and supplies furnished during the time they have been blocked in the United States; moreover, the owner appears to have insufficient resources to provide for the future upkeep and maintenance needs of these vessels and their crews. The United States is notifying the UNSC's Serbian Sanctions Committee of the United States's intention to license some or all of these remaining four vessels upon the owner's request.

With the FAC-licensed sales of the M/V Kapetan Martinovic and the M/V Bor, those vessels were removed from the list of blocked FRY entities and merchant vessels maintained by FAC. The new owners of several formerly Yugoslav-owned vessels, which have been sold in other countries, have petitioned FAC to remove those vessels from the list. FAC, in coordination with the Department of State, is currently reviewing the sale terms and conditions for those vessels to ascertain whether they comply with U.N. sanctions objectives and UNSC's Serbian Sanctions Committee practice.

During the past 6 months, U.S. financial institutions have continued to block funds transfers in which there is an interest of the Government of the FRY (S/M) or an entity or undertaking located in or controlled from the FRY (S/M), and to stop prohibited transfers to persons in the FRY (S/M). Such interdicted transfers have accounted for $125.6 million since the issuance of Executive order No. 12808, including some $9.3 million during the past 6 months.

To ensure compliance with the terms of the licenses that have been issued under the program, stringent reporting requirements are imposed. More than 279 submissions have been reviewed by FAC since the last report, and more than 125 compliance cases are currently open.

6. Since the issuance of Executive Order No. 12810, FAC has worked closely with the U.S. Customs Service to ensure both that prohibited imports and exports (including those in which the Government of the FRY (S/M) or Bosnian Serb authorities have an interest) are identified and interdicted, and that permitted imports and exports move to their intended destination without undue delay. Violations and suspected violations of the embargo are being investigated and appropriate enforcement actions are being taken. There are currently 37 cases under active investigation. Since the last report, FAC has collected nine civil penalties totaling nearly $20,000. Of these, five were paid by U.S. financial institutions for violative funds transfers involving the Government of the FRY (S/M), persons in the FRY (S/M), or entities located or organized in or controlled from the FRY (S/M). Three U.S. companies and one air carrier have also paid penalties related to exports or unlicensed payments to the Government of the FRY (S/M) or persons in the FRY (S/M) or other violations of the Regulations.

7. The expenses incurred by the Federal Government in the 6-month period from November 30, 1994, through May 29, 1995, that are directly attributable to the authorities conferred by the declaration of a national emergency with respect to the FRY (S/M) and the Bosnian Serb forces and authorities are estimated at about $3.5 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in FAC and its Chief Counsel's Office, and the U.S. Customs Service), the Department of State, the National Security Council, the U.S. Coast Guard, and the Department of Commerce.

8. The actions and policies of the Government of the FRY (S/M), in its involvement in and support for groups attempting to seize and hold territory in the Republics of Croatia and Bosnia and Herzegovina by force and violence, and the actions and policies of the Bosnian Serb forces and the authorities in the areas of Bosnia and Herzegovina under their control, continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The United States remains committed to a multilateral resolution of the conflict through implementation of the United Nations Security Council resolutions.

I shall continue to exercise the powers at my disposal to apply economic sanctions against the FRY (S/M) and the Bosnian Serb forces, civil authorities, and entities, as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 18, 1995.*

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1977, the legislation which we are about to consider, and that I may be permitted to include tables, charts, and other material.

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

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 187 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1977.

□ 1222

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1977), making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, with Mr. BURTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Monday, July 17, 1995, title III was open for amendment at any point.

Mr. REGULA. Mr. Chairman, I ask unanimous consent to strike the last word, in order that I may address the House to explain the vote situation.

The CHAIRMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. REGULA. Mr. Chairman, there are two votes pending at this point that were rolled over from title II last night. The first will be a vote on the question of a sale of 7 million barrels of oil from Weeks Island in order to pay for the cost of moving the balance of the oil from Weeks Island to another location in SPR. Presently, Weeks Island is leaking and the oil has to be moved.

There is an amendment pending that would eliminate the language that allows the sale of the 7 million barrels to provide the necessary funds to move the oil and make whatever repairs would be required on the balance of SPR.

The second amendment, Mr. Chairman is an amendment offered by the gentleman from Ohio [Mr. CHABOT] that would eliminate the funding for the National Endowment for the Humanities. Those would be the two amendments that will be before us. The first will be the amendment of the gentleman from Colorado [Mr. SCHAEFER] on the Weeks Island issue; the second will be on the amendment of the gentleman from Ohio [Mr. CHABOT] to defund NEH.

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

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

Mr. SCHAEFER. Mr. Chairman, I have a very short comment. These both were debated last night in full, and I recognize the work the chairman has put in on this particular piece of legislation. We just disagree on this point.

Mr. Chairman, I would ask, am I understanding this correctly, that both of these amendments will have recorded votes? May I ask if both of these amendments have recorded votes?

The CHAIRMAN. The requests for recorded votes are pending from last night.

Mr. REGULA. That is correct. The plan would be a recorded vote on both, probably 15 minutes on the first, and 5 minutes on the second. Would that be correct, Mr. Chairman?

The CHAIRMAN. The votes have not yet been ordered, but the Chair will put that question shortly.

Mr. REGULA. Mr. Chairman, there would then be a 15-minute vote on

Weeks Island and a 5-minute vote on the amendment offered by the gentleman from Ohio [Mr. CHABOT].

The CHAIRMAN. That is the intention of the Chair.

Mr. REGULA. If they are ordered, yes.

Mr. SCHAEFER. Mr. Chairman, I intend to move that a quorum is not present, if indeed it is not ordered.

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

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, as the chairman explained, there are two votes pending on the Department of the Interior appropriation bill. The first, of course, is on the amendment by the gentleman from Colorado [Mr. SCHAEFER] respecting Weeks Island; to strike the provision which allows the Secretary of Energy to sell on a one-time basis 7 million barrels of oil from storage at Weeks Island, LA.

The amount to be sold is less than 1 day of oil imports. It is only a little more than 1 percent of the total reserve. If the oil is not sold, this bill will be over its 602(b) allocation, and in conference, $100 million more would have to be covered out of a bill that is already very, very tight. This would place Park Service in jeopardy, Indian health in jeopardy, and place revenue-producing programs in jeopardy.

In addition, Mr. Chairman, if the Department of Energy is unable to attend to the problems at Weeks Island, we are going to be faced with the distinct possibility of an oil spill of far greater magnitude than the *Exxon Valdez*.

The second amendment we will be voting on is the amendment offered by the gentleman from Ohio [Mr. CHABOT] to eliminate all funding for the National Endowment for the Humanities.

□ 1230

His amendment does not accord with either the authorizing committee or the appropriations committee.

As I indicated last night, Mr. Chairman, the National Endowment for the Humanities is a unique organization. It is an organization that promotes the essence, the elements of democracy in our country. To my mind it is one of the must powerful educational forces we have in this country. The NEH helps teachers obtain the tools with which they can better transmit their subjects to more pupils.

The National Endowment for the Humanities has already been cut much too much in my opinion. It has been cut from an appropriation of $172 million to $99.5 million, 42 percent cut. I think that both amendments should be defeated.

SEQUENTIAL VOTES POSTPONED IN COMMUNITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 189, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 41 offered by the gentleman from Colorado [Mr. SCHAEFER]; amendment No. 11 offered by the gentleman from Ohio [Mr. CHABOT].

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

AMENDMENT NO. 41 OFFERED BY MR. SCHAEFER

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 41 offered by the gentleman from Colorado [Mr. SCHAEFER] on which further proceedings were postponed and on which the noes prevailed by division vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. SCHAEFER: Page 57, line 7, strike ''$287,000,000'' and all that follows through ''Reserve'' on line 21, and insert the following: $187,000,000, to remain available until expended, which shall be derived by transfer of unobligated balances from the ''SPR petroleum account''.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 15-minute vote, to be followed by a possible 5-minute vote.

The vote was taken by electronic device, and there were—ayes 157, noes 267, not voting 10, as follows:

[Roll No. 517]

AYES—157

Archer	Funderburk	McIntosh
Armey	Ganske	McKeon
Bachus	Gejdenson	McNulty
Baesler	Gephardt	Menendez
Baker (LA)	Geren	Mink
Ballenger	Gillmor	Molinari
Barcia	Gordon	Montgomery
Barr	Graham	Moorhead
Barrett (WI)	Greenwood	Moran
Barton	Gunderson	Nadler
Bateman	Hall (TX)	Neal
Bentsen	Hansen	Ney
Bilbray	Harman	Norwood
Bilirakis	Hastert	Nussle
Bliley	Hastings (WA)	Ortiz
Browder	Hayes	Orton
Brownback	Hayworth	Oxley
Bryant (TN)	Hefley	Pallone
Bryant (TX)	Heineman	Parker
Bunning	Herger	Paxon
Burr	Hilleary	Pickett
Burton	Hinchey	Pombo
Callahan	Houghton	Quinn
Calvert	Hunter	Roberts
Camp	Hutchinson	Ros-Lehtinen
Cardin	Hyde	Salmon
Chambliss	Jackson-Lee	Schaefer
Chenoweth	Jefferson	Scott
Christensen	Jones	Sisisky
Coburn	Kasich	Skelton
Condit	Kennedy (MA)	Slaughter
Cooley	Kennelly	Smith (MI)
Cramer	Kildee	Smith (WA)
Crapo	King	Solomon
Cunningham	Kingston	Spratt
Danner	Kleczka	Stenholm
de la Garza	LaFalce	Stockman
Deal	Largent	Stump
Deutsch	Laughlin	Stupak
Diaz-Balart	Levin	Tanner
Dingell	Lincoln	Tauzin
Edwards	Linder	Taylor (MS)
Engel	Lipinski	Thurman
Everett	LoBiondo	Upton
Fawell	Lucas	Visclosky
Fields (LA)	Manzullo	Wamp
Fields (TX)	Markey	Weller
Filner	McCollum	White
Franks (CT)	McCrery	Whitfield
Frisa	McHugh	Williams
Frost	McInnis	Wilson
		Woolsey
		Wyden
		Wynn
		Young (AK)

NOES—267

Abercrombie	Gallegly	Payne (NJ)
Ackerman	Gekas	Payne (VA)
Allard	Gibbons	Pelosi
Andrews	Gilchrest	Peterson (FL)
Baker (CA)	Gilman	Peterson (MN)
Baldacci	Gonzalez	Petri
Barrett (NE)	Goodlatte	Pomeroy
Bartlett	Goodling	Porter
Bass	Goss	Portman
Becerra	Green	Poshard
Beilenson	Gutierrez	Pryce
Bereuter	Gutknecht	Quillen
Berman	Hall (OH)	Radanovich
Bevill	Hamilton	Rahall
Bishop	Hancock	Ramstad
Blute	Hastings (FL)	Rangel
Boehlert	Hefner	Reed
Boehner	Hilliard	Regula
Bonilla	Hobson	Riggs
Bonior	Hoekstra	Rivers
Bono	Hoke	Roemer
Borski	Holden	Rogers
Boucher	Horn	Rohrabacher
Brewster	Hostettler	Rose
Brown (CA)	Hoyer	Roth
Brown (FL)	Inglis	Roukema
Brown (OH)	Istook	Roybal-Allard
Bunn	Jacobs	Royce
Buyer	Johnson (CT)	Rush
Canady	Johnson, E. B.	Sabo
Castle	Johnson, Sam	Sanders
Chabot	Johnston	Sanford
Chapman	Kanjorski	Sawyer
Chrysler	Kaptur	Saxton
Clay	Kelly	Scarborough
Clayton	Kim	Schiff
Clement	Klink	Schroeder
Clinger	Klug	Schumer
Clyburn	Knollenberg	Seastrand
Coble	Kolbe	Sensenbrenner
Coleman	LaHood	Serrano
Collins (GA)	Lantos	Shadegg
Collins (IL)	Latham	Shaw
Combest	LaTourette	Shays
Costello	Lazio	Shuster
Cox	Leach	Skaggs
Coyne	Lewis (CA)	Skeen
Crane	Lewis (GA)	Smith (NJ)
Cremeans	Lewis (KY)	Smith (TX)
Cubin	Lightfoot	Souder
Davis	Livingston	Spence
DeFazio	Lofgren	Stark
DeLauro	Longley	Stearns
DeLay	Lowey	Stokes
Dellums	Luther	Studds
Dickey	Maloney	Talent
Dicks	Manton	Tate
Dixon	Martinez	Taylor (NC)
Doggett	Martini	Tejeda
Dooley	Mascara	Thomas
Doolittle	Matsui	Thompson
Dornan	McCarthy	Thornberry
Doyle	McDade	Thornton
Dreier	McDermott	Tiahrt
Duncan	McHale	Torkildsen
Dunn	McKinney	Torres
Durbin	Meehan	Torricelli
Ehlers	Meek	Towns
Ehrlich	Metcalf	Traficant
Emerson	Meyers	Tucker
English	Mfume	Velazquez
Ensign	Mica	Vento
Eshoo	Miller (CA)	Vucanovich
Evans	Miller (FL)	Walker
Ewing	Mineta	Walsh
Farr	Minge	Ward
Fattah	Mollohan	Waters
Fazio	Morella	Watt (NC)
Flanagan	Murtha	Watts (OK)
Foglietta	Myers	Waxman
Foley	Myrick	Weldon (FL)
Forbes	Nethercutt	Weldon (PA)
Ford	Neumann	Wicker
Fowler	Oberstar	Wise
Fox	Obey	Wolf
Frank (MA)	Olver	Yates
Franks (NJ)	Owens	Young (FL)
Frelinghuysen	Packard	Zeliff
Furse	Pastor	Zimmer

NOT VOTING—10

Collins (MI)	Kennedy (RI)	Volkmer
Conyers	Moakley	Waldholtz
Flake	Reynolds	
Johnson (SD)	Richardson	

☐ 1256

Mrs. CUBIN, Messrs. KIM, WISE, JOHNSTON of Florida, CHRYSLER, ZELIFF, COBLE, TATE, CRANE, PAYNE of New Jersey, GONZALEZ, SMITH of Texas, INGLIS of South Carolina, LAHOOD, and GUTIERREZ changed their vote from ''aye'' to ''no.''

Messrs. MENENDEZ, GEJDENSON, KING, KLECZKA, CRAMER, SCOTT, HERGER, ENGEL, NADLER, SALMON, KENNEDY of Massachusetts, Ms. WOOLSEY, and Ms. SLAUGHTER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise today to inform the House that I inadvertently missed two votes, rollcall Nos. 516 and 517, earlier today due to a malfunction in the House electronic pager system. Had I been present I would have voted ''nay'' in each instance.

PARLIAMENTARY INQUIRY

Mr. DICKS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DICKS. Mr. Chairman, will the next amendment eliminate all funding for the National Endowment for the Humanities, after the committee cut it by 40 percent?

The CHAIRMAN. The gentleman has not stated a proper parliamentary inquiry.

AMENDMENT NO. 11 OFFERED BY MR. CHABOT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 11 offered by the gentleman from Ohio [Mr. CHABOT] on which further proceedings were postponed and on which the ''noes'' prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. CHABOT:

Page 73, strike line 16 and all that follows through page 74, line 15.

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 148, noes 277, not voting 9, as follows:

[Roll No. 518]

AYES—148

Allard	Bryant (TN)	Combest
Archer	Bunning	Condit
Armey	Burton	Cooley
Baker (CA)	Callahan	Cox
Barcia	Calvert	Crane
Barr	Canady	Crapo
Bartlett	Chabot	Cremeans
Barton	Chambliss	Cubin
Bateman	Chapman	Cunningham
Bilirakis	Chenoweth	Deal
Bliley	Christensen	DeLay
Boehner	Chrysler	Dickey
Bono	Coble	Doolittle
Brewster	Coburn	Dreier
Brownback	Collins (GA)	Duncan
Dunn	Laughlin	Scarborough
Emerson	Lewis (CA)	Schaefer
Everett	Lewis (KY)	Seastrand
Ewing	Lightfoot	Sensenbrenner
Fields (TX)	Linder	Shadegg
Foley	Lucas	Shaw
Frisa	Manzullo	Shuster
Funderburk	McInnis	Smith (TX)
Gallegly	McIntosh	Smith (WA)
Gekas	McKeon	Solomon
Geren	Metcalf	Souder
Gillmor	Mica	Stearns
Goodlatte	Molinari	Stenholm
Gutknecht	Montgomery	Stockman
Hall (TX)	Moorhead	Stump
Hancock	Myrick	Talent
Hastert	Neumann	Tate
Hastings (WA)	Ney	Tauzin
Hayworth	Norwood	Taylor (MS)
Hefley	Nussle	Taylor (NC)
Heineman	Orton	Thomas
Herger	Oxley	Thornberry
Hilleary	Parker	Tiahrt
Hostettler	Paxon	Walker
Hunter	Petri	Wamp
Hutchinson	Pombo	Watts (OK)
Inglis	Quillen	Weldon (FL)
Istook	Radanovich	Weller
Johnson, Sam	Ramstad	Whitfield
Jones	Roberts	Wicker
Kasich	Rogers	Young (AK)
King	Rohrabacher	Young (FL)
Kingston	Roth	Zimmer
Largent	Royce	
Latham	Salmon	

NOES—277

Abercrombie	Edwards	Johnson (SD)
Ackerman	Ehlers	Johnson, E. B.
Andrews	Ehrlich	Johnston
Bachus	Engel	Kanjorski
Baesler	English	Kaptur
Baker (LA)	Ensign	Kelly
Baldacci	Eshoo	Kennedy (MA)
Ballenger	Evans	Kennelly
Barrett (NE)	Farr	Kildee
Barrett (WI)	Fattah	Kim
Bass	Fawell	Kleczka
Becerra	Fazio	Klink
Beilenson	Fields (LA)	Klug
Bentsen	Filner	Knollenberg
Bereuter	Flanagan	Kolbe
Berman	Foglietta	LaFalce
Bevill	Forbes	LaHood
Bilbray	Ford	Lantos
Bishop	Fowler	LaTourette
Blute	Fox	Lazio
Boehlert	Frank (MA)	Leach
Bonilla	Franks (CT)	Levin
Bonior	Franks (NJ)	Lewis (GA)
Borski	Frelinghuysen	Lincoln
Boucher	Frost	Lipinski
Browder	Furse	Livingston
Brown (CA)	Ganske	LoBiondo
Brown (FL)	Gejdenson	Lofgren
Brown (OH)	Gephardt	Longley
Bryant (TX)	Gibbons	Lowey
Bunn	Gilchrest	Luther
Burr	Gilman	Maloney
Buyer	Gonzalez	Manton
Camp	Goodling	Markey
Cardin	Gordon	Martinez
Castle	Goss	Martini
Clay	Graham	Mascara
Clayton	Green	Matsui
Clement	Greenwood	McCarthy
Clinger	Gunderson	McCollum
Clyburn	Gutierrez	McCrery
Coleman	Hall (OH)	McDade
Collins (IL)	Hamilton	McDermott
Conyers	Hansen	McHale
Costello	Harman	McHugh
Coyne	Hastings (FL)	McKinney
Cramer	Hayes	McNulty
Danner	Hefner	Meehan
Davis	Hilliard	Meek
de la Garza	Hinchey	Menendez
DeFazio	Hobson	Meyers
DeLauro	Hoekstra	Mfume
Dellums	Hoke	Miller (CA)
Deutsch	Holden	Miller (FL)
Diaz-Balart	Horn	Mineta
Dicks	Houghton	Minge
Dingell	Hoyer	Mink
Dixon	Hyde	Mollohan
Doggett	Jackson-Lee	Moran
Dooley	Jacobs	Morella
Doyle	Jefferson	Murtha
Durbin	Johnson (CT)	Myers
Nadler	Rose	Thornton
Neal	Roukema	Thurman
Nethercutt	Roybal-Allard	Torkildsen
Oberstar	Rush	Torres
Obey	Sabo	Torricelli
Olver	Sanders	Towns
Ortiz	Sanford	Traficant
Owens	Sawyer	Tucker
Packard	Saxton	Upton
Pallone	Schiff	Velazquez
Pastor	Schroeder	Vento
Payne (NJ)	Schumer	Visclosky
Payne (VA)	Scott	Vucanovich
Pelosi	Serrano	Walsh
Peterson (FL)	Shays	Ward
Peterson (MN)	Sisisky	Waters
Pickett	Skaggs	Watt (NC)
Pomeroy	Skeen	Waxman
Porter	Skelton	Weldon (PA)
Portman	Slaughter	White
Poshard	Smith (MI)	Williams
Pryce	Smith (NJ)	Wilson
Quinn	Spence	Wise
Rahall	Spratt	Wolf
Rangel	Stark	Woolsey
Reed	Stokes	Wyden
Regula	Studds	Wynn
Riggs	Stupak	Yates
Rivers	Tanner	Zeliff
Roemer	Tejeda	
Ros-Lehtinen	Thompson	

NOT VOTING—9

Collins (MI)	Kennedy (RI)	Richardson
Dornan	Moakley	Volkmer
Flake	Reynolds	Waldholtz

☐ 1305

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there amendments to title III?

AMENDMENT OFFERED BY MR. OLVER

Mr. OLVER. Mr. Chairman, I offer an amendment, amendment No. 70.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OLVER:

AMENDMENT NO. 70

At the end of the bill add the following new section:

''SEC. . None of the funds made available in this Act may be used by the Department of Energy in implementing the Codes and Standards Program to plan, propose, issue, or prescribe any new or amended standard—

''(1) when it is made known to the Federal official having authority to obligate or expend such funds that the Attorney General, in accordance with section 325(o)(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)(2)(B)), determined that the standard is likely to cause significant anticompetitive effects;

''(2) that the Secretary of Energy, in accordance with such section 325(o)(2)(B), has determined that the benefits of the standard do not exceed its burdens; or

''(3) that is for fluorescent lamps ballasts.''.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman from Pennsylvania will state his point of order.

Mr. WALKER. At this point in the bill, the amendment is not raised timely. It has to come at the end of this title rather than in the middle of the title.

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

Mr. OLVER. I accept the point of order.

The CHAIRMAN. Until the Clerk reads the last two lines of the bill, limitation amendments are not in order where that point is raised.

Are there amendments to title III?

Mr. GUNDERSON. Mr. Chairman, I move to strike the last word for the purposes of entering into a colloquy with the distinguished chairman of the committee.

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

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. GUNDERSON. Mr. Chairman, I want to thank the distinguished chairman of the Interior appropriations subcommittee for engaging in this colloquy with me. All of us in the Congress are faced, as we know, with tough fiscal choices this year. There is nobody who has faced that any more than the chairman of the Interior appropriations subcommittee, as he has tried to deal with the difficult decisions in this area.

I rise, however, this afternoon to caution the chairman that some of the cuts that are being proposed may actually have negative consequences of costing us more than we intended to save. The bill before us does not specify exactly where the money cut from the National Biological Survey is to be taken. However, without specific guidance or direction as to where those cuts should be made, I fear that cuts will be based on some formula that focuses more heavily on meeting the internal agenda of the Department of the Interior rather than on focusing on more broadly what is best for our Nation as a whole.

In fact, this is already illustrated by a recent decision by the Department of the Interior to issue a list outlining labs currently under the jurisdiction of the National Biological Survey that would be closed. One lab slated for closure is the national fisheries lab within the Upper Mississippi Science Center in LaCrosse, WI. I have a letter I would like to insert from Secretary Babbitt at this point in the RECORD that articulates this.

The Upper Mississippi Science Center is a one-of-a-kind research facility. The work this facility performs is unique and essential to the Nation.

Under a contract with 40 different States, the center conducts research which is necessary for registering chemicals and drugs used in aquaculture and marine fisheries. This center is the only research institute in the country with the facilities, personnel, experience, and laboratory practices for the development of information necessary to drug and chemical registration processes.

I am convinced that without an adequate and diverse supply of these chemical and drug products, public safety would obviously be compromised, especially with consumption of seafood products, as that continues to increase. Currently, we inspect seafood products using a system that is both risk-based and science-based. Loss of the national fisheries lab would threaten the supply of products that helps to minimize these risks. Loss of this lab would undoubtedly force us to reinvest greater funding in seafood inspection activities, since a system that is risk-based increases the size and scope in direct proportion with the risk it attempts to curtail.

I would assure the distinguished chairman that my subcommittee, the committee on Agriculture Subcommittee on Livestock, Dairy, and Poultry, will be proceeding with legislative reform of our Nation's meat, poultry, and seafood inspection systems.

If we cut at this time funding to the National Biological Survey for this particular lab without providing specific guidance on where the money should be taken from, it would put this entire process in jeopardy and we would simply have to recreate that inspection and that scientific research process later on.

Therefore, I would request that the chairman would take the necessary actions to ensure that we can reach our combined legislative objectives without forcing us to actually raise the budget deficit.

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

Mr. GUNDERSON. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

Mr. Chairman, I thank the distinguished chairman of the Livestock, Dairy, and Poultry Subcommittee for his remarks. I especially appreciate his acknowledgement of and support for the deficit reduction activities that my subcommittee is engaged in.

I do not envy the task ahead of the distinguished chairman as he takes up legislation to reform our Nation's systems of meat, poultry, and seafood inspection.

I recognize the fact that any cuts to the Upper Mississippi Science Center put you in a precarious position of having to potentially develop a more intense and costly system of seafood inspection.

Certainly, maintaining the safest, most abundant, highest quality, and most affordable food supply on the planet is in the best interest of all Americans.

I would like to assure the gentleman that while this bill reduces funding by over $60 million for biological research programs, and transfers programs to a research arm within the U.S. Geological Survey, nothing in this bill specifically requires where specific cuts should be made. Those decisions will be made on a priority basis solely within the Department of the Interior.

Towards that end, I would encourage the Secretary of the Interior to proceed cautiously in determining what the highest priority research needs are for lands administered by the Department of the Interior, making those decisions on the basis of national priorities.

Mr. GUNDERSON. I appreciate the gentleman's remarks and would hope that the Department of the Interior would recognize that the decisions we make here in the National Biological Survey in no way are meant to direct specific decisions regarding specific labs.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. OWENS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OWENS: Page 94, after line 23, insert the following new section:

SEC. 318. (a) RESERVATION OF ROYALTY.—Production of all locatable minerals from any mining claim located under the general mining laws, or mineral concentrates or products derived from locatable minerals from any mining claim located under the general mining laws, as the case may be, shall be subject to a royalty of 8 percent of the gross income from such production. The claimholder and any operator to whom the claimholder has assigned the obligation to make royalty payments under the claim and any person who controls such claimholder or operator shall be jointly and severally liable for payment of such royalties.

(b) DUTIES OF CLAIM HOLDERS, OPERATORS, AND TRANSPORTERS.—(1) A person—

(A) who is required to make any royalty payment under this section shall make such payments to the United States at such times and in such manner as the Secretary may by rule prescribe; and

(B) shall notify the Secretary, in the time and manner as may be specified by the Secretary, of any assignment that such person may have made of the obligation to make any royalty or other payment under a mining claim.

