orleans, as the aftermath of Hurricane Katrina, huge numbers of trees, maybe thousands, were seen either strewn around or laying upon piles of debris.

Eighty percent of the American population lives in dense quarters of a city. Reforestation programs return a tool of nature to a concrete area that can help remove air pollution, filter out chemicals and agricultural waste in water and save communities millions of dollars in storm water management costs. I have certainly seen neighborhoods in Houston benefit from urban reforestation, as it would across the Nation.

In addition, havens of green in the middle of a city can have a beneficial effect on a community's health, both physical and psychological, as well as increase property values of the surrounding real estate.

Reforestation of cities is an innovative way of combating urban sprawl and/or deterioration. In this age of climate change and global warming, a real commitment to enhancing our environment involves both the protection of existing natural resources and active support for restoration improvement projects.

In 1999, American Forests, a conservation group, estimated that the tree cover lost in the greater Washington metropolitan area from 1973 to 1997 resulted in additional 540 million cubic feet of storm water runoff annually, which would have taken more than $1 billion in storm water control facilities to manage.

For those of us who live in areas 50 feet below sea level, as I do, in the gulf region, we know how important it is for trees to be amongst us.

This amendment is very simple. It is an encouragement based upon existing legislation that indicates that trees are important to clean air, it is important to prevent extreme flooding, storm water runoff, and certainly, it is a cooling factor in these days when temperatures are rising enormously high.

I would hope my colleagues would be sensitive to the bipartisan commitment to reforestation and move this amendment forward so that we as a Nation can stand on the record for the greening of America, treeing of America, all over, no matter what region you're in.

Thank you for this opportunity to speak in support of my amendment to H.R. 2643, the Interior and Environment Appropriations Act of 2008, and to commend Chairman DICKS and Ranking Member TIAHRT for their leadership in shepherding this bill through the legislative process. Among other agencies, this legislation funds the U.S. Forest Service, the National Park System, and the Smithsonian Institution, which operates our national museums including the National Zoo.

Mr. Chairman, my amendment is simple but it sends a very important message from the Congress of the United States. My amendment emphasizes the importance of urban forests, and preserves our ability to return urban areas to healthy and safe living environments for our children. An identical amendment was offered to last year's appropriations bill, H.R. 5386, and was adopted by voice vote.

Mr. Chairman, surveys indicate that some urban forests are in serious danger. In the past 30 years alone, we have lost 30 percent of all our urban trees—a loss of over 600 million trees.

Eighty percent of the American population lives in the dense quarters of a city. Reforestation programs return a tool of nature to a concrete area that can help to remove air pollution, filter out chemicals and agricultural waste in water, and save communities millions of dollars in storm water management costs. I have certainly seen neighborhoods in Houston benefit from urban reforestation.

In addition, havens of green in the middle of a city can have beneficial effects on a community's health, both physical and psychological, as well as increase property value of surrounding real estate.

Reforestation of cities is an innovative way of combating urban sprawl and/or deterioration. In this age of climate change and global warming, a real commitment to enhancing our environment involves both the protection of existing natural resources and active support for restoration and improvement projects.

In 1999, American Forests, a conservation group, estimated that the tree cover lost in the greater Washington metropolitan area from 1973 to 1997 resulted in an additional 540 million cubic feet of storm water runoff annually, which would have taken more than $1 billion in storm water control facilities to manage.

Trees breathe in carbon dioxide, and produce oxygen. People breathe in oxygen and exhale carbon dioxide. A typical person consumes about 38 lbs of oxygen per year. A healthy tree, say a 32-ft tall ash tree, can produce about 260 lbs of oxygen annually—two trees supply the oxygen needs of a person for a year!

Trees help reduce pollution by capturing particulates like dust and pollen with their leaves. A mature tree absorbs from 120 to 240 lbs of the small particles and gases of air pollution. They help combat the effects of ''greenhouse'' gases, the increased carbon dioxide produced from burning fossil fuels that is causing our atmosphere to ''heat up.''

