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□ 2100

### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPRO- PRIATIONS ACT, 2004—Continued

Mr. INSLEE. In the second regulation, specifically roads built to maintain and restore characteristics of composition and structure such as to reduce the risk of end characteristic wildfire effects.

The truth is, the roadless area rule allows building roads to deal with threat of fire of too much brush.

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

Mr. INSLEE. I yield to the gentleman from Virginia.

Mr. GOODLATTE. The courts have already held that that language does not allow the intervention unless there is effectively a fire already taking place. If you want to actually prevent a fire from occurring, that language is not effective.

Mr. INSLEE. Mr. Chairman, the 9th Circuit Court of Appeals, the highest court in the land to have dealt with the roadless area rule, affirmed the roadless area rule. It is true that a lower court in Wyoming, a State perhaps not known for great environmental policy, ruled contrary. But the highest court in the land affirmed the roadless area rule. It is the law of the United States.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 seconds to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Because the gentleman referred to the 9th Circuit, it was overturned, because that is a bunch of liberal left-wingers anyway. It was overturned because they were wrong. Everybody knows that.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3½ minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I rise in strong opposition to this amendment.

To the gentleman from Florida, kindly let me just note that there are no commercial logging programs in our parks as you refer to them. We are talking about national forestland, Bureau of Land management land. And I will tell you 3 years ago President Clinton helicoptered to my district, got in a car, drove up a road into our national forests and at the top of Reddish Knob signed with one stroke of the pen a very irresponsible, environmentally irresponsible policy that wiped out billions of dollars and millions of hours of local input into the proper management of our forests lands. That is what this does.

Forests grow. Their character changes. There are places today that have roads that in the future may not need roads, but there are also places in the roadless areas that from time to time will need roads in order to prevent forest fires, to protect wildlife, to do all of the various things that are necessary. This one stroke of the pen is irresponsible public policy not only for the local communities that are devastated by it but also for the environmental soundness of our national forests because they change. The fuel density builds up, and you need to go in and thin out various parts of our forests.

Areas that are roadless now, many of them could stay roadless for a long time, but some are in need of having roads. There are places where there are roads where those roads will not be needed in the future. But to take with one stroke of the pen all of that local planning in all of our national forests and wipe it out makes no sense at all. It is shocking that anyone would consider consigning more than one-third of the national forest system to a passive, hope-for-the-best style of management only 1 year after one of the most devastating wildfire seasons of the last half century.

Two federal district courts have examined the roadless rule and found

that it was adopted in flagrant violation of basic environmental law, the laws of this country.

The gentleman from Washington (Mr. INSLEE) would like to have Congress intervene and force the administration to ignore these court findings. That will leave us with the old situation. Because this rule that President Clinton put forward is flawed, and the courts are going to find it so.

The Federal District Court in Idaho called the roadless rule an obvious violation of the National Environmental Policy Act.

The Federal District Court in Wyoming ruled just this work that the Forest Service's entire NEPA process was flawed and marred with arbitrary and capricious decisions and that the administrative record is replete with the Forest Service's own admission that its data was incomplete, outdated and simply inaccurate.

Even the Clinton administration admitted that the final roadless rule contained egregious errors. Over 3 million acres of roaded lands were counted as part of the roadless land base. Almost a third of the units of the National Forest System did not even bother mapping the non-Federal lands in their roadless areas.

Preventing the Forest Service from amending this rule is an attempt to circumvent the courts and freeze outdated policy in that is severely flawed in both conception and execution. I urge my colleagues to oppose strongly this amendment.

Mr. INSLEE. Mr. Chairman, how much time remains?

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman from Washington State (Mr. INSLEE) has 14¼ minutes remaining. The gentleman from North Carolina (Mr. TAYLOR) has 16½ minutes remaining.

Mr. INSLEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

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Mrs. LOWEY. Mr. Chairman, I rise in strong support of the amendment and the gentleman from Washington (Mr. INSLEE) for his leadership in safeguarding the Chugach and Tongass Forests.

I have visited the Tongass National Forest and was astounded at the magnificence of this virtually untouched part of the country. Human activity has not altered the face of this forest, which remains pristine wildness. Vast tracks of old-growth forest provide critical habitat for wolves, grizzly bears, wild salmon, and bald eagles.

The Chugach and Tongass comprise the largest intact temperate rainforest in the country. These two forests act as the literal lungs of the world, replenishing global oxygen stores and sequestering tons of carbon dioxide, which would otherwise contribute to global warming.

So I was really disturbed to learn of the administration's intention to roll back the roadless rule on 15 million acres of forest in the Tongass and Chugach. The proposal detailed in the Federal Register on July 15 would temporarily suspend the roadless rule in the Tongass National Forest. In anticipation of the passage of this rule, timber companies have already laid out 50 clear-cutting projects in roadless areas in the Tongass. They must not be permitted to proceed.

Mr. YOUNG of Alaska. Mr. Chairman, would the gentlewoman yield?

Mrs. LOWEY. My good friend from Alaska.

Mr. YOUNG of Alaska. The timber companies do not lay out plans. It is the Forest Service itself that lay out the plans.

And number two, there are no—

Mrs. LOWEY. Did I yield?

Mr. YOUNG of Alaska. I heard you.

The CHAIRMAN pro tempore. The gentleman will suspend.

The Chair will ask the gentlewoman from New York (Mrs. LOWEY) if she has yielded time to the gentleman from Alaska (Mr. YOUNG).

Mrs. LOWEY. I would prefer just finishing my time, and then I would be delighted to yield, if I have any time, to this distinguished chairman from whom I have learned a lot. But if I may complete the statement, and I thank the distinguished chairman.

The CHAIRMAN pro tempore. The gentlewoman will proceed.

Mrs. LOWEY. I co-sponsored the Inslee legislation to codify the roadless rule to provide permanent protection to the \$58.5 million acres of roadless area in our national forests system. The amendment today would shield the roadless rule from the dangerous changes now being proposed. It offers, in my judgment, a unique opportunity to protect the 300,000 acres of threatened old-growth habit.

Mr. Chairman, I guess I do not have any time to yield.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 10 seconds to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I would just like to remind the good lady there are no grizzly bears in southeast Alaska. There are brown bears but not grizzly bears. And we should know a little bit about that after we talked about baiting bears today. They are not grizzly bears. They are brown bears. That means that you do not know, frankly, what you are talking about.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Chairman, I have respect for the gentleman from Washington (Mr. INSLEE), particularly when it comes to the area of salmon fisheries. But I am also privileged to represent a district that is 58,000 square miles of rural Arizona that contains the largest ponderosa pine forest in America, one of the greatest creations in the world.

We have no timber industry, none. The only thing that thins any trees in Arizona is bark beetles. Millions of acres we are anticipating will be infested by bark beetles. The exception that has been carved out and shown to be today does not address the ability for us to go in and prevent bark beetle infestation. We have to wait for an emergency to incur. And yet bark beetle infestation does not qualify under your emergency.

No jobs. We do not want to clear-cut in the timber industry. We want a reasonable timber industry. Can you imagine having that great resource and not having a job left?

We have a football team in northern Arizona called the Lumberjacks. Under your proposal we might as well call ourselves the Bark Beetles. No ability to thin the forests, no ability to treat infestation.

Now, we hear the disparaging remarks about the Federal court in Wyoming, a court that has come out many times in favor of environmental rulings. Let me quote, "In promulgating the roadless rule, the Forest Service violated the National Environmental Policy Act and the Wilderness Act. Moreover, the roadless rule as now enacted creates 58.5 million of de facto wildness."

You talk about a public process, you talk about having time for everybody to engage in the wildness debate, and yet what this amendment really does is just establish 58.5 million acres of wildness area.

I disagree with the amendment. I ask for a reasonable timber industry that does not clear-cut but allows us to go in and thin the forests. Give us back our jobs, allow us to treat the infestation and allow us to help prevent forest fires before they happen.

Mr. INSLEE. Mr. Chairman, I yield 5 minutes to the gentleman New York (Mr. BOEHLERT), who shares the views of almost 2 million Americans who support the roadless rule.

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

Mr. BOEHLERT. Mr. Chairman, it is unfortunate that this amendment is necessary, but it is. The administration has announced its intention to propose a series of changes to the roadless rule that would significantly reduce its scope and weaken its effectiveness. And it is moving forward with these changes even though the Forests Roads Working Group, a group of sportsmen's groups, has recommended leaving the rule as it is for now.

So this amendment may be our last and only chance to save the roadless rule, one of the most significant land protections measures in recent decades. The roadless rule will protect watersheds, foster bio-diversity and enable future generations to appreciate untrammeled wildness.

Now that is not to say that there are not legitimate arguments against the roadless rule. Members may oppose the roadless rule because they believe these areas should be logged or because of economic concerns or because of a philosophical objection to any limitation on the use of our national forests. But we are not hearing those arguments because they are not very popular and they do not have much emotional appeal.

Instead, we are hearing arguments against the roadless rule that are, in a word, bogus. We are hearing arguments that run directly counter to the facts. We are hearing rhetoric that is literally incendiary, with pictures to match. We are hearing Members shout "fire" in a crowded legislative chamber.

This is a dangerous tact for the opponents of the Inslee amendment. It is dangerous not only because it is misleading, it is also dangerous because fire is a deadly, serious issue, and it should not be thrown around for political convenience. That will make it harder to take the real steps necessary to prevent wildfires, and those steps are already difficult enough.

What are the actual facts about fire and the roadless rule? Here is what the science tells us.

Wildfires are nearly twice as likely to occur in forests with roads than in roadless areas, regardless of the cause of fire. Reducing the number of roadless areas would increase the likelihood of wildfires.

Eighty-eight percent of forest fires are caused by people. Those fires are four times as likely to occur in a forest with roads, more evidence that reducing the number of roadless areas would increase the likelihood of wildfires.

Roadless areas generally have not been logged and, therefore, are less susceptible to catastrophic fire. The dense underbrush that promote fire is most prevalent in areas that have been logged. That is still more evidence.

When fires do occur in roadless areas, they are unlikely to endanger human life or property because roadless areas are remote. Reducing the number of roadless areas would increase the risk that fires would result in the loss of life and property.

The roadless rule allows activities to reduce the threat of fire in roadless areas such as clearing out smaller diameter or more fire-prone trees. That is called thinning. It is allowed.

□ 2115

It is allowed. The roadless rule provides an exemption allowing roads to be built in roadless areas to fight forest fires. These are the facts that ought to underline this debate. If my colleagues want road-building in the most remote and pristine areas and stretches of our national forests, then do not support the roadless rule, but do not claim the opposition to the rule out of concern for risk of fire or the environment. That just does not withstand scrutiny.

I urge my colleagues to support the Inslee amendment. It is sound policy, and it will not increase the risk of fire.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I have been waiting for this amendment to come up for 2 days now that we have been working on this bill.

We have talked a lot about environmental care, environmental laws, our joint desire to do what is right for our environment; but I think on this amendment my colleagues have the opportunity to see what one extreme example is of an effort to manage our public lands, and that extreme example is the philosophy or ideology that people should not be on our public lands. The way to solve that is to gradually begin to remove them, piece by piece, from our public lands.

What this amendment does is go back to a failed policy of the previous administration. A lot has been said about the judge's ruling. I would like to read one quote from the judge. In its rush to give President Clinton lasting notoriety in the annals of environmentalism, the Forest Service's shortcuts, and bypassing the procedural requirements of NEPA, has done lasting damage to the very laws designed to protect the environment. The Forest Service's entire NEPA process was flawed and marred with arbitrary and capricious decisions that resulted from its unreasonably self-imposed, unreasonably short deadline for implementing the roadless rule.

The facts are this country has nearly 750 million acres of Federal land. Almost half of that is currently under some kind of conservation status, national park, wilderness, wildlife refuges. It is protected forever for future generations. About half of it is for multiple use, and that is what they are going after here is whatever is left they want to take people out of it. They want to stop the ability for multiple use on those lands. They want to stop the ability of people to use them.

A compromise has been worked out over the years. What the current administration is trying to do is to go back and fix what one Federal judge has already said was a marred policy, a

severely flawed policy and trying to make it work in the roadless areas that we do still have.

I think it is important that my colleagues take the time to actually understand what this amendment is truly all about and why the administration has so strongly opposed it and why so many of my colleagues are so excited about this passing. This is not a West versus East amendment. This is something that we all need to pay attention to, because the impact that this has on our public lands is immense and has, quite frankly, already been thrown out by a Federal judge.

I urge my colleagues to vote "no" on the amendment.

Mr. INSLEE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio (Mrs. JONES), former judge, who will explain about the court of appeals upholding the roadless rule.

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentleman for yielding the time to me.

I think it should be clear so that people do not get confused that the rulings with regard to this particular legislation are rulings of lower courts, district courts in the Federal court. The highest court, which is the ninth circuit, is the court that has upheld the roadless rule, and so we need to pay attention to that in terms of discussing what courts have done.

The other thing, I find it interesting that my colleagues on the Republican side of the aisle want to point to judges when the judges' decisions are on their side, and then they want to beat up on judges when the judges' decisions are on the other side.

I have had the fortunate opportunity to visit the Tongass Forest. I have had the fortunate opportunity to discuss this issue with a number of people in the area. One of the things that we do not seem to want to talk about is the impact that clear-cutting has on the caves beneath these beautiful mountains out there and the impact that it has on the environment.

We are not talking about keeping people out of the forests. In fact, we want to allow people to be in the forests. The thing that we are, in fact, saying as we debate this issue this evening is that if we allowed them in the forest, what is the purpose and how can we best environmentally keep the forest sound.

I know there are a lot of other people who want to be heard.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding me the time.

When this debate started, I was disappointed. We saw a picture up here of a clear-cut, trying to inflame the American public. That clear-cut picture had no reason to be in a roadless debate, has nothing to do with it. It is another whole issue, but let us look at the Forest Service.

The Forest Service has approximately 175 million acres. Over 75 percent of it is never considered for forestry or able for forestry. That is 135 million acres. Of that that is practiced forestry, it is less than one-tenth of 1 percent of the Forest Service land. If we treated all the Forest Service land in that manner, it would take 1,000 years to treat the forests owned by the National Forest Service.

We used to cut 10 to 11 billion board feet of timber that is dying and going to waste today. We now cut less than 2 billion board feet on all the Forest Service land all over America, and I have one of those forests in my district. I know what they are about.

What is roadless about? Roadless is peopleless. How many of my colleagues have walked a mile from a road in a land they do not know? How many of my colleagues have walked 5 miles from a road? A few, not the majority of Americans.

I was up in an aircraft recently on the first day of buck season in Pennsylvania, one of the heaviest hunted States. We seldom saw one of those orange coats a mile from the road, and the aircraft pilot and I talked about people in the Allegheny National Forest. They cannot kill the deer because they cannot get the hunters back in those huge areas. Roadless is peopleless.

Who uses roadless areas? Very few Americans. A few young hikers will do it, routine. It is certainly no to seniors. It is no to most of the young youth of America to go back in very far. In a mountainous area like I live in, it is easy to get lost. Even hunters seldom go way back in.

Roadless is "no" to treating disease. Roadless makes it almost impossible to fight forest fires. It is "no" to the vast majority of Americans to utilize and appreciate.