(2) Any person paying royalties under this section shall file a written instrument, together with the first royalty payment, affirming that such person is liable to the Secretary for making proper payments for all amounts due for all time periods for which such person as a payment responsibility. Such liability for the period referred to in the preceding sentence shall include any and all additional amounts billed by the Secretary and determined to be due by final agency or judicial action. Any person liable for royalty payments under this section who assigns any payment obligation shall remain jointly and severally liable for all royalty payments due for the claim for the period.

(3) A person conducting mineral activities shall—

(A) develop and comply with the site security provisions in operations permit designed to protect from theft the locatable minerals, concentrates or products derived therefrom which are produced or stored on a mining claim, and such provisions shall conform with such minimum standards as the Secretary may prescribe by rule, taking into account the variety of circumstances on mining claims; and

(B) not later than the 5th business day after production begins anywhere on a mining claim, or production resumes after more

than 90 days after production was suspended, notify the Secretary, in the manner prescribed by the Secretary, of the date on which such production has begun or resumed.

(4) The Secretary may by rule require any person engaged in transporting a locatable mineral, concentrate, or product dervied therefrom to carry on his or her person, in his or her vehicle, or in his or her immediate control, documentation showing, at a minimum, the amount, origin, and intended destination of the locatable mineral, concentrate, or product derived therefrom in such circumstances as the Secretary determines is appropriate.

(c) RECORDKEEPING AND REPORTING REQUIREMENTS.—(1) A claim holder, operator, or other person directly involved in developing, producing, processing, transporting, purchasing, or selling locatable minerals, concentrates, or products derived therefrom, subject to this Act, through the point of royalty computation shall establish and maintain any records, make any reports, and provide any information that the Secretary may reasonably require for the purposes of implementing this section or determining compliance with rules or orders under this section. Such records shall include, but not be limited to, periodic reports, records, documents, and other data. Such reports may also include, but not be limited to, pertinent technical and financial data relating to the quantity, quality, composition volume, weight, and assay of all minerals extracted from the mining claim. Upon the request of any officer or employee duly designated by the Secretary or any State conducting an audit or investigation pursuant to this section, the appropriate records, reports, or information which may be required by this section shall be made available for inspection and duplication by such officer or employee or State.

(2) Records required by the Secretary under this section shall be maintained for 6 years after cessation of all mining activity at the claim concerned unless the Secretary notifies the operator that he or she has initiated an audit or investigation involving such records and that such records must be maintained for a longer period. In any case when an audit or investigation is underway, records shall be maintained until the Secretary releases the operator of the obligation to maintain such records.

(d) AUDITS.—The Secretary is authorized to conduct such audits of all claim holders, operators, transporters, purchasers, processors, or other persons directly or indirectly involved in the production or sales of minerals covered by this title, as the Secretary deems necessary for the purposes of ensuring compliance with the requirements of this section. For purposes of performing such audits, the Secretary shall, at reasonable times and upon request, have access to, and may copy, all books, papers and other documents that relate to compliance with any provision of this section by any person.

(e) COOPERATIVE AGREEMENTS.—(1) The Secretary is authorized to enter into cooperative agreements with the Secretary of Agriculture to share information concerning the royalty management of locatable minerals, concentrates, or products derived therefrom, to carry out inspection, auditing, investigation, or enforcement (not including the collection of royalties, civil or criminal penalties, or other payments) activities under this section in cooperation with the Secretary, and to carry out any other activity described in this section.

(2) Except as provided in paragraph (4)(A) of this subsection (relating to trade secrets), and pursuant to a cooperative agreement, the Secretary of Agriculture shall, upon request, have access to all royalty accounting information in the possession of the Secretary respecting the production, removal, or sale of locatable minerals, concentrates, or products derived therefrom from claims on lands open to location under the general mining laws.

(3) Trade secrets, proprietary, and other confidential information shall be made available by the Secretary pursuant to a cooperative agreement under this subsection to the Secretary of Agriculture upon request only if—

(A) the Secretary of Agriculture consents in writing to restrict the dissemination of the information to those who are directly involved in an audit or investigation under this section and who have a need to know;

(B) the Secretary of Agriculture accepts liability for wrongful disclosure; and

(C) the Secretary of Agriculture demonstrates that such information is essential to the conduct of an audit or investigation under this subsection.

(f) INTEREST AND SUBSTANTIAL UNDERREPORTING ASSESSMENTS.—(1) In the case of mining claims where royalty payments are not received by the Secretary on the date that such payments are due, the Secretary shall charge interest on such under payments at the same interest rate as is applicable under section 6621(a)(2) of the Internal Revenue Code of 1986. In the case of an underpayment, interest shall be computed and charged only on the amount of the deficiency and not on the total amount.

(2) If there is any underreporting of royalty owed on production from a claim for any production month by any person liable for royalty payments under this section, the Secretary may assess a penalty of 10 percent of the amount of that underreporting.

(3) If there is a substantial underreporting of royalty owed on production from a claim for any production month by any person responsible for paying the royalty, the Secretary may assess an additional penalty of 10 percent of the amount of that underreporting.

(4) For the purposes of this subsection, the term ''underreporting'' means the difference between the royalty on the value of the production which should have been reported and the royalty on the value of the production which was reported, if the value which should have been reported is greater than the value which was reported. An underreporting constitutes a ''substantial underreporting'' if such difference exceeds 10 percent of the royalty on the value of production which should have been reported.

(5) The Secretary shall not impose the assessment provided in paragraphs (2) or (3) of this subsection if the person liable for royalty payments under this section corrects the underreporting before the date such person receives notice from the Secretary that an underreporting may have occurred, or before 90 days after the date of the enactment of this section, whichever is later.

(6) The Secretary shall waive any portion of an assessment under paragraph (2) or (3) of this subsection attributable to that portion of the underreporting for which the person responsible for paying the royalty demonstrates that—

(A) such person had written authorization from the Secretary to report royalty on the value of the production on basis on which it was reported, or

(B) such person had substantial authority for reporting royalty on the value of the production on the basis on which it was reported, or

(C) such person previously had notified the Secretary, in such manner as the Secretary may by rule prescribe, of relevant reasons or facts affecting the royalty treatment of specific production which led to the underreporting, or

(D) such person meets any other exception which the Secretary may, by rule, establish.

(7) All penalties collected under this subsection shall be deposited in the Treasury.

(g) EXPANDED ROYALTY OBLIGATIONS.—Each person liable for royalty payments under this section shall be jointly and severally liable for royalty on all locatable minerals, concentrates, or products derived therefrom lost or wasted from a mining claim located or converted under this section when such loss or waste is due to negligence on the part of any person or due to the failure to comply with any rule, regulation, or order issued under this section.

(h) EXCEPTION.—No royalty shall be payable under subsection (a) with respect to minerals processed at a facility by the same person or entity which extracted the minerals if an urban development action grant has been made under section 119 of the Housing and Community Development Act of 1974 with respect to any portion of such facility.

(i) EFFECTIVE DATE.—The royalty under this section shall take effect with respect to the production of locatable minerals after the enactment of this Act, but any royalty payments attributable to production during the first 12 calendar months after the enactment of this Act shall be payable at the expiration of such 12-month period.

POINT OF ORDER

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

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

Mr. POMBO. Mr. Chairman, the amendment offered by the gentleman from New York [Mr. OWENS] violates clause 2 of rule XXI of the Rules of the House. The amendment is clearly a legislative provision and, therefore, should not be added to the appropriations bill.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. OWENS. Yes, Mr. Chairman.

The point of order which has been raised against this amendment represents gross hypocrisy.

While my amendment does include authorizing language, that is, by proper observance of the rules, not permitted in an appropriations bill, by now it is crystal clear to all of us that this appropriation bill is riddled with scores of authorization provisions, and there are many more appropriations bills on their way through the subcommittee and the committee process which have even more examples of authorization provisions.

This point of order represents an unbridled hypocrisy because both Democratic and Republican Members on the floor here are prevented from proposing the same types of substantive changes to bills that the authors of the appropriations bills clearly are being allowed to propose in subcommittee and in committee.

I will just give you one example in this particular bill, page 478, line 14.

There is a $50 million earmark to remain available indefinitely for construction of forest roads by timber purchasers, $50 million. That is legislating. It is legislating in favor of corporate welfare, pure and simple, corporate welfare, but in the bill.

Specifically, in this case, by possibly blocking a vote on my amendment, this point of order would rob the American people of the opportunity to reduce the deficit by almost $2 billion over 7 years, and we all want to reduce the deficit.

Here is a creative way to reduce the deficit. Here is a creative way to get new revenue without taxes. We are all looking for new ways to get revenue without taxes, I am sure.

It is a golden opportunity to also exhibit truth in budget balancing. If you really want to balance the budget, let us deal with some of the giveaways that we are always protecting. With all of the talk I hear about deficit reduction from the other side of the aisle, I am shocked some of my Republican colleagues prefer to continue to allow rich mining companies to continue to pocket the money of hard-working American taxpayers.

This amendment would provide that the royalties would be charged, 8 percent royalty would be charged on the value of minerals produced from hardrock mining by private companies on Federal lands. Currently, the Federal Government does not collect a single dollar in royalties from these companies.

This is precisely the type of taxpayer swindle that the Republicans are not willing to talk about. It is a kind of corporate welfare that exists in the budget and in the appropriations process.

Mr. POMBO. Point of order. I do not believe the gentleman is addressing the point of order which I raised. I believe he does feel very strongly about his amendment, which is out of order, but he is not addressing the point of order which I raised.

□ 1315

The CHAIRMAN. The gentleman's point is well taken. The gentleman will confine his remarks to the point of order.

Mr. OWENS. The point of order relates to the fact that there is in this appropriation bill, and all the others, legislation of this kind. I just gave my colleagues one example, and this is proposing one that will be very beneficial for the American people in that it will reclaim a giveaway of gold——

Mr. POMBO. Again point of order, Mr. Chairman. He is not addressing the point of order in which I raised.

The CHAIRMAN. The gentleman's point is well taken. The gentleman will confine his remarks to the point of order, whether or not this amendment legislates on an appropriations bill.

Mr. OWENS. Well, I would like to know from the gentleman what is the difference between my amendment at page 47, line 14, of this particular bill which has a $50 million earmark to remain available indefinitely for the construction of forest roads——

Mr. POMBO. Again, Mr. Chairman——

The CHAIRMAN. The gentleman's point of order is well taken. The gentleman will confine his remarks to the point of order at hand.

The Chair is prepared to respond to the point of order.

Mr. OWENS. I am responding to the point of order in that there are under way numerous provisions of the same kind that I have here in appropriation bills. There are examples in this bill. I want to know what is the difference between the kind of amendment that I am proposing and the kind of provisions that are routinely based in the appropriations bills now. Mine would be of great benefit to the American people because it would stop allowing mining companies to rake in $1.2 million a year for mining hard-rock minerals on public lands that belong to——

Mr. POMBO. Again, Mr. Chairman, I have to raise a point of order.

The CHAIRMAN. The gentleman's point is well taken.

The Chair is prepared to rule on this point of order.

For the reasons stated by the gentleman from California the point of order is sustained. This amendment legislates on an appropriation bill——

Mr. OWENS. I appeal——

The CHAIRMAN. The fact that the other language is in the bill against which points of order have been waived, is not relevant.

Mr. OWENS. Mr. Chairman, I appeal the ruling of the Chair.

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

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

So the decision of the Chair stood as the judgment of the Committee.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. GUTKNECHT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GUTKNECHT:

Page 94, after line 24, insert the following new section:

SEC. 318. None of the funds provided in this Act may be made available for the Mississippi River Corridor Heritage Commission.

The CHAIRMAN. Pursuant to the rule, the gentleman from Minnesota [Mr. GUTKNECHT] and a Member opposed will each be recognized for 5 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Chairman, I yield myself a minute and a half.

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

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

Mr. Chairman, Jefferson once said that ''The will of the people is the only legitimate foundation of any government.'' I have heard the will of the people of my district loud and clear and this afternoon I am asking Congress to act upon that will.

These 3 books contain over 12,000 names of constituents from Minnesota, Wisconsin, and Iowa who strongly oppose designating the Mississippi River as a National Heritage Corridor. They believe that such a designation may be the Federal Government's first step towards increased Federal regulation in the 120 counties and parishes along the Mississippi.

The amendment we are offering would eliminate funds for the Mississippi River Heritage Corridor Commission.

Mark Twain once said that the closest thing to eternal life on earth is a government program. Congress created the Commission in 1990 for a 3 year period. They were extended once, and now they're seeking an additional $142,000 for a fifth year. It is time to put an end to this Commission before it grows roots.

There are basically two ways of looking at this Corridor Commission. Either it is, as 12,000 constituents believe, the early stages of a Federal takeover of the Mississippi corridor, or it is, as the Commission supporters have said, an innocuous group with no real power. If the latter is true, continuing to fund the Commission is a waste of taxpayer money. If the people are correct, we should do everything we can to make sure that the Father of Waters does not become the ''Mother of all Federal land grabs.''

The Commission has had 5 years to get public input on the National Heritage Corridor. To say that it needs an additional $142,000 to conduct 10 meetings is outrageous. Only in Washington could $14,000 per public meeting be considered a bargain.

Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. EMERSON].

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

Mr. EMERSON. Mr. Chairman, I rise today in strong support of the Gutknecht amendment and commend the gentleman's leadership in bringing this important matter for our action.

For those of you who may not be familiar with this issue, the actual Mississippi River Corridor Study Commission Act of 1989 stated that the final report of the Commission must be submitted no later than 3 years after the date of the first meeting of the Commission. Proponents of this Commission believed this would be a sufficient amount of time and money to complete its work. Well, we are in the fifth year and the study has yet to be completed, and now they are asking for more money.

More alarming, however, is the direction taken by the Commission since its creation. The plan would allow the Federal Government to designate the 120 counties and parishes that border the Mississippi River as an environmental corridor along the river with restrictive zoning requirements. If allowed to take place, this plan would seek to control all land use in adjacent river areas and override all local land use plans in these river counties. It's nothing more than a Federal land grab.

Furthermore, the Mississippi River Heritage Corridor would designate preserve areas to be controlled as the Federal Government sees fit. Even the National Park Service admits that while the general public believes the Heritage Corridor to be an economic revitalization program, it is in reality more preservation oriented. Likewise, I object to the cost of this project which would be seized from the pockets of Missouri taxpayers and I am staunchly opposed to giving Federal bureaucrats the say over the use of private property in these river areas.

Property owners, farmers, ranchers, and true conservationists up and down the river are opposed to this unjust governmental takings and other such efforts, such as The Mississippi River Heritage Corridor, to snatch control of their property. Clearly, we cannot allow preservationist and radical environmental interest groups along with a faceless Washington bureaucracy to dictate the use of thousands of acres of farmland in my home State and throughout the Upper and Lower Mississippi River Valley.

Mr. Chairman, I have heard from hundreds of my constituents on this issue and they oppose it. The Mississippi River Valley produces many millions of dollars worth of agricultural products for both domestic use and export throughout the world. This Federal land use undertaking is misguided and ill-conceived. The Gutknecht amendment must be adopted, and I urge my colleagues to support it.

Mr. YATES. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. Chairman, I think the gentleman from Missouri has a point, when he talks about the fact that the hearings were to have been completed and a report was to have been issued. Nevertheless, I want to rise in opposition to the amendment because there is nothing in the Corridor Commission feasibility report that would in any way provide for the takeover by the Federal Government of Private lands. The authority of the Commission does not in any way allow them to affect private property rights. It does not threaten property rights at all. It does not impose any regulatory burden on businesses or farms. There is nothing in this report that even suggests big government control of the Mississippi River.

I do not know why the Commission should not be allowed to complete its work. I think that there ought to be a deadline imposed on when the final report should be issued and that deadline should be strictly enforced so that any worries that private property owners along the river have can be allayed. Mr. Chairman, I see no basis for this amendment at all, and I oppose the amendment.

Mr. GUTKNECHT. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, we have no problem with this amendment. I think there have been long delays out there in getting anything accomplished, and adding another year of money does not do anything constructive. I have discussed it with the Members up and down the corridors that are involved, and they are very much in favor of the amendment.

Therefore, at least on our side, we are perfectly willing to accept it.

Mr. GUTKNECHT. Mr. Chairman, I would just say that this amendment is being supported by most of the Members who have property adjoining or have parts of their district that adjoin the Mississippi River.

It is also supported by the Minnesota Farm Bureau, Americans for Tax Reform Foundation, the National Taxpayers Union, the National Hardwood Lumber Association, the Illinois Association of Drainage Districts, Private Landowners of Wisconsin, Ogle County Farm Bureau, Blackhawk Area Landowners Association, CRZLR, Inc., Minnesota Agri-Growth Council, Inc., and B.A. Mulligan Lumber & Manufacturing Co.

Mr. Chairman, I say to my colleagues, ''I would appreciate your support.''

Mr. GUNDERSON. Mr. Chairman, this amendment would essentially eliminate funding for the Mississippi River Heritage Corridor Study Commission, a commission which, like so many study commissions established by Congress, would endure eternally if given the chance.

The Commission was established in 1990 by Public Law 101–398. The purpose of the Commission was to study and determine the feasibility of designating the Mississippi River corridor a national heritage corridor. In addition, the Commission was directed to make recommendations to Congress for preserving and enhancing the unique natural, recreational, scenic and cultural resources of the river corridor.

The law authorized the Commission for 3 years to complete the study, issue a final report and hold public hearings in each of the 10 States bordering the Mississippi River. The law authorized $500,000 a year for the Commission for a 3-year period beginning on the date the Commission initially met. Since July, 1991, when the Commission held its first meeting, Congress has appropriated to the Commission $200,000 for fiscal year 1991, $150,00 for fiscal year 1993, $149,000 for fiscal year 1994, and $149,000 for fiscal year 1995. The Commission has argued that it has been unable to meet its obligations under the law because it has not received the full funding authorized for the study. Given the current fiscal climate and the nature of the Commission, this was an unrealistic expectation.

Authorization for the Commission expired last year. At that time, the Commission had failed to meet any of its obligations. While the Commission completed a draft final report in March 1995, it returned this year and asked that Congress provide another $149,000 so that it could print its final report and hold the required 10 hearings. Congressman REGULA's subcommittee reduced that funding to $142,000, but I strongly urge that no funds appropriated in this bill be allocated to the Commission.

I want to stress that this amendment is not necessarily anti-Commission or anti-heritage area. I believe in preserving the valuable natural resources of the Mississippi River Corridor and feel Congress should be given the opportunity to consider every alternative for providing such protection. In fact, I have consistently supported the Commission, voting in favor of its appropriations every year since the Commission was formed. The Commission approached me last year during the appropriations process and asked for my support on further funding. While I had reservations about funding an unauthorized commission, I felt obligated to my constituents to ensure that Congress was presented with all the facts surrounding heritage area designation. I supported the $149,000 appropriation for the Commission based on Commission members' assurances that they would meet their obligations under the law and complete a final report by the end of 1995.

Despite those assurances, the Commission has returned to this Congress looking for funds, yet there is no final report, and not one hearing has been held. While I don't necessarily think the Commission was a poor idea, the rules have changed this year. We have made a commitment to balance the budget over the next 7 years. An appropriation of $142,000 may not seem like a great sum of money, but if we are going to act responsibly and balance the budget, we cannot continue to provide funds for perpetual commissions and studies.

The Chairman of the Commission has informed me that the Commission will be able to issue its final report regardless of whether Congress provides them these funds. I am glad that funding provided the Commission since 1991 has not gone to waste and that Congress will have the opportunity to review the Commission's recommendations. In addition, this amendment does not preclude any Member from offering a bill in the future to designate the Mississippi River a heritage corridor.

Study commissions such as this have a history of continuing on interminably if provided the funding. This amendment will simply ensure that Congress does not provide funding for an unauthorized program that is failing to get its job done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read the last 2 lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Department of the Interior and Related Agencies Appropriations Act, 1996''.

AMENDMENT OFFERED BY MR. PARKER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PARKER:

Amendment No. 61:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used by the Department of Energy in implementing the Codes and Standards Program to plan, propose, issue, or prescribe any new or amended standard.

(b) CORRESPONDING REDUCTION IN FUNDS.—The aggregate amount otherwise provided in this Act for ''DEPARTMENT OF ENERGY—Energy Conservation'' is hereby reduced by $12,799,000.

The CHAIRMAN. Pursuant to the rule, the gentleman from Mississippi [Mr. PARKER] and a Member opposed will each be recognized for 10 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. PARKER].

Mr. PARKER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, my amendment will effectively block for 1 year new rulemakings under the Department of Energy's codes and standards program. DOE has long conducted research and information campaigns to develop and promote energy conservation and efficiency. I applaud those efforts, and my amendment allows continued funding for the DOE's testing and labeling programs, but my amendment will stop funding of standard setting rulemakings currently underway that actually steal away consumer choice. Such rules are supposed to promote energy efficiency and appliances. The problem is that when DOE wrote these rules, they set product standards so high that they end up banning whole types of products and make others uneconomic. If the DOE rules go into effect, jobs in my State will be eliminated, thousands of jobs across America will be destroyed, U.S. manufactured products will be banned, consumer choice will be limited, and whole factories in this country will close.

This is not a proper function of government. the rule in question does not even make sense. For example, DOE's proposed standard will ban the common magnetic ballast last used in fluorescent lighting and permit only a newer electronic ballast. Aside from the fact that this outright eliminates the magnetic ballast industry, the use of electronic ballast has grown from 2 percent of the market in 1987 to 40 percent today. Clearly the market is being driven towards energy efficiency without a new DOE rule. So why are we wasting tax resources on such rulemaking?

Also consider that the electronic ballast that DOE is promoting is presently manufactured mostly in Asia. The band magnetic ballast is made in the United States. It is not our job to pick light bulbs, or dishwashers or washing machines. That job belongs to the consumer. U.S. manufacturers and workers should be able to produce and sell safe products that meet the needs of their customers. When we let DOE make that decision, our citizens loose their consumer choices, and thousands lose their jobs. We need to stop this.

My amendment will save slightly over 12.7 million taxpayer dollars, will redirect DOE efforts to research and provide consumer information, will save tens of thousands of jobs and preserve billions in investments. This amendment provides a 1–year time out and sends a clear signal to the DOE that they have gone too far. To help the department reform this program, I intend to work with the gentleman from Virginia [Mr. BLILEY] and the gentleman from Colorado [Mr. SCHAEFER] of the Committee on Commerce on authorizing legislation to fully remedy this situation, and I ask for my colleagues' vote.

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

□ 1330

Mr. YATES. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. YATES] is recognized for 10 minutes.

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

This amendment is a very drastic measure to fix a problem regarding lamp ballast that no longer exists. The rulemaking programs for building codes and equipment standards is absolutely essential. Secretary of Energy O'Leary wrote to Chairman REGULA on July 12 and said, ''I am aware that the proposed rule on lamp ballast has created considerable debate and may be the impetus for Mr. PARKER's amendment, but I want to assure you as strongly as I can that we are listening to the National Electrical Manufacturer's Association, the Electronic Industry's Association, and companies like Magnetek and Philips, who fear that the rule could inherently favor electronic over electromagnetic ballasts. We are examining the economic impacts of standards on manufacturers and on competition, whether there are application differences which warrant separate classes, and we will consider issues such as timing and the stringency of standards.''

So said the Secretary of Energy, Mrs. O'Leary, and I think that is reassurance that the evils and the wrongdoings suggested by my friend from Mississippi, Mr. PARKER, have no basis.

There are several other points worth noting about the appliance and building standards program, Mr. Chairman. This program will result in energy savings of 23 quads or 4 billion barrels of oil through the year 2015. Consumers and businesses will receive savings of $1.7 billion annually. Federal standards have been supported by manufacturers and other interested parties because they replaced a patchwork of State standards which were unmanageable and burdensome to industry.

This is a most destructive amendment, and I hope it will be defeated.

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

Mr. PARKER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I want to congratulate the gentleman from Mississippi for this amendment. This amendment simply implements authorization language already adopted by the Committee on Science which I chair. That authorization was passed by a voice vote. In fact, an amendment designed to gut this particular approach was defeated overwhelmingly in the committee by a 27 to 9 vote.

What this amendment does is just implements common sense. It says that the big brother, namely the Federal Government, should not tell the U.S. consumer what products they can and cannot buy. Without this amendment, what you have is DOE bureaucrats intending to impose new Federal regulations that deny consumers certain appliances like lights, televisions, washing machines, air conditioners and ovens. The Government wants to decree that certain appliances that use what it considers too much electricity are going to be illegal. That is right, you will not be able to buy them because they will be illegal in the marketplace. These tend to be the less expensive models that middle and working class families can afford. So what you are going to do is take the middle and working class families out of the market and in favor of high-priced appliances that only the wealthy will be able to buy.

So what we are really doing with the Parker amendment is killing the regressive regulatory tax that is being imposed by DOE, unless we go this particular direction.

Just think, with the heat wave that we had this last week, if you had low income Americans unable to buy low cost air conditioners, the fact is you would have even more people suffering. That is typical of what we get in command and control benevolence when the Federal Government comes in. They simply say to low income people, guess what, folks, we are going to price you out of the marketplace. The Parker amendment says let us not price them out of the marketplace.

When I was asked what would be the practical effect of the new DOE rules, I was told I did not have to worry, because they would only raise the price for low income housing, because of the unavailability of lower priced appliances.

That is exactly the point. What we are doing is taxing the poor through

higher prices, and giving them a lower quality of life, to please the idealists who want to keep in place this idea that the Federal Government knows all and can do all. I think this amendment is exactly the right approach. I would urge the adoption of it.

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

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I want to be sure I understand. The gentleman has legislation that is moving through your committee that will actually then modify or repeal the Energy Policy Act of 1992 and the one of 1988, and so on down the list, because this present authority flows from these. I just want to be sure I understand there is a potential authorizing bill to repeal that.

Mr. WALKER. Mr. Chairman, reclaiming my time, just to clarify, what we are attempting to repeal is some of the standards for the future. We do maintain the energy efficiency product standards, as does the Parker amendment, the State preemption provisions are retained, and it provides $3.8 million for DOE to continue to test products in order to enforce the current standards, grant waivers and ensure consistent, reliable and uniform product energy efficiency product labeling. We are going to keep the labeling in place; the information would stay in place. We are simply not going to allow the Federal Government to rule products illegal.

Mr. REGULA. But you continue to preempt the States so manufacturers would have one uniform set of standards?

Mr. WALKER. The State preemption standards remain in the Parker amendment, and that is our intention as well.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. OLVER].

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

Mr. Chairman, I rise in opposition to the Parker amendment, and I join at the same time the strong disagreement with the fluorescent lamp ballast standard which the Department of Energy proposed last program for national energy efficiency standards.

Now, since the rule that we are operating under prevents me from offering a substitute to the Parker amendment, I will have an alternative to this amendment, one which meets the concerns of fluorescent light ballast manufacturers and workers, as well as the environmental organizations, along the way.

If you total the energy savings for all household appliances from efficiency standards which have been implemented over the last 5 years, each American family is saving $210 and every year. But efficiency helps businesses, too. Well-formulated standards would save industry enough money to create 160,000 additional jobs, and reduced demand for energy helps the environment.