Trees help cool down the overall city environment by shading asphalt, concrete and metal surfaces. Buildings and paving in city centers create a heat-island effect. A mature tree canopy reduces air temperatures by about 5–10 degrees Fahrenheit. A 25-foot tree reduces annual heating and cooling costs of a typical residence by 8 to 12 percent, producing an average $10 savings per American household. Proper tree plantings around buildings can slow winter winds, and reduce annual energy use for home heating by 4–22 percent.

Mr. Chairman, trees play a vital role in making our cities more sustainable and more liveable. My amendment simply provides for continued support to programs that reforest our urban areas.

For all these reasons, Mr. Chairman, I urge adoption of my amendment and thank Chairman DICKS and Ranking Member TIAHRT for their courtesies, consideration, and very fine work in putting together this excellent legislation.

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

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. TIAHRT. I would like to ask the gentlewoman from Texas if this is the same language that she offered last year.

Ms. JACKSON-LEE of Texas. To the ranking member, yes. The amendment is the same language. It is a limitation, the same language that was offered last year.

Mr. TIAHRT. Mr. Chairman, I withdraw my point of order.

I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, we're prepared to accept the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. DENT

Mr. DENT. 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. 13 offered by Mr. DENT:

H.R. 2643

Page 111, after line 17, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be used to implement, administer, or enforce section 20(b)(1) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)).

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

Mr. DICKS. Mr. Chairman, I reserve a point of order on this amendment.

The Acting CHAIRMAN. The point of order is reserved.

The Chair recognizes the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, I want to make four points about this amendment that I'm offering here today. First, the expansion of Indian or tribal gambling, particularly off-reservation casino gambling, has gone far beyond what was intended by the Indian Gaming Regulatory Act of 1988.

Twenty years ago, there were no tribal casinos. Today, there are approximately 406 Indian casinos in 29 States.

Revenue from Indian gambling has gone from $0 to $19 billion in 20 years. These extraordinary profits have caused casino interests to form alliances with tribes in order to establish more profitable casinos in locations far removed from existing reservations.

The second point I want to make, and there are very specific examples of ''reservation shopping,'' as we like to refer to this. One, the St. Regis Bank of Mohawk Indians is trying to build a casino 350 miles from its reservation.

The Bad River Band of Lake Superior and St. Croix Chippewa Indians of Wisconsin are trying to build a casino in Michigan, over 300 miles from its existing reservation.

The Pueblo of Jemez of New Mexico are trying to build a casino in Anthony, New Mexico, over 290 miles from its reservation.

The Mohegan Tribe of Connecticut, along with the Menominee Tribe of Wisconsin, is trying to build the largest casino between New Jersey and Las Vegas in Kenosha, Wisconsin, over 1,000 miles from the Mohegan lands in Connecticut.

As of May 2006, there were some 40 applications to approve new casino operations pending at the Bureau of Indian Affairs, casinos that are, for the most part, destined for off-reservation sites.

The third point I want to make is that the expansion of tribal gambling has had a corrupting influence on the political system and has forced local municipalities and homeowners to go to court to essentially protect their properties from casino interests anxious to seize their lands.

Tribal casino profits are high, and regulation of tribal gaming profits is minimal. As a result, Jack Abramoff was able to take an estimated $85 million from the Mississippi Choctaw and other tribes. He was able to use some of this money to bribe entities within the political system, sometimes to further the interest of one client as against those of another.

Casino interests have also allied with local Indian tribes to sue municipalities and landowners. In the 15th District of Pennsylvania, which I represent, the Delaware Nation, which is actually based in Oklahoma, filed in Federal court to establish title to a 315-acre tract of land in Northampton County, Pennsylvania, near Easton, so that it could build a gambling facility. Its claim was based in part on a conveyance that ostensibly occurred in 1737, well before the establishment of our country.

More than 25 families live on this property, and it is also home of the Crayola Company, which makes the much beloved Crayola crayons that our children all enjoy.

Although the suit was ultimately resolved in favor of the homeowners and the plaintiffs lost in every courtroom, the deep-pocketed interests behind this lawsuit were able to fund this litigation all the way to the United States Supreme Court, causing no small amount of apprehension among the innocent home owners and business owners here.