A speaker a moment ago said about appreciating. How can we appreciate a 100,000-acre plot when there is no road in it? Think about it. A road is not some destructive process. The vast majority of our public land by this country, we own a third of the country, is not timbered. It is not used for forestry. It is roadless. It is wilderness, it is recreation, and a lot of it is just abandoned land because it is roadless and people cannot use it.

Mr. INSLEE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. HILL).

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

Mr. HILL. Mr. Chairman, I rise in support of this amendment to the interior appropriations bill.

Much of the Hoosier National Forest back in Indiana is in my congressional district. Many of my constituents enjoy hiking, horseback riding, and all the other pleasures and natural beauty of the Hoosier National Forest.

I have enjoyed the forest as well. I have visited there many times, most

recently just in May; and while there, I spoke to many of the rangers and forest employees tasked with protecting and overseeing the forest.

The rangers I spoke with indicated that opening roads could lead to increased environmental degradation, including forest fires. Why? Because of people. The employees at the forest were terribly concerned with the possibility of forest fires, as many of them volunteer to go out West to fight the country's largest forest fires.

By weakening the roadless rule, we will be increasing the likelihood of forest fires in our national forests. There is natural disagreement over the issue, and it will be undercutting forest protections thoughtfully established over many years.

I urge my colleagues to vote in favor of this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I appreciate the opportunity to speak here tonight. I feel a little bit, like in my previous profession, in the middle of a major conflict here.

I appreciate the intent of the gentleman on his amendment, and I also understand some of the legal arguments. I would like to just point out a couple of things here that have not been mentioned heretofore.

One is that there are over 400,000 acres of private lands that are currently blocked by the roadless rule. These are private landowners who have no access to their land. The reason is, what happened primarily was much of that forest that is affected by the roadless rule was not mapped. Nobody knew when they designated it that there were private lands in there. That is not right. That is a problem.

If my colleagues talk to the people who are in the field, the Forest Service field managers, they say the roadless rule affects their ability to maintain ecosystems, watersheds, protect species, and protect human lives and property.

There has been quite a bit mentioned tonight about the fact that there are fewer fires in roadless areas. Yet the largest fire in the history of Colorado was the Hayman fire. That burned primarily through roadless areas; and so when we do have a fire in a roadless area, there is very little that we can do to slow it down.

So I think it makes sense. It is only logical that if the Forest Service feels that they need more access and if firefighters say they need more access and if landowners say that they need more access, that we should listen to them. It is only logical, and so I certainly support defeat of the amendment.

Mr. INSLEE. Mr. Chairman, may I inquire of the remaining time.

The CHAIRMAN. Each side has 5½ minutes remaining.

Mr. INSLEE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me thank the gentleman for yielding me the time and also for his leadership and support in offering this amendment.

As an urban resident, let me just say that national forests are really national property and belong as much to my constituents and to me as to anyone else. The roadless rule was the most popular Federal rule in history. Wiping it out is just downright wrong. Once this wilderness is gone, we will never get it back.

Extending the roadless rule also means protecting clean drinking water, preserving habitat and safeguarding recreational opportunities. Preserving roadless areas also helps prevent incredibly damaging forest fires that we have witnessed in recent years in California and elsewhere in the West.

Forest studies show that fires are twice as likely to occur in areas with roads and areas that have been logged in these roadless areas, and under existing rules we can still practice fire management. That is exactly what we should be doing, practicing responsible fire management.

□ 2130

And, yes, most of us do live surrounded by concrete and asphalt. There have to be a few places left for our children and our grandchildren that are unpaved. And as I said earlier, national forests really are national property. We only have a handful of roadless areas left. Let us leave them for our kids, and let us leave them for their kids, our grandchildren. Our public lands really are under siege.

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

Mr. SIMPSON. Mr. Chairman, I thank the gentleman for yielding me this time. I urge my colleagues to oppose this roadless amendment because it is also a mindless amendment.

The gentleman from New York suggests roadless areas are only in remote areas. Let me show my colleagues. This is an inventoried roadless area in Idaho. Below the line these red dots are structures which will, if this catches on fire, burn, and we will spend millions and millions of dollars trying to save them. These are not simply remote areas.

Without this roadless rule, these communities in these areas are helpless to protect themselves. As a judge in Idaho said, "Such restrictions will prevent local officials from accessing the vital tools necessary to prevent the spread of disease, insect infestation, and catastrophic wildfires."

While the proponents of this amendment claim they care about species habitat, the reality is this will damage species habitat. I was at the Clear Creek fires in Idaho in the year 2000 that burned 1.8 million acres, and we destroyed more salmon habitat with that fire than all the logging in the history of this country.

Vote against this mindless amendment.

Mr. INSLEE. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

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

I had an opportunity most recently to join a couple of Members from New York and other places around the country to visit the Tongass National Forest. What a treasure that place is. I saw clear-cutting. I saw the damage that has already been done to this most pristine area of the world.

Can we not leave something to our children, our grandchildren, and their children that has not been touched or squandered? Can we not leave something to them that they can look back on and know that we looked out for their future? We have that opportunity. Let us not destroy our national forests.

I do have concerns about this, because we have a national forest in New York State. I do not want to start down a slippery slope and have this administration opening this up in New York as well. I have reasons. I am not from Alaska or the West, but I love this country. I love the West. And I have been to Alaska. And I thank God I had the opportunity to go and see what I believe is the most beautiful part of this great Earth we live on.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I come from the great Northwest, and I am proud of the forests we have. My wife and I love to go out and kayak on the lakes, and we love to hike in the woods. Generally, you have to drive to get there. And when you get there, you want green trees, not black trees.

Now, we are not a State that dumps our garbage or our sludge in the ocean. We are a State that is actually pretty proud about how we have managed and restored rivers that were polluted, how we have created greenways and such. I thought I heard the gentleman from Florida talk about how we have commercial logging in Federal parks. That is prohibited by law, and that is not even the subject of this debate.

I know a lot of people who think wilderness is the same thing as a park, is the same thing as a national forest. You cannot do anything in a wilderness area but hike in there and out. And in some you have to have a permit to do that.

My colleagues, this is not about commercial logging. It is not. Not at all. This is about how we manage the public's land. And, yes, you have every right to have a voice in this, as I do. I just wish you would come out and see what we live in; how these lands are managed.

Do my colleagues know that we had enormous fires in Oregon last year and this year; fires that burned so hot they create a tornado effect that does a blow-down of trees? The embers blow 2 to 3 miles in advance. Those embers do

not look down and say, "Oops, wilderness; oops, roadless; oh, private land."

We need balance here, and this is not it.

Mr. INSLEE. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY), a person who has been a great champion of this issue for many years.

Mr. HINCHEY. Mr. Chairman, the national forest system was created nearly a century ago by President Theodore Roosevelt. He said he was creating it for the greatest good, for the greatest number in the long run, and that is something we should not forget.

The roadless policy is necessary, unfortunately, because the Forest Service has failed to protect our forests in the public interest. Under their stewardship, 400,000 miles of logging roads have been built, while industrial activities have encroached on more than half of all the national forest lands.

If my colleagues want to know where the fires are, look for where the roads have been built. That is where to find the fires. Where the so-called thinning has occurred, that is where to find the fires. So this whole business about building roads in order to prevent fires is totally bogus.

Building new roads is a fiscal and environmental disaster. The Forest Service road construction and timber programs have been completely mismanaged. The Forest Service has an \$8.4 billion road maintenance backlog. It cannot take care of the roads it has now. National forests in 16 States have a road maintenance backlog of more than \$100 million in each and every one of those States. They cannot take care of the roads they have already built. Road building and commercial exploitation will leave behind impaired lands whose repair the taxpayers will have to finance.

Unroaded portions of our national forests are not only the most important habitats for fish and wildlife, but are critical sources for clean drinking water for more than 60 million Americans, and they are in my colleagues' districts. Our constituents are demanding that these areas be protected for themselves and for future generations.

The Clinton administration developed this policy. They did it in a very comprehensive and detailed way, and many of us here in this room took part in that process. The roadless policy was one of the most significant national forest conservation measures of the last 100 years and should have been preserved as an enduring legacy for true forest protection.

But unfortunately it has not, because of the way it has been mismanaged and because of the way it is threatened by the present administration. This amendment needs to be passed.

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

There is much misinformation on this subject. The gentlewoman earlier said that the forest belongs to the pub-

lic, and it does. It is the people's forest, no matter where they live; and that gives us a great responsibility because we cannot, through ignorance, destroy it. We want to save it because of the beauty it has, as well as the commercial value.

President Roosevelt created the Forest Service to be harvested as a source of fiber for the country in the best scientific way possible as an example to private landowners on how to manage in the future their forests. The Park Service was created to not be harvested. It is inside the Department of the Interior. The Forest Service is inside the agricultural department.

If someone going down the street has a heart attack, we do not want someone to come up off the pavement and say, well, I read a book about this, or I saw something on TV. I am ready to carve the fellow open and do something. We would want a professional to take care of the problem. We have our best schools of forestry at our universities. We have the best science at our experimental stations.

We have the responsibility to protect the forests and to use the best science possible. I would urge all of my colleagues go to the universities that have the best schools of forestry and talk about that, because they train people there in the area of silviculture with modern technology. We can do wonderful things with that, in assessing what we can do in the forest rather than read a pamphlet and say we should have no roads; we should have no harvest at all.

We must maintain the forests in a scientific manner. We have had environmental rules in the last 20 years that have probably destroyed 10 times more trees than have been harvested. The forests belongs to the people, but along with that is the responsibility to use the best educated people in our areas to maintain them. I urge a "no" vote on this amendment.

Mr. INSLEE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we are all here a very brief period of time, not just in Congress but on Earth; and I would posit to all of my colleagues that we have a better legacy than this in the most pristine national forest we have. But more importantly, that is the sentiment of over 2 million of our citizens who turned out at over 600 meetings to urge the Federal Government to listen to their sentiments.

It is the decision of the Taxpayers for Common Sense, because this rule is fiscally flexible. It is a decision of Trout Unlimited, because it protects water. It is the decision of the League of Conservation Voters. These groups agree with the 2 million people who know that this is a flexible rule, that, yes, allows us to deal with insect infestation. There is an exception in the rule, allows us to deal with fire. There is an exception in the rule, allows us to deal with access to leases. There is an exception in the rule, allows us to get ac-

cess to our homes for private inholdings. There is an exception in the rule.

This rule was very carefully calibrated and developed. Let us have a legacy for our grandchildren we can be proud of. Pass this amendment.

Mr. McINNIS. Mr. Chairman, I rise in opposition to the Inslee amendment and commend to my colleagues the following letter and dear colleague.

U.S. DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, DC, July 17, 2003.

Hon. RICHARD W. POMBO,  
Chairman, Committee on Resources, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Your letter dated July 11, 2003, jointly signed by Representative Robert Goodlatte, requested the Department of Agriculture's views of the effects of a proposed legislative rider to the Interior and Related Agencies Appropriations bill that would prohibit the Forest Service from expending funds to either: (1) modify the Roadless Area Conservation Rule (Roadless Rule); and/or (2) undertake certain management activities within lands affected by the Roadless Rule.

Either approach could have serious, unintended adverse effects. The Department strongly opposes the proposed riders. If they were included within the Interior and Related Agencies Appropriations bill, I would recommend that the President exercise his veto authority for the following reasons.

On Monday, July 14, a Federal District Court in Wyoming issued an order setting aside the Roadless Rule for the entire country. Under this decision, no Roadless Rule will be in effect unless and until the Department lawfully promulgates a new Roadless Rule—but that is exactly what the proposed rider forbids. As a result, the rider would have the perverse effect of preventing the Department from protecting roadless areas. Indeed, the Chief of the Forest Service could not even issue interim direction to the field governing the protection of roadless values, as he did the last time the Roadless Rule was enjoined by a court.

In the event the nationwide injunction were overturned at some point in the future, the proposed rider would still impede the Department's ability to protect roadless areas in other respects. For example, USDA recently reached an agreement with the State of Alaska in a lawsuit challenging the Roadless Rule on special grounds applicable only to Alaska. In order to settle the suit, the U.S. agreed to propose a rule that would prohibit timber harvest on 95% of the roadless acres in the Tongass and Chugach National Forests while making a small portion of roadless areas in these forests (less than 3%) available for management. If the proposed rider were to be enacted, the State of Alaska would certainly re-file its lawsuit against USDA, threatening to remove protection for all Alaska roadless areas.

Additionally, the proposed rider would not allow the flexibility to address unforeseen circumstances in the future to respond to threats to the environment and adjacent private property. It would not even allow the flexibility to take pre-emptive action to treat known problems and potentially dangerous situations to prevent threats to public health and safety such as reducing wild-fire risks to communities in the wildland-urban interface when communities abut roadless areas.

While a rider preventing modifications to the current Roadless Rule would harm roadless values in these ways, a rider prohibiting funding for management activities

within inventoried roadless areas could have even more significant negative effects. Such legislation would negate the existing exceptions contained in the original rule allowing some on-the-ground management flexibility.

These original exceptions, while overly narrow and difficult and costly to implement, nevertheless, allow a limited amount of active management to: (1) improve roadless characteristics; (2) improve threatened, endangered, proposed, or sensitive species habitat; (3) maintain or restore the characteristics of ecosystem composition and structure; and (4) protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property. Prohibiting management activities in inventoried roadless areas would be even more prohibitive than provisions allowing some level of management in areas designated by Congress as wilderness.

More importantly, such a rider would severely compromise and most certainly delay implementation of the National Fire Plan and the Ten-Year Comprehensive Strategy Implementation Plan developed in cooperation with the Western Governors Association. Such delays could result in an increased risk of catastrophic wildfire, with an increased risk of environmental destruction and loss of human life and property.

Finally, such a rider would substantially modify many of the goals and objectives in existing land and resource management plans, overturning over 25 years of public involvement in the forest planning process. It could, moreover, prevent management activities that could actually maintain or improve roadless characteristics.

The proposal announced by the Department last month would, by contrast, retain the existing Roadless Rule, while providing limited additional flexibility to modify the rule in exceptional circumstances at the request of the Governor of an affected state to address forest health and other issues. This could, for example, allow for activities that reduce wildfire risks to communities or otherwise protect human health and safety. This approach is consistent with the land and resource management planning process, and invites the state to participate as partners in federal resource management. I urge the House to at least review the Department's upcoming proposal before precluding it.

Thank you for the opportunity to address your concerns about the potential riders. I am sending an identical letter to Representative Goodlatte.

Sincerely,

ANN M. VENEMAN.

JULY 14, 2003.

DEAR COLLEAGUE: The untold story of the last fire season, and the so many like it before, is the catastrophic impact of unnatural wildfire on the nation's wildlife. Wildfire is a wildlife killer!

Unfortunately, some Members of Congress are expected to push a rider that would make it virtually impossible to manage nearly 60 million acres of our national forests. The rider would implement the so-called Roadless Rule, a policy that one federal judge said violated the National Environmental Policy Act. In the name of saving our forests, the rider would actually place our forests, wildlife and water squarely in the cross-hairs of catastrophic wildfire. Professional land managers skilled in the science of forest management would be effectively handcuffed—even when these areas are adjacent to homes, even when these areas are adjacent to sources of clean drinking water, even when these areas provide habitat to endangered species.