Further, the standard setting process does not have to be contentious. A new standard for refrigerators has been jointly proposed by States, environmental associations, electrical utilities, and the Association of Home Manufacturers. The amendment which has been offered by the gentleman from Mississippi would prevent that new standard from going into effect, even though it has the support of every affected group and would benefit everyone who ever has to buy a refrigerator.

Let us fix the problem of the lamp ballast, which my alternative which I will offer in a few minutes does, by prohibiting any issuance of standards in the fluorescent lamp ballast case, but does not throw out all of our program, which allows us to save money for all Americans.

Mr. Chairman, I would urge that we defeat the Parker amendment and then adopt the Olver amendment, which we will be debating shortly.

Mr. PARKER. Mr. Chairman, I yield myself 20 seconds.

Mr. Chairman, let me just point out the simple fact that the gentleman from Massachusetts [Mr. OLVER] is offering an amendment which separates fluorescent lights and ballast is an admission there is a problem with the new rulemaking. That is the reason why my amendment should pass.

Mr. Chairman, I yield 30 seconds to the gentleman for Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Chairman, I would like to congratulate the gentleman from Mississippi [Mr. PARKER] on offering this amendment and ask all the Members to support the amendment.

It is 350 jobs and two plants in my district alone. It is a 1-year moratorium. We can return after that year and after all of the discussions are settled, and then come back and see just what the new rules are. That way everybody can work on a level playing field. Three hundred fifty jobs is something, and thousands of jobs across the country, is something that we should consider before we vote on this amendment.

Mr. Chairman, I would like to congratulate the gentleman from Mississippi [Mr. PARKER].

Mr. YATES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts [Mr. MARKEY].

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

Mr. Chairman, you know, this amendment is really the Luddite amendment of 1955 thus far. In this one amendment, we embody all of the lost lessons of the 1970's in our country. While the Japanese and Germans and others move to a much more energy efficient culture, we continue to pretend that we do not have to make our society more energy efficiency.

In 1987 and 1988 and 1990 again, we passed laws to push the appliance industry, to push these other industries, toward making their appliances, which would in fact otherwise demand we import more oil from the Middle East, to a standard which could meet competition from overseas. We have saved and will continue to save 4 billion barrels of imported oil from the Middle East because of these standards, which have increased the efficiency of every light bulb and every stove and refrigerator in our country. That is all oil fired electricity is, is nothing more than every light bulb and air conditioner being turned on.

If we want to roll back the clock, we can just ignore this morning's news that we have had a dramatic increase in crude oil imports this morning, which resulted in the largest trade imbalance number we have seen for a long time, and we can pretend we live on an island, we can pretend that we do not need to import oil, we can pretend that the Middle East is not in a huge crisis, and we can pretend somehow or another by denying the Federal Government the ability to do it and preempting the States simultaneously, we are not going to fall back into the same trap we had in the 1970's and early 1980's again.

that is why this amendment goes right at the heart of the question of whether or not this Congress has learned the lessons of the crisis in the 1970's in our country. We save on imported oil 4 billion barrels. We in fact make these appliances much more environmentally benign, so we are not polluting as much, and we reduce costs and the need to deal with the Clean Air Act. We in fact create more jobs, which is why Honeywell, Whirlpool, Owens Corning, Firestone, and all the rest of the companies oppose the Parker amendment.

Mr. PARKER. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HYDE].

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

Mr. HYDE. Mr. Chairman, I rise in enthusiastic support for the Parker amendment. It will save American jobs, jobs which are being threatened by regulatory maneuvering by the Department of Energy. This amendment would cut $12.8 million in regulatory fat from DOE's budget and preserve a competitive marketplace and promote sensible energy conservation. More specifically, it would prohibit further departmental action on a proposed rulemaking concerning energy efficient standards for certain products.

It is no wonder the Department of Energy received over 8,000 comments on the 1994 proposals. We are talking about one absurd regulation after another. For example, were DOE's proposals to take effect, the size of ovens would have to be so drastically reduced they could not even accommodate a traditional 18-pound Thanksgiving turkey. Refrigerators would have to be made so large they would not be able to fit through standard size doors in

apartments and many homes. Consumers would be required to purchase larger air conditioners, even if the room size did not require it.

The proposal for fluorescent lamp ballast, the devices used to start and operate fluorescent lamps, was so misdirected it would actually eliminate the primary ballast technology currently in use, known as electromagnetic ballast. DOE would simply wipe out this useful technology, made exclusively in the United States, in favor of another one, known as the electronic ballast manufactured in Mexico and Asia.

Mr. Chairman, I support the Parker amendment.

Mr. Chairman, electromagnetic ballasts are manufactured in my congressional district. And I can tell you first hand, that this proposed regulation would put some of my constituents out of work. Had the proposal gone into effect, literally thousands of American workers involved in the manufacture of electromagnetic ballasts would have faced unemployment, and estimates suggest that manufacturers of electromagnetic ballasts would have lost hundreds of millions of dollars in capital investment writeoffs. The companies that supply materials for ballasts, and their employees, would also have been severely impacted.

Mr. Chairman, the proposals for ballasts and the other products I mentioned not only would cost American jobs but would severely chill free and open marketplace competition. The Department of Justice itself recognizes this. Let me just read an excerpt from a September 1994 letter from the Assistant Attorney General in charge of the Antitrust Division to the Energy Department:

> For television sets, fluorescent lamp ballasts and professional-style or high-end kitchen ranges it is the Department's judgment based on the available evidence that significant anticompetitive effects are likely to occur.

So, this administration's own Justice Department told DOE that its regulatory proposal would likely cause significant anticompetitive effects. And these anticompetitive effects don't stop there. The DOJ review also said that such anticompetitive effects might also result, under certain circumstances, from the proposed rule for electric water heaters. For microwave ovens, oil-fired water heaters, room air conditioners, and direct heating equipment, the review found there was evidence indicating that anticompetitive effects could result.

Mr. Chairman, not only is DOE attempting to restrain competition, but the evidence shows that competition, without additional regulation, can achieve the very objective DOE purports to seek. Take ballasts for example. The original fluorescent lamp ballast standards working in tandem with market forces are already achieving the program's energy saving objectives. The market penetration of electronic ballasts, the devices that would have been mandated by DOE's 1994 proposal, has increased from 2 percent in 1987 to almost 40 percent in 1994. Moreover, without the heavy hand of DOE it is expected that electronic ballasts will comprise over 50 percent of the market by 1998. A free market approach is resulting in expansion of electronic ballasts, and it is doing so without causing severe economic hardships, creating significant anticompetitive effects, or sacrificing existing energy saving opportunities.

Mr. Chairman, this amendment would save the thousands of American jobs being threatened by these regulatory activities, result in greater energy conservation, and cut almost $13 million in fat from DOE's proposed budget. In addition, it is important to note that the amendment will not prevent implementation of certain useful aspects of the program, relating to establishing testing procedures for products, labeling, and enforcement.

I urge my colleagues to join me in supporting this common sense amendment to save American jobs, cut more regulatory fat from the budget, preserve a competitive marketplace, and promote sensible energy conservation.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. DINGELL], the distinguished former chairman of the Committee on Energy and Commerce.

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Mr. DINGELL. Mr. Chairman, I rise in opposition to the Parker amendment and urge my colleagues to vote against it in the knowledge that they will be able to vote for the Olver amendment which will very shortly afford Members of this body full opportunity to protect the ballast question in a manner which will be satisfactory. It is totally untrue that this is going, that the energy requirements now in place are going to impose burdens on oven manufacturers and on refrigerator manufacturers. That is totally without fact.

My colleagues have forgotten the reason we have these energy efficiency standards. It was to save energy. We did that because of the massive impact on the American economy because of cutoff of oil from the Middle East. If you ever have that happen again, you will understand how Members of Congress react when we have this kind of situation.

I want to observe to my colleagues one thing that is important: The standards-making authority which this amendment would do away with is something which is supported and sought by American industry in the full knowledge that it avoids the problem of standards being imposed by 50 different States. You cannot run a nation when you have 50 different States imposing different standards at the borders. I urge my colleagues to reject this. Vote for the Olver amendment which is coming up next.

Mr. PARKER. Mr. Chairman, I yield 30 seconds to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I rise in support of the Parker-Walker amendment. I hope our colleagues will pay attention to this. This amendment eliminates funding for unnecessary DOE energy efficiency rulemaking. The proposed rulemaking, if left as proposed, would eliminate thousands of American jobs. In my district alone, it would eliminate 1,000 jobs. This amendment solves this problem. The market competition is achieving the objectives sought by the proposed DOE rule. We do not need this kind of rulemaking. Support the Parker amendment.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. OXLEY].

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

Mr. OXLEY. Mr. Chairman, I rise in opposition to the amendment by the gentleman from Mississippi [Mr. PARKER].

The energy efficiency standards which our committee so assiduously worked on and finally passed on a strong bipartisan basis is truly in danger if the Parker amendment passes. I want to give a lot of credit to the chairman of the appropriations subcommittee, my friend, the gentleman from Ohio [Mr. REGULA], for sticking to his principles on this issue. We have set a strong record.

This is the kind of case where the industry came in, as the gentleman from Michigan and the gentleman from Massachusetts talked about, into our committee and said, we need a national standard for these energy efficiency products. Virtually all of the industry that I am aware of signed off on this. Now when we have some industries that have had the foresight to actually follow the rules and regulations, they are going to be punished if the Parker amendment passes.

That does not make a whole lot of sense. So my sense is, let us support the Committee on Appropriations who knew what they were doing when they passed this particular provision in the committee and certainly the Committee on Commerce that did such yeoman work in setting these standards.

Mr. PARKER. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON].

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

Mr. GUNDERSON. Mr. Chairman, it is one thing for us to lose jobs because we cannot compete with foreign competitors. It is quite another thing for us to intentionally regulate jobs out of existence in this country, and that is exactly what this regulation will do.

They talk about the fact that there are 8,000 comments that have come in. That ought to tell somebody something. But will the department go back and start over? No. What they have done is they have piecemealed this up into eight different sections so nobody knows where anybody is at. That is why we have no choice but to come here today and to try to do something like this.

One of my colleagues on the other side suggested earlier that somehow or another the bipartisan commitment was in opposition to the gentleman from Mississippi [Mr. PARKER]. Well, I would reject that. I would suggest if you look at those who support the Parker amendment, you will find the

National Electrical Manufacturers Association, the Electronic Industries Association, the International Brotherhood of Electrical Workers, the Industrial Union Department of the AFL–CIO, the National Association of Home Builders, the Flint Glass Workers Union, the National Multi Housing Council, and the National Apartment Association.

Support the Parker amendment.

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

Let me just close by saying that a lot has been said about what this amendment will do. The Parker amendment will not affect existing energy efficiency standards and the benefits that they have provided. Its existing national energy efficiency standards will remain in effect. Label requirements to enable consumers to make informed choices among products will remain in effect. Testing procedures to ensure reliability of claims regarding energy efficiency will remain in effect.

People keep talking about pretending. Let us pretend, for instance, that 90 percent of the jobs, 90 percent of the electronic ballasts are not made in Asia. Let us pretend that we are not going to lose all of these jobs.

Please support the Parker amendment. It is the right thing to do, and it gives us a situation where we can correct what has been going on for some time.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BROWN].

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Chairman, I rise in strong opposition to the Parker amendment. This amendment would effectively undermine what has been one of our most successful, cost-effective energy conservation programs.

I can only note with bemusement that the sponsors of this effort are many of the staunchest advocates of risk-cost-benefit analysis. Over the past several months, these members have spared no effort to inform us of the costs to society of regulation, which some industry groups have estimated at $600 billion a year.

Now here is a DOE regulatory program that actually has saved or will save American society a total of about $132 billion in energy costs. For some reason, the authors of this amendment have also seen fit to oppose this cost-saving program, and have made an effort in the Science Committee and now here to kill it.

Now this House has, for better or worse, adopted the position that economic cost-benefit analyses should become the new gold standard for Government regulatory action. We should just sum the benefits, sum the costs, subtract, and then reach our decision with arithmetic certitude.

Well, that calculation has in fact been done for the appliance efficiency program. It happens that the costs of the program to consumers are $59 billion, the benefits are $191 billion, and the benefits exceed the costs by a margin of 3.2 to one.

Now the supporters of this amendment would apparently have us believe that we shouldn't really use a cost-benefit test—we should just trust them to make a subjective and political judgment about the value of this program.

Let's look at the real facts concerning the efficiency program. There has been a great deal of controversy about fluorescent light ballasts, and there is a lot of misinformation on this subject. It is true that there are jobs in the magnetic ballast industry in Mississippi and elsewhere that are in jeopardy.

It is also true, however, that other U.S. firms like Motorola in Buffalo Grove, IL, are producing electronic ballasts and reaping large profits. The electronic ballast business, in which several other U.S. firms participate, is a business of the future and it will grow at the expense of older industries regardless of what DOE does with efficiency standards.

In fact, DOE has sufficient confidence in market forces that they have withdrawn the proposed ballast standard and are considering not issuing any standard in this area.

Unfortunately, the controversy over ballasts and televisions, for which the proposed rule was also withdrawn, is being used as ammunition to eliminate the entire appliance efficiency program.

Much of this program is not controversial at all. Last year, for example, the refrigeration industry sat down with the environmentalists and worked out an agreement on refrigeration efficiency standards for the next century. All the significant refrigerator manufacturers were party to this agreement, which will provide a net savings of about $13 billion for U.S. consumers and reduce refrigerator energy consumption by 25 to 30 percent.

DOE was only too happy to accept this universal and hard-won compromise. It seems to me that this process is exactly the kind of enterprise that this House, Republicans and Democrats, should rally around and support. No new bureaucracy—no litigation—just progress and benefits for the environment, for our balance of payments, and for the pocketbooks of ordinary Americans.

Under Parker-Walker, even this refrigeration standard that has already been agreed could not be implemented. The Parker amendment will also prevent DOE from developing the energy efficiency measurement standards that are used for consumer appliance labeling.

The consumer labeling program, although completely nonregulatory, relies upon accurate energy use determination based on DOE standards that promulgated by rule. These measurement standards need to be revised periodically as usage and design patterns change—the washing machine measurement method is already 15 years out of date and is growing older by the day.

Under Parker, not only will there be no baseline efficiency requirements for appliances, but the information accessible to consumers for making their own marketplace decisions will be increasingly unreliable.

Now before this national program was created in 1987, there was an emerging patchwork of State appliance efficiency standards. Industry finally wanted a national program to ensure consistent standards and greatly simplify business planning and manufacturing. The 1987 law does grant DOE the power to allow separate State standards by petition.

If we gut the DOE program here today, it is highly likely that the Department will use its statutory power to grant a number of State requests for waivers. In fact, just in the past few days California has put such a process in motion, anticipating our action today.

Returning to a patchwork system is not in the interests of anyone—industrialists, environmentalists, or consumers.

In summary, the Parker amendment would set a very unwise policy course for this Nation. Let's stop our reflexive environment bashing, regulation bashing, and bureaucrat bashing and take some sensible, moderate steps to save money for consumers and provide for a sound energy future for our children. Defeat the Parker amendment, support Mr. OLVER's compromise, and I yield back any remaining time.

Mr. YATES. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. REGULA], chairman of our subcommittee.

The CHAIRMAN. The gentleman from Ohio [Mr. REGULA] is recognized for 2 minutes.

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

I would point out to my colleagues that on October 5, 1992, by a vote of 363 to 60, we established in this body the following policy: It added commercial products to a standards program, setting initial standards for electric motors, central air conditioners, heat pumps, gas and oil furnaces, boilers, water heaters, plumbing equipment lamps—that is the subject of this amendment. It requires the DOE to maintain test procedures and establish a labeling program.

We said, as a national policy, there should be a uniform set of standards established by the Department of Energy on energy efficiency. I think that what the gentleman from Mississippi is discussing should be the subject of an authorizing bill. This is not the proper place to deal with this matter. I would hope that the gentleman would take this issue to the authorizing committee, and, if they should recommend that we modify the action of this body, as I just outlined in the Energy Policy Act that is now the law and passed by an overwhelming majority, this should be discussed in that forum.

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

Mr. REGULA. I yield to the gentleman from Mississippi.

Mr. PARKER. Mr. Chairman, I have to say to the gentleman that is exactly what I want to do. That is the reason we need this time out. Because the Committee on Commerce will not be meeting until after the first of the year to discuss this issue.

If we allow the rulemaking to go through, what we are going to wind up with is a situation where the jobs are already going to be destroyed, and we are not going to be getting them back. That is the reason we need a postponement of a year in order to get to the point where the gentleman from Virginia [Mr. BLILEY] can take this up in the committee, the gentleman from Colorado [Mr. SCHAEFER] can take it up in the subcommittee and we can resolve these issues.

Mr. REGULA. Reclaiming my time, Mr. Chairman, I understand the gentleman, but I think he would agree that the Olver amendment would accomplish that objective.

Mr. PARKER. Mr. Chairman, if the gentleman will continue to yield, it would accomplish the objective for my little part of it, as far as the jobs in my district. But I am more concerned about the total outlook of what we are doing with this rule.

Mr. REGULA. Mr. Chairman, I am reluctant to go to a total repeal. That would invite the states, in effect, to set different standards. I sympathize with the gentleman's problem, but I think the Olver amendment would solve it.

Mr. SCHAEFER. Mr. Chairman, I support the amendment offered by Mr. PARKER to limit funding for the Department of Energy to conduct rulemakings on energy efficiency standards.

In the past, I have been very supportive of energy efficiency standards. Valuable energy resources, as well as money is saved by reducing our consumption of energy. In addition, by adopting national energy efficiency standards, appliance manufacturers and others have had only one standard to comply with rather than 50 conflicting standards.

However, this year, industry representatives have come to us complaining about how DOE is implementing appliance efficiency standards. Complaints that DOE through its rulemaking, is interfering with the operation of free markets.

Thus, I support this amendment. It will slow down the process at DOE and give the authorizing committee time to look at the merits of the issue. In fact my subcommittee will be holding hearings on this issue before the end of the year.

Thus I support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. PARKER].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 261, noes 165, answered ''present'' 1, not voting 7, as follows:

[Roll No. 519]

AYES—261

Allard	Boehlert	Christensen
Andrews	Boehner	Chrysler
Archer	Bonilla	Clement
Armey	Bonior	Clinger
Bachus	Bono	Clyburn
Baesler	Brewster	Coble
Baker (CA)	Brownback	Coburn
Baker (LA)	Bryant (TN)	Collins (GA)
Ballenger	Bunning	Combest
Barcia	Burr	Condit
Barr	Burton	Cooley
Barrett (NE)	Buyer	Costello
Bartlett	Callahan	Cox
Barton	Calvert	Cramer
Bass	Camp	Crane
Bateman	Canady	Crapo
Bentsen	Castle	Cremeans
Bereuter	Chabot	Cubin
Bevill	Chambliss	Cunningham
Bliley	Chapman	Danner
Blute	Chenoweth	Davis
Deal	Kelly	Portman
DeLay	Kim	Poshard
Dickey	King	Quillen
Doolittle	Kingston	Quinn
Dornan	Kleczka	Radanovich
Doyle	Klink	Rahall
Dreier	Klug	Ramstad
Duncan	Knollenberg	Riggs
Dunn	Kolbe	Roberts
Durbin	LaHood	Rogers
Ehrlich	Latham	Rohrabacher
Emerson	LaTourette	Ros-Lehtinen
Engel	Laughlin	Rose
English	Leach	Roth
Ensign	Lewis (CA)	Royce
Everett	Lewis (KY)	Salmon
Ewing	Lightfoot	Scarborough
Fawell	Lincoln	Schaefer
Fields (TX)	Linder	Schiff
Flanagan	Lipinski	Seastrand
Foley	Livingston	Sensenbrenner
Forbes	LoBiondo	Shadegg
Fox	Longley	Shuster
Franks (NJ)	Lucas	Sisisky
Frelinghuysen	Manzullo	Skeen
Frisa	Martinez	Skelton
Frost	Martini	Smith (MI)
Funderburk	Mascara	Smith (TX)
Gallegly	McCollum	Smith (WA)
Ganske	McCrery	Solomon
Gekas	McHale	Souder
Geren	McHugh	Spence
Gilchrest	McInnis	Stearns
Goodlatte	McIntosh	Stenholm
Goodling	McKeon	Stockman
Gordon	McNulty	Stump
Goss	Menendez	Stupak
Graham	Metcalf	Talent
Gunderson	Mfume	Tanner
Gutierrez	Mica	Tate
Gutknecht	Miller (FL)	Tauzin
Hall (TX)	Minge	Taylor (MS)
Hancock	Molinari	Taylor (NC)
Hansen	Mollohan	Tejeda
Harman	Montgomery	Thomas
Hastert	Moorhead	Thornberry
Hayes	Morella	Thornton
Hayworth	Murtha	Tiahrt
Hefley	Myrick	Traficant
Hefner	Nethercutt	Vucanovich
Heineman	Neumann	Waldholtz
Herger	Ney	Walker
Hilleary	Norwood	Walsh
Hobson	Nussle	Wamp
Hoekstra	Ortiz	Watts (OK)
Hoke	Orton	Weldon (FL)
Holden	Packard	Weldon (PA)
Houghton	Pallone	Weller
Hunter	Parker	White
Hyde	Pastor	Whitfield
Inglis	Paxon	Wicker
Istook	Payne (VA)	Williams
Johnson, Sam	Peterson (MN)	Young (AK)
Jones	Petri	Young (FL)
Kanjorski	Pickett	Zeliff
Kasich	Pombo	Zimmer

NOES—165

Abercrombie	Dingell	Hastings (WA)
Ackerman	Dixon	Hilliard
Baldacci	Doggett	Hinchey
Barrett (WI)	Dooley	Horn
Becerra	Edwards	Hostettler
Beilenson	Ehlers	Hoyer
Berman	Eshoo	Hutchinson
Bilbray	Evans	Jackson-Lee
Bilirakis	Farr	Jacobs
Bishop	Fattah	Jefferson
Borski	Fazio	Johnson (CT)
Boucher	Fields (LA)	Johnson (SD)
Brown (CA)	Filner	Johnson, E. B.
Brown (FL)	Flake	Johnston
Brown (OH)	Foglietta	Kaptur
Bryant (TX)	Ford	Kennedy (MA)
Bunn	Fowler	Kennelly
Cardin	Frank (MA)	Kildee
Clay	Franks (CT)	LaFalce
Clayton	Furse	Lantos
Coleman	Gejdenson	Largent
Collins (IL)	Gephardt	Lazio
Conyers	Gibbons	Levin
Coyne	Gillmor	Lewis (GA)
de la Garza	Gilman	Lofgren
DeFazio	Gonzalez	Lowey
DeLauro	Green	Luther
Dellums	Greenwood	Maloney
Deutsch	Hall (OH)	Manton
Diaz-Balart	Hamilton	Markey
Dicks	Hastings (FL)	Matsui
McCarthy	Pryce	Stark
McDade	Rangel	Stokes
McDermott	Reed	Studds
McKinney	Regula	Thompson
Meehan	Rivers	Thurman
Meek	Roemer	Torkildsen
Meyers	Roukema	Torres
Miller (CA)	Roybal-Allard	Torricelli
Mineta	Rush	Towns
Mink	Sabo	Tucker
Moran	Sanders	Velazquez
Myers	Sanford	Vento
Nadler	Sawyer	Visclosky
Neal	Saxton	Ward
Oberstar	Schroeder	Waters
Obey	Schumer	Watt (NC)
Olver	Scott	Waxman
Owens	Serrano	Wilson
Oxley	Shaw	Wise
Payne (NJ)	Shays	Wolf
Pelosi	Skaggs	Woolsey
Peterson (FL)	Slaughter	Wyden
Pomeroy	Smith (NJ)	Wynn
Porter	Spratt	Yates

ANSWERED ''PRESENT''—1

Upton

NOT VOTING—7

Browder	Moakley	Volkmer
Collins (MI)	Reynolds	
Kennedy (RI)	Richardson	

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Mr. LEWIS of Georgia and Mr. WYNN changed their vote from ''aye'' to ''no.''

Messrs. ENGLISH of Pennsylvania, HEFLEY, CLYBURN, BONO, FROST, COSTELLO, and BLUTE changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. UPTON. Mr. Chairman, I voted ''present'' on the Parker amendment to H.R. 1977, rollcall No. 519 because it almost singularly affects a firm in which I have major personal financial interests.

AMENDMENT OFFERED BY MR. OLVER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OLVER: Amendment No. 70: At the end of the bill add the following new section:

''SEC. . None of the funds made available in this act may be used by the Department of Energy in implementing the Codes and Standards Program to plan, propose, issue, or prescribe any new or amended standard—

''(1) when it is made known to the Federal official having authority to obligate or expend such funds that the Attorney General, in accordance with section 325(o)(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)(2)(B)), determined that the standard is likely to cause significant anticompetitive effects;

''(2) that the Secretary of Energy, in accordance with such section 325(o)(2)(B), has determined that the benefits of the Standard do not exceed its burdens; or

''(3) that is for fluorescent lamps ballasts.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Massachusetts [Mr. OLVER] and a Member opposed will each be recognized for 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman I yield myself such time as I may consume.

Mr. Chairman, let me say that my amendment meets the concerns of labor unions such as the IBEW in relation to the fluorescent light ballast issue, and of environmental organizations such as the League of Conservation Voters, and of businesses such as Honeywell and Whirlpool. My amendment specifically and explicitly prohibits the promulgation of the fluorescent lamp ballast standard without throwing national energy efficiency standards out the window.

□ 1415

My amendment prohibits the Department of Energy from promulgating an efficiency standard if the Attorney General has determined in the course of her review, which is required by law, that the standard is likely to be anticompetitive. Furthermore, all proposed standards would have to show benefits greater than costs in an analysis which considers economic impact of the proposed standard on manufacturers and consumers.

By adopting this language, we prevent regulatory excess without killing off a valuable program that saves the average American family hundreds of dollars in hard cash each year. Furthermore, we do not kill off the possibility of new standards being established for things like the refrigerator standards which have been jointly proposed by States, the environmental organizations and electric utilities, and the Association of Home Appliance Manufacturers.

Mr. Chairman, the Olver amendment helps consumers, businesses, the environment and the economy, and prohibits the anticompetitive effects of the fluorescent ballast standard. I would urge my colleagues to support this amendment.

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

The CHAIRMAN. Does any Member wish to speak in opposition to the amendment?

If not, does the gentleman wish to speak further?

Mr. OLVER. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. Mr. Chairman, I rise in support of the amendment offered by my fellow scientist, Mr. OLVER. Something that many of you may not be aware of is that I spent a considerable amount of my earlier scientific career dealing with subjects relating to energy conservation.

I can assure my colleagues that there is no other source of energy available as cheaply and as readily as that which is obtained through conservation of energy. I believe it is very important for us to have appropriate energy standards which inform the public of the use of energy by the appliances they buy.

I label the Olver amendment as a consumer information amendment. It is very important that the Federal Government serve as a neutral source of information that is available to the public so that they can buy appliances which are energy efficient.

I can relate a simple experience I had when my wife and I first got married and we went shopping for a refrigerator. She decided on the refrigerators she liked because of the features it had, and narrowed it down to two models. One refrigerator cost $250, and one cost $500. Obviously, it seemed, the cheaper refrigerator would be the better buy.