Tribal organizations do recognize that there are problems with this expansion. Several support meaningful limitations on off-reservation tribal gambling.

And the fourth and final point that I would like to make about this amendment, Mr. Chairman, is that the time has come for Congress to step in. This amendment is the first step towards reforming a system that has simply spun out of control.

The Bureau of Indian Affairs published proposed regulations on October 5, 2006, but these regulations are weak and do not adopt meaningful criteria or standards.

The Congress must step in and reassert its regulatory authority over off-reservation gambling by enacting comprehensive reform of the Indian Gaming Regulatory Act of 1988. Until that's done, we need to have a moratorium on off-reservation gambling, which this amendment will, in effect, accomplish.

The amendment directs specifically that no funds shall be expended to process any applications for off-reservation casinos under section 20(b)(1) of IGRA of fiscal year 2008.

The amendment will have no impact, and let me repeat this: The amendment will have no impact on existing on-or off-reservation casino operations, as they have already gone through the BIA approval process. This will not impact any tribal casino that is currently operating on- or off-reservation.

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

Mr. DICKS. Mr. Chairman, I rise in opposition to this amendment and claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DICKS. I understand the gentleman's concern on this complex issue. And I also withdraw my point of order.

I understand the gentleman's concern on this complex issue, but the Bureau of Indian Affairs has a process for putting land into trust. We should not interfere with that process.

When an American tribe decides it wants to engage in gaming activities under the Indian Gaming Regulatory Act on a parcel of land that is not already into trust, it must go through an exhaustive application process that determines if a gaming establishment on newly acquired land will be in the best interest of the tribe and its members, and not detrimental to the surrounding community.

Additionally, the Department is currently drafting regulations that will implement section 20 of the Indian Gaming Regulatory Act by articulating standards that the Department will follow in interpreting the various exceptions to the gaming prohibition on after-acquired trust lands. We need to let that process go forward.

Even if the Department approves a tribe's request, the Governor of the State must also agree. To interfere with this process circumvents the Gaming Regulatory Act, interferes with an established process in the Bureau of Indian Affairs and should not be included in an appropriations bill.

And I want to say that again. This should be in an authorization bill. And if the gentleman is concerned, take it to the Natural Resources Committee or the committee of jurisdiction. That's where this should be worked out, not here on this appropriations bill.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word. I yield to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I just wanted to point out the fact that this problem has simply spun out of control in this country. Last session, we attempted to deal with this in a bill that would restrict off-site. Off-reservation tribal gambling was defeated. I think we need to try this again.

The regulations that were mentioned are simply weak and not meaningful enough, in my view, and I think we need the proposed regulations.

□ 1830

I would strongly urge that Congress reassert itself and take control over

this issue. I don't believe that the authors of the Indian Gaming Act of 1988 intended that we would have a situation in this country today where 29 States would now have casinos, 406 tribal casinos in 29 States. I don't think that was the intent. I haven't met anybody who voted for that law who thought that was what they were voting for at the time, but that is what we have now.

In my district, there has been great hardship. I mean, a 1737 land conveyance, a 1737 land conveyance, going back to William Penn and the Walking Purchase. That is what we are talking about here, taking land of homeowners, a crayon factory, a much beloved crayon factory, and I think it is time for us to act. It is time for this Congress to act. We have had a lot of time to deal with this issue. We have not done so.

And with that, again, I respectfully ask all my colleagues, and I understand the process that we are engaged in here, but we need this type of a moratorium. It is absolutely essential. I think it will send a message to the authorizing committees, to the Department of Interior that we are serious about this issue, that we have had enough. Enough is enough. Too many people are being displaced or potentially displaced, clouds over the properties to their titles, again, in my case, over a 1737 land conveyance. Again, these were big developers working in concert with the tribes and spending enormous amounts of money and people having to defend themselves. And it really has gotten to the point of being outrageous, and I think we need to act once again. And I respectfully ask for the support of everyone here.

I thank the gentleman for yielding.

Mr. RYAN of Wisconsin. Mr. Chairman, I rise to address the Dent amendment concerning off-reservation casino applications.