Here's how the Forest Service described a similar rider last year. "Forest Service experts estimate that such a policy could expose more than 57 million acres of unroaded and roaded areas to the effects of severe wildfire, including degradation of municipal watersheds, loss of critical habitat, and loss of income derived from those lands by outfitters, guides, hiking, and camping. In addition, adjacent public and private lands would be placed in indefensible positions from the advance of an uncontrolled wildfire burning off federal lands. . . The public and firefighters would be placed at great risk to injury and loss of life if the ability to fight fire and manage fuels at the scientifically correct place were lost."

The Roadless rider is bad for our forests, our wildlife and our communities.

Sincerely,

RICHARD POMBO,  
Chairman, Committee  
on Resources.

SCOTT MCINNIS,  
Chairman, Sub-  
committee on Forests  
and Forest Health,  
Committee on Re-  
sources.

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

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

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

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

The point of no quorum is considered withdrawn.

AMENDMENT NO. 12 OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer amendment No. 12.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. BEREUTER:

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

SEC. 3. None of the funds made available by this Act may be used for the implementation of a competitive sourcing study at the Midwest Archaeological Center in Lincoln, Nebraska, or the Southeast Archaeological Center in Florida.

The CHAIRMAN. Points of order are reserved.

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

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I ask unanimous consent that 5 minutes of my time be yielded to the gentleman from Florida (Mr. BOYD) and that he may be allowed to manage that 5 minutes.

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

There was no objection.

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

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

Mr. BEREUTER. Mr. Chairman, I have in my hands an article from The Washington Post of July 15 that says, "Archeologists on the Block? Park Service May Ax Its Experts on 'OutSourcing' Initiative." And that is what this is all about.

I have no complaints with the committee. I have come with this amendment as a last resort in stopping something that is mindless and not well considered. I am going to speak about two centers, one located in Tallahassee, Florida, in the district of the gentleman from Florida (Mr. BOYD), and one in my district, the Midwest Archeological Center.

This center in the Nebraska location is a center which has been in existence for 60-plus years. I have had intimate knowledge of it for more than 30 years. It has 12 FTE, but it has 30 temporary positions, undergraduates and graduate students from universities in five States.

The center has developed an excellent reputation of providing professional and technical archeological services for the management of cultural heritage sites in the 13-State NPS Midwest region and to other Federal agencies. I am rather certain that the persons in OMB and the Department of the Interior that determined the process with this out-sourcing activity were not fully aware of the center's mission and history.

Mr. Chairman, if you read a study from the National Park Service, it clearly shows that no feasibility study or mission of the center was considered in the decisions made by the Department of the Interior. Secondly, it states that in 2003, the National Park Service group had hoped OMB would consider excluding what are called "curatorial series" as "inherently governmental." That would have meant that they would have been exempt from A-76. But OMB did not agree.

Now, I do not resist A-76. I have consented and gone along with A-76 for other Federal employment in my district. But this process is flawed from the beginning.

□ 2145

Mr. Chairman, the consultants hired by the National Park Service, and thus far they have spent \$412,766, they are about to spend another \$872,000 to examine these two centers, nearly \$1.3 million. They had no latitude to suggest that the activities should not be considered for outsourcing. In fact, I have been told by my staff that the consultants have been instructed not to answer any questions that might be asked by congressional staff. These instructions came following the consultants' statements that the centers should not have been chosen for outsourcing study.

I ask Members, would it be appropriate to ask whether the whistleblowers protection afforded government employees should also be afforded to these Federal government contractors? Accordingly, I have good reason to assume the consultants operated under an imperative to find a rationale for outsourcing the activities of these centers.

The Park Service was given a quota by the Department of Interior. They looked at the seven regions and the three centers, looked at another center in Washington, and said you have to find so many jobs for outsourcing study. They said, "we do not want to take them all out of blue collar workers; we also have to take some jobs for outsourcing study out of the upper end," and so that is what they did. They chose the curatorial category—archaeological person—to study, and they chose them despite the fact that they should have been exempt as "inherently governmental. I will have more to say on this issue in a few minutes.

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

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

Mr. Chairman, I think the gentleman from Nebraska (Mr. BEREUTER) has done an excellent job of outlining the process by which the administration has arrived at this proposal to outsource these archaeologists. I would like to remind Members that there are fewer than 100 archaeologists between Nebraska and Tallahassee that would be affected by this outsourcing. These archaeologists work with the help of volunteers, cooperative agreements, with universities and their own outsourcing to care for some 122 National Parks and 780 national landmarks in 22 States, Puerto Rico and the U.S. Virgin Islands.

This amendment would prohibit any funds in the Interior bill from being used for a competitive sourcing study in the Midwest Archaeological Center in Nebraska or the Southeast Archaeological Center in Tallahassee.

I think it is important to understand what the work of these centers are, and I will speak to the Tallahassee Center, since I know it best. This center is currently excavating an Indian burial mound at Shiloh National Military Park in Tennessee while working around the graves of Civil War soldiers who were killed on the mound during the Battle of Shiloh in 1862 and buried on that spot.

The Southeast Center has also conducted archaeological excavations at the site of the Confederate Prison in Andersonville, Georgia, where they found new information on the architectural details and conditions at the prison.

This center has well over 30 years of archaeological experience and has been based on the campus of Florida State University since 1972. It shares a unique partnership with the Depart-

ment of Anthropology at Florida State University where they share space, personnel, expertise and equipment. The center employs 26 permanent full-time personnel and a large host of part-time student appointments and other volunteers that boast some 300 years of combined archaeological experience. The center has completed over 200 projects since 1990, and the National Park Service recognizes these projects as cost-effective, timely, and of the highest quality.

Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. DICKS), the ranking member of the Subcommittee on the Interior and Related Agencies.

Mr. DICKS. Mr. Chairman, I rise in sympathy with this amendment. I know the chairman may want to comment on this as well.

I saw the article in the paper which affects the Nebraska and Tallahassee sites. We tried to deal with 2004 and new starts, as I understand it. A lot of money has been spent without getting proper congressional approval. I am very troubled by these incidents.

I appreciate the gentleman raising this issue on the floor, and I look forward to hearing from the chairman.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from North Carolina (Mr. TAYLOR) is recognized for 10 minutes.

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

Mr. Chairman, I have to reluctantly oppose the gentleman's amendment. I do not believe we should prejudge on an individual basis the outcome of these competitive sourcing studies.

As the gentleman knows, I have included language in this bill which directs the agencies to complete all ongoing studies and report to the committee before taking any specific actions. We did this for several reasons. We are concerned that 50 percent of the National Park Service jobs are rated commercial in nature. We are also concerned that the agencies have been spending money without reprogramming to the committee for approval.

While the Department of Interior seems to be doing a good job, we must insist that they follow the congressional rules because we are not a potted plant. We are here to maintain the Department and do our duty.

I would ask the gentleman, however, to consider withdrawing his amendment and assure him that we will try to work with him on this, if possible.

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

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

Mr. BEREUTER. Mr. Chairman, I thank the chairman for his generous offer, but this is so important that I cannot withdraw this amendment. This

is my last resort. The gentleman's amendment handles those studies that are underway. Unfortunately, we are told that this study has moved too far along for it to be stopped by the gentleman's more general language in the bill. So our only hope is to resist it at this point.

I am not able to withdraw this amendment. I need to push this to a vote, and I need to win this vote. This is an important issue. I have never used this word on the floor before in 25 years, but this process has been not only flawed, but it has been stupidly proceeded with.

Mr. TAYLOR of North Carolina. I would assure the gentleman that nothing has gone too far that could not be corrected. I ask again if the gentleman would withdraw his amendment. Otherwise, I will have to reluctantly oppose it.

Mr. BEREUTER. Mr. Chairman, if the gentleman will continue to yield, I am reluctant to oppose the gentleman, but I am counseled that I must take this course, and I cannot withdraw the amendment.

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

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

Mr. Chairman, I would conclude by saying that both of these centers are nonprofit-oriented, and they seek to do what is in the best interest of the public, not what is asked of them by some outside interest. These centers are understaffed and underfunded, but they make up for that through cooperative agreements with the universities that they are positioned at and also with a tremendous amount of volunteer work.

Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Nebraska (Mr. BEREUTER) and that he may control that time.

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

There was no objection.

Mr. BEREUTER. Mr. Chairman, I yield 1 minute to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding me this time.

I have the greatest respect for the chairman, and I had hopes that the gentleman from Nebraska (Mr. BEREUTER) would accept the suggestion of the chairman. I will say this respectfully, that sometimes in this game Members learn when to hold them and fold them.

But I also would support the gentleman's amendment. This business of archaeology is crucial. It has been proven that these two centers, one in the district of the gentleman from Florida (Mr. BOYD) and one in the district of the gentleman from Nebraska (Mr. BEREUTER), are doing jobs beyond what is required by the Park Service. This is driven by OMB; I do not believe it is driven by the committee.



I hope Members understand it is important that we have this service available to us as professionals. These two agencies, these two centers, have done an outstanding job not only for the Park Service but for the military branches, for other branches within the government, and they are called upon because of their expertise.

This is a small amount of money. Like I said, the committee has done their job, and I understand the restrictions which they are under. I urge the committee to consider what the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Florida (Mr. BOYD) have suggested. This is important enough to ensure that these monies are funded for and not cut back. I believe in a lot of privatization, but archaeology is a system that has to be addressed by professionals, and these people are truly professionals.

Mr. BEREUTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I appreciate the gentleman's advice. I have great respect for the chairman. In this instance, I have fought this process for over a year. The first letters I received from the Department of Interior were, shall I say, nonresponsive and also condescending.

There are only three such centers in the United States. We are dealing with two of them here, the majority of the archaeological capability. It is mentioned that they frequently do things for other parts of the Federal Government. They have been involved in looking for the remains of the POWs and MIAs in Vietnam. They were involved in examining the sites of the war crimes in the Balkans. This is a particular expertise that will never, ever, be put back in place again if it is destroyed.

These employees and centers should never have been categorized this way. It is a mistake. They do not want to admit it. Their consultants say it was a mistake, and they have been hushed up as a result with pressure from the National Park Service, pressure which ultimately does come, as the distinguished gentleman from Alaska suggested, from OMB. It is a bean-counter that is doing something that is senseless.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. BEREUTER).

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 1 OFFERED BY MR. UDALL OF COLORADO

Mr. UDALL of Colorado. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. UDALL of Colorado:

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

SEC. 3. \_\_\_\_\_. None of the funds made available by this Act may be used to implement amendments to Bureau of Land Management regulations on Recordable Disclaimers of Interest in Land (subpart 1864 of part 1860 of title 43, Code of Federal Regulations) as adopted on January 6, 2003.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Colorado (Mr. UDALL) will be recognized for 10 minutes, the gentleman from North Carolina (Mr. TAYLOR) will be recognized for 15 minutes, and the gentleman from Washington (Mr. DICKS) will be recognized for 5 minutes.

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

Mr. UDALL of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of this amendment is to protect not just Federal lands but private property in the public interest. It would do that by preventing the Department of Interior from going ahead with secret negotiations leading to back-room land deals.

Under those deals, the Department of Interior would issue disclaimers of interest. A disclaimer of interest is like a deed. It gives away the government's claim to an interest in land. For decades, the Department of Interior issued them to people who were on record as owning the lands involved. It was a legal technicality, important for the people involved, but not a tool for changing the management of sensitive Federal lands or creating problems for private landowners.

But a few months ago that changed when the Department of Interior changed its regulations. The new rules give the Department of Interior broad authority to issue disclaimers to parties that would not have been eligible under the old rules, and the Department of Interior has announced it is ready to give those disclaimers to parties seeking them in order to clear the way for building roads.

Congress needs to stop that. We need to rein in the Department of Interior, and we need to do it now. Members can get an idea why by looking at this map here. It shows some of the potential RS-2477 claims just in a part of the California desert that is San Bernardino County. We can see how these claims could slice through national park system lands, wilderness areas, and even Federal lands used for military bases.

Private property is also at risk. This problem is not new, but it is serious. It

needs to be resolved, but not the way the Department of Interior wants to resolve it.

□ 2200

When the Interior Department wants to negotiate in secret and then issue the disclaimers I described, it is not taking us down the right path. Instead of making deals, the Bush administration needs to come to Congress for new legislation. That is what this Congress told the Clinton administration when Secretary Bruce Babbitt moved to change the Interior Department's RS 2477 regulations. To make sure that Secretary Babbitt got the message, Congress passed a law that says any new RS 2477 rules must be authorized by Congress. That law is still on the books, and repeating that message is the purpose of my amendment. The best way to resolve this is by enacting new legislation after public hearings and open debate. That is why I have introduced a bill, H.R. 1639, to do just that. My bill would set a deadline, 4 more years, for filing RS 2477 claims. It would establish a fair, open administrative process for handling these claims. And it would set another deadline for any lawsuit challenging the result of that administrative process.

Mr. Chairman, I hoped my amendment would not be necessary tonight. That is why I sent, along with 80 Members, the Secretary a letter on this subject. In our letter we urged Secretary Norton not to try to use the new disclaimer regulations to deal with RS 2477 claims. In short, we warned the Interior Department that it was asking for trouble if it went ahead with its plans. Unfortunately, Mr. Chairman, our warning has not been heeded. The Interior Department evidently intends to go full steam ahead. So to protect the public, we need to call a halt by adopting my amendment. Then this issue can be resolved by new legislation. Instead of trying to sidestep the Congress, the administration should work with us. I am certainly ready to work with them; and I believe Chairman POMBO, Ranking Member RAHALL, and other members of the Committee on Resources on both sides of the aisle would be willing to do the work that is necessary. But before that can happen, the administration has to change course. That is why we need to adopt this amendment.

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

AMENDMENT OFFERED BY MR. TAYLOR OF NORTH CAROLINA TO AMENDMENT NO. 1 OFFERED BY MR. UDALL OF COLORADO

Mr. TAYLOR of North Carolina. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Amendment offered by Mr. TAYLOR of North Carolina to amendment No. 1 offered by Mr. UDALL of Colorado:



Before the final period, insert the following: “, with regard to any lands within a designated National Monument, Wilderness Study Area, National Park System unit, National Wildlife Refuge System unit, or lands within the National Wilderness Preservation System”.

The CHAIRMAN. Points of order are reserved.

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

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

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

My amendment prohibits the use of funds by the Bureau of Land Management to use the recordable disclaimer regulations with regard to any lands within a designated national monument, wilderness study area, National Park Service unit, National Wildlife Refuge System unit, or lands within the national wilderness preservation system. This should resolve once and for all the concerns of the environmental community.

In developing these regulations, the Bureau of Land Management considered over 17,000 public comments before finalizing the rule. This rule is very important because it allows landowners to petition the BLM to issue a determination that the Federal Government does not have any property interest in privately owned land where ownership is not clear.

The disclaimer process is welcomed by most western States as a means of bringing certainty to the ownership of real property and allowing economic development to take place without having to resort to litigation.

I also want to make it absolutely clear that the Department of the Interior's new recordable disclaimers of interest in land regulations were never put in place to build roads in national parks, wildlife refuges, national monuments, wilderness areas, or wilderness study areas.

I urge my colleagues to support this perfecting amendment.