However, I did an energy consumption analysis of those refrigerators, because it was before the time of energy standards, and discovered that in fact the $500 refrigerator over its anticipated lifetime would cost considerably less than the $250 refrigerator. We bought the more expensive model and saved a lot of money.

I hope we, as the Federal Government, can provide enough information so that everyone can make those kinds of decisions.

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

The CHAIRMAN. The gentleman from Washington [Mr. DICKS] is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, I just want to ask the gentleman a question here. If I read the gentleman's amendment correctly, there is a positive cost-benefit ratio, and if there is not an antitrust problem, can then the Secretary of Energy promulgate a new rule on fluorescent lamp ballasts? She has said here in her letter to us that she has withdrawn the original proposed rule because it was flawed, but could she now do a new rule on this subject, or is that completely barred by your amendment?

Mr. OLVER. If the gentleman will yield, I thank the gentleman for the question. It is not always possible in the art of drafting legislation to take care of every contingency.

As a matter of fact, in the drafting whereby the Attorney General's determination under the law of anticompetitiveness, that would have in fact precluded the fluorescent light ballast standard from going into effect even without the provision that eliminates the ballasts from this year's considerations for rules.

But in fact the gentleman is correct that for this year, because of the controversy, in order to make absolutely certain that the controversy over fluorescent light ballasts was off the table for this year, there would not be, in my understanding, the opportunity for creating another——

Mr. DICKS. I would have to rise, then, in very strong opposition to this amendment.

What the Secretary of Energy is basically telling us in this: Here is the report to our committee. Fluorescent lamp ballasts, after reviewing the comments in the proposed rule, the Department determined the engineering analysis was flawed.

On January 31, 1995, the Department announced its intention to perform a new analysis and prepare a proposed rule based on the new analysis. Since the January notice, the Department has been meeting with the NEMA, individual manufacturers, and representatives of the American Council for an Energy-Efficient Economy, to develop a new engineering analysis. Once the analysis is completed, the Department intends to prepare a new proposed rule.

It seems to me that starting on the first of the fiscal year, we would then for the next 15 months be barring any opportunity to do a rule even if it was an appropriate rule that would save us energy.

Mr. OLVER. If the gentleman would yield further, the fiscal year is only 12 months, but that is a small point.

Mr. DICKS. We are still here, though.

Mr. OLVER. I would point out, if the amendment becomes law that had been offered previously, there would be no rulemaking of any kind anywhere across the area of energy standards, not only the ballast issue but all other issues. This amendment preserves the possibility of allowing the national standards in areas other than the ballast issue to go forward under the constraints of nonanticompetitiveness.

Mr. DICKS. Would the gentleman answer me this one question? If the Department has a good and appropriate rule, obviously the first rule was fatally flawed. If you were blocking the first rule from going into effect, I would have no problem with what the gentleman is attempting to do, but the gentleman has already won the battle. The Secretary of Energy withdrew that rule. She is now listening to all these people and trying to come up with a new rule. What you are doing here with this amendment is prohibiting for the next 15 months a rule to go into effect on that subject. I think that is wrong. I think the Secretary has already given you what you want, and this goes too far.

Mr. OLVER. If the gentleman would yield further, I would merely point out again that we can have standards with this amendment in all other areas of energy efficiency if they are not anticompetitive, and if there is a positive cost-benefit ratio. But without this amendment, we can have no standards in any of these areas, including the one that you are concerned about. Either way, you do not have within the next 12 months the standard issued in the fluorescent lamp ballast concern. But if we do not adopt this amendment, then we are not going to have any standards in any area.

Mr. DICKS. Is the gentleman opposed to this rule, even if it were a positive rule?

Mr. OLVER. Answering that question, in the two other provisions I would be happy to have a rule go into effect, if it were possible. It is not possible either by the previous amendment or by this amendment.

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

Mr. DICKS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I just want to advise the Members that we will on our side accept the amendment. It is not inconsistent with Parker. It does not reach as far, but we are willing to accept it.

I hope the authorizing committee will then at the earliest possible moment address the entire situation. I can understand the difficulties both the gentleman from Massachusetts [Mr. OLVER] and the gentleman from Mississippi [Mr. PARKER] are having.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me the time.

Mr. Chairman, this deals with the very specific issue that the gentleman from Mississippi was interested in. It avoids the trap of having the broader repeal of all of the other energy efficiency laws that affect every other appliance. I think that the chairman of the committee is wise in accepting this amendment. It is in fact a very fair compromise that deals with a very specific issue that had been raised by the gentleman from Mississippi. I would hope that the amendment would be accepted.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. OLVER].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to title III?

AMENDMENT NO. 48 OFFERED BY MR. ZIMMER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 48 offered by Mr. ZIMMER: Page 94, after line 24, insert the following new section:

SEC. 318. None of the funds made available in this Act may be used (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

The CHAIRMAN. Pursuant to the rule, the gentleman from New Jersey [Mr. ZIMMER] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ZIMMER].

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

Mr. Chairman, 40 percent of Americans are descended from immigrants who came to this country by way of Ellis Island. Today Ellis Island is a magnificent museum and a national park. Unfortunately it is accessible to the general public only by ferry for a price of $7 per person. This price makes it prohibitive to many of the American citizens who in fact own Ellis Island.

During the last session, there was a pitched battle on the issue of whether to build a new $15 million bridge from Jersey City to Ellis Island for pedestrian access. That bridge for all practical purposes is dead. It was approved in the last Congress, but the appropriation is slated to be rescinded by this Congress.

My amendment provides a commonsense solution to the problem of access to Ellis Island by providing for the use of an existing bridge for public pedestrian access so long as it is consistent with generally accepted safety standards. I will repeat that.

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

Mr. ZIMMER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, for the benefit of all of us, how would the gentleman define ''generally accepted safety standards''? I just want to be sure that I am comfortable with the fact that safety is of primary concern here.

Mr. ZIMMER. Mr. Chairman, I tried to draft the language as neutrally as possible. Generally accepted safety standards seems like an objective criterion that can be defined by published standards.

The initial definition would, of course, be made by the Park Service itself. Given that fact, the director of the Park Service, with the concurrence of the Secretary of the Interior, has told me that he does not oppose this amendment.

Mr. REGULA. If the gentleman would yield further, then it would be the responsibility of the Park Service to enforce safety standards, and whatever the Department would establish would become the standard that would control access to the structure. Is that correct?

Mr. ZIMMER. Reclaiming my time, Mr. Chairman, conceivably someone could litigate that decision, but the initial decision would of course belong to the Park Service.

Mr. Chairman, the bridge of which we speak is some 1,400 feet in length. It is sturdy. It has been in existence since 1986. It is used every day by Park Service personnel and by contractors who are working to renovate the buildings on Ellis Island, and it is being used by their vehicles as well. It has a pedestrian walkway. And the Park Service is planning to upgrade this bridge so it can be used for the several years remaining in the rehabilitation project that is ongoing at Ellis Island.

□ 1430

The Park Service is also planning to extend the permits that are scheduled to expire so this bridge can continue in use.

Safety concerns have been raised by the gentleman from Ohio [Mr. REGULA] and they have been raised by Roger Kennedy, the director of the Park Service, and that is why I have included the language that we discussed in the colloquy in this amendment.

Mr. Chairman, I personally believe the bridge is quite safe at this point and needs little or no upgrading to be suitable for the public. But if I am wrong, and the bridge is unsafe according to generally accepted safety standards, then this legislation would keep the public from using it until it is upgraded.

I do not believe that the Park Service would allow its own employees, on a daily basis, to use a bridge that is unsafe. But in any event, for purposes of this amendment, the issue is moot, because of the language of the legislation. That is why the Park Service and that is why the gentleman from Ohio [Mr. REGULA] have agreed that they would accept this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. REGULA], chairman of the committee.

Mr. REGULA. Mr. Chairman, on the basis of the representations of the Secretary of the Interior and the Director of the Park Service that they have no objection to this, we, therefore, would accept it. I do have a concern on the safety standards and I certainly would respond to any requests for additional funds to ensure that it is totally safe.

Mr. Chairman, I would ask the gentleman, it is limited to pedestrians; is that correct?

Mr. ZIMMER. Mr. Chairman, I would say to the gentleman, yes, my amendment would not open it to vehicular traffic, other than the traffic that already traverses it and the occasional vehicle or garbage truck that services the island.

Mr. REGULA. If the gentleman would continue to yield, the Superintendent of the Statue of Liberty has outlined some concerns and I think they will try to address these to ensure that it does meet all accepted safety standards. On that basis, on the Secretary of the Interior's representations, we have no objection.

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

The CHAIRMAN. The gentleman from Illinois [Mr. YATES] is recognized for 5 minutes.

Mr. YATES. Mr. Chairman, I want the attention not only of the proponent of this amendment, but the gentleman from Ohio [Mr. REGULA], my chairman, as well. In conversations that I had with the gentleman from New Jersey [Mr. ZIMMER] before this amendment was offered, he showed me the letter from the Director of the Park Service saying that he no longer had any objection to it. I understand also that the Secretary of the Interior has no objection to it.

And I have some difficulty, concerned as I am, with possible safety questions that were raised by the chairman of the subcommittee. I have a letter here, a copy of a letter here, dated July 11, 1995, which gives me pause and makes me wonder why the Director of the Park Service and the Secretary of the Interior waived whatever objections they had.

This is a copy of a letter dated July 11, to the Director of the National Park Service from the Superintendent of the Statue of Liberty National Museum on Ellis Island. ''Subject: Ellis Island Bridge—Unsafe for Public Pedestrian Use,'' and he gives the reasons under that:

Decking is perforated steel which is difficult to walk on and by Building Official Code and Administrative International definition is a tripping hazard.

Side rails are not in compliance with Building Official Code and Administrative International or ADA because of spacing of intermediate rails. Children would be particularly at risk of falling.

Ellis side of the bridge is currently a construction staging area and a site maintenance yard.

The bridge landing area will continue to be a construction staging area if rehabilitation of historic structures on Ellis Island continues.

Bridge does not meet New York and New Jersey building codes for public pedestrian bridge.

Surface material is designed for traction during ice and snow, therefore, if a person falls, they could receive serious cuts.

There is no protection to separate pedestrians from vehicles.

It is signed by M. Ann Belkov.

I know the gentleman has sought to condition the committee's approval with language, but it seems to me to be somewhat inadequate in view of the criticisms raised by Ms. Belkov. And so, Mr. Chairman, I know that I cannot accept the amendment and of course will do as the House wants to do.

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

Mr. YATES. I yield 1 minute to the gentlewoman from New York.

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

Mrs. LOWEY. Mr. Chairman, I rise in strong opposition to this amendment. There is no good reason for the expenditure of these funds, expecially at a time when we face the possibility of actually closing down national parks.

I want to remind my colleagues that there had been an ongoing effort over the past few years by New Jersey to build a permanent bridge between New Jersey and the island. I strongly oppose this amendment.

Mr. Chairman, as the gateway for more than 12 million immigrants between 1982 and 1954, Ellis Island holds a unique position in our Nation's history. While I certainly share the desire to promote visitor access in the Island, I rise in opposition to the amendment by the gentleman from New Jersey.

The temporary construction bridge that was erected in 1986 between Jersey City and Ellis Island was built for trucks—not pedestrians. It does not meet applicable safety codes for pedestrian use and, according to the National Park Service, it would cost at least $1 million to make the necessary structural safety improvements to the bridge.

But, Mr. Chairman, the problems don't stop there. If pedestrians were to be allowed on the bridge, the landings on both the island and the mainland—which are presently routed through service and maintenance yards—would have to be relocated. This would require the abatement of asbestos and fuel-soaked soils and extensive landscaping, at a cost of at least another million dollars.

There is no good reason for the expenditure of these funds, especially at a time when we face the possibility of actually closing down national parks.

Let me remind my colleagues that there has been an ongoing effort over the past few years by New Jersey to build a permanent bridge between New Jersey and the island. Earlier this year this body voted to stop funding for this project, which would cost as much as $25 million and which—in the words of a Park Service report—would have an unmitigateable, adverse impact on the island's historic and cultural resources.

The supporters of this amendment would like you to believe that pedestrian access is critically needed because the ferry is too expensive or inconvenient. The reality is that a family can spend the entire day at Ellis Island and the Statue of Liberty for less than the cost of going to a movie. Is it worth asking the taxpayers to spend millions of dollars to provide another means of access, particularly when the vast majority of visitors to the island say they prefer to take the ferry anyway?

Every year, more than a million and a half visitors from around the world tour the island. Like their predecessors, visitors travel to the island by boat. Not surprisingly, most tourists to the island say they consider the ferry ride to Ellis Island an essential part of their visit.

The Park Service's use of scarce Federal dollars at Ellis Island would be better spent on the island's historic buildings that are in desperate need of repair. I urge my colleagues to vote against this amendment.

Mr. NADLER. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from New York.

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

Mr. NADLER. Mr. Chairman, I rise in opposition to this amendment which would prohibit us from tearing down this bridge which is half in my district. This bridge was constructed with the specific intent of being taken down. It is an Army-designed, temporary Bailey bridge.

The only reason it exists is to allow construction vehicles to travel to and from Ellis Island for an ongoing construction project. It is normally used by an advancing military. It is designed to be laid quickly and efficiently and is meant to be used only as a temporary crossing.

Mr. Chairman, an amendment to make it permanent, to prevent us from tearing it down, is an amendment to circumvent the will of this House which voted not to have a permanent bridge here.

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

The bridge my colleague is asking to be turned into a pedestrian foot bridge is an Army-designed Bailey Bridge. This bridge was constructed with the specific intent of being taken down. The only reason it exists is to allow construction vehicles to travel to and from Ellis Island for an ongoing restoration project. This type of bridge is normally used by an advancing military and is designed to be laid quickly and efficiently and is meant to be used only as a temporary crossing. A Bailey Bridge is designed for vehicles and troops wearing combat boots. It is made of perforated metal, an extremely unsafe surface for normal pedestrian use.

In fact, the bridge is far from meeting basic safety standards for pedestrian use. The railings and curbs are inadequate. there is no way to separate vehicle from pedestrian traffic further endangering those that would use the bridge. To make this bridge a stable and long lasting structure would also require additional pilings and reinforcement of its frame. The estimated cost to add the railings, curbs, pilings and other safety features necessary for pedestrian traffic is $5 million. This amendment does not provide the funds for the construction of these safety standards, yet it will not allow the bridge to be taken down. So, when the restoration project is over it will sit, useless, nothing more than a potential navigational hazard to industrial and recreational ships alike. As such, in addition to being an unsafe crossing for families visiting Ellis Island, if the bridge is left in place beyond its useful life it could threaten vessels calling at port facilities in Port Newark—Elizabeth, the Military Ocean Terminal in Bayonne, the Howland Hook marine terminal, South Brooklyn Marine Terminal, Red Hook Container Terminal as well as other marine traffic in the Nations greatest port.

This bridge is not designed for heavy pedestrian use and is not designed to stand the test of time. It is a temporary bridge that will be nothing more then a disaster waiting to happen. I strongly urge my colleagues to defeat this amendment.

Mr. TORRICELLI. Mr. Chairman, I ask unanimous consent to address the committee for 2 minutes.

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

There was no objection.

Mr. TORRICELLI. Mr. Chairman, this amendment brings the art form in the Congress of looking to appear to do something, but in fact doing nothing, to a new height.

This amendment, as offered, would save a bridge which has already been determined to be unsafe and yet undermine previous efforts of the Congress to provide a new access to the island.

We are telling the American people that, in fact, we are going to avoid this problem of a $7 ferry ride. New access. Well, in the 103d Congress we just did that. We said we were going to build a new bridge and give new access.

And now, the gentleman from New Jersey [Mr. ZIMMER] comes to the floor offering to save a bridge which for safety reasons no one could walk across, and yet there is no appropriation to fix it or repair it.

There is perhaps no reason to oppose the amendment. It will not do any harm. But there is also no reason to vote for it. We have managed simply to convince people that it looked like we were doing something, while we did nothing.

Now, it may be the impression of some as well, because the gentleman

from New Jersey [Mr. ZIMMER] has brought this amendment to the floor that, in fact, he represents this district. In fact, he does not. The gentleman from New York [Mr. NADLER] has jurisdiction over parts of the island and the gentleman from New Jersey [Mr. MENENDEZ] on the remainder.

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

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

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

Mr. MENENDEZ. Mr. Chairman, let me briefly say I would have liked to have joined the gentleman from New Jersey [Mr. ZIMMER] in the ranks of those who have been fighting for a pedestrian bridge to give affordable access, but that time was when we had the rescissions vote. That vote, unfortunately, took away the possibility for a pedestrian bridge to go ahead and make sure that lower-income Americans do not have to pay Circle Line, with its exclusive opportunity to bring passengers to the island.

So, Mr. Chairman, this unfortunately, does not do the job that I hoped it would, but the National Park Service has said simply that it will not.

Mr. Chairman, I would like to welcome Mr. ZIMMER to the ranks of those fighting to establish a pedestrian bridge from Liberty State Park in Jersey City to Ellis Island.

I say that I'm welcoming him, because there have been precious few of us who have been out front about making access to one of our most important national historic treasures easy and affordable, and who have worked for legislation that would make that possible. In fact, aside from myself, Senators BRADLEY and LAUTENBERG, and Congressman FRELINGHUYSEN, nobody has really shown much interest at all in helping the millions of families who visit this historic landmark get there easily and safely. As the Representative of the district in which the bridge lies, I'm pleased Mr. ZIMMER has finally joined the effort. We have done all we can to get Governor Whitman to join us, but she still shows no interest in doing so.

This amendment would prevent funds in the bill from being used to demolish an existing bridge to Ellis Island, or being used to prevent pedestrians from using that bridge if it is deemed safe for such use. The bridge is currently used by construction and maintenance vehicles for access to the island.

When I saw Mr. ZIMMER was offering this amendment, I asked people at the Park Service what they thought about it. Their response was most interesting. They told me that they have no intention whatsoever of demolishing the bridge. In fact, they would like to keep the bridge permanently in use for their vehicles, since without it, the cost of transportation for Park Service employees, equipment, trash, and so forth would approach $700,000 annually. It clearly makes little sense to demolish the bridge, and therefore even less sense to bother amending an appropriations bill to prevent a demolition which no one seeks.

Because the Park Service intends to keep the bridge indefinitely for vehicular traffic, there is no hope of its being converted for pedestrian use. This renders the amendment almost entirely moot.

I say almost, because there is still some value to the amendment. Despite its glaring weaknesses, it is one of the best arguments I have seen yet for the construction of a new bridge, exclusively for pedestrian use, which I have been fighting for since my arrival here nearly 3 years ago. Originally, we had wanted to build a pedestrian bridge nearby, because families visiting the island currently must wait in line, sometimes for hours under the summer sun, and then buy tickets from the Circle Line ferry, which has a commercial monopoly on visitor access to the island. During their long wait in the ticket line, these families can all see clearly that there is a bridge linking the island to the shore. Still, they are forced to pay $7 apiece, $20 for a family with two children, for a ferry ride to an island less than a quarter mile off shore. For many of my constituents, who ironically live so close to Ellis Island, the price is a luxury they cannot afford. But, Mr. Chairman, should visiting a treasure of our national heritage be considered a luxury? Certainly it should not.

Unfortunately, the Zimmer amendment provides no funding for the improvements necessary to make the bridge safe for pedestrians, nor for the construction of a new one. Without funds to upgrade the bridge, it will remain permanently unsafe. Permanently, because not only is there no money to improve it, but the amendment prevents us from demolishing it, too. So we are to be eternally stuck with an unusable bridge. That is one effect of the amendment.

The original purpose of the bridge, to provide access for construction vehicles involved in the restoration of the remaining historic buildings on the island, is further defeated by the bill itself. Language appearing on page 18 prohibits the use of Park Service funds to implement an agreement for the redevelopment of the southern end of Ellis Island. The adoption of this amendment and the passage of the bill would leave us with a construction bridge, but no construction. A bridge which we will then maintain for pedestrians, but which is unfit for pedestrian use. A bridge which some argue supposedly damages the historical integrity of an island, an island full of collapsing historic buildings, but which we can neither improve, replace, nor tear down.

There are funds available for the construction of a footbridge, but the project will be killed in the Republican rescissions bill, if it passes the Senate. In fact, if the new version of the bill isn't passed, I understand that it is the intention of Chairman WOLF to kill the project in the Transportation appropriations bill, even though the Park Service's draft environmental impact statement shows that a new bridge is the most preferable method of providing affordable access. The real battle to provide affordable access to Ellis Island was fought months ago. My colleague from New Jersey could have been much more effective if he had joined us in supporting the bridge during the rescissions process.

With the passage of this amendment and the Interior Appropriations bill, however, it will only be a matter of time before even the most casual observer will see plainly the absurdity of what we will have done here today, and be compelled to seek a real solution such as the one we have advocated for years, but which has been consistently frustrated by political gamesmanship.

Mr. ZIMMER. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute to respond.

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

There was no objection.

Mr. ZIMMER. Mr. Chairman, I would point out to the gentleman who represent the vicinity of the bridge that the mayor of Jersey City endorses this amendment. Jersey City is the New Jersey terminus of the bridge.

Mr. Chairman, I am interested in the statement that this bridge is unsafe for pedestrian use, because it is being used as we speak by pedestrians in the employ of the Park Service. We do not have to spend $15 million for a brand-new bridge. If it is necessary to upgrade this bridge, it would be at minimal cost; certainly far less than $15 million.

I believe we have the best of both worlds here. We can provide for public access without having to spend money which is in fact being rescinded by this Congress, and without giving the Circle Line a monopoly service at $7 a person for access to this national museum.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. ZIMMER].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 230, noes 196, not voting 8, as follows:

[Roll No. 520]

AYES—230

Allard	Coble	Gallegly
Andrews	Coburn	Ganske
Archer	Collins (GA)	Geren
Armey	Combest	Gilchrest
Bachus	Condit	Gillmor
Baker (CA)	Crapo	Goodlatte
Baker (LA)	Cremeans	Goodling
Ballenger	Cubin	Goss
Barr	Cunningham	Graham
Barrett (WI)	Davis	Greenwood
Bartlett	Deal	Gunderson
Barton	DeFazio	Gutknecht
Bass	DeLay	Hall (TX)
Bateman	Diaz-Balart	Hancock
Bilbray	Dickey	Hansen
Bilirakis	Dooley	Harman
Bliley	Doolittle	Hastert
Boehner	Dornan	Hastings (WA)
Bonilla	Dreier	Hayes
Bono	Duncan	Hayworth
Brownback	Dunn	Hefley
Bunn	Ehlers	Heineman
Bunning	Ehrlich	Herger
Burr	Emerson	Hilleary
Burton	English	Hobson
Buyer	Ensign	Hoke
Callahan	Everett	Horn
Calvert	Fawell	Hostettler
Camp	Fields (TX)	Hunter
Canady	Flanagan	Hutchinson
Castle	Foley	Hyde
Chabot	Forbes	Inglis
Chambliss	Fowler	Istook
Chapman	Fox	Jacobs
Chenoweth	Franks (CT)	Johnson (CT)
Christensen	Franks (NJ)	Johnson, Sam
Chrysler	Frelinghuysen	Jones
Clinger	Funderburk	Kaptur

Kasich
Kelly
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
LoBiondo
Longley
Luther
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McInnis
McIntosh
McKeon
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Radanovich
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Talent
Tauzin
Taylor (MS)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Ward
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NOES—196

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (NE)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Cooley
Costello
Coyne
Cramer
Danner
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Ewing
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frisa
Frost
Furse
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoekstra
Holden
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennelly
Kildee
King
LaFalce
Lantos
Latham
Lazio
Levin
Lewis (GA)
Lincoln
Lipinski
Livingston
Lofgren
Lowey
Lucas
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHugh
McKinney
McNulty
Meehan
Meek
Mfume
Miller (CA)
Mink
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Pelosi
Peterson (FL)
Pomeroy
Poshard
Quillen
Quinn
Rahall
Rangel
Reed
Riggs
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (WA)
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tate
Taylor (NC)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Walker
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—8

Collins (MI)
Cox
Crane
Kennedy (RI)
Mineta
Moakley
Reynolds
Richardson

□ 1502

Messrs. YOUNG of Alaska, WAMP, QUILLEN, QUINN, and MASCARA changed their vote from ''aye'' to ''no.'' Messrs. FORBES, THOMAS of California, CHAPMAN, and WHITE changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. KLUG

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KLUG: On page 44, after line 19, insert the following:

''SEC. 115. No funds appropriated or otherwise made available pursuant to this Act in fiscal year 1996 shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws or to issue a patent for any such claim.''.

The CHAIRMAN. Under the rule, the gentleman from Wisconsin [Mr. KLUG] and a Member opposed will each be recognized for 10 minutes.

Mr. KLUG. Mr. Chairman, I ask unanimous consent to yield 5 minutes of my time in support of my amendment to the gentleman from West Virginia [Mr. RAHALL], and that he be permitted to control that time.

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

There was no objection.

Mr. RAHALL. Mr. Chairman, I appreciate the gentleman from Wisconsin [Mr. KLUG] yielding me 5 minutes to join him in strong support of this amendment, and, before proceeding with my remarks, I yield 2 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE]. I rise in strong support of the amendment.

Mr. ABERCROMBIE. Mr. Chairman, the House has supported a patent moratorium for several years now as an interim step to achieving comprehensive mining reform. And, the House, at least, has addressed the overriding need to reform the 1872 mining law by passing comprehensive legislation during the last Congress. Legislation which the House overwhelming supported on a 3 to 1 margin. Fundamental to any discussion of hardrock mining in this country is the need to end the archaic practice of patenting—or practically giving away—public mineral lands.

As you will recall, the old and outdated mining law of 1872, actually encourages the give-away of billions of dollars of gold, silver and other hard rock minerals that belong to the American taxpayer.

Under the 1872 law, which governs mining for precious metals, like gold, silver and platinum of Federal lands, miners who discover one of these minerals are entitled to a patent—or fee-simple title to the land. Since 1872, the United States has transferred over $231 billion worth of mineral assets to mining companies, charging minimal administrative cost for the land transfer and no royalty whatsoever.

As many of you know, it is the patenting system which legally forced Interior Secretary Bruce Babbitt to transfer ownership of nearly 2,000 acres of public land in Nevada—land containing an estimated $10 billion in gold—to a Canadian-owned mining company for the appalling sum of just $9,765. If we do not stop patenting, through mining reform or through a patenting moratorium pending achievement of mining reform, we will see more and more such cases in the years to come.

We should move block mining conglomerates from pirating valuable public minerals just because they are able to tie up reform in the Congress.

That is where the provision on a patent moratorium in the Interior appropriations bill comes in.

This patent moratorium would prevent the transfer of 133,000 acres of public land containing an estimated $15.5 billion worth of valuable minerals to international mining conglomerates for practically nothing. This is what we mean by the slogan: ''They get the gold, we get the shaft''.

That is why we need your vote to maintain the patenting moratorium in this bill.