Two proposals are currently under consideration in southern Wisconsin on which I have taken a neutral position.

Voting in affirmative on this amendment would violate my position of neutrality. Therefore, I will vote no and remain neutral on these pending applications.

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

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

Mr. DENT. 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 Pennsylvania will be postponed.

AMENDMENT NO. 23 OFFERED BY MR. KINGSTON

Mr. KINGSTON. 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. 23 offered by Mr. KINGSTON:

H.R. 2643

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 enter into a contract with an entity that does not participate in the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

Mr. DICKS. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Georgia (Mr. KINGSTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, I thank the chairman of the committee and the ranking member for the opportunity to offer this for consideration. And I do realized that the chairman has reserved a point of order. I hope he doesn't insist upon it, but if he does, I certainly understand, as we share, I think, the same goal of cracking down on illegal aliens.

What this amendment does, Mr. Chairman, is say that if you sell or contract or do business with the Federal Government, then you need to be part of the Social Security verification project known as the Basic Pilot. And the Basic Pilot program is a tool for employers to verify the Social Security numbers of employees.

We all know that the Federal Government is one of the worst offenders of hiring contractors and subcontractors who in turn hire illegal aliens and do a lot of government work. We also know that since the inception of ICE, the Immigration and Customs Enforcement Agency, Julie Myers, the head of it, has stated that there have been hundreds and hundreds of arrests at military installations, power plants, chemical plants, sensitive facilities, and truly this would include a lot of the agencies and a lot of the contractors in work that is done in the Department of Interior for work on our national parks and other land areas.

There was one very high-profile case where a defense contractor had hired illegal aliens to work in a shipyard in Mississippi, another one at an Air Force base in North Carolina, and another one at a Marine base in Virginia. Those are more defense oriented, but this would certainly apply to all Federal agencies.

The success of this program, though, is that 92 percent of the prospective employees have their Social Security number verified within seconds of the work authorization. So this isn't requiring that employers have some cumbersome, unworkable paperwork requirement. In fact, 50 percent of the employers who use this program surveyed have said that it is an excellent, good, to very good program. And 98 percent say that they are likely to continue to use this program. It is a very good tool, I think to crack down on Social Security verification. And as we know, right now the U.S. Senate is debating an enormously unpopular bill which seeks comprehensive immigration reform.

This is a step. The American people have sent a clear signal that they want immigration reform but they would like it in the form of steps rather than comprehensive.

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

POINT OF ORDER

Mr. DICKS. Mr. Chairman, it is with a very heavy heart, but I must insist on my point of order.

I make 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 Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. KINGSTON. Mr. Chairman, I just want to say as a member of the Appropriations Committee now going on 14 years, I remember several years ago when Congressman David Skaggs of Boulder, Colorado, offered an amendment in the committee which reinstituted the War Powers Act, because at that time we were concerned that President Clinton was getting us involved in a war in Bosnia; so we put it on that bill. And I believe last session we put on the continuation of government on an appropriation bill, and I am a firm believer that we do routinely authorize on appropriation bills. We just need to agree with the authorization.

So I want to say to my friend I have seen things accepted and things rejected.

Mr. DICKS. Is this a discussion on the point of order, Mr. Chairman, or are we wandering around?

Mr. KINGSTON. This is a speech and it is a very good speech.

The Acting CHAIRMAN. Members will refrain from arguing beyond the point of order.

Mr. KINGSTON. In any case, Mr. Chairman, I understand where the distinguished chairman of this committee is coming from and we will continue to work with him, the Appropriations Committee, and all Members of Congress to try to get Social Security verification done by businesses that contract with the Federal Government.

The Acting CHAIRMAN. Does any other Member seek recognition on the point of order? If not, the Chair is prepared to rule.

The amendment would require a determination of whether an entity does or does not participate in a given pilot program under immigration law. This determination is not currently required of the relevant Federal contracting officials. As such, the amendment constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. JACKSON-LEE of Texas) having assumed the chair, Mr. BECERRA, 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. 2643) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2829, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2008

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 110–213) on the resolution (H. Res. 517) providing for consideration of the bill (H.R. 2829) making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 2669, COLLEGE COST REDUCTION ACT OF 2007

(Mr. CARDOZA asked and was given permission to address the House for 1 minute.)