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

Mr. UDALL of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment may be described as perfecting my amendment, but it really does not do that. My amendment would block the Interior Department from making backroom deals to give away public lands and threaten private landowners. This amendment would say that backroom deals are okay as long as the Interior Department minds its manners while it is making them. The amendment says that there should not be any deals involving the national parks and some other parts of the Federal lands; but it does nothing to protect the national forests, the national trails system, the wild and scenic rivers system or any of

the national conservation areas managed by the Bureau of Land Management. Worse, it does nothing at all to protect millions of acres of public lands that deserve protection as wilderness. That includes lands in Colorado, Utah, and other States that would be designated as wilderness under bills that are pending in Congress right now.

Worst of all, the amendment does nothing to protect private lands or the lands owned by States and local governments. RS 2477 is not just about Federal lands. It involves lands that were owned by the Federal Government at one time or another between 1866 and 1976. That is more than 100 years, and it is most of the West. It includes the millions of acres that were homesteaded, given to the States, granted to railroad companies, or claimed under mining laws. My amendment protects those lands from backroom deals. The Taylor amendment does nothing to protect them.

In short, Mr. Chairman, I must oppose this amendment because it does not do what we should do. We need to rein in the Interior Department, not just tell them to play nicely. We need to tell the administration to come to Congress for legislation to resolve the RS 2477 issue. This amendment, although I know it is well-intended, would not do that. It does not cover all of these lands. The amendment is mostly cosmetic, and it falls short of what is needed.

Mr. Chairman, for those reasons, I would urge rejection of the amendment.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, the gentleman from Colorado has insisted that this is a back-door deal. I think that it is important to understand that this is not a back-door deal; it is a deal that was done at the suggestion of the National Association of Counties under their direction and under their purview as a memorandum of understanding that could be used in other States and as a model for solving these problems. This is about solving problems.

In addition, the gentleman continues to suggest that there are areas that are worthy of wilderness designation when, in fact, wilderness is not a protection of land. A wilderness designation is a recreational protection. It is a place where people can go and be away from modernity, and that is a worthy value; but it does not go to the legal right that States and counties have to their roads, the roads that they have had for 100 or 150 years. That is the issue that we need to deal with today.

Mr. UDALL of Colorado. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, I thank the gentleman from Colorado for yielding me this time. I rise in opposition to the Taylor amendment and in

strong support of the Udall amendment. Interior Secretary Gale Norton has resurrected an arcane and archaic rule that defies common sense and threatens beautiful and remote areas across the West. Surely there was a time when we needed laws like RS 2477 to settle the land and win the West, but the West is won; and now we face a new battle, a battle for the splendor of the few remaining wild places. And it is not going to be an easy battle with an administration that consistently comes up with increasingly creative ways to remove public land protections and shut the public out of the process.

But if this administration hoped to bamboozle Westerners with their stealth attempts to undermine existing protections, they have got another think coming. I have heard from hundreds of constituents back home who understand that these disclaimer decisions have momentous scope. They have not been blinded by the arcane and arbitrary nature of these decisions. That is why Congress should not be, either.

I will state it baldly: build a road across an area, and it is forever eliminated from wilderness consideration. Behind all the trickery, backroom deals and sleight of hand, that is what is happening here. With these decisions, bureaucratic agencies have limited Congress' opportunity to exercise its exclusive authority to designate qualifying lands as wilderness as well as taking away an important management tool of the BLM.

Over the last decade, citizens from my home State and Mr. UDALL's home State of Colorado took to the trails to develop the Citizens' Wilderness Proposal that is the basis of the act I have sponsored called the Colorado Wilderness Act. These are the voices that will be silenced by the backroom wheeling and dealing of the Department of the Interior.

I believe that truly wild places define who we are as citizens of this country. As such, they deserve protection. But even those who disagree that we should have more wilderness and fall squarely in the private property camp should be leery of opening up RS 2477 claims. My staff met with a property owner from Boulder County. She and her husband purchased her then vacant lot in 1993 and built a home. This parcel had an existing driveway for access. But since the neighbors had gotten used to using that driveway, even though it is a private drive, they cannot use adverse possession, the neighbors, so now they are resorting to RS 2477 claims. No matter that the maps do not show this claim, no matter that the aerial photos confirm that the road did not exist during the 1930s and 1940s. She and her family have been consistently harassed by individuals who think they have a right to go across these private lands. So if you do not think we should protect the wilderness, if you do not think we have a right to introduce legislation

without these arcane claims being asserted, do it for private property rights.

Vote "no" on this amendment and vote "yes" on the Udall amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time. It is my understanding, and I usually do not get involved in something that happens in Utah or Colorado, being from the State of Maryland, but having taken some time to look at this, the new rule that opens up some other possibilities for right of ways was promulgated January 6, 2003, this year. The first memorandum of understanding that grew out of that rule, it is my understanding, happened in Utah when Utah developed its memorandum of understanding to implement this new rule which has been different from what we have been used to for the past 100 years. It actually did a pretty good job in its promulgation of the rule, because it protected wilderness areas, wilderness study areas, refuges, national parks, not monuments, but in the Taylor amendment, it does protect monuments.

What the second-degree amendment attempts to do is limit the ability to file these disclaimers on Federal land that is designated wilderness, national parks, refuges, and national monuments to use the example that Utah has used in this new rulemaking.

I am one that favors strongly, for a number of reasons, the protection of private property rights and the protection of our wilderness areas and our Federal lands. What I would like to do with the gentleman from Utah, if we can agree on the second-degree amendment with the gentleman from North Carolina, is pass the second-degree amendment to the Udall amendment. Once all of these lands are protected for at least a year, we can work through the process of trying to make the rule that was promulgated in January a little bit more open-ended.

I do not think there are any back-room deals that went through as far as this rulemaking was concerned. I have talked to the Forest Service, I have talked to a number of people. I talked today to the Governor of Utah about this process, calling from Moscow. I feel strongly that the second-degree amendment protects the kinds of lands that we want to protect for the kinds of things that we are considering here, which is right of way, which are roads, which are private property problems.

□ 2215

Even within the Utah MOU, told to me by the governor of Utah today, not one cow path, not one horse path, not one area that is not and has not been a road will ever become a road on any Federal land. So I urge a vote on the gentleman from North Carolina's amendment.

AMENDMENT OFFERED BY MR. MATHESON AS A SUBSTITUTE FOR AMENDMENT NO. 1 OFFERED BY MR. UDALL OF COLORADO

Mr. MATHESON. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. MATHESON as a substitute for amendment No. 1 offered by Mr. UDALL of Colorado:

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

SEC. 3. None of the funds made available by this Act may be used to implement amendments to Bureau of Land Management regulations on Recordable Disclaimers of Interest in Land (subpart 1864 of part 1860 of title 43, Code of Federal Regulations) as adopted on January 6, 2003, with regard to any lands in National Parks, Wilderness Areas, Wilderness Study Areas, National Wildlife Refuges, National Monuments, military bases, or any roads except public highways, roads, or streets that are traveled ways maintained by a county or incorporated municipality, over which a conventional two-wheel drive vehicle may travel, and with regard to private property.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House today, the gentleman from Utah (Mr. MATHESON) will control 10 minutes, and the gentleman from North Carolina (Mr. TAYLOR) will control 10 minutes in opposition.

The Chair recognizes the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Chairman, I rise as the sixth generation of Utah, and I come from the West. I come from a State with public lands. Quite frankly, public lands in the West are what this issue is all about that we talk about tonight; and I have grown up with a legacy of the use of those public lands in my State. My roots are in southern Utah. Some of my family is involved in grazing on public lands in Utah.

It is a remarkable State. It is like a lot of the Western States, and it has got a lot of remarkable public lands, some places that are very special. As time has evolved, a lot of people around the world have discovered those lands as well; and I think it is safe to say, and I think there would be consensus at some point, that there is a lot of land out there that is worthy of protection because of its remarkable value.

When I talk about the public lands debate, I know tonight we are talking about the issue of RS 2477 and designation of roads, but it is really part of the overall public lands debate we have in our State and in the West. I look back over my lifetime about how that debate has been carried out. When I think about it, I think about so much emotion and so much effort that has gone into this debate, but there has been no progress. I am alarmed by the lack of progress.

As the West continues to grow and the population grows and the pressures develop, it is time for us to try to come together and try to make progress on these issues and resolve these issues as best we can.

There are not just two sides to this issue. It is not that simple. There are multiple stakeholders involved in public land matters in Utah and in the West. I have talked to so many of them. Quite frankly, I have talked to a lot of them just during this week in preparation and anticipation of the gentleman from Colorado's (Mr. UDALL) amendment that would be introduced today.

I have talked to county commissioners throughout rural Utah, and there is not unanimity among that group, quite frankly. There is a divergence of opinion. I have talked to all kinds of stakeholders, the sportsmen community. I have talked to the recreation community.

There are lots of different points of view, and these points of view all have legitimate claims, and it is unfortunate that we have been unable to bring those stakeholders together in a way to resolve these issues.

In some respects, life repeats itself, as was mentioned by the gentleman from Colorado (Mr. UDALL) earlier. The Department of Interior in 1997 under Secretary Babbitt issued rules to deal with RS 2477. Congress did not like it, passed legislation just like we are looking at now to stop the funding of processing under that rule, and Congress said they are not going to make any other rules until Congress deals with it.

Let us flash forward to 2003. The Department of Interior under a different Secretary has issued a new set of rules, and once again we are revisiting that issue of whether or not Congress should be involved in trying to have an inclusive process where we get all the stakeholders together and try to make progress on this issue.

There is no question that there are legitimate claims out there for roads under RS 2477. We all know that. We all know there are roads that are roads. We know there would be some claims out there where we would agree there really are not roads. I would submit to the Members, in fact, that most of the claims in Utah are not controversial. But the problem is that everybody has been scared, everyone has been scared to deal with the noncontroversial roads, thinking they would make some precedent that would get them at a disadvantaged position when we deal with the controversial claims.

So we have been involved in one litigation after another, and one administration promulgates one set of rules, and another administration promulgates a different set of rules, and we are not making any progress.

I bring before the Members tonight an amendment. It is not a perfect amendment. It is not a perfect amendment. It is not perfect to any stakeholder in this debate. But what it attempts to do is make some progress, some progress in trying to designate the least controversial roads and allow them to move forward. In Utah, we call them class B roads. That is a State

classification. But we have adopted that language in my substitute amendment.

These are roads that can be traveled by two-wheel-drive vehicles. These are roads where I would suspect that no one would disagree that it is a legitimate claim. And I am not saying this solves the entire RS 2477 debate, but it is an opportunity to have some people come together on the least controversial part of this whole issue and try to make some progress.

I also want to mention one other component of my substitute amendment, and that is that I specifically talk about the issue of roads that cross private property, and I say that private property rights need to be maintained and that one cannot file claims on that type of land.

Finally, I mentioned earlier the amount of litigation that has been associated with this, and this is not the end. This is not the end. It is unfortunate how much litigation we have seen here, and we are going to see it again. We are going to see it on this ruling that came out on January 6, I predict, and I think all of us are a little tired of that. I think we are tired of having that as a way to try to resolve things. It is time for Congress to step up to the plate and do its job.

In 1997, I was not here, but Congress said we have got to do this. We do not agree with what Secretary Babbitt did at that time, and it is up to Congress to come together.

This substitute amendment is a stopgap. It is a stopgap to move forward on one set of the least controversial roads. It is not the solution. The solution is that we ought to hold hearings, we ought to try to move forward and make progress, bring the interests of all the stakeholders together, and let us make progress and move forward on RS 2477 claims.

Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. DICKS) to talk on this issue.

Mr. DICKS. Mr. Chairman, I want to tell the gentleman that I commend him on his effort and diligence in this effort. Regardless how the amendment works, we are going to continue to work to try to find a solution to this problem, and I appreciate his leadership and effort.

Mr. MATHESON. Mr. Chairman, I thank the ranking member for his comments.

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

POINT OF ORDER

Mr. TAYLOR of North Carolina. Mr. Chairman, 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 rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment imposes additional duties.

I ask for a ruling from the Chair.

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

The Chair is prepared to rule.

The gentleman from North Carolina (Mr. TAYLOR) makes a point of order that the substitute amendment offered by the gentleman from Utah (Mr. MATHESON) for the amendment offered by the gentleman from Colorado (Mr. UDALL) proposes to change existing law in violation of clause 2(c) of rule XXI.

As recorded in Deschler's Precedents, volume 8, chapter 26, section 52, even though a limitation or exception therefrom might refrain from explicitly assigning new duties to officers of the government, if it implicitly requires them to make investigations, compile evidence, or make judgments and determinations not otherwise required of them by law, then it assumes the character of legislation and is subject to a point of order under clause 2(c) of rule XXI.

The proponent of an amendment assumes the burden of establishing that any duties imposed by the amendment are already required by law.

The Chair finds that the amendment offered by the gentleman from Utah (Mr. MATHESON) does more than simply impose a negative restriction on the funds in the bill.

Instead, it requires the officials concerned to determine the precise nature of roads involved, including determining whether certain types of vehicles may travel on them.

In addition, as the Chair understands the state of current law, the relevant Federal agency is under a requirement only to ascertain whether a right-of-way crosses nonFederal land. The amendment offered by the gentleman from Utah (Mr. MATHESON) would further require the agency to determine who owns the nonFederal land.

The proponent of the amendment has been unable to carry the burden of establishing that the agency is already charged by law with making these determinations.

On these premises, the Chair concludes that the substitute amendment offered by the gentleman from Utah (Mr. MATHESON) for the amendment offered by the gentleman from Colorado (Mr. UDALL) proposes to change existing law.

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

Mr. UDALL of Colorado. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Chairman, I rise today in opposition to the Taylor amendment and in strong support of the gentleman from Colorado's (Mr. UDALL) amendment on the issue of revised statute 2477.

Arizona's spectacular public lands are renowned throughout the country, if not the world. They contain many of our Nation's most beautiful landscapes, and every year Arizona's deserts, can-

yons, and mountains are enjoyed by millions of residents and visitors from around the globe.

But Arizona's natural areas are fragile. They are extremely vulnerable to the impacts of off-road vehicles, sprawl, timber cutting, mining, overgrazing, and other activities. My home State ranks third in the Nation for imperiled wildlife, with 63 species listed as endangered or threatened.

The amendment I urge the Members to support today would prevent the public and private lands in Arizona from being terribly harmed. This amendment would stop the Secretary of the Interior from implementing her "Disclaimer of Interest."

The Members may have heard of one of the places which will be severely damaged by the Secretary's disclaimer, Grand Canyon National Park. It is a treasure not only to Arizona but to the citizens of the entire United States. The map I have brought today with me represents only one area that would be permanently harmed by the Secretary's disclaimer.

In 1997, the Park Service warned Congress that the park and its surrounding wilderness were under serious threat. The map shows hundreds of potential rights of way that might be claimed across the north rim of the Grand Canyon, an area that the Park Service is currently protecting.

We in the West have been living with the consequences of RS 2477 for over 100 years. I strongly support the Udall amendment, which would prevent any funds from being spent by the Interior to process 2477 claims until Congress determines what approaches we should take with regard to these claims.

I urge my colleagues to vote for the Udall amendment and in opposition of the Taylor amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I thank the chairman for yielding me this time.

This has been quite an interesting day and now into the evening. First, we had an amendment to stop the Forest Service from issuing new forest plans. Then we had an amendment to keep 57 million acres roadless, and now we are going after an amendment that goes after areas that have roads in them.