Unless Congress acts now by enacting this patent moratorium, title to an additional $15.5 billion worth of mineral reserves—which rightfully belong to the American taxpayer—will be signed over to international mining conglomerates for the paltry sum of less than $1 million. These companies will win the golden ring simply by paying $5.00 an acre—and what do the taxpayers get in return? Nothing, an empty pocket.

I understand they dug up Jesse James yesterday. Robbing trains and holding up banks, was just a nickle and dime operation compared to mining public land. Jesse was in the wrong end of the stealing business.

The patent moratorium is not comprehensive mining reform: but it is a very important interim step that will save $15.5 billion worth of minerals from being given away to international corporations.

So, I urge a vote for the Klug-Rahall amendment. I urge an aye vote to put some hard dollar reality into the rhetoric on reducing the deficit. I urge an aye vote to give a break to the American taxpayer instead of a monster giveaway to marauding corporate interests.

Mr. RAHALL. Mr. Chairman, I yield such time as she may consume to the

gentlewoman from California [Ms. HARMAN] .

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Chairman, I rise in opposition to some earlier amendments on the National Endowment for the Arts.

Mr. RAHALL. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, inclusion of the patent moratorium is more important this year than at any other time in the past. As Members will recall, the House voted by a 3 to 1 margin in 1993 to reform the mining law of 1872, a Civil War era law that encourages the giveaway of billions of dollars of gold, silver and other minerals that belong to the American taxpayer. With the support of Members like NEWT GINGRICH, we passed a good bill, a tough bill, but unfortunately the conference committee with the Senate was unable to produce a final bill. And now the Senate, under Republican leadership, is considering a weak bill that will make minor changes that leave the taxpayer and the environment the losers while the mining conglomerates make off with the gold. The Craig bill, if enacted, will result in no royalties, no environmental clean-up, and no reform, which is exactly how the industry lobbyists wrote it.

One of the key issues in the mining reform debate is that of patents. Under the 1872 law, which governs mining for precious metals, like gold, silver and platinum on Federal lands, miners who discover one of these metals are entitled to a patent—or fee-simple title to the land from American citizens and the mineral wealth it contains. Since 1872, the United States has let over 231 billion dollars' worth of mineral assets slip through our fingers in this manner, charging minimal costs for the land transfer and no royalty whatsoever.

We should not give away permanent ownership of the public lands. We don't do that in oil and gas or coal leasing. The states don't do it in hard rock mining. I don't think that many private individuals do it.

Although the mining industry claims patenting is critical to its ability to function, no State gives private companies title to its resources, and yet the companies mine on State land. I know of no private citizens who give mining companies title to their land for mineral exploration and production, and yet they mine on private lands.

And while we are discussing the States, I should point out that mining companies pay royalties to States and private landowners, too, unlike on Federal lands.

The mining industry spent a small fortune last year to prevent reform of the 123-year-old mining law of 1872. It was cheaper for them to pay the lobbyists and make the campaign contributions than to see real reform enacted to safeguard the taxpayers who own this gold. As a result, we can look forward to many more giveaways like the ones Secretary Babbitt signed earlier this year—trading a fortune in public gold for a pauper's ransom.

If we do not stop patenting, through mining reform or through a patenting moratorium pending achievement of mining reform, we will see more and more such cases in the years to come.

The House Appropriations Committee unwisely has not included a moratorium this year. In fact, the committee report includes language which foolishly advocates the rapid transfer of patents presumably to assuage the mining industry which would prefer to continue freeloading off the public lands. If the Department complies with the report language and expedites approval of the 233 patent applications in the pipeline, we will in effect give away 15.5 billion dollars' worth of gold and silver to mining conglomerates. Talk about corporate welfare. I urge Secretary Babbitt to ignore the report language and to continue the careful and cautious route he has pursued in the past.

We cannot be party to the continued looting of the Treasury by foreign gold companies and others. So we should include a patent moratorium because as a practical matter, we should not leave the 1872 law, and particularly the patenting process, on the books should no action be taken on comprehensive reform. If we must again defer until next year—or the year after—comprehensive reform, we should hold the program in abeyance. For while we may not have agreed on the precise design of reform at the point, virtually everyone agrees drastic reform of the mining program is necessary.

So, I urge a vote for the amendment. If we cannot achieve real reform, we will at a minimum stop the giveaway of 15.5 billion dollars' worth of public resources until such time as we do achieve reform.

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

Mr. Chairman, how to get rich at the taxpayers' expense under the patent feature of the mining law of 1872; that is the question here today, and let me count for my colleagues the number of ways:

In Nevada a company that is 70 percent owned by the Anglo-American conglomerate, those wonderful folks from South Africa, is seeking title to Federal lands, Federal lands. All of our names are on the deed with an estimated 1.1 billion dollars' of gold. In return, the American taxpayers would receive a measly $5,080.

Meanwhile, in Montana mining claims have been staked on Federal lands with an estimated 3.4 billion dollars' worth of platinum minerals, and under the mining law of 1872 the Government will have to sell that land to this company for a mere $12,660.

Wow, wow, over 3 billion dollars' worth of valuable minerals owned by the Federal Government in exchange for just over $12,000.

And then, my colleagues, there is my all-time favorite, the amazing and true story of that little old mining claim that grew up into a huge Hilton Hotel. My colleagues, there is this man in Arizona that stakes a mining claim, 61 acres to be exact, and under the mining law he bought them from the Government for just $155. I say to my colleagues, Now, under the mining law, once you receive title to your mining claims, which is called a patent, there is nothing that says you have to actually, well, mine the land. Oh, no. Far from it. Instead, today these mining claims are the site of a huge Hilton Hotel overlooking Phoenix.

Mr. Chairman, for $190 a night guests stay in spacious two-room suites complete with fully stocked refrigerators and wet bars. They are invited to enjoy 18-hole golf courses, desert jeep tours, and sea-salt pedicures, but for their 61 acres, all the taxpayers received was $155, and for the $155 the so-called miner paid the Government for these claims, he estimates that his share of the Hilton Hotel is now worth about $6 billion.

Some of my colleagues may be wondering just how could this be? This is too incredible to be true. Well, it is true.

The bottom line, my colleagues, is that, if we do not pass this Klug-Rahall amendment, the United States may be forced to sell off 133,000 acres of Federal lands, lands owned by all of us as American taxpayers, containing approximately 15 billion dollars' worth of gold, silver, and other hardrock minerals, for either $2.50 or $5 an acre.

That is what is at risk today. That is what is in the patent application pipeline.

This patent moratorium was passed in the previous Congress as part of this same appropriation bill, and I urge my colleagues today to continue this patent moratorium in place until this Congress can enact comprehensive mining law reform. We came close in the last session of Congress. We were not able to finally deliver and see it into law, but this session of Congress I am hopeful we can move with comprehensive mining reform legislation, and, until we do, let us keep this patent moratorium in place.

Mrs. VUCANOVICH. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

The CHAIRMAN. The gentlewoman from Nevada [Mrs. VUCANOVICH] is recognized for 10 minutes.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources.

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

Mr. YOUNG of Alaska. Mr. Chairman, my colleagues, I have heard this argument over and over again about what a great giveaway. This amendment, very frankly, would drive the mining industry, as I have said again and again, off our shores. We would stop what little industry we have left today.

The one bright spot in this industry is the gold mining. Across the United States it employs people, it makes new jobs. This money is not going anywhere. The Federal Government does not make any money, and to say this is a ripoff is the same old litany I have heard time and time again written by the Sierra Club, written by the environmental community, trying to drive

our industry off our shores, and all the other countries of the world today, they are trying to get the mining industries to come in, and they are doing it because they delete royalties, they encourage by tax incentives, they give the land away free to get the jobs on their shores.

The 1872 mining law has worked, and I may suggest to the gentleman who just spoke previously he ought to know about the condos, because he has spent many a time in those places.

May I suggest respectfully, if I can, that this amendment offered by the gentleman from Wisconsin and the gentleman from West Virginia was offered last year, was adopted by the majority of them on that side, opposed by our side, and to have our side offering this amendment is wrong. I say to my colleagues, If you want to keep our jobs on our shores, employing people not flipping hamburgers, but doing real jobs that develop a resource and resources on these lands, then you ought to take and turn down this amendment. It is a bad amendment on this legislation, but more than that it is, and sadly the Parliamentarian would not rule in my favor, it is legislation on an appropriation.

And now I remind my leadership we were not going to do that with our side. We are doing it by this amendment today. I do not agree with it. I think it is wrong, it is inappropriate. It is wrong for this Nation, it is wrong for this industry. We must continue to work for America.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CALVERT], who is the chairman of the Subcommittee on Energy and Mineral Resources.

Mr. CALVERT. Mr. Chairman, I rise in strong opposition to this amendment which limits the use of funds for the acceptance and processing of mineral patent applications or the issuance of such patents by the Secretary of the Interior.

Mr. Chairman, I am the chairman of the authorizing subcommittee of jurisdiction over the mining law of 1872, as amended. I am also the lead cosponsor of H.R. 1580, the Mining Law Reform Act of 1995. If the amendment to the appropriations bill before us now is adopted, we will have repeated the mistake of the 103d Congress in its attempt to change the mining law.

The real objective of this amendment is to derail attempts to bring about reasonable changes to the 1872 act. The deadlocked end to the conference committee on mining law reform last September 28 followed just 2 days after Congress adopted the fiscal year 1995 conference report which included a mineral patent moratorium for the first time. Was this mere happenstance? Absolutely not.

H.R. 1580 retains the right to receive a patent, after demonstration that a valuable mineral deposit has been discovered, but only upon payment of the appraised fair market value of the land within the claim. The sponsors of this amendment would eliminate patenting altogether without substituting any other provision for making secure the opportunity to mine one's claims. If you want a real solution, vote against this misguided amendment.

□ 1515

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. HAYWORTH], a member of the Committee on Resources.

Mr. HAYWORTH. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin to limit the use of funds for the acceptance and processing of mineral patent applications or the issuance of such patents by the Secretary of the Interior. The amendment before us does not merely continue the mineral patent moratorium in the fiscal year 1995, as we have been led to believe.

The U.S. Supreme Court has consistently opined that a valid mining claim is ''private property in the highest sense of the word.'' The action of the Secretary to grant title to a mining claim which is supported by a discovery of a valuable mineral deposit and for which all other requirements of law have been met is not discretionary. Rather, it is ministerial. I oppose the present patent moratorium, but at least the present moratorium recognized the prevalent court rulings.

The amendment of the gentleman from Wisconsin [Mr. KLUG] is clearly an infringement on these private property rights. The amendment of my friend from Wisconsin invites a flood of takings litigation by those applicants recognized in last year's bill to have met last year's requirements and for which the Secretary was not barred from spending funds to process or issue mineral patents. The Department's records as of last fall indicated some 388 applications for mineral patents were so vested. This amendment could subject our Government to expensive litigation and a staggering takings liability.

The fact is, Mr. Chairman, this will have a chilling effect on mining companies and on folks who have claims and are filing for the patents. It in essence is a job killer. What we are doing here today is working to create jobs in the private sector, because these jobs are not Republican jobs or Democrat jobs or liberal jobs or conservatives jobs; they are jobs for the people of this country. I stand up and say yes to jobs, and no to the amendment.

Mr. KLUG. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I would like to make some points with my colleagues on the other side of this amendment fight and simply say this is not an amendment about whether or not there should be mining. The bottom line in all of this is the fiduciary responsibility of Members of Congress and whether or not we get the proper return for the mining claims that are before us.

Now, there I think, frankly, some problems in this amendment, and it is a creation of the rule which did not allow us to put in language grandfathering in some of the operations in place.

My colleague from Arizona raises a good point. Let me make it very clear that it is my intention that if this amendment passes, I would be willing to work with the gentleman from Ohio [Mr. REGULA] and other members of the Committee on Appropriations to put in language much similar to last year's amendment, which we again were prohibited from doing this time, which would say if mining reform legislation passes then this amendment falls by the wayside.

Second, this amendment, as it said last year, further provides that the Secretary of the Interior shall continue to process patent applications that were filed prior to the date of the enactment of this act if the applicant had fully complied with all the requirements under the general mining laws for such patent.

So I am willing to work with the Committee on Appropriations to get language in place that allows patents in the pipeline to move forward. But the bottom line in all of this, Mr. Chairman, is money. For example, the State of Arizona requires its mining companies to pay anywhere from 2 to 5 percent on current leases; California, 5 percent; Alaska, 3 percent.

If we can get comprehensive mining reform in place which allows the Federal Government to collect the royalties that are due it, I will be glad to work with the gentleman from California [Mr. CALVERT] on passing his legislation. But at the present time, if this moratorium expires on September of 1995, there are three applications pending in front of the Federal Government now worth $5.5 billion: One patent in Nevada on a gold mine worth $1.113 billion, and the taxpayers get from the patent price $5,080; another patent, the McCoy Cove Mine, pending in Nevada, worth $1.4 billion, and the taxpayers get $3,305; the Mount Edmonds Mine in Colorado, recoverable mine value $2.99 billion, and the patent price of $5 an acre, one thousand bucks. So more than $5.4 billion and the taxpayers get $10,000 out of this.

I would be glad to work with my colleagues on the other side of the aisle, because I do not think this is, in my case, whether or not there should be mining in the United States; the bottom line is whether or not we get a fair price for the mining that should and I hope will, take place in the future.

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

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

Mr. CALVERT. Mr. Chairman, if the gentleman would like to cosponsor my bill, as he knows, we resolve the issues of a fair royalty on Federal land. This is an improper way to amend this at

this time. So I would think the gentleman would like to get on our bill and do it the right way.

Mr. KLUG. Mr. Chairman, reclaiming my time, the gentleman and I have had conversation about this, as he knows. It is not my intention to drive the U.S. mining industry out of the country, but it is my intention to get a fair price for this. I would be willing to work with the gentleman. I said that in the past, and I would be willing to work with him today to get that bill out in the near future or put an incentive in place today to get it done even faster, and that is my intention.

Mrs. VUCANOVICH. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington [Mr. NETHERCUTT], a member of the committee.

Mr. NETHERCUTT. Mr. Chairman, I rise in opposition to this moratorium amendment.

Mr. Chairman, this amendment is a temporary solution that in my judgment is detrimental to the mining industry in America. We can agree that mining reform is overdue. We can agree with that. And as the gentleman from California [Mr. CALVERT] mentioned earlier, we have H.R. 1518 that is in the process of being prepared which will address the objections sought to be imposed by this amendment.

I believe this amendment will discourage mining in America. We can have all the anecdotal information or examples in the world of egregious overreaching, but in fact this mining law has worked over the years, and it is very important, I think, that we keep something in place to make sure that we do not discourage mining and send it to foreign shores.

I was one who opposed the elimination of the Bureau of Mines in my own subcommittee. We lost that battle, but we have cut back in mining throughout this country to the point where there is a disincentive, I think, to even get involved in the mining industry, to provide some jobs and assistance to America.

Interim steps have a way of becoming permanent, and I fear that this particular moratorium amendment will do just that. What we do not want to do is discourage mining in this country. We do not want to send mining operations overseas and be dependent on foreign companies for the production of minerals that we use in this country. This amendment will result in such foreign dependence, and it should be opposed and overridden.

Mr. KLUG. Mr. Chairman, I yield 30 seconds to the gentleman from West Virginia [Mr. RAHALL].

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

Mr. Chairman, one important fact that we should not overlook in this debate is that the ability to obtain a patent has nothing whatsoever to do with the ability to mine. Ever since we started, since I started the effort to reform the Mining Law of 1872 in the mid 1980's, hundreds of thousands of applications have gone into the Bureau of Land Management, everybody trying to seek a patent. Yet the Bureau can only approve less than 10 a year. It takes 4 years now before you can have a patent go through the process, and yet mining still goes on these patent applications. So the ability to mine is not affected whatsoever by the ability to obtain a patent. The patent process is obsolete.

Mr. KLUG. Mr. Chairman, I yield myself 30 seconds.

Let me just again make four points, if I can. First of all, the General Accounting Office, a survey of 20 patents examined at random, found that the Government had been paid $4,500 for claims worth somewhere between $14 and $48 million. This is an amendment above and fundamentally about money.

Second, as I have already indicated to my colleagues on the other side, I would support language in the appropriations bill during conferences that would put a grandfather clause in for mining patents that are currently in the pipeline, and also firm language that says if mining reform law passes this amendment is null and void.

Finally, when this moves again in September, I will remind my colleagues, $5.4 billion at stake in three claims and we get 1 thousand bucks.

Mrs. VUCANOVICH. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in opposition to the amendment. The issue of hardrock mining on Federal lands is one that is properly within the purview of the appropriate House and Senate authorizing committees. It is the role of those committees, working with the administration, to determine the parameters of mining on public lands.

Mr. Chairman, I want to emphasize that the amendment before us is not the same as last year's. This amendment would put a blanket moratorium on the processing of all mineral patent applications. In last year's bill, we exempted certain patents that had reached a certain point in the patenting process.

One reason for the exemption in last year's bill, Mr. Chairman, was because of a possible ''takings'' problem. The U.S. Supreme Court has held that mining claims that have reached a certain point in the patenting process are, in every sense of the phrase, private property. If we pass this amendment we could be looking at substantial liability from a ''takings'' perspective.

The National Association of Manufacturers and the U.S. Chamber of Commerce oppose this amendment. Likewise, I strongly oppose this amendment and urge my colleagues to do likewise.

I would like to point out, as this chart shows, that the Bureau of Land Management's own study of the true costs to miners for patenting of their claims shows the cost of proving discovery, surveying the claims, preparing the application and other legal requirements to be a minimum of $37,900 per 20-acre lode claim, not $5 an acre by any means. In many cases, millions of dollars have been spent on a property in order to achieve patent.

Mr. Chairman, we should ensure a fair return to taxpayers. Comprehensive mining law reform legislation offers the best chance for that. This amendment would derail such legislation while devastating the mining industry at the same time. I oppose the amendment and urge my colleagues to do likewise.

□ 1515

Mr. LUTHER. Mr. Chairman, I wish to support the amendment to extend the moratorium on mining claim patents. I am also a cosponsor of Congressman RAHALL'S legislation to reform the mining patent process because I believe it is time that Congress stop giving away public lands at a fraction of their value at an enormous expense to American taxpayers.

I understand that the patent process played an important role in developing the Western United States. In 1872, there was a legitimate role for the Federal Government to play in providing incentives for Americans to move west and develop that great region of our country.

But today, things have changed and Government policy must likewise change.

Today, we are nearly $4.9 trillion dollars in debt—it is time to establish priorities, identify critical roles for the Government and cut the rest. Whatever national interest our country may once have had in being a provider of cheap land, it is simply not a critical role for the Federal Government to play in 1995. Today American taxpayers do not want their resources turned over to private interests while their national debt continues to rise.

Last November the voters in Minnesota and across the country asked that we change the way Washington operates. When a program has lost its usefulness, we should eliminate it, no matter what the special interests might say. This moratorium amendment is an excellent opportunity for Congress to demonstrate that we can change how Washington operates.

I urge my colleagues to vote for an end to the giveaway of public lands—by voting for the Rahall-Klug amendment.

Mr. GEJDENSON. Mr. Chairman, I rise in strong support of the amendment offered by Mr. RAHALL and Mr. KLUG to restore the moratorium on the issuance of patents for mining claims. I want to thank the gentleman from West Virginia for his tireless efforts over the last several years to fundamentally reform the anachronistic 1872 mining law.

I can think of no reason why my colleagues would not support this commonsense amendment. Patenting, whereby miners get title to public land, is a thing of the past which should have been done away with long ago. In these times of fiscal crisis, the Federal Government can ill afford to continue to ''give away'' taxpayers' land for $2.50 or $5 an acre. It boggles my mind that we are still selling our resources for the price established in 1872. According to a 1993 General Accounting Office [GAO] study of other major mining nations, the United States is the only country which allows public lands to be sold to mining companies. The survey of South Africa, Canada, and Australia, the third, fourth, and fifth largest mining

nations that year, found that these nations retained title to public lands and provided access to miners through leases. If mining continues to be robust in Canada and South Africa without patenting, why do we need to continue this practice here? The answer is we don't.

The examples of the costs of patenting are legendary. Last year, Secretary of the Interior Bruce Babbitt was forced to approve a patent which transferred 1,038 acres of public land containing minerals valued at $10 billion to the Barrick Gold Corp., a Canadian company, for $5,190. This occurred because the moratorium exempted hundreds of patent applications which had progressed to a certain point in the review process. This case demonstrates that even with the moratorium, the American taxpayers continue to get the ''shaft.''

In spite of the flaws in the moratorium, it is preferable to allowing all patent applications to move forward. Without the moratorium, the Department of the Interior will be forced to approve hundreds of applications to transfer billions worth of gold, silver, and other valuable minerals to private companies without fair compensation to the taxpayers. According to an analysis by the Mineral Policy Center, if the moratorium is not renewed, more than 230 patents involving nearly 140,000 acres of public lands will move through the system and likely be approved. These lands contain in excess of 15 billion dollars' worth of minerals. Without the moratorium, this acreage will be ''sold'' to mining companies for no more than $700,000. Moreover, because we impose no royalty on hard rock minerals, the American people stand to lose hundreds of millions in lost revenue by transferring these lands out of public ownership.

Mr. Chairman, I strongly support comprehensive mining reform. However, in the absence of that, we are forced to take a piecemeal approach to protect the interests of the American taxpayer. Patenting is a giveaway to private companies, which are often foreign owned. No other major mining nation in the world turns over public land to miners. Most importantly, patenting undermines the principle that the American people should get a fair return on the use of their resources. I urge my colleagues to support the Rahall-Klug amendment.

Miss COLLINS of Michigan. Mr. Chairman, I must wholeheartedly oppose the elimination of the current moratorium on ''Patenting'' Federal lands subject to hardrock mining claims, and challenge the Republicans to justify this absurd course of action. The General Mining Law of 1872, signed into law by President Ulysses S. Grant, govern the mining of hardrock mineral on about 270 million acres of Federal lands. It allows anyone to buy an acre of land for $5!

Put simply, Mr. Chairman, the Federal Government is selling taxpayer-owned land which contains over $15.5 billion worth of gold, silver and other minerals for $5 an acre!

This country has already let over $231 billion worth of mineral assets slip through the taxpayer's fingers by granting ownership rights to public lands to mining interests at little charge and with no royalty payment. Not only is this robbery, but this is corporate welfare, plain and simple, Mr. Chairman. The only question is, how can the Republicans justify this kind of corporate giveaway program to some of the already wealthiest interests in the United States?

How can they justify this while they continue to complain that we, as Democrats, want to feed starving American children, or educate inner-city youth, or improve the water supply for millions of native Americans? I am appalled, Mr. Chairman. Mostly, I am appalled because I know that Republicans would rather spend crucial tax dollars for their wealthy business friends, like the powerful mining interests that are responsible for the elimination of this moratorium. I am appalled, Mr. Chairman, on behalf of the millions of Americans who still may not realize the extent to which they are being robbed!

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 271, noes 153, not voting 10, as follows:

[Roll No. 521]

AYES—271

Abercrombie	Edwards	Johnson (SD)
Ackerman	Ehlers	Johnson, E. B.
Andrews	Engel	Johnson, Sam
Baesler	Eshoo	Johnston
Baldacci	Evans	Kanjorski
Barcia	Farr	Kaptur
Barrett (WI)	Fattah	Kasich
Bartlett	Fawell	Kelly
Barton	Fazio	Kennedy (MA)
Bass	Fields (LA)	Kennelly
Becerra	Filner	Kildee
Beilenson	Flake	Kim
Bentsen	Foglietta	King
Bereuter	Forbes	Kingston
Berman	Ford	Kleczka
Bevill	Fowler	Klink
Bilirakis	Fox	Klug
Bliley	Frank (MA)	LaFalce
Blute	Franks (CT)	Lantos
Boehlert	Franks (NJ)	LaTourette
Bonior	Frelinghuysen	Lazio
Borski	Frisa	Leach
Boucher	Frost	Levin
Browder	Funderburk	Lewis (GA)
Brown (CA)	Furse	Lincoln
Brown (FL)	Ganske	Linder
Brown (OH)	Gejdenson	Lipinski
Bryant (TX)	Gephardt	LoBiondo
Canady	Gibbons	Lofgren
Cardin	Gilchrest	Longley
Castle	Gilman	Lowey
Chabot	Gonzalez	Luther
Chapman	Goodlatte	Maloney
Chrysler	Goodling	Manton
Clay	Gordon	Markey
Clayton	Goss	Martini
Clement	Graham	Mascara
Clyburn	Green	Matsui
Coble	Greenwood	McCarthy
Coleman	Gunderson	McCollum
Collins (IL)	Gutierrez	McDade
Conyers	Gutknecht	McDermott
Costello	Hall (OH)	McHale
Coyne	Hamilton	McHugh
Cramer	Harman	McKinney
Danner	Hastings (FL)	McNulty
Davis	Hefner	Meehan
Deal	Hilliard	Meek
DeFazio	Hinchey	Menendez
DeLauro	Hoekstra	Meyers
Dellums	Holden	Mfume
Deutsch	Horn	Mica
Diaz-Balart	Houghton	Miller (CA)
Dicks	Hoyer	Miller (FL)
Dingell	Inglis	Mineta
Dixon	Jackson-Lee	Minge
Doggett	Jacobs	Mink
Doyle	Johnson (CT)	Molinari
Moran	Rohrabacher	Tejeda
Morella	Ros-Lehtinen	Thompson
Murtha	Rose	Thornton
Myrick	Roth	Thurman
Nadler	Roybal-Allard	Torkildsen
Neal	Rush	Torres
Neumann	Sabo	Torricelli
Nussle	Sanders	Towns
Oberstar	Sanford	Traficant
Obey	Sawyer	Tucker
Olver	Scarborough	Upton
Owens	Schroeder	Velazquez
Oxley	Schumer	Vento
Pallone	Scott	Visclosky
Payne (NJ)	Sensenbrenner	Volkmer
Payne (VA)	Serrano	Walker
Pelosi	Shaw	Ward
Peterson (FL)	Shays	Waters
Peterson (MN)	Sisisky	Watt (NC)
Pickett	Skaggs	Waxman
Pomeroy	Skelton	Weldon (PA)
Porter	Slaughter	Whitfield
Portman	Smith (MI)	Wise
Poshard	Smith (NJ)	Wolf
Pryce	Solomon	Woolsey
Quinn	Souder	Wyden
Rahall	Spratt	Wynn
Ramstad	Stockman	Yates
Rangel	Stokes	Young (FL)
Reed	Studds	Zeliff
Regula	Stupak	Zimmer
Rivers	Tanner	
Roemer	Taylor (MS)	

NOES—153

Allard	English	Myers
Archer	Ensign	Nethercutt
Armey	Everett	Ney
Bachus	Ewing	Norwood
Baker (CA)	Fields (TX)	Ortiz
Baker (LA)	Flanagan	Orton
Ballenger	Foley	Packard
Barr	Gallegly	Parker
Barrett (NE)	Gekas	Pastor
Bateman	Gillmor	Paxon
Bilbray	Hall (TX)	Petri
Bishop	Hancock	Pombo
Boehner	Hansen	Quillen
Bonilla	Hastert	Radanovich
Bono	Hastings (WA)	Riggs
Brewster	Hayes	Roberts
Brownback	Hayworth	Rogers
Bryant (TN)	Hefley	Roukema
Bunn	Heineman	Royce
Bunning	Herger	Salmon
Burr	Hilleary	Saxton
Burton	Hobson	Schaefer
Buyer	Hoke	Schiff
Callahan	Hostettler	Seastrand
Calvert	Hunter	Shadegg
Camp	Hutchinson	Shuster
Chambliss	Hyde	Skeen
Chenoweth	Istook	Smith (TX)
Christensen	Jefferson	Smith (WA)
Clinger	Jones	Spence
Coburn	Knollenberg	Stenholm
Collins (GA)	Kolbe	Stump
Combest	LaHood	Talent
Condit	Largent	Tate
Cooley	Latham	Tauzin
Cox	Laughlin	Taylor (NC)
Crapo	Lewis (CA)	Thomas
Cremeans	Lewis (KY)	Thornberry
Cubin	Lightfoot	Tiahrt
Cunningham	Livingston	Vucanovich
de la Garza	Lucas	Waldholtz
DeLay	Manzullo	Walsh
Dickey	Martinez	Wamp
Dooley	McCrery	Watts (OK)
Doolittle	McInnis	Weldon (FL)
Dornan	McIntosh	Weller
Dreier	McKeon	White
Duncan	Metcalf	Wicker
Dunn	Mollohan	Williams
Ehrlich	Montgomery	Wilson
Emerson	Moorhead	Young (AK)

NOT VOTING—10

Collins (MI)	Kennedy (RI)	Stark
Crane	Moakley	Stearns
Durbin	Reynolds	
Geren	Richardson	

□ 1548

Mrs. ROUKEMA and Messrs. MOORHEAD, BISHOP, EHRLICH, WELLER, CAMP, CLINGER, and Mrs.

