

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

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

I ask the Chair to sustain my point of order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There was no objection.

AMENDMENT NO. 1 OFFERED BY MR. RAHALL

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. RAHALL:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1800

So that is what this amendment is about.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1815

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

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

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

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

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

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

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

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

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

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

Currently there are 8400 horses in these long term facilities that need to be moved on through the program in order to prevent malnutrition and starvation that is associated with the overpopulation of the range land herds. By denying the funds to implement the sale program for wild horses and burros, this irresponsible amendment would eliminate a far more efficient tool in the management of the program. By not allowing BLM to keep the herd

in manageable numbers, this amendment endangers the welfare of the wild horses by exacerbating the deplorable conditions these animals must try to survive in where their only escape is death by starvation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. DOOLITTLE

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DOOLITTLE:

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

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

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

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

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

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

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

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

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

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

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HASTINGS OF FLORIDA

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HASTINGS of Florida:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXECUTIVE SUMMARY

Purpose

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

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

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

Results in brief

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