Some serious issues have been raised over many years about RS 2477 roads and what the impact is on these areas and what they should be used for and all of the different issues. But one thing that keeps coming up tonight is all of these wilderness areas and parks that should be off limits. I think that is a legitimate point, and the gentleman from North Carolina (Mr. TAYLOR) responded to that by offering a perfected amendment to the underlying amendment which takes the national monuments, the wilderness study areas, the national parks, National Wildlife Refuge System, National Wilderness Preservation System, takes all of those lands out so

that they are not part of this process just to assure everyone that the areas that they are so concerned about that they keep bringing up over and over here during this debate are not the areas that will be affected by the underlying rule.

There is very little timber harvesting that still occurs on public lands. There is very little mining. Grazing has been pushed aside. There is some tourism left, and now it looks like we are going to go after the ability to have access to our public lands. It is a concerted effort, one amendment right after the other. Limit public access, limit their ability to get out there, shut down those roads, shut down those areas, do not let anybody into our public lands. It is a concerted effort, amendment after amendment.

I, quite frankly, feel that the administration is trying to solve this particular problem in a balanced approach in working with the States and the counties, trying to figure out what is really a road and what is not and what should have access and what should not. It is a balanced approach. I believe that we should support the gentleman from North Carolina's (Mr. TAYLOR) amendment. If that amendment does not pass, I believe we should vote against the gentleman from Colorado's (Mr. UDALL) amendment.

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

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

Mr. DICKS. Mr. Chairman, let me ask the gentleman a question. We talked about several things today, as the gentleman mentioned, and several times the chairman promised that we were going to have prompt legislative action by the Committee on Resources to deal with some of these problems. Since this was blocked a few years ago because of the regulations, is there any interest in the Committee on Resources to take up this issue so it does not wind in the Committee on Appropriations? Is there any desire to try to help resolve this?

□ 2230

Mr. POMBO. Mr. Chairman, reclaiming my time, the ranking member brings up, I believe, a very important point. This is something that should go through the Committee on Resources. I will be more than happy and willing to sit down with the different Members who have these roads in their districts, in their States, and other Members from other parts of the country to try to work out a compromise that everyone could live with. This is not something that the gentleman should be dealing with on the appropriations bill every year. I would be more than happy to sit down with the Members and try to work out a rational, balanced compromise so that we are not back here next year with a similar amendment.

Mr. DICKS. Mr. Chairman, I appreciate the gentleman's comments.

Mr. UDALL of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO).

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

I think the chairman has, with his perfecting amendment, admitted that the administration had perhaps gone a road too far with their proposal, and what the chairman proposes would protect some of the most precious of our public lands against obscure, specious claims of right-of-way access.

Unfortunately, the chairman's amendment does not, in my opinion, go quite far enough. Among the things that the chairman excludes from protection are private lands. And I would refer to the Salt Lake Tribune, on Saturday, June 21, 2003, which is an article about a couple, Jana and Ron Smith who, despite having researched and properly purchased their property, found that when they returned at one point from a vacation, that the local district attorney and the road crews had cut a chain, removed a gate, pulled down the private property signs, and provided full access to their very obscure and remote property which they had bought for those values. Unfortunately, they ultimately had to resort to the courts and the courts upheld their rights to the private property.

But if this underlying legislation, even with the chairman's amendment, remains in the bill authorizing the actions by the administration, it would color the claims of Jana and Ron Smith and others and prejudice them and, minimally, require people with private property to have to hire expensive attorneys to defend their rights to their own property but, in all probability, perhaps jeopardize their claims to defend their property.

It not only excludes private property, and I am surprised that the majority party would not have included private property in this amendment, and perhaps the gentleman will want to amend his amendment by unanimous consent to include private lands. Military lands are not included, so we may, again, find obscure or potentially specious claims to military lands and reservations which are quite extensive in the western United States. Again, I am surprised that the majority party would not be sensitive to the concerns of the military about allowing unbridled access across their reservations.

It also would exclude areas of critical environmental concern, wild and scenic rivers, national trails, national conservation areas, and other public lands.

So I think what the gentleman from Utah (Mr. MATHESON) tried to do, which was not allowed, which would have opened this process to begin those most legitimate and obvious claims, let us grant those. Yes, let us grant them. Let us not have them have to go to court and fight for them, and then let us begin to parse through this very difficult problem. But let us not open the door to jeopardizing people's private property rights, or the rights of the military to protect Federal property, and wild and scenic rivers, national trails, and others.

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

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

Mr. CANNON. Mr. Chairman, I appreciate the gentleman yielding.

The gentleman is aware that there is an underlying memorandum of understanding between the Department of the Interior and the State of Utah in that it is not possible, given the context of that MOU for the issue of private property, to be relevant.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, I thank the gentleman for that point. Unfortunately, Utah is only one State in the western United States that would be subject to these proposals. There are a number of other States. There is not, to the best of my knowledge, a memorandum of understanding with Oregon, Washington, Montana, Wyoming, Nevada, California, or other areas. And I think that we should not depend upon MOUs, but we should legislate in these areas.

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

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

Mr. CANNON. Mr. Chairman, in fact, this memorandum of understanding was done at the suggestion and under the oversight and direction of the National Association of Counties, with the explicit point of seeing how it works in Utah so we could go to these other States. In other words, no one is getting out ahead of anyone else or going to solve or create problems in Oregon based upon an MOU in Utah.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, but would we not at this point, and I am not a lawyer, so I may be disadvantaged in this group because of that, but would we not want to then legislate that? Would we not want to be assured? I do not want to depend upon a future extension of an MOU, memorandum of understanding for those who are listening and do not understand, with this administration for the protection of mines in other States.

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

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

Ms. DEGETTE. Mr. Chairman, just to underscore the point, Utah got a sweetheart deal in the settlement, but as my esteemed colleague from Oregon said, California, Colorado, all the rest of the country does not have this deal, so we are all betting on the something. Why not put this memorandum in the underlying bill if it is such a great idea.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, I would be happy if the chairman wishes to amend by unanimous consent his protections to extend them to private lands, hopefully even military lands and some of these other things, but at least to private lands because it is a particular concern, to do that. That would be acceptable to me.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, the gentleman from Colorado attempts to attack an Interior Department rule which allows memorandums of understanding on issues of roads which have been a source of contention and litigation since 1976. Utah is so far the only State to have taken advantage of this memorandum of understanding.

Some people have said we are trying to change cow trails and foot paths in pristine wilderness into roads. These are pictures of the actual roads in which we are dealing in the State of Utah. These are not cow trails. These are the kinds of roads which we have.

In the memo of understanding, it can only deal with a maintained, documented, continuously used road that is not in a national park, wilderness, wilderness study area, national refuge, et cetera, et cetera.

The issue that was brought up by the gentleman from Oregon is one that was a misunderstanding. They objected to a 2477 that was supposedly on private property, but it was actually a county easement to which they were objecting. It had nothing to do with 2477 because 2477 roads cannot by definition be on private property.

When I was Speaker of the House 10 years ago in the State of Utah, we started this process. I was fortunate enough to appropriate money so that every county could research their 2477 claims. Today, the State of Utah is ready to give documented history photo, hard evidence of continuous use on every single one of these roads. The State of Utah has put in work, effort, and money to end the contention of 30 years and provide a process study, my colleagues know what it is, a process study that just took 30 seconds off my time for me not to get the words out.

The bottom line is the Taylor amendment allows this work to continue. So these roads which cross rural Utah and provide access to national parks and recreation, and jobs, and for emergency vehicles in rural Utah, will continue on. The Udall amendment, unintentionally or not, brings this to a screeching halt with the mere promise that the gentleman from Colorado can help us find a better methodology than the one we are presently going through right now.

The Taylor amendment would allow us to study the rule to which the gentleman from Colorado objects while the work is still continuing on to see if this actually works for the benefit of a standard for every other State in this Nation, whereas the Udall amendment would frustrate the time and effort. Perhaps that is why the counties in Colorado and in the State of Utah are asking you, please, to support the Taylor perfecting amendment, because it allows us to continue on.

If the Taylor amendment is defeated and the Udall amendment is passed, the only thing left for the counties in the State of Utah is to go to court and continue to waste taxpayer money on expensive litigation when we have a

process, not perfect, but we are still working on it, a process in mind to go at these types of roads which are clearly roads, which can solve the problem in the future.

We beg of you to let the process that we have started go to fruition. We can look at it. We can evaluate it. But to capriciously simply say the man-hours and the public input and the dollars have been in vain to this day is unfair to the State of Utah. The gentleman from North Carolina (Chairman TAYLOR) clearly understands that and has given us a process so that we can evaluate this rule and, at the same time, doing no harm to the State of Utah.

I beg of my colleagues to help support this particular provision. It moves us forward towards solving a very contentious problem without having to go to the courts.

Mr. UDALL of Colorado. Mr. Chairman, I yield myself the remaining 1 minute.

In closing, I want to make three points. I want to urge the House to preserve its institutional prerogatives to make sure that we are making the law and we are supporting the law we passed in the past by supporting the Udall amendment.

Second, I understand what Utah has done; and there are some good steps forward as my colleague and good friend, the gentleman from Utah (Mr. BISHOP), has pointed out. But this is not just about Utah; it is about the entire West and wherever these claims can be made.

Finally, my good friend, the gentleman from North Carolina (Mr. TAYLOR), is on the right track; but under his perfecting amendment, we leave out private lands, military lands, national forest lands, tribal lands, national conservation areas, public lands generally, areas of critical environmental concern, wild and scenic rivers, and national trails, an enormously important list.

Please vote against the Taylor secondary amendment and support the Udall amendment.

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

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I have listened to this debate, and we are talking about Utah; but this proposal by the gentleman from Colorado (Mr. UDALL) probably affects Alaska more than any other State in the Union.

We had some agreements. We are talking about the law, and to the gentleman from New Mexico (Mr. UDALL), your father agreed to it that we would have and shall have access across the lands. The Udall amendment probably would prohibit that, overriding another law; and that disturbs me a great deal.

Now, we do not have the roads that we are showing in Utah; we have most-

ly dog trails, the snow machine trails now. Trails are used from village to village across, yes, wilderness lands. If the gentleman from Colorado will look at that map, he will see that his father did a great job.

Most of our State lands intercede with Federal lands, and we cannot get across those. We are trying to preserve this right to cross those lands and utilize those trails for which they were established. I am quite concerned that even with the second-degree amendment, I am not sure that we will have that right. We would have to probably go to court again. But I am suggesting the second-degree is better than the Udall amendment, and we ought to look at this.

The gentleman from Washington (Mr. DICKS) had a good point. Eventually, we will decide this and let people understand that there are rights of States, and the 1976 law grandfathered all the rights-of-way in. That was the extinguishment of FLPMA. I was here and I believe the gentleman from Washington (Mr. DICKS) was here at that time too; he may not have been. But that was the agreement that was made.

We have to keep those agreements. We cannot continue to break those agreements we made just because it helps a certain interest group. I keep stressing that. Most of the people promoting this provision now do not know the institutional history of what the Congress did and why we did it.

Now, the RS 2477 was for a reason. Most communities established these rights-of-way and the roads that developed their communities. In our case, it was dog trails and a lot of other things that happened during the wintertime, and that is how we got from one community to another community. We ought to be able to continue that as a State's right.

So keep in mind as we go forward with this that we understand what we are doing and the laws that this Congress passed in the past. I urge the adoption of the second-degree amendment and defeat of the first-degree amendment, and then let us try to adjust it as we go through.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the committee, for an observation.

Mr. OBEY. Mr. Chairman, I would just like to observe, we have just been told by the distinguished chairman that we ought to keep our word when we make deals. If that were the case, this bill would contain \$570 million more for the conservation programs that this committee and the Congress agreed that they would fund at that level 3 years ago.

So if we want to keep deals, let us start with the big one, baby. Let us start with the one that guarantees that we are going to provide the \$570 million that this House said it was going to provide 3 years ago when it was avoiding an entitlement.

The gentleman from Alaska was the sponsor of CARA; and we all signed on to, as a substitute to CARA instead, to provide a guaranteed funding level for those conservation programs.

□ 2245

So I do not want to hear any lectures, not this late at night, about keeping our word, for God's sake. Start with that one.

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

Mr. OBEY. I yield to the gentleman from Utah.

Mr. CANNON. You realize we have 5 million acres in the BLM excess land fund. We would love to sell those acres and fund the land and water conservation deal.

Mr. OBEY. What does that have to do with keeping your word?

Mr. DICKS. Mr. Chairman, I yield the balance of my time to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I want to thank my friend, the gentleman from Washington (Mr. DICKS), for yielding me time.

I just wanted to respond to my good friend, the gentleman from Alaska (Mr. YOUNG), who I know had great affection for my father and my father had great affection for him.

There is nothing in my amendment that would affect the access rights provided under the Alaska Lands Act, the law that was sponsored by my father, as my good friend, the gentleman from Alaska (Mr. YOUNG), mentioned. There is nothing in this amendment that would affect the access rights; and I take that legislation very seriously and would do everything in my power and will do everything in my power to continue to support, to keep the faith of that language.

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

Mr. UDALL of Colorado. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I am just concerned that the way it is written it precludes what we made an agreement to. If I can be assured later on we will discuss it as time goes by.

Mr. UDALL of Colorado. Reclaiming my time, I look forward to discussing that further with the gentleman. I thank him for his comment.

I would urge a yes vote on the Udall amendment, and I rise in opposition to the Taylor second degree amendment.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield the balance of my time to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, I would like to start out by thanking the chairman of the subcommittee, the gentleman from North Carolina (Mr. TAYLOR), for his work on this issue. It is a very important issue, obviously, an issue that has some intensity.

I thought about asking unanimous consent to lower the temperature on

the floor here by 8 degrees. I think that would be very helpful, since it seems to be about 78, as opposed to 70.

This has been a very important issue to us in Utah in particular, and as a matter of policy we appreciate the gentleman from North Carolina's (Mr. TAYLOR) involvement in the issue of policy.

I would also like to thank the gentleman from Maryland (Mr. GILCHREST), who probably has done more reading on this issue than anybody else in this room and has drawn conclusions that he has presented, I think, very eloquently earlier.

I would like to thank the gentleman from Alaska (Mr. YOUNG) for his thoughtful words on this issue.

I would also like to thank the proponent of this issue, the gentleman from Colorado (Mr. UDALL), who is someone with whom you can disagree without being disagreeable. We disagree stridently on this issue, dramatically on this issue, but it is in an environment in which we can talk, and I appreciate that.

The gentleman from Colorado (Mr. UDALL) talked about this as a back-room agreement. It is not a back-room agreement. The gentlewoman from Colorado (Ms. DEGETTE) talked about this as an archaic, arcane and arbitrary rule or law. That is what you call a law you do not like. But the fact is we have law in America.

I have been interested to follow the debate of several people on the Democratic side here. The gentleman from Colorado (Mr. UDALL) talked about our institutional prerogatives in Congress. The gentleman from Utah (Mr. MATHESSON) said it is time for Congress to do its job. The gentleman from Washington (Mr. DICKS) talked about continuing to work to find the solution to this problem.

But, in fact, this is not a congressional problem. It is true we have oversight, we have responsibility for these kind of issues, but we have law in place already. And that law delegates certain authorities to the Department of the Interior. And in the context of that delegated law, the Department of Interior has entered into an agreement.