SEASTRAND changed their vote from ''aye'' to ''no''.

Messrs. GOODLATTE, CASTLE, QUINN, KIM, WHITFIELD, GRAHAM, and Ms. MOLINARI changed their vote to ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

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

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

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

Mr. VOLKMER. Mr. Chairman, earlier today the House voted by a voice vote on an amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] which would have and did, because it was adopted on a voice vote in the House, remove the funds available for the Mississippi River Corridor Heritage Commission. Had I been here, and I was not able to be here because of, believe it or not, a very good reason, but had I been here, I would have strongly opposed that amendment and explained the good that that Commission is trying to do. I was not able to be here, and if I had, again, I would have asked for a rollcall vote on it. That has been passed.

I do think the House should hear the other side of this story. This Commission was set up by this Congress in law enacted in 1990. The Commission was to study the corridor of the Mississippi River, which is so dear to many of us from the Midwest, to try not only to bring together the 10 States that border along that Mississippi River, but also the communities and the agencies within those States together to have a better partnership within that corridor, basically, to bring about more strength and economic development along that corridor.

Mr. Speaker, the proponents of the amendment said the law provided that they were supposed to have this study done within the 3 years, and I agree with that, that it was to be done within the 3 years, but the law also provided that they were to hold Commission hearings within each State of those 10 States, and they were to be funded at an amount of $500,000 a year in order to do so.

The problem is, Mr. Chairman, and I think many of the public today questions the wisdom of many of us in Congress, the problem was that the Congress did not fund it adequately to hold those hearings in the first 2 years. Thereafter, the funding started and they had the hearings. They now have a draft report that is being prepared, it is available if Members would like to read it, and I think it is very worthwhile. With the money that was provided in the bill, they would have been able to finish up and make their recommendations working with the Park Service.

By the vote of the House, they are not able to do so. What I find very ironic, though, about his whole thing is the Congress first asks citizens of this great country of ours to participate in the governmental process through this type of a commission. These people that are on this Commission are volunteering their time in order to perform this function of Government. Yet it is the same Congress, maybe a later one, but the same institution that says ''We are not going to give you any money to do it, folks. If you want to participate in the governmental process, you are good tax-paying citizens, if you want to make recommendations to make the Midwest a better place to live for everybody, we do not want to give you $142,000.''

Mr. Chairman, I wonder sometimes about some of the things that we do up here in Congress. I do not wonder, however, about why many of the general public does not think very much of the Congress. In the first place, if Members do not think the Commission should do the study or anything, then repeal the law that set it up. What we have now done is defunded it. The Commission is still out there, still required by law to make the study, to make the recommendations, and we have not given them any money to do it with.

If you were a private citizen out there, as the one from Missouri who is a good friend of mine, who is a very conscientious person, who believes in this Government of ours and likes to participate, and I have talked to him about this amendment, it makes you wonder why a person would ever accept this type of responsibility when this Congress or the next Congress may decide we are not going to let you do it, we do not want you to participate in this system of government of ours.

At first I had thought that we would have possibly a revote when we get in the House. I know the House has taken a lot of time on this bill.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. VOLKMER] has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 1 additional minute.)

Mr. VOLKMER. Mr. Chairman, the gentleman from Ohio has been so gracious as to permit me to take this time in order to explain the position of how I would have strongly objected to the amendment, and therefore, when we get into the House, I will not ask for a revote on the amendment. Mr. Chairman, I thank the Chairman of the Committee for giving me this time, and I thank the House for being patient with me.

AMENDMENT OFFERED BY MR. CREMEANS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CREMEANS: Page 94, after line 24, add the following:

SEC. 318. None of the funds appropriated or otherwise made available by this Act may be used for the purposes of acquiring land in the counties of Lawrence, Monroe, or Washington, Ohio, for the Wayne National Forest.

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. CREMEANS] and a Member opposed will each be recognized for 5 minutes.

The Chain recognizes the gentleman from Ohio [Mr. CREMEANS].

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

Mr. Chairman, I offer an amendment to save school districts, fire departments, and small businesses in southern Ohio.

Let me first say, this amendment only effects two districts, both of which are in southern Ohio. We are asking that money from this appropriation not be spent in these two districts. I know it is rare to see a Member of this body ask that money not be spent in his or her district, but the Federal Government has bought enough land in my district. Let the Forest Service go buy land somewhere else or spend it on the schools and the communities effected by the Federal forests. They need the money a heck of a lot more than we need more Government owned trees in Southern Ohio.

Mr. Chairman, the Wayne National Forest has been buying up land in my district for years. The Wayne owns nearly 40 percent of one school district, the Frontier Local School District.

The Federal Government has not met its obligation in PILT payments on the land they already own—let alone what they would like to buy. The Federal Government pays Washington County, OH, about 27 cents an acre each year. The average property tax is about $3.34 an acre in Washington County. How in the world is a school system or a fire department supposed to operate when the Federal Government owns half the land but pays less than 10 percent of its share of the tax duplicate?

These schools are going under and I want to send a message to them that the Federal Government is not going to buy up any more land or steal any more tax dollars from them. This amendment is a commitment to them and does not affect anyone outside southern Ohio. I hope that everyone would join with me and let the people of southern Ohio know that we are listening and the Federal Government is going to leave them alone—which is all they ask.

Thank you, Mr. Chairman, for the opportunity to offer this amendment. The students of the Frontier Local School District appreciate your help.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. NEY].

Mr. NEY. Mr. Chairman, I want to applaud my colleague, whose congressional district borders mine, on this very important issue. Members also have to understand that when we look at the Appalachian region, this potential forest goes all the way down from

the area of the gentleman from Ohio [Mr. CREMEANS], all the way up through my area in Monroe County, OH, and it would be like a 4-hour drive. If we looked at a map of it, it looks like somebody took a shotgun and just shot the map, because it is just pieces of property bought here and there, small parcels.

I encouraged the Wayne National Forest to have a contiguous area, but really, what they have done in the area of Mr. CREMEANS and in this area, for which I want to thank the gentlemen from Ohio, Mr. REGULA and Mr. CREMEANS, it is really going to help us quite a lot. It is also going to protect Monroe County. Additionally, Senator Monroe, and also representative Metzger and many others are worried about development. The area has been hard hit in Monroe County, so we need some help. I really applaud the gentleman's amendment, and thank him for including this.

Mr. REGULA. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

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

We are going to accept this amendment. This bill has a moratorium on land acquisition. We have no money in the bill to acquire lands in the three counties in question. Therefore, there is no problem whatsoever in accepting the amendment. I understand the gentleman's concern, and we are pleased to put it in as part of the bill.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Ohio [Mr. CREMEANS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SKAGGS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SKAGGS: At the end of the bill, add a new section, as follows:

SEC. . None of the funds appropriated to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–07) shall be used for payments with respect to entitlement lands (as defined in such Act) regarding which it has been made known to the officer or official responsible for such payments that a state or political subdivision of a state has by formal action asserted a claim of ownership.

□ 1600

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

Mr. Chairman, let me explain what is involved in this amendment. Under the PILT program, which is an acronym standing for ''payment in lieu of taxes,'' the Federal Government makes cash payments to counties to help cover services like fire protection, law enforcement and so forth that these counties provide on Federal land. We do this because the counties obviously do not get tax revenue from these lands but are expected to provide some services.

Recently some of these counties are claiming that these lands are not Federal lands, after all, even though they all became part of the United States through Federal purchase or acquisition and have never been transferred.

Mr. Chairman, get this: Even though these counties assert that these are not Federal lands for ultimate purposes of title or control, these same counties would still like the U.S. Federal taxpayers to make PILT payments to them as if the lands were Federal lands. If there were ever a case of trying to have it both ways, this is it.

It is all the more offensive because some of these counties are effectively using Federal taxpayer moneys to pay their officials and lawyers to try to perfect their legal claim to the very lands on which they are basing their entitlement to PILT payments.

Give me a break. Or, as our colleague, the gentleman from Ohio [Mr. TRAFICANT] might say, ''Beam me up.''

My amendment simply calls a halt to this absurd practice. If these counties want to claim Federal lands as their own, fine, go ahead, pursue them if you think you have any legal theory to stand on. But do not at the same time be so brash as to claim PILT payments to boot on the very same Federal lands at the very same time.

Let us not permit these jurisdictions to insult our intelligence at the same time that they are tapping the Treasury, especially in these difficult budget times.

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

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

The CHAIRMAN. The gentleman from Ohio [Mr. REGULA] is recognized for 5 minutes.

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

Mr. Chairman, I understand why the gentleman might propose this, but this changes the PILT formula. This is a situation that the authorizing committee should address. We have an obligation to make the PILT payments under the law.

Of course these issues are in the courts. The courts need to make a decision. But in the meantime, States have a right to pursue their legitimate claims, but they also have a right to their PILT payments. Their obligations to schools, to the local government, will not stop just because they file a suit in the court.

Let the courts work their will, but in the meantime I think the U.S. Government should honor its obligation as provided in the law. There is nothing in the law that says if there is a lawsuit filed, they do not get the PILT payments. Therefore, we should not interfere with the action by the courts.

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

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

Mr. SKAGGS. Mr. Chairman, I respect the gentleman's point of view on this, but does he really stand for the proposition that these counties, who are pursuing a legal theory that has been repudiated by the Supreme Court, should nonetheless continue to get Federal money even though it can be used to pay for asserting these specious claims?

Mr. REGULA. Reclaiming my time, the gentleman is making an assumption as to how they use their PILT money. I am assuming they use it for their schools. If they use their general budget to pursue their legitimate claims in court, that is perfectly their right. But in the meantime, under the law, we have an obligation to make the PILT payments.

Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH], a member of the subcommittee.

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to the amendment. Counties depend on payment in lieu of taxes, or PILT, to make them whole. In a State such as my own, Nevada, where 87 percent of the land is federally managed, making up for the loss of taxes due to Federal management of the land is only fair.

This amendment is directly aimed at Nye County, NV. Currently Nye County is involved in a Department of Justice-filed lawsuit about who owns the land. If the gentleman would work with me to see the Federal Government relinquish control of the land in question, then I think the county would willingly forgo PILT payments. But until the court renders its decision, the county continues to lose tax revenue. This amendment is an unfunded mandate, and I oppose it.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Utah [Mr. HANSEN], chairman of the Subcommittee on National Parks, Forests and Lands of the Committee on Resources.

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

Mr. HANSEN. I thank the gentleman for yielding me the time.

Mr. Chairman, I hope the people in this Chamber realize this is really a very tough amendment on people. These little counties are out there, 93 percent, some of them, owned by the Federal Government. People from the East come in, they cause fires, we have to put them out. They get hurt, we have to take care of them. They put debris all over, we have to clean it up.

There are 1,500 of these counties out there in the West and over half of them have a claim against the Federal Government.

If we are going to take these 750 counties and say, ''Fine, guys, you're out of business,'' why are we doing

this? You look at the situation of people who have 2,477 roads, half of them in my State have claims against the Federal Government on 2,477 roads. Mineral royalties they have claims against, timber royalties, grazing fees, questions over title.

I think it is an outrageous amendment that would gut the whole program and is designed to hurt some people who are trying to maintain what they think is right and courageous.

Remember years ago we had the sagebrush rebellion. I am glad to see that is gone. Now we are seeing the war on the West. This is the kind of amendment that is devastating to the people in the West. I urge that we oppose this amendment.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I strongly oppose this amendment.

I think it is outrageous to do this to our counties in view of all that is happening throughout the States. We have got whole communities that have been devastated by the various restrictions on the spotted owl and other so-called surrogate species. About the only major activity that can go on is related to public lands.

These communities have substantial expenses in building roads, in providing schools, in providing the services the gentleman from Utah mentioned. Then to put forth an amendment like this that basically will cut off this money that these communities are entitled to receive because of the services they are providing to the Government.

We do not cut off anybody else's money for any reason because they are pursuing a legitimate claim against some branch of the Federal Government. Only here are we seeking to do that. I think that is wrong. I think it comes at a horrible time when our counties are under so much pressure economically right now. I strongly urge Members to defeat this amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. REGULA] has 30 seconds remaining, and he has the right to close.

Mr. REGULA. Mr. Chairman, I yield 15 seconds to the gentleman from Oregon [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, I rise in strong opposition to the Skaggs amendment. This would be a punitive action against countless rural communities in the West and would devastate their already fragile economies.

Stopping PILT payments would close roads and schools, stop public services, and cut hundreds of rural counties off at the knees. This will be a reality unless we defeat this amendment.

It is understandable that some of my colleagues don't understand what PILT payments are or how they came to be, for our situation in the rural West is very unique. When the Federal Government owns anywhere from 50 to 80 percent of the land like it does in the West, these areas don't have a tax base source like everywhere else in the country. The fact that the Government owns all of this land in the West is historical circumstance, and as a result the Bureau of Land Management makes payments to these counties for lost revenues that would otherwise result if the land were able to derive operational tax revenues like everywhere else in the country.

Stopping these PILT payments would be counterproductive for the Federal Government, and would deliver a harsh blow to many districts like mine. I urge a "no" vote on the amendment.

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

Mr. Chairman, I urge all of my colleagues to vote against this amendment. It is simply not fair. Every county has the right, or State, to pursue their claim in court without being penalized. This would be an unfair thing to put a penalty on them for exercising their legitimate rights in the courts.

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

The CHAIRMAN. The gentleman from Colorado is recognized for 2½ minutes.

Mr. SKAGGS. Mr. Chairman, let me just respond to some of the characteristics that have been offered up in the comments in opposition to this amendment.

There is nothing punitive about it. It merely puts counties to the choice whether they want to assert that they own land outright that they are also claiming is Federal lands for purposes of PILT payments. You cannot have it both ways.

The punishment, if there is any, is to the Federal taxpayers who are being expected to pay for something twice. I do not believe that that is fair. This has nothing to do with RS–2477 claims or legitimate boundary disputes or rights of way. Any of those sorts of things are really de minimis, since the effect of this amendment would be to have impact on a prorated basis, not ruling out, not invalidating any PILT payment for a county that may have a 2477 right-of-way issue pending.

The final point is that we are not talking about legitimate claims. That is the whole point. The Supreme Court has ruled on this whole question of the county supremacy movement. It has invalidated the legal underpinnings of the movement. These are not valid claims, and we should not be taken to the cleaners for PILT payments at the same time we are having to incur legal expenses to establish continued Federal title to these lands.

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

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

Mr. HANSEN. I appreciate the gentleman yielding.

I am reading from the gentleman's amendment here. It says asserting a claim. That seems to be the pivotal point of this amendment, a county asserting a claim.

I could name a lot of counties that are asserting a claim on RS–2477 roads. It that not a claim, debating whether or not it belongs to the county or whether it belongs to the Federal Government?

Mr. SKAGGS. The amendment speaks in terms of a formal action, meaning a county ordinance or other action of the political subdivision. Again, in most of these situations, if I can reclaim my time, the acreage involved, and these RS–2477 issues compared to the total acreage on which PILT payment is based, is really de minimis.

This is not the problem. The problem is the broadside assertions of county title over all Forest Service lands, over all BLM lands, over all Fish and Wildlife lands, that some 58 counties in our part of the country have asserted. I am just saying they cannot have it both ways. You cannot both get a PILT payment and say, ''But it is my land, anyway.''

Mr. HANSEN. If the gentleman will yield further, between Alaska and Utah there are over 1,000 of these counties asserting a claim on RS–2477, regardless of size.

Mr. SKAGGS. As I say, those are really de minimis in the context of what this amendment would accomplish.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. SKAGGS].

The amendment was rejected.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 56 offered by Mr. KENNEDY of Massachusetts: Page 94, after line 24, insert the following new section:

Sec. 318. None of the funds made available to the Forest Service by this Act may be used for the construction of roads, nor the preparation of timber sales, in roadless areas of 3,000 or more acres in size.

POINT OF ORDER

Mr. HANSEN. Mr. Chairman, I make a point of order that the amendment of the gentleman from Massachusetts [Mr. KENNEDY] violates clause 2 of rule XXI of the rules of the House by requiring substantial new duties on the part of the Secretary of Agriculture to determine roadless areas on national forest lands; therefore creating legislation on an appropriations bill.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. KENNEDY] care to respond to the point of order?

Mr. KENNEDY of Massachusetts. Yes, I do, Mr. Chairman.

Mr. Chairman, this amendment is simply a limitations amendment that states that none of the funds made available to the Forest Service may be used for timber roads construction or timber sales preparation in roadless areas. It seeks to reduce the taxpayers'

liability only in roadless areas, the most high-cost areas and most likely to result in below-cost timber sales.

The amendment was filed in accordance with the rules and preprinted in the CONGRESSIONAL RECORD and reviewed by the parliamentarian's office. The parliamentarian and I have been in discussions for many, many hours, until late last night and throughout the day today over this issue. I have some extensive remarks that I would like to make with regard to the objections that have been raised.

First the National Forest Management Act of 1976 directs the Forest Service to inventory all lands and resources that they manage. The Forest Service must devise forest plans that include specific land use designations.

According to the National Forest Management Act, title XVI, the Renewable Resource Assessment, the Secretary of Agriculture shall prepare a Renewable Resource Assessment, analyze the present anticipated uses, create an inventory based on the information developed by the Forest Service and other Federal agencies, provide a description of the Federal service program, and provide for a discussion of important policy considerations.

The statute also requires the land management plans to comply with the National Environmental Policy Act, or NEPA, which means that everything in the forest must be inventoried for an environmental assessment or possible full-blown environmental impact statement.

□ 1615

I would make the Chair aware of the National Forest Management Act, which specifies procedures to ensure that land management plans are prepared in accordance with the National Environmental Policy Act of 1969.

They second specify guidelines which require the identification and suitability of lands for resource management, provide for the obtaining of inventory data on the various renewable resources in soil and water, including the pertinent maps, graphic material, and explanatory aids. On and on it goes.

Second, according to the Forest Service regulations, to implement Congress' laws they must conduct an inventory of all roadless land in each of the national forests and I would like to cite for the RECORD section 219.17, the evaluation of roadless areas.

''Unless otherwise provided by law, the roadless areas within the National Forest System shall be evaluated and considered for recommendation as potential roadless areas, including those previously inventoried must be taken into consideration; areas contiguous to existing wilderness, primitive areas, or administratively proposed wildernesses; areas that are contiguous to roadless and undeveloped areas; and areas designated by the Congress for wilderness study, administrative proposals pending before the Congress,'' and on and on she goes.

Further, the Forest Service Management Act regulations require that all timber sales must be in compliance with the forest plan, including the requirements of 36 CFR, section 219-14, which require detailed analysis of timber volumes, costs, and other matters.

If I would cite that particular code, that directs the Forest Service to conduct benefit analysis as expressed through gross receipts of the Government. Such receipts shall be based on the expected stumpage prices, the payments in kind from timber harvest, considering the future supply and demand. It takes into account the costs, including the anticipated investments maintenance and operating management and planning costs.

In addition, it takes into account the long-term yield. You do not have to just count the acreage; you have to count the trees to do this. So, the notion that somehow this amendment is out of order because we call for an indication of 3,000 acres, versus 5,000 acres, is ridiculous.

The fact of the matter is that the 5,000-acre designation is for wilderness areas. In order to comply with this, you have got to get down to the actual number of trees that are counted in the specific area.

Most importantly, continuing on the regulations in section 223.83, specifically requires that timber sales prospectus to include data on acreage, road standards for specified roads to be constructed, and the estimated construction costs.

I would cite in that law, a timber sale prospectus shall specify at a minimum, and it goes through a number of different points, but the location and the area of sale, including harvest acreage. A timber sale prospectus shall also include the road standards and the roads to be constructed, the estimated road construction costs and the purchaser credit limit.

The fact of the matter is that the amendment simply limits the Forest Service discretion to build roads or conduct timber sales in roadless areas which they have already identified as part of their inventory and which are 3,000 acres or greater in size.

Fourth, to show that this information is currently available, the Forest Service produced an analysis of the roads that the Forest Service planned to build into roadless areas in last year's Interior appropriations bill.

Those of you who argue that the Forest Service does not already know its roadless areas ignore the mandate placed upon the Forest Service by this committee. As you can see, the current laws provide substantial evidence that the Forest Service is already mandated to know the extent and character of roadless areas in their forests. If they do not know, they just simply have not followed the law.

I would cite again for the RECORD the 1995 Interior appropriations that required the Forest Service to include in its 1996 budget a specific breakdown of all roadless areas planned for entry in the 1996 program with the justification for each planned entry.

Mr. Chairman, in conclusion, this amendment does not require a new duty on the Forest Service. It simply requires them to carry out the current law and to continue to fulfill the requirements placed upon the Appropriations Committee.

I urge the consideration of the amendment.

Mr. HANSEN. Mr. Chairman, in defense of my point of order, let me point out the issue that we have raised to the point of order, and not to the amendment, goes to this: In fact, are we asking the Forest Service to create a new duty? Are we asking them to do something? If so, that should come from the authorizing committee, which I maintain is what we are talking about here.

The Forest Service has no duty to collect infinite amounts of information. They already have collected information on roadless areas more than 5,000 acres, not on areas of more than 3,000 acres.

The Forest Service was asked by the Appropriations Committee to respond to this. Here is what they said. ''We do not have a good estimate of how many ongoing or planned projects involve roadless areas of 3,000 acres or more. There has not been a need to collect this information.''

''This amendment,'' the Kennedy amendment, ''would require the Forest Service to make a determination of the size of every area for which timber sale or a road construction project is planned to assure that it is not an unroaded area of 3,000 acres or more. We do not have the information necessary to make a reasonable estimate of the cost of this requirement.''

Now, if that is not asking for a new duty, I do not know what is and new duties come out of the authorizing committee, not out of the appropriation committee and I would urge that the Chair rule accordingly.

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

Mr. MILLER of California. Mr. Chairman, I rise to speak against the point of order. In my view, the Kennedy amendment is an appropriate limitation and does not violate clause 2 of rule XXI which prohibits legislation on a general appropriation bill.

As set forth in book 8 of Deschler's Precedents, a limitation amendment is in order if it restricts criteria which are within the range of choices given to an official by the authorizing law. To quote, ''A limitation may, in fact, amount to a change of policy, but if the limitation is merely a negative restriction on the use of funds, it normally will be allowed.''

The Kennedy amendment restricts the discretion that Forest Service officials have in the exercise of their duties to conduct road building and hold timber sales in roadless areas of 3,000 acres or greater in the national forests.

The Kennedy amendment does not impose any new or additional data-gathering duty on the Forest Service beyond existing law.

As a general matter, the Forest Service is obligated to develop land and resource management plans for the National Forest System as required by the Forest and Rangeland Renewable Planning Act of 1974, as amended by the National Forest Management Act, 16 U.S.C. section 160, et. seq.

Purusant to the authorizing act, forest plans determine the availability and suitability of forestlands for resource management. While forest plans are normally revised on 10- to 15-year cycles, section 219.12(D) of the Code of Federal Regulations provides that ''[E]ach forest supervisor shall obtain and keep current inventory data appropriate for managing the resources under his or her administrative jurisdiction * * * Data shall be stored for ready retrieval.'' The forest plans are used as the benchmark for further review and planning of each of the individual sales in compliance with the National Environmental Policy Act.

As a specific matter, CFR section 219.17 directs the Forest Service to evaluate and consider roadless areas as part of their land planning process. The inventory and the evaluation of these roadless areas is to be developed with public participation. The definition of roadless areas are lands which ''remain essentially roadless and undeveloped, and which have not yet been designated as wilderness or for nonwilderness uses by law.''

It is important to note, as the gentleman from Massachusetts [Mr. KENNEDY] has, that there is no acreage limitation in the CFR section on roadless areas as there is with wilderness.

Mr. Chairman, the Forest Service has a sophisticated land planning system which now includes the use of GIS technology for mapping. No duties to gather information are required by the Kennedy amendment beyond the existing law. The notion that they are unaware and incapable of determining where 3,000 acre or more blocks of roadless areas exist is an insult to the agency. I would point out to my colleagues that 3,000 acres is 5 square miles of land.

The Forest Service is capable of producing this data on a ready basis for roadless areas on a national scale. For example, in response to the directive for the fiscal year 1995 House Interior appropriations report, they submitted data in their 1996 budget request which itemizes 94.9 miles of construction planned for roadless areas, including 70 miles in the National Forest of Alaska.

The fact that they have not presented data to the Congress on the amount of roadless lands in excess of 3,000 acres is simply off the mark. What is relevant to the amendment is that the Forest Service has the existing capability of providing such data and does so on a regular and current basis on a national scale.

What is even more important is that they have the data which can be applied to the individual timber sales in compliance with the Kennedy amendment.

Finally, Mr. Chairman, let me submit on behalf of the argument against the point of order that this data is readily available and this is nothing more than a ministerial act, and that is 36 CFR, chapter 2, which deals with the contents of the advertisement and the contents of the prospective of the sales.

There are some 35, almost 40, requirements that go into this, which include the location and the estimated qualities of timber and the forest products offered for sale. For each sale outside the State of Alaska, which includes a provision the purchaser the credit for construction of permanent roads with total estimated construction costs exceeding $20,000, a timber sale shall include: One, the total estimated construction costs of all permanent roads. When submitting the bids, they have to say exactly how much it is going to cost to have the Forest Service construct those roads.