Mr. CARDOZA. Madam Speaker, the Rules Committee is expected to meet the week of July 9 to grant a rule which may structure the amendment process for floor consideration of H.R. 2669, the College Cost Reduction Act of 2007.

Members who wish to offer an amendment to this bill should submit 30 copies of the amendment and a brief description of the amendment to the Rules Committee in H–312 in the Capitol no later than 11 a.m. on Tuesday, July 3. Members are strongly advised to adhere to the amendment deadline to ensure the amendments receive due consideration.

Amendments should be drafted to the bill as reported by the Committee on Education and Labor. A copy of that bill is posted on the Web site of the Rules Committee.

Amendments should be drafted by Legislative Counsel and should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the rules of the House. Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 514 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2643.

□ 1841

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2643) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. BECERRA (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 23 printed in the CONGRESSIONAL RECORD offered by the gentleman from Georgia (Mr. KINGSTON) had been disposed of.

AMENDMENT OFFERED BY MR. PEARCE

Mr. PEARCE. 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. PEARCE:

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

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. No funds made available in or through this Act may be used for the continued operation of the Mexican Wolf Recovery program.

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

The Acting CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of today, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, I rise today to offer an amendment to stop a program that has been a failure. Let the record be clear. After more than 10 years of failed attempts to reintroduce Mexican wolves, it is now time to call an end to this program.

I am speaking of the Mexican Wolf Recovery Program operated by the Fish and Wildlife Service in New Mexico and Arizona. Since the 1998 release of these captive bred wolves into the Blue Range Wolf Recovery area, this program has attempted to restore a population of wolves into the area, all while providing no compensation to ranchers for their livestock losses and all in the face of nearly unified local public opinion against the program.

Promises were made that the wolves would be restricted to the wilderness area of the Gila Mountains, but instead we have seen wolves as far away as Tularosa, New Mexico, almost 200 miles away.

To date this program has spent nearly $14 million and as of today has only 58 wolves in the wild; $14 million, 10 years, and 58 wolves in the wild.

□ 1845

Of these 58 wolves in the wild, we now are on a pace to remove 12 this year because they're problems.

Chart number 1 that I brought up today highlights the increasing rate of removal of the wolves from the wild because they're killing too much livestock and they're endangering people and pets in the district that I represent.

In 2005, the Service removed four problem wolves. In 2006, it removed eight. In 2007, we're on a pace to remove 12 wolves, 12 out of 58. If the Service has to remove 12 wolves this year, 20 percent of the wolves in the recovery area, how can anyone classify as a success a program where this many of the wolves are being a danger to ranchers and livestock?

I would add that the wolves that are released into New Mexico are the wolves that have killed too many animals over in Arizona. So New Mexico gets the benefit of having the most dangerous wolves released into the Second District.

Secondly, I would like to go to a chart that shows the horse, Six. In this shot, on the left side, Stacy Miller, 8 years old, is riding her horse, Six. This picture was taken 2 weeks before this picture. This picture on the right indicates her horse, Six, after the wolves finished with it. You see the ribs have been stripped completely clean. The hide is laying out here. That's 2 weeks after the picture was made. This is in the Second District of New Mexico.

And for those of you who want the feel-good feeling of releasing the wolves into the wild, let us release them into your daggone area instead of the area of southern New Mexico, where they represent a danger to the people of the Second District. If you aren't willing to take them into your district, then why are you going to spend money to put them in our district and endanger our people?

I would like to draw your attention to another tremendous concern, the Durango pack, particularly the female, AF924, which we speak about, is stalking the home of a young woman named Micha. Micha Miller, not the same, is pictured here. Micha Miller is about 100 yards from her front door pointing to a wolf print that is there in the dirt. What is startling about this picture is the gun which Micha is wearing while she goes about her chores. The Durango pack of wolves have been in and around Micha's house for so long that her parents insist that she carry this gun with her while she does her chores, works or plays in the yard.

I am submitting for the RECORD a letter from Micha asking Congress to end