It is an open agreement. It is not a back-room agreement. It is an agreement that was precipitated by the National Association of Counties, of which every single Member of this body has counties that are part of that group. That is not a group that is hiding the ball or doing something in the back room. That is a group that wanted to create a process that we could start and evaluate as we used it to come to the point of understanding whether or not we could solve these problems in the context of law.

If that process got out of hand or something radically wrong happened, we could step in and resolve that process. Because, ultimately, that is our prerogative as Congress.

It is an emotional issue that is very intense to me.

Let me point out this is not a problem with Utah. We have a letter from what is called The Club of 20 which are 22 counties on the western slope in Colorado who have sent a letter to the gentleman from North Carolina (Mr. TAYLOR) supporting his amendments.

May I just suggest if you look at what the Taylor amendment does, it takes what I think is an egregious step in taking away the proper authority from the Department of the Interior and brings back into context what we should be doing, as a matter of oversight, what we should be doing to express ourselves to protect the interests that are of such great concern to Americans. And that is it allows the process that has been set up by the Department of the Interior and the State of Utah to go forward.

It does that in the context of protection. It protects national refuges, national wildlife refuges. It protects wilderness study areas. It protects wilderness areas. It protects national parks. It protects monuments.

We cannot protect private property. May I just suggest that all the discussion about private property misses the point? We should not be creating national policy in the context of nasty neighbors.

RS-2477 rights exist in the context of law and have to be resolved at the proper level and not here. So we can do nothing about the private property issue. And, in fact, the memorandum of understanding, the MOU, between the Department of the Interior and Utah does not allow for the disclaimer to be used in the context of any road over private property. It is only to be used in the context of the roads that you saw that my colleague from Utah (Mr. BISHOP) showed with his picture.

Let me point out that Utah is different from some other parts of the country. I was the Associate Solicitor in the Interior Department for some period of time in charge of coal mining reclamation. I probably have been in more coal mines than everybody else in this group put together, and I have seen the devastation in the Northeast of the United States. We built our economy on the devastation of the coal mining lands in Kentucky and West Virginia and Tennessee and other areas.

But you cannot find a coal mine in Utah without a map, and the reason you cannot find a coal mine in Utah is because we have been careful about how we have used our public lands.

I grew up in an area called Wayne County, to some degree. One of my favorite areas in Utah, they call it Wayne Wonderland. I once walked five miles down a ditch that our ancestors had dug to get some water to a lousy 200 acres of land, a beautiful 200 acres of land, and they did it with great sweat and pain and suffering because they loved the land and wanted to produce on it.

We have used the land in Utah, I think, well; and I think that our record

of the environment stands up to anyone's scrutiny.

I suggest to this body that this memorandum of understanding is appropriate, and it should not be interfered with by this amendment. I urge a vote of yes on the Taylor amendment perfecting the Udall amendment and a vote of no on the underlying amendment.

Mr. RAHALL. Mr. Chairman, I rise in strong support of the Udall Amendment to stop the giveaway of important public resources.

It seems that the giveaway of public lands is not just limited to the 1872 Mining Law. How ironic is it that we have a provision from another mining law—this one from 1866—that is being used to swindle the American public out of their public lands.

We have people and organizations out there that are trying to take advantage of a law enacted 137 years ago that was so antiquated that Congress repealed it in 1976.

Let us be clear on this outdated and repealed law that is known as RS 2477. It is a land grab. This is not about clearing up legitimate claims to roads that you or I or the American public would recognize. It is about bulldozing new roads across unspoiled public lands.

Cowpaths and trails that begin and end nowhere are being claimed as roads and Interior Secretary Norton and her Department are attempting to use new regulations for previously noncontroversial Disclaimers of Interest to breathe life into RS 2477 and facilitate a public land grab.

When then Interior Secretary Babbitt tried to develop a clear, common sense settlement to the RS 2477 issue in the 1990's, Republicans would have none of it and pushed through a legislative moratorium that remains in effect today on any regulations pertaining to RS 2477.

However, Secretary Norton and her Department have chosen to ignore the law and press ahead with these new regulations on Disclaimers of Interest.

Disobedience of the law and secret backroom deals; that has been the legacy of this administration on RS 2477.

It's time we put a stop to the unwarranted and unjustified giveaway of public assets. I urge a "yes" vote on the Udall amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. TAYLOR) to the amendment offered by the gentleman from Colorado (Mr. UDALL).

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

Mr. UDALL of Colorado. Mr. Chairman, I demand a recorded vote.

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

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: an amendment by the gentleman from Washington (Mr. INSLEE); an amendment by the gen-

tleman from Nebraska (Mr. BEREUTER); an amendment to the Udall amendment by the gentleman from North Carolina (Mr. TAYLOR); and an amendment by the gentleman from Colorado (Mr. UDALL).

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

AMENDMENT OFFERED BY MR. INSLEE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 234, not voting 15, as follows:

[Roll No. 386]  
AYES—185

Ackerman	Harman	Michaud
Allen	Hastings (FL)	Miller (NC)
Andrews	Hill	Miller, George
Baird	Hinchey	Moore
Baldwin	Hinojosa	Moran (VA)
Ballance	Hoeffel	Nadler
Becerra	Holt	Napolitano
Bell	Honda	Neal (MA)
Biggert	Hooley (OR)	Obey
Bishop (NY)	Hoyer	Olver
Blumenauer	Inslee	Owens
Boehlert	Israel	Pallone
Boucher	Jackson (IL)	Pascarell
Brown (OH)	Jackson-Lee	Pastor
Brown, Corrine	(TX)	Payne
Capps	Johnson (CT)	Pelosi
Capuano	Johnson (IL)	Petri
Cardin	Johnson, E. B.	Price (NC)
Carson (IN)	Jones (OH)	Rahall
Case	Kaptur	Ramstad
Castle	Kelly	Rangel
Clay	Kennedy (RI)	Rodriguez
Clyburn	Kildee	Rothman
Conyers	Kilpatrick	Roybal-Allard
Cooper	Kind	Ruppersberger
Costello	Kirk	Rush
Crowley	Klecza	Ryan (OH)
Cummings	Kucinich	Sabo
Davis (CA)	Lampson	Sanchez, Linda
Davis (FL)	Langevin	T.
Davis (IL)	Lantos	Sanchez, Loretta
DeFazio	Larsen (WA)	Sanders
DeGette	Larson (CT)	Saxton
DeLauro	Leach	Schakowsky
Deutsch	Lee	Schiff
Dicks	Levin	Scott (GA)
Dingell	Lewis (GA)	Scott (VA)
Doggett	Lipinski	Sensenbrenner
Dooley (CA)	LoBiondo	Serrano
Doyle	Lofgren	Shays
Ehlers	Lowey	Sherman
Emanuel	Lynch	Simmons
Engel	Majette	Skelton
Eshoo	Maloney	Slaughter
Etheridge	Markey	Smith (NJ)
Farr	Marshall	Smith (WA)
Fattah	Matsui	Snyder
Filner	McCarthy (MO)	Solis
Ford	McCarthy (NY)	Spratt
Frank (MA)	McCollum	Stark
Frelinghuysen	McDermott	Strickland
Frost	McGovern	Tauscher
Gerlach	McIntyre	Taylor (MS)
Gonzalez	McNulty	Thompson (CA)
Green (TX)	Meehan	Tierney
Grijalva	Meek (FL)	Towns
Gutierrez	Meeks (NY)	Udall (CO)
	Menendez	Udall (NM)

Upton  
Van Hollen  
Velazquez  
Visclosky  
Waters

Watson  
Watt  
Waxman  
Weiner  
Wexler

Woolsey  
Wu  
Wynn

NOES—234

Abercrombie	Garrett (NJ)	Ose
Aderholt	Gibbons	Otter
Akin	Gilchrest	Oxley
Alexander	Gillmor	Paul
Baca	Gingrey	Pearce
Bachus	Goode	Pence
Baker	Goodlatte	Peterson (MN)
Ballenger	Goss	Peterson (PA)
Barrett (SC)	Graves	Pickering
Bartlett (MD)	Green (WI)	Pitts
Bass	Greenwood	Platts
Beauprez	Gutknecht	Pombo
Bereuter	Hall	Pomeroy
Berry	Harris	Porter
Bilirakis	Hart	Portman
Bishop (GA)	Hastings (WA)	Pryce (OH)
Bishop (UT)	Hayes	Putnam
Blackburn	Hayworth	Quinn
Blunt	Hefley	Radanovich
Boehner	Hensarling	Regula
Bonner	Herger	Rehberg
Bono	Hobson	Renzi
Boozman	Hoekstra	Reyes
Boswell	Holden	Reynolds
Boyd	Hostettler	Rogers (AL)
Bradley (NH)	Houghton	Rogers (KY)
Brady (PA)	Hulshof	Rogers (MI)
Brady (TX)	Hunter	Rohrabacher
Brown (SC)	Hyde	Ros-Lehtinen
Brown-Waite,	Isakson	Ross
Ginny	Issa	Royce
Burns	Istook	Ryan (WI)
Burr	Jenkins	Ryun (KS)
Burton (IN)	John	Sandlin
Buyer	Jones (NC)	Schrock
Calvert	Kanjorski	Sessions
Camp	Keller	Shadegg
Cannon	Kennedy (MN)	Shaw
Cantor	King (IA)	Sherwood
Capito	King (NY)	Shimkus
Caroza	Kingston	Shuster
Carson (OK)	Kline	Simpson
Chabot	Knollenberg	Kolbe
Chocola		Smith (MI)
Coble	LaHood	Smith (TX)
Cole	Latham	Souder
Collins	LaTourette	Stearns
Cox	Lewis (CA)	Stenholm
Cramer	Lewis (KY)	Stupak
Crane	Linder	Sullivan
Crenshaw	Lucas (KY)	Sweeney
Cubin	Lucas (OK)	Tancredo
Culberson	Manzullo	Tanner
Cunningham	Matheson	Tauzin
Davis (AL)	McCotter	Taylor (NC)
Davis (TN)	McCrery	Terry
Davis, Jo Ann	McHugh	Thomas
Davis, Tom	McInnis	Thompson (MS)
Deal (GA)	McKeon	Thornberry
DeLay	Mica	Tiahrt
DeMint	Miller (FL)	Tiberti
Diaz-Balart, L.	Miller (MI)	Toomey
Diaz-Balart, M.	Miller, Gary	Turner (OH)
Doolittle	Mollohan	Turner (TX)
Dreier	Moran (KS)	Vitter
Duncan	Murphy	Walden (OR)
Dunn	Murtha	Walsh
Edwards	Musgrave	Wamp
Emerson	Myrick	Weldon (FL)
English	Nethercutt	Weldon (PA)
Everett	Neugebauer	Weller
Feeney	Ney	Whitfield
Flake	Northup	Wicker
Fletcher	Norwood	Wilson (NM)
Foley	Nunes	Wilson (SC)
Forbes	Nussle	Wolf
Fossella	Oberstar	Young (AK)
Franks (AZ)	Ortiz	Young (FL)
Gallegly	Osborne	

NOT VOTING—15

Barton (TX)	Evans	Jefferson
Berkley	Ferguson	Johnson, Sam
Berman	Gephardt	Millender-
Bonilla	Gordon	McDonald
Burgess	Granger	
Carter	Janklow	

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BASS) (during the vote). Members are



advised there are 2 minutes remaining in this vote.

□ 2314

Messrs. TOM DAVIS of Virginia, JONES of North Carolina, HEFLEY, and RYAN of Wisconsin changed their vote from “aye” to “no.”

Messrs. GERLACH, CAPUANO and FORD changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. BEREUTER

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 12 offered by the gentleman from Nebraska (Mr. BEREUTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 362, noes 57, not voting 15, as follows:

[Roll No. 387]

AYES—362

Abercrombie	Carson (IN)	Fattah
Ackerman	Carson (OK)	Feeney
Aderholt	Case	Filner
Akin	Castle	Fletcher
Alexander	Clay	Foley
Allen	Clyburn	Forbes
Andrews	Cole	Ford
Baca	Collins	Fossella
Bachus	Conyers	Frank (MA)
Baird	Cooper	Frelinghuysen
Baker	Costello	Frost
Baldwin	Cox	Gallegly
Ballance	Cramer	Gerlach
Ballenger	Crenshaw	Gibbons
Bartlett (MD)	Crowley	Gilchrest
Beauprez	Cubin	Gillmor
Becerra	Cummings	Gingrey
Bell	Davis (AL)	Gonzalez
Bereuter	Davis (CA)	Goodlatte
Berry	Davis (FL)	Gordon
Biggert	Davis (IL)	Goss
Billirakis	Davis (TN)	Green (TX)
Bishop (GA)	Davis, Jo Ann	Green (WI)
Bishop (NY)	Davis, Tom	Greenwood
Blackburn	Deal (GA)	Grijalva
Blumenauer	DeFazio	Gutknecht
Boehlert	DeGette	Hall
Boehner	Delahunt	Harman
Bono	DeLauro	Harris
Boozman	Deutsch	Hastings (FL)
Boswell	Diaz-Balart, L.	Hastings (WA)
Boucher	Diaz-Balart, M.	Hayworth
Boyd	Dicks	Hefley
Bradley (NH)	Dingell	Hill
Brady (PA)	Doggett	Hinchey
Brown (OH)	Dooley (CA)	Hinojosa
Brown, Corrine	Doolittle	Hobson
Brown-Waite,	Doyle	Hoeffel
Ginny	Dreier	Hoekstra
Burns	Duncan	Holden
Burr	Dunn	Holt
Burton (IN)	Edwards	Honda
Buyer	Ehlers	Hooley (OR)
Calvert	Emanuel	Hostettler
Camp	Emerson	Houghton
Cantor	Engel	Hoyer
Capito	English	Hulshof
Capps	Eshoo	Hyde
Capuano	Etheridge	Inslee
Cardin	Everett	Isakson
Cardoza	Farr	Israel

Issa	Michaud	Sanchez, Loretta	Gutierrez	Johnson, Sam
Jackson (IL)	Miller (FL)	Sanders	Janklow	Millender-
Jackson-Lee	Miller (MI)	Sandlin	Jefferson	McDonald
(TX)	Miller (NC)	Saxton		
Jenkins	Miller, George	Schakowsky		
John	Mollohan	Schiff		
Johnson (CT)	Moore	Schrock		
Johnson (IL)	Moran (KS)	Scott (GA)		
Johnson, E. B.	Moran (VA)	Scott (VA)		
Jones (NC)	Murphy	Serrano		
Jones (OH)	Murtha	Shaw		
Kanjorski	Nadler	Sherman		
Kaptur	Napolitano	Shimkus		
Keller	Neal (MA)	Shuster		
Kelly	Nethercutt	Simmons		
Kennedy (MN)	Ney	Simpson		
Kennedy (RI)	Nunes	Skelton		
Kildee	Nussle	Slaughter		
Kilpatrick	Oberstar	Smith (MI)		
Kind	Obey	Smith (NJ)		
King (IA)	Olver	Smith (TX)		
King (NY)	Ortiz	Smith (WA)		
Kirk	Osborne	Snyder		
Klecicka	Otter	Solis		
Kline	Owens	Spratt		
Knollenberg	Oxley	Stark		
Kucinich	Pallone	Stenholm		
LaHood	Pascrell	Strickland		
Lampson	Pastor	Stupak		
Langevin	Paul	Sullivan		
Lantos	Payne	Tancredo		
Larsen (WA)	Pearce	Tanner		
Larson (CT)	Pelosi	Tauscher		
Latham	Peterson (MN)	Tauzin		
LaTourette	Peterson (PA)	Taylor (MS)		
Leach	Petri	Terry		
Lee	Pickering	Thomas		
Levin	Pitts	Thompson (CA)		
Lewis (GA)	Platts	Thompson (MS)		
Lewis (KY)	Pombo	Tiahrt		
Linder	Pomeroy	Tierney		
Lipinski	Porter	Towns		
LoBiondo	Portman	Turner (OH)		
Lofgren	Price (NC)	Turner (TX)		
Lowe	Pryce (OH)	Udall (CO)		
Lucas (KY)	Putnam	Udall (NM)		
Lucas (OK)	Quinn	Upton		
Lynch	Radanovich	Van Hollen		
Majette	Rahall	Velazquez		
Maloney	Ramstad	Visclosky		
Manzullo	Rangel	Walden (OR)		
Markey	Regula	Walsh		
Marshall	Rehberg	Waters		
Matheson	Renzi	Watson		
Matsui	Reyes	Watt		
McCarthy (MO)	Rodriguez	Waxman		
McCarthy (NY)	Rogers (AL)	Weiner		
McCollum	Rogers (KY)	Weldon (FL)		
McCotter	Rogers (MI)	Weldon (PA)		
McDermott	Ros-Lehtinen	Weller		
McGovern	Ross	Wexler		
McHugh	Rothman	Whitfield		
McInnis	Roybal-Allard	Wicker		
McIntyre	Royce	Wilson (NM)		
McKeon	McKeon	Wilson (SC)		
McNulty	Rush	Wolf		
Meehan	Ryan (OH)	Woolsey		
Meek (FL)	Ryun (KS)	Wu		
Meeks (NY)	Sabo	Wynn		
Menendez	Sanchez, Linda	Young (AK)		
Mica	T.			