Under the contents of the prospective, the Forest Service must provide the location and area of sale, including the harvest acreage; the estimated volumes, including the quality of the volume, the size of the trees, the age of the trees, and the class of the trees. Very specific, on-the-ground determinations they must make now on an ongoing basis.

They must include the road standards for specified roads to be constructed; the estimated road construction costs and the purchaser credit limit. If small businesses are involved, the road standards applicable to the construction of the permanent roads and the reference of source of such information; the date of final completion of all permanent roads, where they will go, and when they will be finished; a statement explaining how the Forest Service intends to plan for road construction by forest account or contract and whether or not the higher bidder shall make that determination.

What, in fact, we have is a very detailed process of counting the trees and taking the inventory. What we have is the overlay of a number of Federal laws that require this inventory, require that the inventory be kept current, that the land base be kept current, that the timber base be kept current so that they can, in fact, comply on an annual and regular basis with the National Environmental Policy Act as they let lands for sale for timber sales.

Mr. Chairman, all of this is done on an ongoing basis. The Kennedy amendment is simply a limitation on those functions and tracts of land of 3,000 acres or more.

What we have here is a simple ministerial task to be carried out by the Forest Service; a task and function which is no additional burden to them because it is part of their ongoing requirements under existing authorization and legislation by the Congress and I think the point of order should be overruled.

The CHAIRMAN. Does the gentleman from Washington [Mr. DICKS] wish to be heard on the point of order?

Mr. DICKS. Yes, Mr. Chairman, I wish to be heard on the point of order.

Mr. Chairman, it seems to me that this is a lot more straightforward than we are trying to make it with these long orations about the technicalities. But let us get to the bottom line. We are changing, and the Forest Service has already said in their letter here, that they have been operating on a 5,000 acre basis. We are now going to restrict that to 3,000 acres. That is going to be a major new responsibility, ministerial duty, on the Department of Agriculture and the Forest Service.

They apparently do not have these areas at that small a size. Therefore, it is going to be an additional burden. I think, therefore, it is legislation and is subject to a point of order.

Mr. MILLER of California. Mr. Chairman, in responding to the gentleman's point on the point of order, I would point out the fact is what we have shown, and the gentleman from Washington [Mr. DICKS] may not like the long recitations, but they happen to be the law of the land, is that the Forest Service has this information for every acre of land; for every parcel of land; for every sale they promote.

So to suggest that they do not have it for 3,000 acres, when in fact they have it for every acre, is simply ludicrous on its face.

□ 1630

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise to speak in favor of the point of order offered by the gentleman from Utah.

It is not as simple as the gentleman from California would present it. We are trying to open a broad road here to run through a herd of buffalo instead of just some technical amendment. First of all, under the Wilderness Act, the Secretary of Agriculture has surveyed National Forest lands of at least 5,000 acres which are roadless and meet certain other wilderness criteria, such as first, affected primarily by the forces of nature; second, has outstanding opportunities for solitude or a primitive and unconfined type of recreation; and third, contains ecological, geological, or other features of scenic, or historic value.

If a forest area of any size is roadless but does not meet these other criteria, the Secretary can harvest timber, build roads, or engage in other types of multiple use activities.

The Secretary of Agriculture may not have made determinations of roadlessness in nonwilderness forest lands because the lands did not meet other wilderness criteria. This would be a new test.

For forest areas between 3,000 and 5,000 acres, the Secretary has never been required to make a determination

of roadlessness. This is a new requirement imposed on the Secretary by the Kennedy amendment.

Determinations of roadlessness cannot be made solely from maps but requires on-site inspections. The Secretary must also conduct legal and historical research to determine if States and counties have pre-existing RS 2477 rights of way for the construction of highways, which by operation of law can be converted into roads and therefore not subject to the prohibition on road construction and timber sales in the Kennedy amendment.

The last time the Secretary of Agriculture had to survey forest lands for road determinations under RARE II, it took 10 years. And in the 10 years since RARE II, more roads have no doubt been built, requiring new surveys to see if these lands are subject to the Kennedy amendment ban.

The Kennedy amendment cannot execute without substantial new determinations of facts based on physical surveys of 191 million acres of National Forest lands, plus legal and historical research conducted by the Secretary of Agriculture.

The Kennedy amendment creates a new class of de facto wilderness by barring timber sales and road construction without meeting all of the Wilderness Act requirements.

The Kennedy amendment creates a new 3,000-acre wilderness requirement in contradiction of the wilderness release language—language which says that multiple use activities are allowed on nonwilderness designated areas—contained in each State's wilderness bill that passed the Congress.

And the Kennedy road amendment deals with timber primarily and does not consider the fact that many of the roads in the national forest are multiple-use roads.

The CHAIRMAN. The Chair is prepared to rule.

Mr. MILLER of California. Can we be heard on the point raised by the gentleman from North Carolina?

The CHAIRMAN. The Chair is prepared to rule on this.

Mr. MILLER of California. I know you are. I want to make sure you have all the evidence.

The CHAIRMAN. The Chair has heard enough evidence.

Mr. MILLER of California. The Chair sounds like Judge Ito.

The CHAIRMAN. The Chair appreciates the gentleman's sense of humor.

The gentleman from Utah makes a point of order that the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] is not in order as a violation of clause 2 of rule XXI because it imposes new duties not required by law. The amendment limits Forest Service funds in the bill for the construction of roads or for the preparation of timber sales in roadless areas of 3,000 or more acres in size. The Chair notes that, as shown in volume 8 of ''Deschler's Precedents,'' chapter 26, section 22.26, the proponent of an amendment has the burden of showing that the amendment does not change existing law. Under law codified in section 1603 of title 16, United States Code, the Secretary of Agriculture, acting through the Chief of the Forest Service, is required to ''develop and maintain on a continuing basis a comprehensive and appropriately detailed inventory of all National Forest System land and renewable resources.'' The same law, at section 1602 of title 16, requires the Secretary to prepare a recommended renewable resource program providing in appropriate detail for protection, management, and development of the National Forest System including forest development roads and trails. Regulations require the Forest Service to make determinations for the suitability of timber resources to a level of detail that includes direct benefits based on expected stumpage prices to payments in kind from timber harvest considering future supply to vegetation management practices chosen for each type of vegetation. For example, in relation to the timber sale portion of the amendment, the minimum specification for a timber sale prospectus under title 36, Code of Federal Regulations, part 223.83 requires an announcement of harvest acreage for each sale as well as road standards specified for roads to be constructed. Given this level of detail already required of the Secretary, the Chair believes that determinations as to an area's roadlessness by a particular number of acres does not impose new duties on the executive branch. The Chair cites volume 8, section 66.6 of ''Deschler's Precedents,'' where an exception from a limitation that did not prohibit the use of funds for designated Federal activities which were already required by law in more general terms was held in order. In that case the law required a continuing evaluation of the matter as does the law in the case at hand. Therefore the Chair finds the amendment does not legislate and overrules the point of order.

The gentleman from Massachusetts [Mr. KENNEDY] and a Member opposed will each be recognized for 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

(Mr. KENNEDY of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, I just want to say that I admire the Chair's logic and his brilliance, and I certainly did not agree with my friend from California who suggested that you were anything like Judge Ito. If that be the case, it would be a good day for O.J. Simpson.

In any event, Mr. Chairman, I rise in order to offer this amendment, No. 56, with my colleagues, the gentleman from New York [Mr. BOEHLERT], the gentleman from Wisconsin [Mr. KLUG], the gentleman from Minnesota [Mr. VENTO], the gentleman from Illinois [Mr. PORTER], and the gentleman from California [Mr. MILLER].

Mr. Chairman, this amendment makes a targeted limitation on the prohibiting of the Forest Service from conducting the most egregious sales, building roads in our so-called roadless areas of this country.

Mr. Chairman, even this amendment provides for a very small reduction of just $18 million to stop building roads into the highest mountain areas and into the areas of our country that provide the greatest wilderness, that provide the greatest opportunities for backpacking, which do the greatest amount of environmental damage and provide the highest cost per board foot of any lumber in this country. Those costs end up being paid for by the American people.

It is an egregious form of the kind of corporate welfare that all of the people in this Chamber have vowed to fight against. We do not need taxpayers writing checks to the lumber companies for excessive cost to build roads to areas that they would never on their own consider building themselves. The only reason why these trees get cut down is because the American taxpayer is willing to foot the bill. If we put this bill on a cost-analysis basis, the lumber companies will not cut these trees down, and we will preserve the finest and most beautiful parts of our land and stop the kind of environmental havoc that is taking place as a result of this egregious program.

I yield 1 minute to my good friend, the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I proudly identify with this amendment. I think it makes an awful lot of sense.

The Federal Government has lost $5.6 billion on its timber program, due to timber sales that bring in less than the Forest Service's initial investment and because of subsidies issued for the construction of logging roads.

In fact, timber subsidies are currently several times the Forest Service's annual timber returns.

We are always told that we should operate Government more like a business, and let me tell you, in the private sector this would spell disaster. It would be bankruptcy. They would not do it.

And the problem gets worse when the Government offers subsidies for timber road construction in roadless areas. These areas are usually remote and wild. They are made up of rocky, unmanageable terrain, and the difficulty and cost of building roads in these unmanageable roads and lands is great and nearly impossible for the Forest Service to recoup expenses.

I wish I had a lot of time, but our time is severely limited. I am cooperating as fully as I can, trying to move this along. I proudly identify with this amendment. Let us pass it.

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

The CHAIRMAN. The gentleman from Ohio [Mr. REGULA] is recognized for 5 minutes.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. TAYLOR], a member of the subcommittee.

Mr. TAYLOR of North Carolina. Mr. Chairman, let us see what is going on here. What we have done to our natural resource policy in this country is like the cat eating the grindstone, just a little bit at a time. We take a few acres here, a few acres there.

What have we done to 191 million acres of U.S. forestlands that were heretofore reserved for timber, one of the prime, part of the multiple-use purpose? We have reduced that to about 25 percent. We already have 100 million acres of that 191 million acres in roadless or wilderness areas—25 percent, less than 50 million acres, of the 191 can even be considered for harvest.

This amendment will cost us another 45,000 jobs. It will cost the taxpayer millions of dollars. It will cost the local taxpayer who gets this money—primarily for education—millions of dollars, and these gentlemen know this.

This is another way of saying we do not want any trees cut in the U.S. forests, and we know that is certainly not the policy of the great portion of the people. We voted almost two-thirds in this House to have a timber salvage bill in order to see that we could start saving tens of thousands of jobs we are losing all over this country.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Washington, [Mr. DICKS].

Mr. DICKS. The point I want to make is we are now reinventing government. What that means is the Forest Service has been reduced in personnel by 3,000 people. Timber sales have come down dramatically.

If we change the standard from 5,000 acres to 3,000 acres, they are going to have to redo all of their forest plans throughout this country. That will be a disaster that will mean less timber harvesting.

Timber harvesting nationally has come down by 60 percent. So I have supported wildernesses. I voted for my wilderness bill in my State.

But to come in now after this dramatic reduction in timber harvesting and to come in now and say we have got to reduce this standard and change it, is a mistake.

By the way, this is the Clinton administration. There is Jim Lyons and ALBERT GORE and Jack Ward Thomas. They are not going to go out and tear apart the roadless areas in this country, and I think it is an affront. I think it is an affront to this administration to change this standard after what they have done for ecosystem management and improving our environment, and I am shocked the gentleman from Massachusetts would do such a thing.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself 15 seconds.

Last week I saw the gentleman from Washington throw a yellow flag on the gentleman from Oklahoma because he used a technicality. Another fine football player. I cannot believe the gentleman from Washington State would dare to try to use a technicality to rule us out of order today.

Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in strong support of the Kennedy amendment in terms of the Clinton administration's programs in terms of timber. The fact is that the question is do you want to spend this money on harvesting trees or building roads? That is what this is all about.

Time and again there is no reduction in terms of the money in terms of this bill in terms of timber harvest or preparation. The thing is, where are we going to do it? Time and again our colleagues have assured us when they had the salvage sales up here and all their discussion about forest health, that they were not going to go into these roadless areas, all of a sudden when you have an amendment on the floor dealing with areas that are roadless, all of a sudden we are going to go in there and we are going to have to construct roads.

So this really belies the type of representations that were made on the floor here with regard to forest health. This bill has less money in it for forest health than the administration asked. This bill has more money for road building.

The fact is you do not produce jobs by building roads unless you are in the roadbuilding business because they cost money. They cost money in terms of credit, which is not represented in this bill, and they cost money in terms of reconstruction. That means closing roads once they are there so the soil is not moving into the streams and destroying the salmon fisheries across the Pacific Northwest and across this country.

Support the Kennedy amendment.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. NETHERCUTT].

Mr. NETHERCUTT. Mr. Chairman, I rise tonight in strong opposition to the amendment offered by the gentleman from Massachusetts. In addition to preserving the health of our forests, the timber sale program at the Forest Service is a net revenue generator for the Federal Government and our local communities.

Last year, the agency produced net revenues of $214 million and returned over $280 million to the local counties where our national forests are located. This occurred while funding levels for timber sales have fallen almost 30 percent over the past 5 years.

Similarly, road construction funding has been cut by 38 percent over the last 5 years. The condition of Forest Service roads have severely declined over the last decade. Reduced funding has and will continue to allow roads to deteriorate beyond what can be repaired by routine maintenance. Major reconstruction is the only way to restore these roads to safe conditions. The Forest Service currently has a $440 million backlog in road construction needs. The funds appropriated by the subcommittee are essential for allowing the agency to meet watershed protection and analysis requirements. For the sake of our economy and our rural communities, the time has come to reverse the trend of reduced funding for roads and timber sales.

□ 1645

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Alaska [Mr. YOUNG], the chairman of the Committee on Resources.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong opposition to the Kennedy amendment. I say to the gentleman, ''Shame on you, Mr. KENNEDY.''

Mr. Chairman, this would cause a loss of $250 million of receipts to the Treasury, and these figures are the Treasury figures, a loss of $60 million in revenue for sharing of counties and schools around these areas, a loss of 15 jobs for every 1 million board feet not harvested, and, if we reduce it by 1 billion board feet, think how many jobs will be lost there, 25-percent reduction to the timber program which is already four times slower than it was 5 years ago.

Let us not kid ourselves. My friends, this amendment is to stop the total timber industry in the United States, especially in the States of Alaska, Washington, Oregon, and California. This is what this is about.

I ask, ''Where else do you have 3,000 acres that don't have roads in it already?'' This is an attempt to stop all logging so we no longer have the opportunity to reduce a renewable resource.

That is why I say, ''Shame on you.'' This is a renewable source. This is not something that will not grow back. This is something that has to be done, and managed, and should be, and we are not cutting the timber we were 5 years ago, so I suggest respectfully this is a bad amendment, and I urge a ''no'' vote.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 40 seconds to the gentleman from California [Mr. MILLER], our cleanup hitter.

Mr. MILLER of California. Mr. Chairman, the gentleman from Washington [Mr. NETHERCUTT] made the point that there is a huge backlog in road construction in the Forest Service. This is about new roads. This is about continuing a program that lost the taxpayers $330 million in fiscal year 1994. This is about the taxpayer, and this is about staying out of the roadless areas because those are the most expensive sales. That is where the litigation is.

Mr. Chairman, we are cutting back on visitor centers, we are cutting back on recreation in this bill. We ought to

take that money, and use it, and put it where the people can enjoy it, prosper from it, and the local communities can do the same. We should not be engaging in building new roads and to roadless areas. This amendment itself will save about $18 to $20 million off the current program. That is a huge whopper of a loss. What the Forest Service seeks to do is like if McDonald's said they wanted to build a hamburger stand on the Moon, and they had to use a space shuttle to get its customers there.

This is outrageous. Private enterprise ought to be building these roads, they should not be coming. It is $300 million subsidies. They have been against subsidies all the time.

Mr. Chairman, I rise in support of the Kennedy amendment to preclude the Forest Service budget from building roads and conducting timber sales in roadless areas of our national forests.

Mr. Chairman, many popular Forest Service programs take significant hits in the bill before us. The budget for land acquisition drops from $65.3 million in fiscal year 1995 to $14.6 million, a 78-percent reduction. The budget for construction of recreational roads, trails, and visitor facilities is $72 million less than the administration's request. Construction of Forest Service visitor facilities is down 63 percent and trail construction is cut by 85 percent from the current fiscal year.

But in the midst of these draconian cuts, the committee has somehow found it desirable to pile on taxpayer subsidies to provide corporate welfare for some of their friends in the timber business. The bill provides $57 million in direct subsidies for construction of timber roads and $50 million more in indirect subsidies through the purchaser credit program where we trade national forest trees for roads to the clearcuts.

The bill also provides $189 million for timber sales management which is about $31 million or 20 percent more than the administration's budget request.

Simply put, Mr. Chairman, this bill devastates the budget for campgrounds, visitor facilities, and trails for people to enjoy and use our national forests. Instead, what the people get is what they don't want—more clearcuts and bigger subsidies for those in the timber industry who become dependent upon taxpayer handouts.

As the Congressional Budget Office has explained, in seven of the nine National Forest System regions, annual cash receipts from Federal timber sales have consistently failed to cover the Forest Service's annual cash expenditures. In other words, the Forest Service Timber Program is below-cost, which means that the Forest Service spends more money annually for roads and administrative expenditures than the Treasury receives in revenues. No private business could stay in business managing its assets in such a cavalier manner.

Why should Members care? According to CBO, we should care because below-cost timber sales lead to an increase in the Federal deficit, wasteful depletion of Federal resources through uneconomic harvest, unwarranted destruction of roadless forests valued by many recreational visitors, and Government interference with private timber markets.

Mr. Chairman, the Kennedy amendment reduces, but does not entirely eliminate, below-cost sales. It is a modest amendment intended to put the brakes on the most expensive, money losing sales by preventing new roads and timber sales in major roadless areas.

Mr. Chairman, in a bill where the majority is demanding significant sacrifice in the name of deficit reduction, it is indefensible to heap more money than even the Forest Service says is necessary on taxpayer subsidies for timber sales and road building. To increase environmentally destructive corporate welfare at the same time the bill is cutting the budget for people to use and enjoy our national forests should be a serious embarrassment to the majority.

I urge Members to vote for the Kennedy amendment that will save the taxpayers money and preserve the increasingly rare roadless areas in our National Forest System.

Mr. REGULA. Mr. Chairman, I yield 30 seconds to the gentleman from Oregon [Mr. BUNN].

Mr. BUNN of Oregon. Mr. Chairman, what is outrageous is that we have an amendment on the floor that proposes locking up 60.2 million acres. That is more than the State of Massachusetts and most of the six States surrounding. It is outrageous that we have had mill closure after mill closure, 10 mills in the State of Oregon, 800 jobs lost last year; since 1989, 111 mills, 16,700 jobs. And then we are told that this is a losing proposition.

We made a net; that is net, not gross, net, $213 million last year when we were told we lost 330 million. We made 800 million a few years ago, but we are barely surviving.

I say to my colleagues, ''Don't shut us down.''

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

Mr. Chairman, I urge all of my colleagues to vote ''no'' on this amendment. The roads provide access to harvest the timber crop so that young people can build homes at a reasonable cost. This timber goes into the homes of America, but also it opens up these beautiful forests so the millions of our fellow citizens have an opportunity to fish, to hunt, to camp, to enjoy the forests. We forget that twice the visitor days of the Park Service are in the Forest Service, and these roads provide the necessary access. These forests belong to all Americans, and the people, therefore, should have the right to use them, to use the products of the forest and to enjoy the beauties of the forest for recreational purposes.

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

Mr. LUTHER. Mr. Chairman, I support the amendment to prevent the use of funds for timber roads and timber sale preparation in roadless areas. I support it because it makes sound economic sense and will save tax payer over $18 million.

Given the fact that our national debt is approaching $5 trillion, I believe the Federal Government should not bear the responsibility for timber companies to construct logging roads in areas currently without roads. While there may be a case for a logging program, this is an example of where the return to the taxpayer does not justify the cost.

The U.S. Forest Service has already constructed 360,000 miles of logging roads, or 8 times the total number of miles in our interstate highway system. Even with this existing infrastructure, the Forest Service loses money on many timber sales, in part, because of the cost of constructing new roads. And the most, expensive roads to construct are those in roadless areas.

By prohibiting the construction of these roads, we can increase the return on taxpayers' investment in the U.S. Forest Service timber program. This is an example of the type of common sense that voters in Minnesota and across the country are looking for in their elected leaders. It is fiscally responsible.

I urge my colleagues to vote for this common sense amendment.

Mr. PORTER. Mr. Chairman, I rise in support of the Kennedy-Boehlert-Vento amendment to stop the construction of new Forest Service roads in roadless areas.

There is a good reason why these areas have remained roadless in the past. It is costly and environmentally unsound to harvest timber from these areas. Most of the roadless areas are extremely remote, mountainous, and generally not well-suited to timber harvesting. The cost of harvesting and removing timber from these areas is tremendous, and because of the difficulty of constructing good roads on steep slopes, timber sales in roadless areas almost always lose money.

Last year, the Wilderness Society reports that 109 of the 120 National Forests lost money. This is $337 million of the taxpayers money which could be used for more productive programs.

Logging and road building in these areas carries enormous environmental costs as well. Roads contribute to soil erosion and sedimentation of rivers that harm fish and other aquatic organisms.

Mr. Chairman, the Forest Service has claimed that it is moving toward ''ecosystem management.'' If this is true—and we certainly take them at their word—it should not be building roads on remote and untouched tracts of forest lands.

Mr. Chairman, why would we knowingly build roads and harvest timber in areas where it is uneconomical and environmentally damaging to do so? The forests belong to the American people, and I believe that they want to put an end to below-cost timber sales. The first sales to be eliminated ought to be those that have the greatest financial and environmental costs—timber in previously roadless areas.

Mr. Chairman, I urge my colleagues to support the Kennedy amendment and protect our wilderness areas and the taxpayers dollars.

Mr. STUPAK. Mr. Chairman, I rise today to express my opposition to the amendment by Mr. KENNEDY to the Interior appropriations bill. This amendment is designed to reduce funds to the Forest Service for the construction of roads for the preparation of timber sales, in roadless areas. The amendment is also designed to reduce funds to the Forest Service for timber sales in roadless areas.

If enacted, this amendment would shrink the amount of timber acreage suitable for harvesting by roughly one-third. One-third. The Kennedy amendment would have the effect of taking more than 60 million acres and essentially designating them as ''wilderness'' areas. Sixty

million acres, an area nearly the size of New England.

The proposed road construction budget for fiscal year 1996 will provide a total of less than 100 miles of roads in our forests, 100 miles for a total area of nearly two-thirds of a million acres. This averages out to roughly one mile of road for every 1,000 square miles, an area almost the size of the State of Rhode Island, or one-half the size of Delaware.

Most of all, the Kennedy amendment will have a definite impact on small communities, rural communities already hit hard by the decline in funding of roughly one-third in the Federal timber sales program over the past 5 years. Federal timber sales have declined by 60 percent during this same period, a decline that has brought about closures of hundreds of mills and the unemployment of tens of thousands of Americans. This has been the unfortunate reality for many of my constituents, and I believe my colleague from Massachusetts would agree with this Member from Michigan that the last thing we need in America are more jobless, more closed businesses, and more communities struggling to survive.

I ask my colleagues to help these workers, to help these companies, and to help the many communities that will be impacted by this amendment. I ask my colleagues to oppose the Kennedy amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 166, noes 255, not voting 13, as follows:

[Roll No. 522]

AYES—166

Abercrombie	Farr	LaTourette
Ackerman	Fattah	Lazio
Baldacci	Fawell	Leach
Barrett (WI)	Filner	Levin
Becerra	Flake	Lewis (GA)
Beilenson	Foglietta	LoBiondo
Bentsen	Forbes	Lofgren
Berman	Ford	Lowey
Bilirakis	Fox	Luther
Boehlert	Frank (MA)	Maloney
Bonior	Franks (NJ)	Manton
Borski	Furse	Markey
Boucher	Gejdenson	Martinez
Brown (CA)	Gephardt	Martini
Brown (FL)	Geren	Mascara
Brown (OH)	Gibbons	Matsui
Bryant (TX)	Green	McCarthy
Cardin	Gutierrez	McDermott
Castle	Gutknecht	McHale
Clay	Hall (OH)	McKinney
Clayton	Harman	McNulty
Clyburn	Hastings (FL)	Meehan
Collins (IL)	Hinchey	Meek
Condit	Horn	Menendez
Conyers	Hoyer	Meyers
Costello	Jackson-Lee	Mfume
Coyne	Johnson (CT)	Miller (CA)
DeLauro	Johnson, E. B.	Miller (FL)
Dellums	Johnston	Mineta
Deutsch	Kanjorski	Minge
Dingell	Kelly	Mink
Dixon	Kennedy (MA)	Moran
Doggett	Kennelly	Morella
Durbin	Kildee	Nadler
Edwards	Kleczka	Neal
Engel	Klug	Olver
Eshoo	LaFalce	Owens
Evans	Lantos	Pallone
Pastor	Sawyer	Torricelli
Payne (NJ)	Saxton	Towns
Payne (VA)	Schroeder	Tucker
Pelosi	Schumer	Velazquez
Petri	Scott	Vento
Porter	Sensenbrenner	Visclosky
Poshard	Serrano	Volkmer
Ramstad	Shaw	Waters
Rangel	Shays	Watt (NC)
Reed	Skaggs	Waxman
Rivers	Slaughter	Weldon (PA)
Rohrabacher	Souder	Williams
Rose	Spratt	Woolsey
Roybal-Allard	Stokes	Wynn
Rush	Studds	Yates
Sabo	Thompson	Zimmer
Sanders	Torkildsen	
Sanford	Torres	

NOES—255

Allard	Ewing	McHugh
Andrews	Fazio	McInnis
Archer	Fields (LA)	McIntosh
Armey	Fields (TX)	McKeon
Bachus	Flanagan	Metcalf
Baesler	Foley	Mica
Baker (CA)	Fowler	Molinari
Baker (LA)	Franks (CT)	Mollohan
Ballenger	Frelinghuysen	Montgomery
Barcia	Frisa	Moorhead
Barr	Frost	Murtha
Barrett (NE)	Funderburk	Myers
Bartlett	Gallegly	Myrick
Barton	Ganske	Nethercutt
Bass	Gekas	Neumann
Bateman	Gilchrest	Ney
Bereuter	Gillmor	Norwood
Bevill	Gilman	Nussle
Bilbray	Gonzalez	Oberstar
Bishop	Goodlatte	Obey
Bliley	Gordon	Ortiz
Blute	Goss	Orton
Boehner	Graham	Oxley
Bonilla	Greenwood	Packard
Bono	Gunderson	Parker
Brewster	Hall (TX)	Paxon
Browder	Hamilton	Peterson (FL)
Brownback	Hancock	Peterson (MN)
Bryant (TN)	Hansen	Pickett
Bunn	Hastert	Pombo
Bunning	Hastings (WA)	Pomeroy
Burr	Hayes	Portman
Burton	Hayworth	Pryce
Buyer	Hefley	Quillen
Callahan	Hefner	Quinn
Calvert	Heineman	Radanovich
Camp	Herger	Rahall
Canady	Hilleary	Regula
Chabot	Hilliard	Riggs
Chambliss	Hobson	Roberts
Chapman	Hoekstra	Roemer
Chenoweth	Hoke	Rogers
Christensen	Holden	Ros-Lehtinen
Chrysler	Hostettler	Roth
Clement	Houghton	Roukema
Clinger	Hunter	Royce
Coble	Hutchinson	Salmon
Coleman	Hyde	Scarborough
Collins (GA)	Inglis	Schaefer
Combest	Jacobs	Schiff
Cooley	Jefferson	Seastrand
Cox	Johnson (SD)	Shadegg
Cramer	Johnson, Sam	Shuster
Crapo	Jones	Skeen
Cremeans	Kaptur	Skelton
Cubin	Kasich	Smith (MI)
Cunningham	Kim	Smith (NJ)
Danner	King	Smith (TX)
Davis	Kingston	Smith (WA)
de la Garza	Klink	Solomon
Deal	Knollenberg	Spence
DeFazio	Kolbe	Stenholm
DeLay	LaHood	Stump
Diaz-Balart	Largent	Stupak
Dickey	Latham	Talent
Dicks	Laughlin	Tanner
Dooley	Lewis (CA)	Tate
Doolittle	Lewis (KY)	Tauzin
Dornan	Lightfoot	Taylor (MS)
Doyle	Lincoln	Taylor (NC)
Dreier	Linder	Tejeda
Duncan	Lipinski	Thomas
Dunn	Livingston	Thornberry
Ehlers	Longley	Thornton
Ehrlich	Lucas	Thurman
Emerson	Manzullo	Tiahrt
English	McCollum	Traficant
Ensign	McCrery	Upton
Everett	McDade	Vucanovich
Waldholtz	Weldon (FL)	Wise
Walker	Weller	Wolf
Walsh	White	Wyden
Wamp	Whitfield	Young (AK)
Ward	Wicker	Young (FL)
Watts (OK)	Wilson	Zeliff

NOT VOTING—13

Coburn	Kennedy (RI)	Stark
Collins (MI)	Moakley	Stearns
Crane	Reynolds	Stockman
Goodling	Richardson	
Istook	Sisisky	

□ 1711

The Clerk announced the following pair:

On this vote:

Mr. Richardson for, with Mr. Stearns against.