NOES—57

Barrett (SC)	Goode	Pence
Bass	Graves	Reynolds
Bishop (UT)	Hart	Rohrabacher
Blunt	Hayes	Ryan (WI)
Bonner	Hensarling	Sensenbrenner
Brady (TX)	Herger	Sessions
Brown (SC)	Hunter	Shadegg
Cannon	Istook	Shays
Chabot	Kingston	Sherwood
Chocola	Kolbe	Snyder
Coble	Lewis (CA)	Stearns
Crane	McCrery	Sweeney
Culberson	Miller, Gary	Taylor (NC)
Cunningham	Musgrave	Thornberry
DeLay	Myrick	Tiberi
DeMint	Neugebauer	Toomey
Edwards	Northup	Vitter
Ehlers	Franks (AZ)	Wamp
Emmanuel	Norwood	Young (FL)
Emerson	Ose	
Engel		
English		
Eshoo		
Etheridge		
Everett		
Farr		

NOT VOTING—15

Barton (TX)	Burgess	Gephardt
Berkley	Carter	Granger
Berman	Evans	
Bonilla	Ferguson	

Gutierrez	Johnson, Sam
Janklow	Millender-
Jefferson	McDonald

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 2322

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

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TAYLOR OF NORTH CAROLINA TO AMENDMENT NO. 1 OFFERED BY MR. UDALL OF COLORADO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. TAYLOR) to amendment No. 1 offered by Mr. UDALL of Colorado on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 194, not voting 14, as follows:

[Roll No. 388]

AYES—226

Aderholt	Crenshaw	Hayworth
Akin	Cubin	Hefley
Alexander	Culberson	Hensarling
Bachus	Cunningham	Herger
Baker	Davis, Jo Ann	Hobson
Ballenger	Davis, Tom	Hoekstra
Barrett (SC)	Deal (GA)	Hostettler
Bartlett (MD)	DeLay	Houghton
Bass	DeMint	Hulshof
Beauprez	Diaz-Balart, L.	Hunter
Bereuter	Diaz-Balart, M.	Hyde
Berry	Doolittle	Isakson
Biggert	Dreier	Issa
Billirakis	Duncan	Istook
Bishop (UT)	Dunn	Jenkins
Blackburn	Edwards	John
Blunt	Ehlers	Jones (NC)
Boehner	Emerson	Keller
Bonner	English	Kennedy (MN)
Bono	Everett	King (IA)
Boozman	Feeney	King (NY)
Boyd	Flake	Kingston
Bradley (NH)	Fletcher	Kline
Brady (TX)	Foley	Knollenberg
Brown (SC)	Forbes	Kolbe
Brown-Waite,	Fossella	LaHood
Ginny	Franks (AZ)	Latham
Burns	Frelinghuysen	LaTourette
Burr	Gallegly	Lewis (CA)
Burton (IN)	Garrett (NJ)	Lewis (KY)
Buyer	Gibbons	Linder
Calvert	Gilchrest	Lucas (OK)
Camp	Gillmor	Manzullo
Cannon	Gingrey	Marshall
Cantor	Goode	McCotter
Capito	Goodlatte	McCrery
Castle	Goss	McHugh
Chabot	Graves	McInnis
Chocola	Green (WI)	McKeon
Coble	Gutknecht	Mica
Cole	Hall	Miller (FL)
Collins	Harris	Miller (MI)
Cox	Hart	Miller, Gary
Cramer	Hastings (WA)	Mollohan
Crane	Hayes	Moran (KS)

Murphy	Quinn	Sullivan
Musgrave	Radanovich	Sweeney
Myrick	Regula	Tancred
Nethercutt	Rehberg	Tanner
Neugebauer	Renzi	Tauzin
Ney	Reyes	Taylor (MS)
Northup	Reynolds	Taylor (NC)
Norwood	Rogers (AL)	Terry
Nunes	Rogers (KY)	Thomas
Nussle	Rogers (MI)	Thornberry
Ortiz	Rohrabacher	Tiahrt
Osborne	Ros-Lehtinen	Tiberi
Ose	Ross	Toomey
Otter	Royce	Turner (OH)
Owens	Ryan (WI)	Turner (TX)
Oxley	Ryun (KS)	Upton
Paul	Sandlin	Vitter
Pearce	Schrock	Walden (OR)
Pence	Sensenbrenner	Walsh
Peterson (MN)	Sessions	Wamp
Peterson (PA)	Shadegg	Weldon (FL)
Petri	Shaw	Weldon (PA)
Pickering	Sherwood	Weller
Pitts	Shimkus	Whitfield
Platts	Shuster	Wicker
Pombo	Simpson	Wilson (NM)
Pomeroy	Smith (MI)	Wilson (SC)
Porter	Smith (TX)	Wolf
Portman	Souder	Young (AK)
Pryce (OH)	Stearns	Young (FL)
Putnam	Stenholm	

NOES—194

Abercrombie	Hastings (FL)	Nadler
Ackerman	Hill	Napolitano
Allen	Hinchee	Neal (MA)
Andrews	Hinojosa	Oberstar
Baca	Hoeffel	Obey
Baird	Holden	Olver
Baldwin	Holt	Pallone
Ballance	Honda	Pascrell
Becerra	Hoooley (OR)	Pastor
Bell	Hoyer	Payne
Bishop (GA)	Inslee	Pelosi
Bishop (NY)	Israel	Price (NC)
Blumenauer	Jackson (IL)	Rahall
Boehrlert	Jackson-Lee	Ramstad
Boswell	(TX)	Rangel
Boucher	Johnson (CT)	Rodriguez
Brady (PA)	Johnson (IL)	Rothman
Brown (OH)	Johnson, E. B.	Roybal-Allard
Brown, Corrine	Jones (CA)	Ruppersberger
Capps	Kanjorski	Rush
Capuano	Kaptur	Ryan (OH)
Cardin	Kelly	Sabo
Cardoza	Kennedy (RI)	Sanchez, Linda
Carson (IN)	Kildee	T.
Carson (OK)	Kilpatrick	Sanchez, Loretta
Case	Kind	Sanders
Clay	Kirk	Saxton
Clyburn	Kleczka	Schakowsky
Conyers	Kucinich	Schiff
Cooper	Lampson	Scott (GA)
Costello	Langevin	Scott (VA)
Crowley	Lantos	Serrano
Cummings	Larsen (WA)	Shays
Davis (AL)	Larson (CT)	Sherman
Davis (CA)	Leach	Simmons
Davis (FL)	Lee	Skelton
Davis (IL)	Levin	Slaughter
Davis (TN)	Lewis (GA)	Smith (NJ)
DeFazio	Lipinski	Smith (WA)
DeGette	LoBiondo	Snyder
Delahunt	Lofgren	Solis
DeLauro	Lowey	Spratt
Deutsch	Lucas (KY)	Stark
Dicks	Lynch	Strickland
Dingell	Majette	Stupak
Doggett	Maloney	Tauscher
Dooley (CA)	Markey	Thompson (CA)
Doyle	Matheson	Thompson (MS)
Emanuel	Matsui	Tierney
Engel	McCarthy (MO)	Towns
Eshoo	McCarthy (NY)	Udall (CO)
Etheridge	McCollum	Udall (NM)
Farr	McDermott	Van Hollen
Fattah	McGovern	Velazquez
Filner	McIntyre	Visclosky
Ford	McNulty	Waters
Frank (MA)	Meehan	Watson
Frost	Meek (FL)	Watt
Gerlach	Meeks (NY)	Waxman
Gonzalez	Menendez	Weiner
Gordon	Michaud	Wexler
Green (TX)	Miller (NC)	Woolsey
Greenwood	Miller, George	Wu
Grijalva	Moore	Wynn
Gutierrez	Moran (VA)	
Harman	Murtha	

NOT VOTING—14

Barton (TX)	Carter	Janklow
Berkley	Evans	Jefferson
Berman	Ferguson	Johnson, Sam
Bonilla	Gephardt	Millender-
Burgess	Granger	McDonald

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 2331

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

Mr. CRENSHAW and Mr. PETERSON of Pennsylvania changed their vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. UDALL), as amended.

The amendment, as amended, was agreed to.

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

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2004".

Mr. CROWLEY. Mr. Chairman, I rise in opposition to the Interior Appropriations bill as it stands now. It is impossible for me to vote in support of this bill because it provides tremendous decreases in funding for critical programs, which benefit all Americans. Just a few weeks ago the Republican majority enacted a massive tax cut for the wealthy but today they cut funding and broke promises for important programs that people care about and depend on.

This Republican bill recklessly abandons the historic, bipartisan conservation funding agreement that was made in 2000. With this 2000 agreement, the U.S. Congress made a bipartisan commitment to the America people for a \$12 billion investment in conservation, urban parks, clean air and water over the next six years. This funding was intended to preserve and protect the great lands and natural treasures of our country—from savings endangered species to helping local communities with their conservation and recreation programs through creative partnerships that ensuring American families can visit and appreciate our national park for generations.

Specifically, this bill seriously underfunds programs that create parks and open spaces, protect wilderness and wetlands, preserve wildlife habitat, and enhance recreational opportunities. In my district, we have the College Point Sport Complex, which provides 22 acres in sports fields and recreational green spaces for the diverse community that lives in the Queens. College Point Sports Complex is only one example of the thousands of urban parks throughout America that provide a break in the urban landscape. However, this bill provides no funding for the urban parks program—breaking the 2000 commitment to the people.

The impact of breaking this commitment with America goes even farther by underfunding the Forest Legacy Program and the Land and Water Conservation Fund, which help states preserve forest lands threatened by development and allow for the greater protection of open space. Unfortunately, this bill is

a mere fig leaf which leaves the natural treasures of our great nation vulnerable to profit-hungry logging and timber contracts, developers, miners and others who do not care about the green space of your community.

Additionally, this does not adequately fund the Department of Energy's low-income weatherization program. This program provides weatherization for families who live near or below the Federal poverty line. Each home that is weatherized will generate \$275 in annual savings for a family that desperately needs the money for other essentials. However, this bill provides flat-funding for this program and leaves American families in the cold. In Queens and the Bronx, New York, we need this weatherization program, which keeps the low-income families and seniors warm in the winter. But again, if you are not a millionaire, you are forgotten by this Republican Congress and this Bush Administration.

Finally, this legislation rejects the idea of providing modest pragmatic increases for the National Endowment for the Arts. One year ago roll call votes demonstrated favorable support for such increases and yet when push comes to shove, the NEA is funded thirty percent below the Fiscal Year 1994 levels. The NEA has implemented all of the reforms requested by Congress and its programs provided arts education and opportunities for communities throughout America, including a number of programs in my district such as the Bronx Council for the Arts.

From Urban Parks and environmental protections to weatherization projects and arts and culture programs—this bill breaks the commitment Congress made to America. And for this reason I cannot vote for this bill. I cannot break my promise with a clear conscience.

Mr. NUSSLE. Mr. Chairman, I rise in support of H.R. 2691, the Interior and Related Agencies Appropriation Bill for fiscal year 2004. I am pleased to inform my colleagues that the bill meets its allocation established under the Section 302(b) suballocation for the Interior subcommittee.

H.R. 2691 provides \$19.627 billion in budget authority and \$19.400 billion in outlays—increases over the President's requested funding level of \$72 million and \$132 million respectively. Over the last four years, funding for this appropriations bill has increased at an amount rate of 6.3 percent.

BUDGET COMPLIANCE

I am pleased to report that the bill is consistent with section 302(f) of the Congressional Budget Act, which prohibits consideration of bills in excess of a subcommittee's 302(b) allocation. However, I would note that the bill contains a change to one mandatory program that generates \$30 million in savings to offset discretionary spending. If this provision were stricken, the bill would exceed its allocation.

In addition, two transfers within the bill violate section 306 of the Congressional Budget Act. The bill designates as an emergency two transfers—one for the emergency replacement of property owned by the Department, the other for combating wildfires on Department land—with the intent of exempting the costs from the budget resolution. Such designations are unnecessary because the transfers will not change the total amount of appropriated budget authority. Even had there been a cost associated with these provisions, the language as written exempted them from the now expired

statutory spending caps, not from the budget resolution; hence the budget resolution limits would still have applied. While the subcommittee could have attempted to declare these sections as emergencies under Section 502 of the Fiscal Year 2004 Budget Resolution, it also should have included an explanation in its committee report explaining the manner in which these provisions meet the criteria of an emergency.

Because these provisions have no budgetary effect, I am not going to object. However, I would note to this subcommittee and other committees and subcommittees contemplating emergency designations to refer to section 502 of this year's budget resolution. More importantly under the terms of the budget resolution, emergencies should be essential, quickly coming into being, requiring immediate action, unforeseen, and temporary in nature.

H.R. 2691 also rescinds \$20 million of rescissions of previously enacted BA. The bill contains an advance appropriation of \$36 million for payments under the Elk Hills School lands fund settlement agreement. The advance appropriation is included in the list of anticipated advance appropriations under section 301 of the Budget Resolution.

#### CONSERVATION SPENDING

Finally, there will be much discussion during the debate about the subcommittee's decision not to provide spending on conservation programs at the level established under the Conservation Spending Cap. While there is an overall limit on conservation spending through fiscal year 2006, the underlying law enforcing this limit expired last fall. This means there is no way to limit conservation-related appropriations to the capped levels.

In conclusion, I express my support for H.R. 2691 which is so important to the economic and environmental health of many of our rural communities.

Mr. BEREUTER. Mr. Chairman, this Member would like to commend the distinguished gentleman from North Carolina (Mr. TAYLOR), the Chairman of the Interior Appropriations Subcommittee, and the distinguished gentleman from Washington (Mr. DICKS), the Ranking Member of the Subcommittee, for their exceptional work in bringing this bill to the Floor.

This Member recognizes that extremely tight budgetary constraints made the job of the Subcommittee much more difficult this year. Therefore, the Subcommittee is to be commended for its diligence in creating such a fiscally responsible measure. In light of these budgetary pressures, this Member would like to express his appreciation to all the members of the Subcommittee and formally recognize that the Interior appropriations bill for fiscal year 2004 includes funding for two projects that are of great importance to Nebraska.

This Member is very pleased that the bill includes \$400,000 from the U.S. Geological Survey-Biological Division for the new fish and wildlife cooperative research unit established in FY2003 at the University of Nebraska-Lincoln. This Member had been requesting funding for this cooperative research unit each year since 1990! The University of Nebraska and the Nebraska Game and Parks Commission have already committed funds and facilities for the unit, but the Federal funding is needed to make it a reality.

Nebraska's strategic location presents several very special research opportunities, par-

ticularly relating to the large number of migratory birds that visit our state each year via the Central Flyway. However, Nebraska is one of the few states without a fish and wildlife cooperative research unit within the state. Locating a cooperative research unit in Nebraska to develop useful information relating to these issues upon which to base critical management decisions is an urgent need.

This Member is also pleased that Homestead National Monument of America receives \$350,000 to continue planning for a visitor facility. This project received \$300,000 in planning funds in FY2003.

Homestead National Monument of America commemorates the lives and accomplishments of all pioneers and the changes to the land and the people as a result of the Homestead Act of 1862, which is recognized as one of the most important laws in U.S. history. This Monument was authorized by legislation enacted in 1936. The fiscal year 1996 Interior Appropriations legislation directed the National Park Service to complete a General Management Plan to begin planning for improvements at Homestead. The General Management Plan, which was completed last year, made recommendations for improvements that are needed to help ensure that Homestead is able to reach its full potential as a place where Americans can more effectively appreciate the Homestead Act and its effects upon this nation.

Homestead National Monument of America is truly a unique treasure among the National Park Service jewels. The authorizing legislation makes it clear that Homestead was intended to have a special place among Park Service units. According to the original legisla-

tion, it shall be the duty of the Secretary of the Interior to lay out said land in a suitable and enduring manner so that the same may be maintained as an appropriate monument to retain for posterity a proper memorial emblematic of the hardships and the pioneer life through which the early settlers passed in the settlement, cultivation, and civilization of the great West. It shall be his duty to erect suitable buildings to be used as a museum in which shall be preserved literature applying to such settlement and agricultural implements used in bringing the western plains to its present state of high civilization, and to use the said tract of land for such other objects and purposes as in his judgment may perpetuate the history of this country mainly developed by the homestead law.

Clearly, this authorizing legislation sets some lofty goals. The funding included in this bill will begin the process of realizing these goals.

In addition, Mr. Chairman, this Member is pleased that funding was allocated for the National Endowment for the Humanities program entitled, "We the People." This initiative is designed to promote a broad understanding of the ideas and events that have shaped our nation. The "We the People" program will support the study of our nation's history, institutions and culture. The state humanities councils will play a large role in this effort and receive substantial resources from it. A number of the programs undertaken by the Nebraska Humanities Council are examples of the programs which are expected to be included in "We the People." These include the Great Plains Chatauqua on Lewis and Clark, the Capitol Forum, and their Speaker's Bureau.

Again Mr. Chairman, this Member commends the distinguished gentleman from North Carolina (Mr. TAYLOR), the Chairman of the Interior Appropriations Subcommittee, and the distinguished gentleman from Washington (Mr. DICKS), the Ranking Member of the Subcommittee, for their support of projects which are important to Nebraska and the 1st Congressional District.

This Member urges his colleagues to support H.R. 2691.

Mr. KIND. Mr. Chairman, I am pleased to be an original cosponsor of this amendment to the Interior Appropriations Bill to expand funding for the low-income weatherization program and other important energy efficiency programs. I urge all my colleagues to support this amendment.

Weatherization programs help all Americans in all areas of the country, from those congressional districts with hot, sweltering summers to my Third Congressional District of Wisconsin, which as you know experiences long, bitter cold winters. During this year of unprecedented rising energy prices, it is important that this Congress have an honest discussion of our nation's energy policy. Importantly, this amendment shows the American people our dedication to energy conservation measures.

Mr. Chairman, much of the focus on our current energy crisis has been the rising price of crude oil and natural gas. But in my district and throughout the country, the price of heating oil has risen as much as 30 percent in the past year. Conservation efforts such as the weatherization assistance program go a long way to helping us become less dependent on foreign oil.

Mr. Chairman, the weatherization assistance program helps correct the disproportionate energy burden faced by low-income Americans. The program has helped make over five million homes more energy efficient and the average home has seen heating savings of 23 percent. With many low-income households spending over \$1,200 on energy costs annually, this energy efficiency savings can further help these families afford the basic necessities of life. Mr. Speaker we do not want any of our citizens having to make the difficult choice between food and fuel. I urge my colleagues to support this measure.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee now rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS) having assumed the chair, Mr. LATOURETTE, 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. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, pursuant to House Resolution 319, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

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

The amendments were agreed to.  
The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

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

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

Pursuant to clause 8 of rule XX, this 15-minute vote on passage will be followed by a 5-minute vote on the motion to instruct on H.R. 1308 offered by the gentleman from Maine (Mr. MICHAUD).

The vote was taken by electronic device, and there were—yeas 268, nays 152, not voting 14, as follows:

[Roll No. 389]

YEAS—268

Abercrombie	Edwards	Lampson
Aderholt	Ehlers	Latham
Alexander	Emerson	LaTourette
Baca	English	Leach
Bachus	Everett	Lewis (CA)
Baker	Farr	Lewis (KY)
Barrett (SC)	Fattah	Linder
Bartlett (MD)	Feeney	Lipinski
Bass	Flake	LoBiondo
Beauprez	Fletcher	Lucas (KY)
Bell	Foley	Lucas (OK)
Bereuter	Forbes	Maloney
Biggert	Fossella	Marshall
Bilirakis	Frelinghuysen	McCotter
Bishop (GA)	Frost	McCrery
Bishop (UT)	Gallegly	McHugh
Blackburn	Garrett (NJ)	McInnis
Blunt	Gerlach	McIntyre
Boehlert	Gibbons	McKeon
Boehner	Gilchrest	Mica
Bonner	Gillmor	Miller (MI)
Bono	Gingrey	Miller, Gary
Boozman	Gonzalez	Mollohan
Boucher	Goode	Moore
Boyd	Goodlatte	Moran (KS)
Bradley (NH)	Gordon	Moran (VA)
Brady (PA)	Goss	Murphy
Brady (TX)	Green (TX)	Murtha
Brown (SC)	Green (WI)	Musgrave
Brown-Waite,	Greenwood	Myrick
Ginny	Gutknecht	Nethercutt
Burns	Hall	Neugebauer
Burr	Harman	Ney
Burton (IN)	Harris	Northup
Buyer	Hart	Norwood
Calvert	Hastings (WA)	Nunes
Camp	Hayes	Nussle
Cannon	Hayworth	Oberstar
Cantor	Hefley	Ortiz
Capito	Hensarling	Osborne
Cardoza	Herger	Ose
Castle	Hill	Otter
Chabot	Hobson	Oxley
Chocola	Hoefel	Pearce
Clyburn	Hoekstra	Pence
Coble	Holden	Peterson (MN)
Cole	Houghton	Peterson (PA)
Collins	Hulshof	Pickering
Cox	Hunter	Pitts
Cramer	Hyde	Platts
Crane	Isakson	Pombo
Crenshaw	Issa	Pomeroy
Cubin	Istook	Porter
Culberson	Jackson (IL)	Portman
Cunningham	Jenkins	Pryce (OH)
Davis (AL)	John	Putnam
Davis (FL)	Johnson (CT)	Quinn
Davis (TN)	Johnson (IL)	Radanovich
Davis, Tom	Kanjorski	Regula
Deal (GA)	Kaptur	Rehberg
DeLay	Keller	Renzi
DeMint	Kelly	Reyes
Diaz-Balart, L.	King (IA)	Reynolds
Diaz-Balart, M.	King (NY)	Rodriguez
Dicks	Kingston	Rogers (AL)
Dooley (CA)	Kirk	Rogers (KY)
Doolittle	Kline	Rogers (MI)
Doyle	Knollenberg	Ros-Lehtinen
Dreier	Kolbe	Ross
Dunn	LaHood	Rothman

Rush	Smith (NJ)	Turner (OH)
Ryun (KS)	Smith (TX)	Turner (TX)
Sabo	Snyder	Udall (NM)
Sandlin	Souder	Upton
Saxton	Stenholm	Visclosky
Schrock	Stupak	Vitter
Scott (GA)	Sullivan	Walden (OR)
Scott (VA)	Sweeney	Walsh
Serrano	Tancredo	Wamp
Sessions	Tauzin	Weldon (FL)
Shadegg	Taylor (MS)	Weldon (PA)
Shaw	Taylor (NC)	Weller
Shays	Terry	Whitfield
Sherwood	Thomas	Wicker
Shimkus	Thompson (CA)	Wilson (NM)
Shuster	Thompson (MS)	Wilson (SC)
Simmons	Thornberry	Wolf
Simpson	Tiahrt	Young (AK)
Skelton	Tiberi	Young (FL)
Smith (MI)	Toomey	

NAYS—152

Ackerman	Holt	Olver
Akin	Honda	Owens
Allen	Hooley (OR)	Pallone
Andrews	Hostettler	Pascrell
Baird	Hoyer	Pastor
Baldwin	Inslee	Paul
Ballance	Israel	Payne
Becerra	Jackson-Lee	Pelosi
Berry	(TX)	Petri
Bishop (NY)	Johnson, E. B.	Price (NC)
Blumenauer	Jones (NC)	Rahall
Boswell	Jones (OH)	Ramstad
Brown (OH)	Kennedy (MN)	Rangel
Brown, Corrine	Kennedy (RI)	Rohrabacher
Capps	Kildee	Roybal-Allard
Capuano	Kilpatrick	Royce
Cardin	Kleczka	Ruppersberger
Carson (IN)	Kucinich	Ryan (OH)
Carson (OK)	Langevin	Ryan (WI)
Case	Lantos	Sanchez, Linda
Clay	Larson (WA)	T.
Conyers	Larson (CT)	Sanchez, Loretta
Cooper	Lee	Sanders
Costello	Levin	Schakowsky
Crowley	Lewis (GA)	Schiff
Cummings	Lofgren	Sensenbrenner
Davis (CA)	Lowey	Sherman
Davis (IL)	Lynch	Slaughter
Davis, Jo Ann	Majette	Smith (WA)
DeFazio	Manzullo	Solis
DeGette	Markey	Spratt
DeLauro	Matheson	Stark
Deutsch	Matsui	Stearns
Dingell	McCarthy (MO)	Strickland
Doggett	McCarthy (NY)	Tanner
Duncan	McCollum	Tauscher
Emanuel	McDermott	Tierney
Engel	McGovern	Towns
Eshoo	McNulty	Udall (CO)
Etheridge	Meehan	Van Hollen
Evans	Meek (FL)	Velazquez
Filner	Meeks (NY)	Waters
Ford	Menendez	Watson
Frank (MA)	Michaud	Watt
Franks (AZ)	Miller (FL)	Waxman
Graves	Miller (NC)	Weiner
Grijalva	Miller, George	Wexler
Gutierrez	Nadler	Woolsey
Hastings (FL)	Napolitano	Wu
Hinchey	Neal (MA)	Wynn
Hinojosa	Obey	

NOT VOTING—14

Ballenger	Burgess	Janklow
Barton (TX)	Carter	Jefferson
Berkley	Ferguson	Johnson, Sam
Berman	Gephardt	Millender-
Bonilla	Granger	McDonald

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2350

Mr. OBERSTAR changed his vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on the bill, H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maine (Mr. MICHAUD) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 202, nays 214, not voting 18, as follows:

[Roll No. 390]

YEAS—202

Abercrombie	Hall	Oberstar
Ackerman	Harman	Obey
Alexander	Hastings (FL)	Olver
Allen	Hill	Ortiz
Andrews	Hinchey	Owens
Baca	Hinojosa	Pallone
Baird	Hoefel	Pascrell
Baldwin	Holden	Pastor
Ballance	Holt	Payne
Becerra	Honda	Pelosi
Bell	Hooley (OR)	Peterson (MN)
Berry	Hoyer	Pomeroy
Bishop (GA)	Inslee	Price (NC)
Bishop (NY)	Israel	Rahall
Blumenauer	Jackson (IL)	Rangel
Boswell	Jackson-Lee	Reyes
Boucher	(TX)	Rodriguez
Boyd	John	Ross
Brady (PA)	Johnson, E. B.	Rothman
Brown (OH)	Jones (OH)	Roybal-Allard
Brown, Corrine	Kanjorski	Ruppersberger
Capps	Kaptur	Rush
Capuano	Kennedy (RI)	Ryan (OH)
Cardin	Kildee	Sabo
Cardoza	Kilpatrick	Sanchez, Linda
Carson (IN)	Kind	T.
Carson (OK)	Kucinich	Sanchez, Loretta
Case	Lampson	Sanders
Castle	Langevin	Sandlin
Clay	Lantos	Schakowsky
Clyburn	Larsen (WA)	Schiff
Conyers	Larson (CT)	Scott (GA)
Cooper	Leach	Scott (VA)
Costello	Lee	Serrano
Cramer	Levin	Sherman
Crowley	Lewis (GA)	Skelton
Cummings	Lipinski	Slaughter
Davis (AL)	Lofgren	Smith (WA)
Davis (CA)	Lowey	Snyder
Davis (FL)	Lucas (KY)	Solis
Davis (IL)	Lynch	Spratt
Davis (TN)	Majette	Stark
DeFazio	Maloney	Stenholm
DeGette	Markey	Strickland
Delahunt	Marshall	Stupak
DeLauro	Matheson	Tanner
Deutsch	Matsui	Tauscher
Dicks	McCarthy (MO)	Taylor (MS)
Dingell	McCarthy (NY)	Thompson (CA)
Doggett	McCollum	Thompson (MS)
Doyle	McDermott	Tierney
Edwards	McGovern	Towns
Emanuel	McIntyre	Turner (TX)
Engel	McNulty	Udall (CO)
Eshoo	Meehan	Udall (NM)
Etheridge	Meek (FL)	Upton
Evans	Meeks (NY)	Van Hollen
Farr	Menendez	Velazquez
Fattah	Michaud	Visclosky
Filner	Miller (NC)	Waters
Ford	Miller, George	Watson
Frank (MA)	Mollohan	Watt
Frost	Moore	Waxman
Gonzalez	Moran (VA)	Weiner
Gordon	Murtha	Wexler
Green (TX)	Nadler	Woolsey
Grijalva	Napolitano	Wu
Gutierrez	Neal (MA)	Wynn