Mr. GILCHREST and Mr. KASICH changed their vote from ''aye'' to ''no.''

Mr. BALDACCI, Ms. HARMAN, and Mr. FOX of Pennsylvania changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I wish to enter into a colloquy with the chairman of the subcommittee, the gentleman from Ohio [Mr. REGULA].

Mr. Chairman, I am concerned with reports about high ranking Forest Service officials telling my constituents and Forest Service employees that direction from the Congress provided in bill language on eco-region management would not really matter. I am alarmed that the Forest Service still wants to go forward with implementation of so-called ecosystem management and eco-region studies.

I do not believe that eecosystem activities have ever been authorized by the Congress, and I was glad to learn that the Nethercutt amendment on this subject would also prevent ecosystem studies in Idaho. I was also glad to learn that the committee report accompanying this bill requires that the Forest Service report by December 1, 1996, on the purposes, the scope, and benefits, as well as the costs associated with ecosystem planning.

I would like to see the report sooner, so that the Committee on Appropriations and the authorizing committees can fully act on and authorize and fund this expensive ecosystem project now under way.

I ask the subcommittee chairman if there is any way to get these reports any sooner?

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Mrs. CHENOWETH. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we will make every attempt to get the ecosystem report before the next appropriations cycle. If the reports that the gentlewoman heard are true, then we can raise the ecosystem issue with the Senate and address the problem in conference. I do, however, think that the authorizing committee should be involved.

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman. As a member of both authorizing committees, I am working closely with the Committee on Appropriations, and I intend to follow up in our next set of hearings on the reports that the Forest Service plans to proceed with ecosystem assessments. Although your bill recommended $130 million for ecosystem planning, I am troubled by what I heard, and I hope that the subcommittee helps us address this and requests an explanation.

□ 1715

What I heard was reported from three congressional districts in the northwest, and I look forward to addressing this issue in the conference with the Senate.

Mr. Chairman, I will work on making sure that the authorizing committees deal with these issues.

Mrs. MALONEY. Mr. Chairman, I rise to emphasize how important I think it is for the greatest country in the world to support the arts.

I believe very strongly that there should be a Federal role in arts funding.

Civilizations are remembered for their great battles and their cultural contributions.

The United States spends more on defense than any other country in the world—and next year we're giving the Pentagon $8 billion more than they have requested.

Yet, this Congress wants to slash the Arts and Humanities Endowments with funding set to end entirely in 2 years.

What does this say about our Nation's priorities?

We invest in that which destroys and destroy that which creates.

All developed countries in the world support their visual artists, musicians, performing artists, and cultural institutions.

The amount the United States gives to the three Federal arts agencies, the NEA, the NEH and the IMS, is minuscule compared to what Britain, Canada, The Netherlands, France, Germany and Sweden allocate to the arts.

This year in Germany, Berlin alone will devote 1.1 billion marks, or 730 million dollars, to art and culture.

This amounts to $225 per citizen of Berlin.

In comparison, our National Endowments for the Arts and Humanities will each spend less than a quarter of that amount for the entire United States, or a mere 64 cents per U.S. citizen, the cost of 2 postage stamps.

We should be celebrating the contributions of the arts endowments to our country today, rather than trying to destroy them.

Let me remind my friends on the other side that the agencies on the chopping block today were created by President Richard Nixon and defended by President Ronald Reagan.

These Republicans believed in the importance of a vibrant American culture that could be passed on to future generations.

Yes we need to reduce the size of the Federal Government.

Yes we must cut the budget and reduce the deficit.

But we must also keep our priorities straight.

The leading countries of the world support the arts, often ten times as much as we do.

Why should the wealthiest nation in the world choose to slash and destroy its arts and humanities endowments rather than nurture and encourage them?

Assuring a rich American heritage should be one of the primary responsibilities of this and every Congress.

Public arts and humanities funding, along with public education, is an obligation a government has to its people and to history.

Ms. HARMAN. Mr. Chairman, I would like to express my strong opposition to the amendment offered cutting funds for the National Endowment for the Arts.

At home over this weekend, numerous constituents expressed to me their views that cuts for arts programs in public schools and cultural displays at numerous museums and community facilities will deny our kids the chance to develop creativity and to learn about their cultural heritage.

For example, the city of Venice has hosted numerous performing arts events, art displays, and multi-media activities that have been enormously popular. A terrific display of one museum's collection of Navajo and Pueblo textiles was funded with an NEA grant. Several travelling performing arts and theater groups have staged programs for the benefit of the citizens of Redondo Beach and Manhattan Beach. The cities of San Pedro, Venice, Torrance, Playa del Ray, Hermosa Beach, Redondo Beach and Manhattan Beach have enjoyed special education operatic performances. And students attending the elementary, middle and high schools of many of these same cities have participated in improvisational theater sponsored by a touring performing arts and musical company.

Mr. Chairman, private funds will not take up the slack to continue these activities if the Congress cuts the National Endowment for the Arts. While fair revisions may be appropriate in times of budgetary streamlining, wiping out NEA is not reform.

In fact, cutting funding for NEA is shortsighted. NEA is the Federal Government's vehicle for funnelling funds to local and State arts and humanities councils and organizations. Cutting, if not eliminating, NEA is tantamount to cutting locally-controlled resources. Such an action will have long-term repercussions that could lead to the destruction of community-based arts activities and programs. If this amendment had been successful, the greatest losers would have been our children and grandchildren—those for whom arts education is most important.

While I was unavoidably absent last night during consideration of the Stearns amendment that sought to reduce NEA funding, had I been present, I would have voted ''no''. But my vote against the Interior Appropriations bill on final passage is based, in part, on my concern over the level of funding for NEA and the majority's intention to eliminate all of its funding over the next several years.

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise today to express my strong opposition to an amendment offered by Representative CRANE which would eliminate funding for the National Endowment for the Arts. As presented, the Interior appropriations bill cuts the NEA budget nearly in half; a cut which I believe will devastate many existing educational arts programs nationwide. As the only voice for South Dakota in the House of Representatives, I must speak out against the outright elimination of programs which bring the benefit of theater, music, dance, and visual art to the people of my rural State.

While many opponents of Federal funding for the arts expound on the monopoly on arts funding that more urban States supposedly enjoy, the invaluable benefits that NEA funding brings to rural States like South Dakota continually go unnoticed. Almost 50 percent of the grant applications to the NEA from South Dakota are approved and funded by the NEA, compared to roughly 20 percent of applications from New York and California. NEA programs exemplify the type of public-private partnerships that have traditionally fostered a collective dedication to arts education and cultural enrichment. The NEA gives State and local arts councils the necessary freedoms to meet local arts and educational needs.

In fiscal year 1994, the NEA provided organizations like the South Dakota Arts Council and American Indian Services, Inc. with $779,500 dollars to develop theater, dance, and other visual arts programs. With these funds, children's theater companies from Minneapolis, MN and Richmond, VA toured several of South Dakota's smaller cities. While larger urban areas have the benefit of multiple theaters and art museums, many South Dakotan's only exposure to theater and dance is through touring groups funded by NEA grants.

In addition to fulfilling its mission of expanding the cultural and artistic horizon for every American, the NEA serves as an impetus for local economies and contributes to the Nation's fiscal well being. The nonprofit arts industry alone contributes $36.8 billion to the U.S. economy and provides over 1.3 million jobs to Americans nationwide. Business, tourism, restaurants, and hotels thrive on the arts. Nonprofit theaters serve annually an audience that has grown from 5 million in 1965 to over 20 million in 1992. In South Dakota alone the economic impact of the arts can be seen both locally and statewide. In Aberdeen, a town of 27,000, the arts provide an average of $8,867 in local revenues annually. Additionally, 18 full time jobs were supported by the nonprofit arts industries in Aberdeen between 1990 and 1992.

As belts are tightened at the Federal, State, and local levels, we cannot stand by and allow the complete elimination of the seed money for programs vital to cultural enrichment and education funded through the National Endowment for the Arts.

Ms. WOOLSEY. Mr. Chairman, I rise to oppose this amendment which would devastate the arts in this country.

You know, the average taxpayer invests about 68 cents a year in the NEA; 68 cents.

For that 68 cents, they get a lot back in return.

For 68 cents, their local arts groups are supported.

For 68 cents, their schools and communities are enriched.

For 68 cents, jobs are created in their towns and cities.

That is why, for the life of me, I can not understand why some Members want to bring the curtain down on our threatres and symphonies, especially when these same Members refuse to even look at cutting Pentagon pork.

Mr. Chairman, investing in the arts reaps longterm benefits for our communities and our Nation.

I urge my colleagues to vote against this shortsighted amendment.

Mr. CASTLE. Mr. Chairman, I believe the humanities agencies are important to the cultural life and diversity of our country—to people of all ages, to people in our inner cities, in our suburbs, and in our rural communities.

There are many, many positive effects of these dollars and what they help fund—for example:

In Delaware, we are fortunate to have tremendously well-run and highly effective division of the arts, State Arts Council, and Delaware Humanities Forum. These organizations, which receive a combined total of about 75 percent of their funds from the national organizations, help fund such diverse exhibitions and events as:

The Delaware Symphony Orchestra, that provides concerts in all three of our counties.

Operadelaware which provides musical education programs statewide;

The visiting scholars program, that brings University of Delaware professors into 137 Delaware classrooms to talk to 60,000 school children about American Presidents, and many other topics;

The beautiful and historic Winterthur Museum and Gardens;

Exhibitions, lectures, films about World War II and its impact on Delaware, which are offered throughout the State;

The Georgetown Possum Point Players, a local theatre group;

The Mid-Altantic Chamber Music Society;

The Nanticoke Powwow in Millsboro, DE;

Second Street Players, a community theatre group in Milford;

The Dover Art League; and,

The Southern Delaware Chorale.

This is only a sampling of the many positive, quality programs or exhibits these organizations, fostered by the NEA and the NEH, help provide throughout the State of Delaware.

I support a Federal role in funding the arts and humanities, but I do not believe that in a time of tremendous budget deficits and an enormous Federal debt, that virtually any program should be spared from budget cuts or restructuring.

Having said that, the arts and humanities have not been spared. In fact, they have felt the edge of a heavy axe.

Consequently, I urge my colleagues to support the Appropriations Committee actions by voting against any efforts to eliminate or cut further these organizations. They have fared far enough.

Mrs. LOWEY, Mr. Chairman, I rise in strong opposition to the amendment. Cutting the budget of the National Endowment for the Humanities by 40 percent next year is bad enough. This amendment, however, defies all sense of reasonableness. In a nation of such wealth and cultural diversity, this amendment is a tragic commentary on our priorities.

The total budget for the NEH costs each American less than the price of a can of soda, and it leverages funds many times over that in private dollars.

At a time when we are funding B–2 bombers that we don't even need, why must we slash one of the most modest and cost-effective investments that our Government makes in society?

The National Endowment for the Humanities provides funding for student essay contests, teacher seminars, museum exhibitions, documentary films, research grants, public conferences and speakers, and library-based reading and discussions programs. Throughout all of these programs, the NEH helps to provide a greater understanding of our Nation's history and culture.

Before you cast your vote, I urge my colleagues to heed the words of Ken Burns, producer of the highly acclaimed Civil War and Baseball series on PBS. Testifying before the Interior Appropriations Subcommittee earlier this year, Ken Burns declared emphatically that his Civil War series would not have been possible without the Endowment's support. I dare say the majority of my constituents would be willing to sacrifice the price of a can of Pepsi every year to pay for programs like the Civil War, not to mention all the other programs the NEH supports.

Mr. Chairman, this amendment will harm our Nation's schools and damage our cultural heritage. It must be defeated.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in opposition to H.R. 1977, the Interior appropriations bill for fiscal year 1996. This short-sighted and extreme bill makes drastic cuts in some of America's most successful and important Federal programs. We have heard a lot of Members these past days talking about how responsible this bill is and how important these cuts are to the future of our country. If only this were true!

In reality, the Gingrich Republicans have promised major tax cuts to those that least need it, have hiked up spending for the military and are now looking to cut hundreds of Federal programs for needy people to pay for their skewed priorities. Moreover, the Gingrich Republicans are so entirely committed to protecting their wealthy friends that they are only targeting certain programs for cuts, not the ones that benefit wealthy mining companies, and so forth. This is neither responsible nor in the best interest of this country's future.

Let's look at some of the programs that will be eliminated to give tax cuts for the financially privileged and more money for the peace-time military and compare them to what is protected in this bill. The Department of Energy's Low-Income Weatherization [WAP] Program is cut by 50 percent in H.R. 1977. Fifty percent! Since 1977, WAP has served over 4 million low- and fixed-income households in the Nation. It protects Americans throughout the country, especially in districts like mine where the winter season is long and bitterly cold, from having to choose between feeding themselves and their families or heating their homes.

At the same time, this bill lifts the moratorium on mining claim patents, which allows mining companies to extract mineral wealth from taxpayer-owned Federal land for as little as $5 an acre. Last year, these big mining companies made $1.2 billion from the minerals they extracted from taxpayer-owned land and paid almost nothing back into the U.S. Treasury. Why should these rich corporations receive corporate welfare while the GOP is slashing the programs that help weatherize the homes of senior citizens and poor Americans and lower their winter heating bills? It is unconscionable and irresponsible.

H.R. 1977 also cuts the National Endowment for the Arts [NEA] and the National Endowment for the Humanities [NEH] by 40 percent this year and will completely eliminate them within 3 years. When you compare how much the NEA and NEH cost taxpayers each year to how much they provide, the argument that eliminating these programs is necessary just does not hold up. Since the NEA was created in 1965, the number of professional theaters, orchestras, dance and opera companies have multiplied greatly at a cost of less than a dollar a year per taxpayer.

In my congressional district in Illinois, recent NEA and NEH grants have enabled the Black Ensemble Theatre Corp. to support their theater season and the People's Music School to continue its professional music training program for inner city youth and adults. Other NEA grants have given students from Maywood, Bellwood, Westchester, Oak Park, Berkeley, and River Forest the opportunity to attend special Chicago Symphony Orchestra concerts and gave the director, Roger Quinn, the chance to make the moving and highly acclaimed movie Hoop Dreams. I strongly oppose these cuts and urge my colleagues to oppose any amendments that reduce spending even more radically for these important programs.

H.R. 1977 also eliminates the Advisory Council on Historic Preservation which advises the President and Congress on relevant issues and terminates all funding for the Department of Interior's pre-listing and listing activities of the Endangered Species Act [ESA] until this law is reauthorized. More specifically, it eliminates $4.5 million from the Fish and Wildlife Services budget for prelisting activities. This is exactly the type of short-sighted and extreme provisions that are rampant in H.R. 1977. The ESA's prelisting activities are designed to stabilize and protect species that would otherwise likely end up on the ESA's protection list. This saves funding and resources down the road before bald eagles, and so forth become dangerously close to extinction and extraordinary measures must be taken to ensure their preservation.

Mr. Chairman, this bill is clearly just another move by the Gingrich Republicans to cut programs that Americans care about and depend on so that they can give billion dollar bonuses and give aways to the rich. I am voting against this skewed bill and urge my colleagues to do the same.

Mr. MILLER of California. Mr. Chairman, the fiscal year 1996 Interior appropriations bill does a great disservice to the American Indian and Alaska Native tribes of our country. While we were able to restore funding for the education of Indian children in public schools, the bill still eliminates funding under the Elementary and Secondary Education Act for adult Indian education, services to children with disabilities, remedial instruction, gifted and talented student grants, and scholarships for Indian students.

Under this bill, the Bureau of Indian Affairs' budget is $101 million below the President's request and the Indian Health Service's budget is $96 million below the President's budget. The IHS budget does not take into account any growth in population or cover inflationary costs. The BIA budget significantly restricts funding for Self-Governance and Self-Determination contracts, water rights negotiations and settlements, new school and hospital facilities, tribal courts, and community and economic development.

In addition, the report accompanying the bill penalizes tribal self-determination and economic growth by directing the Secretary of the

Interior to prepare a means-testing report for Indian tribes with gaming revenues. Further, the report directs the Secretary to ignore the law and halt the distribution to Self-Governance tribes of their rightful share of administrative funding.

These actions demonstrate the attitude of the new Republican-controlled Congress toward Indian country—that it's all right to forget the fact that our Nation signed treaties with Indian tribes promising the delivery of these very services; that it's all right to ignore the fact that our Nation has a legal trust responsibility to protect the well-being of the Indian tribes. We should never forget that these tribes have already borne more than their fair share of budget cuts in the past 200 years and we owe more to them than this bill provides.

Mr. CLINGER. Mr. Chairman, I first want to commend Chairman REGULA and his staff for putting this bill together under difficult circumstances. Not only did the chairman have to deal with a tight 602(b) allocation, but—between NBS, the timber program, NEA, NEH, and other programs included in this bill—it has attracted more than its fair share of controversy. I appreciate the chairman's efforts, patience, and perseverance.

The fiscal year 1996 Interior appropriations bill is consistent with the balanced budget resolution Congress recently adopted. It is nearly $1.6 billion below the fiscal year 1995 appropriations—that's a real cut of 11.5 percent.

Nevertheless, I'm confident that the bill responsibly protects and enhances our Nation's priceless natural resources. And as the Member whose district includes the Allegheny National Forest, this is extremely important to me and my constituents.

The bill, I believe, also upholds the multiple-use philosophy of the National Forest System by reversing a 5-year decline in the timber sale budget. Since the late 1980's timber harvest levels on national forests have plummeted over 60 percent. This year's timber sale management appropriation of $188 million represents a modest increase above last year's funding and will allow for a nationwide timber harvest of roughly 4.3 billion board feet.

Some of my colleagues—who supported the piecemeal dismantling of the timber sale program—oppose this funding because, I believe, they want to prevent any timber harvesting on Federal lands. However, I want to point out several points to my colleagues: First, the U.S. Forest Service, by statute, is governed by multiple-use policies. Second, one of the missions of the Forest Service is to help provide the Nation with an adequate supply of timber. And third, timber harvesting is a legitimate and vital forest management tool.

National forests are not national parks, wilderness areas, or wildlife refuges and their management plans must and do reflect this fact.

Having said that, I am proud to say that the Allegheny National Forest is one of the Nation's most environmentally and fiscally well-managed forests. It is a model of how multiple-use policies can work as it balances—with relatively little conflict—the interests of 12 million annual recreational users, the owners of gas and oil rights beneath the forest, and timber harvesters.

Its timber program is above-cost—returning millions of dollars in net receipts to the U.S. Treasury—and, to a large degree, sustains the Allegheny region's economy. In fact, one study from the University of Pittsburgh at Bradford estimated that 42 percent of the jobs in the region, to some extent, rely on harvesting timber in the ANF.

So again, I thank the committee for rejecting the President's inadequate timber program request and for pulling the program back from the brink of extinction and urge my colleagues to defeat any amendment cutting funding from the timber sale program.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in support for the Appropriations Committee's actions on the National Endowment for the Arts and the Endowment for the Humanities.

As a member of the authorizing committee for the arts and humanities, I'm pleased that the Appropriations Committee has followed our lead. H.R. 1977 represents the first installment on the gradual phase out of federal support for the arts and humanities programs—which is consistent with legislation (H.R. 1557) approved by the Opportunities Committee.

In the past, I've given my support to maintaining federal funding for the arts and humanities because the state councils have provided my rural constituents with access to enriching art and cultural programs. Without these programs, I doubt that my constituents and communities would ever experience the types of programs that our urban neighbors can enjoy daily. But, we have to change our mind set and stop expecting the Federal Government to fund all that we find useful.

And its also time that we recognize that the private sector, which gave $9.6 billion in 1993 for the arts, is already providing the heavy lifting for the arts. Private contributions represented 98 percent of all funds that were spent in 1993 on the arts.

So, if we are ever to get a handle on the deficit and balance our budget, painful but necessary priorities need to be established. And, when I look at the billions being generated by the private sector for the arts, and our own pressing budget problems, then perhaps it is now time for us to cycleout federal funding.

This will not be an easy transition period for our state councils. Many I'm sure will have difficulties in raising the funds from state or private sources to maintain or develop new programs. But I'm ready to lend my private and public support for the state councils. When the House passes H.R. 1557, I'll be giving a donation to Nebraska's arts and humanities councils, and I'll actively encourage my colleagues to also donate funds to their state councils.

Mr. Chairman, H.R. 1997 represents a reasoned and prudent policy that will end immediately the endowments' national grant programs, which have been the subject of so much controversy, and for ending federal support for state arts and humanities councils. The bill cuts arts funding by 39 percent, or $63 million, and cuts humanities funding by 42 percent, or $73 million, from that spend during this past fiscal year. These are sizable cuts and necessary if we are to achieve a balanced budget by 2002.

I encourage my colleague to support the Committee's position and oppose amendments that would either eliminate all funding for the arts and humanities immediately or add monies back to these programs.

Mrs. COLLINS of Illinois. Mr. Chairman, during this past weekend while I was back in my Congressional District, the heat rose to record high temperatures. Tragically, 179 residents of Cook County, and perhaps as many as 300, died from the heat. I wish to take this opportunity to extend my condolences to the families and friends of these victims and to urge residents across the Chicago Metropolitan Area to check on their elderly neighbors and family members to help ensure that the heat does not claim any more victims.

I also want to urge my colleagues to accommodate any requests by Mayor Richard Daley and Governor Jim Edgar for Federal disaster aid to quickly address this tragic situation.

More than 440,000 Americans over the age of 60 live in the City of Chicago. Many of them live in my Congressional District in Chicago and its western suburbs. Extreme temperatures can have a terrifying impact on these seniors and we need to make sure that every step possible is taken to protect them from severe heat and cold. Programs like the Department of Energy's low-income weatherization program and the Low-Income Housing Energy Assistance program (LIHEAP) are specifically designed to prevent such tragedies from occurring. In fact, for many low-income seniors, these programs can literally mean the difference between life or death.

The Department of Energy's low-income weatherization program provides funding for states to make improvements to the homes of poor Americans so that they are better prepared for extreme weather conditions and to lower their heating and cooling bills. Specifically, this program enables states to install ceiling fans, attic fans, and awnings and to tune-up or replace air conditioners. Why do the Republicans want to cut fifty percent of the funds for this program, knowing that lives are at risk? I am waiting for an answer to this question, Mr. Chairman.

Rest assured that I am not in any way suggesting that the Republicans are responsible for the deaths in Chicago. What I am suggesting, Mr. Chairman, is that it is sadly ironic that this week, before the heat wave has even moved from the Midwest, we are debating and voting on H.R. 1977, the FY96 Interior Appropriations Act, which cuts the low-income weatherization program by fifty percent. It is important that we remember that these are not vague, anti-big government cuts that the Republicans are making. Instead, they are devastating reductions to critically important programs that provide life-or-death services to many of our constituents.

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

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HEFLEY) having assumed the chair, Mr. BURTON of Indiana, 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. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, pursuant to House Resolution 187, 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.

MOTION TO RECOMMIT OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion to recommit.

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

Mr. YATES. In its present form, I am, Mr. Speaker.

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

The Clerk read as follows:

Mr. YATES moves to recommit the bill, H.R. 1977, to the Committee on Appropriations.

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

There was no objection.

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

The motion to recommit was rejected.

The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 244, nays 181, not voting 9, as follows:

[Roll No. 523]

YEAS—244

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cox
Cramer
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sanford
Saxton
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stenholm
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Thornton
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—181

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Cooley
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Hancock
Harman
Hastings (FL)
Hayes
Hayworth
Hefley
Hefner
Hilliard
Hinchey
Hostettler
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Rahall
Rangel
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sawyer
Scarborough
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Skaggs
Skelton
Slaughter
Stark
Stockman
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thurman
Tiahrt
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—9

Collins (MI)
Crane
Kennedy (RI)
McKeon
Moakley
Myers
Reynolds
Richardson
Stearns

☐ 1736

The Clerk announced the following pairs:

On this vote:

Mr. Stearns for, with Mr. Richardson against.

Mr. Myers of Indiana for, with Mr. Moakley against.

Ms. MCCARTHY and Mr. SALMON changed their vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, on Monday, July 17, and Tuesday, July 18, I was in my district and had townhall meetings originally scheduled, and missed rollcall votes 500 through 516. These events were planned prior to the change in the calendar. I missed these votes. I would like to put in the RECORD my intentions for voting and also my votes, as follows:

Intended votes of Gene Green—104th Congress

Rollcall	*Vote*
500	Yes
501	No
502	No
503	No
504	No
505	Yes
506	Yes
507	Yes
508	Yes
509	Yes
510	No
511	Yes
512	No
513	Yes
514	No
515	No
516	No

PROVIDING FOR THE CONSIDERATION OF H.R. 1976, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore (Mr. HEFLEY). The unfinished business is the vote on ordering the previous question on House Resolution 188 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The CHAIRMAN. The question is on ordering the previous question.

The Chair will reduce to 5 minutes the time for a recorded vote, if ordered, on the question of passage.

The vote was taken by electronic device, and there were—yeas 242, nays 185, not voting 7, as follows: