

105TH CONGRESS }      HOUSE OF REPRESENTATIVES      {  
  *2d Session*      }

## GUADALUPE-HIDALGO TREATY LAND CLAIMS ACT OF 1998

JUNE 23, 1998.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

## REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 2538]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2538) to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

## **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the “Guadalupe-Hidalgo Treaty Land Claims Act of 1998”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions and findings.
- Sec. 3. Establishment and membership of Commission.
- Sec. 4. Examination of land claims.
- Sec. 5. Community Land Grant Study Center.
- Sec. 6. Miscellaneous powers of Commission.
- Sec. 7. Report.
- Sec. 8. Termination.
- Sec. 9. Authorization of appropriations.

## **SEC. 2. DEFINITIONS AND FINDINGS.**

(a) **DEFINITIONS.**—For purposes of this Act:

(1) COMMISSION.—The term “Commission” means the Guadalupe-Hidalgo Treaty Land Claims Commission established under section 3.

(2) TREATY OF GUADALUPE-HIDALGO.—The term “Treaty of Guadalupe-Hidalgo” means the Treaty of Peace, Friendship, Limits, and Settlement (Treaty of Guadalupe Hidalgo), between the United States and the Republic of Mexico, signed February 2, 1848 (TS 207; 9 Bevans 791).

(3) ELIGIBLE DESCENDANT.—The term “eligible descendant” means a descendant of a person who—

(A) was a Mexican citizen before the Treaty of Guadalupe-Hidalgo;

(B) was a member of a community land grant; and

(C) became a United States citizen within ten years after the effective date of the Treaty of Guadalupe-Hidalgo, May 30, 1848, pursuant to the terms of the Treaty.

(4) COMMUNITY LAND GRANT.—The term “community land grant” means a village, town, settlement, or pueblo consisting of land held in common (accompanied by lesser private allotments) by three or more families under a grant from the King of Spain (or his representative) before the effective date of the Treaty of Cordova, August 24, 1821, or from the authorities of the Republic of Mexico before May 30, 1848, in what became the State of New Mexico, regardless of the original character of the grant.

(5) RECONSTITUTED.—The term “reconstituted”, with regard to a valid community land grant, means restoration to full status as a municipality with rights properly belonging to a municipality under State law and the right of local self-government.

(b) FINDINGS.—Congress finds the following:

(1) New Mexico has a unique history regarding the acquisition of ownership of land as a result of the substantial number of Spanish and Mexican land grants that were an integral part of the colonization and growth of New Mexico before the United States acquired the area in the Treaty of Guadalupe-Hidalgo.

(2) Various provisions of the Treaty of Guadalupe-Hidalgo have not yet been fully implemented in the spirit of Article VI, section 2, of the Constitution of the United States.

(3) Serious questions regarding the prior ownership of lands in the State of New Mexico, particularly certain public lands, still exist.

(4) Congressionally established land claim commissions have been used in the past to successfully examine disputed land possession questions.

#### SEC. 3. ESTABLISHMENT AND MEMBERSHIP OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the “Guadalupe-Hidalgo Treaty Land Claims Commission”.

(b) NUMBER AND APPOINTMENT OF MEMBERS.—The Commission shall be composed of five members appointed by the President by and with the advice and consent of the Senate. At least two of the members of the Commission shall be selected from among persons who are eligible descendants.

(c) TERMS.—Each member shall be appointed for the life of the Commission. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) COMPENSATION.—Members shall each be entitled to receive the daily equivalent of level V of the Executive Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

#### SEC. 4. EXAMINATION OF LAND CLAIMS.

(a) SUBMISSION OF LAND CLAIMS PETITIONS.—Any three (or more) eligible descendants who are also descendants of the same community land grant may file with the Commission a petition on behalf of themselves and all other descendants of that community land grant seeking a determination of the validity of the land claim that is the basis for the petition.

(b) DEADLINE FOR SUBMISSION.—To be considered by the Commission, a petition under subsection (a) must be received by the Commission not later than five years after the date of the enactment of this Act.

(c) ELEMENTS OF PETITION.—A petition under subsection (a) shall be made under oath and shall contain the following:

(1) The names and addresses of the eligible descendants who are petitioners.

(2) The fact that the land involved in the petition was a community land grant at the time of the effective date of the Guadalupe-Hidalgo Treaty.

(3) The extent of the community land grant, to the best of the knowledge of the petitioners, accompanied with a survey or, if a survey is not feasible to them, a sketch map thereof.

(4) The fact that the petitioners reside, or intend to settle upon, the community land grant.

(5) All facts known to petitioners concerning the community land grant, together with copies of all papers in regard thereto available to petitioners.

(d) PETITION HEARING.—At one or more designated locations in the State of New Mexico, the Commission shall hold a hearing upon each petition timely submitted under subsection (a), at which hearing all persons having an interest in the land involved in the petition shall have the right, upon notice, to appear as a party.

(e) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any petition submitted under subsection (a). The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the State of New Mexico.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(f) DECISION.—On the basis of the facts contained in a petition submitted under subsection (a), and the hearing held with regard to the petition, the Commission shall determine the validity of the community land grant described in the petition. The decision shall include a recommendation of the Commission regarding whether the community land grant should be reconstituted and its lands restored.

(g) PROTECTION OF NON-FEDERAL PROPERTY.—The decision of the Commission regarding the validity of a petition submitted under subsection (a) shall not affect the ownership, title, or rights of owners of any non-Federal lands covered by the petition. Any recommendation of the Commission under subsection (f) regarding whether a community land grant should be reconstituted and its lands restored may not address non-Federal lands. In the case of a valid petition covering lands held in non-Federal ownership, the Commission shall modify the recommendation under subsection (f) to recommend the substitution of comparable Federal lands in the State of New Mexico for the lands held in non-Federal ownership.

**SEC. 5. COMMUNITY LAND GRANT STUDY CENTER.**

To assist the Commission in the performance of its activities under section 4, the Commission shall establish a Community Land Grant Study Center at the Onate Center in Alcalde, New Mexico. The Commission shall be charged with the responsibility of directing the research, study, and investigations necessary for the Commission to perform its duties under this Act.

**SEC. 6. MISCELLANEOUS POWERS OF COMMISSION.**

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission. For purposes of Federal income, estate,

and gift taxes, property accepted under this subsection shall be considered as a gift, bequest, or devise to the United States.

(d) MAIls.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(f) IMMUNITY.—The Commission is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses).

#### **SEC. 7. REPORT.**

As soon as practicable after reaching its last decision under section 4, the Commission shall submit to the President and the Congress a report containing each decision, including the recommendation of the Commission regarding whether certain community land grants should be reconstituted, so that the Congress may act upon the recommendations.

#### **SEC. 8. TERMINATION.**

The Commission shall terminate on 180 days after submitting its final report under section 7.

#### **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated \$1,000,000 for each of the fiscal years 1999 through 2007 for the purpose of carrying out the activities of the Commission and to establish and operate the Community Land Grant Study Center under section 5.

#### **PURPOSE OF THE BILL**

The purpose of H.R. 2538 is to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty.

#### **BACKGROUND AND NEED FOR LEGISLATION**

H.R. 2538 directs the President of the United States to establish a Commission to determine the validity of certain land claims (community land grants) arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty. The Treaty of Guadalupe-Hidalgo was the result of the end of the Mexican-American War. This treaty led to the acquisition by purchase (\$15 million) of territories which now are the entire states of California, Nevada, and Utah, along with significant portions of Arizona, Texas, and New Mexico, and smaller portions of Colorado and Wyoming.

Under the terms of the Treaty, sale of these territories to the United States by Mexico was guaranteed. However, private property rights within these territories held by Mexicans who became or who were to become United States citizens would be respected. In part, Article VIII of the Treaty states:

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guarantees equally ample as if the same belonged to citizens of the United States.

Allegedly, the federal government failed to observe this section of the treaty and failed to protect the property rights of these people.

Thus, the Mexicans who became American citizens lost all right and title to much of their property. It is the heirs of these Mexicans who are now claiming the land under the Treaty of Guadalupe-Hidalgo. Most of this property is currently under federal ownership and is managed by the U.S. Forest Service. It is a considerable amount of acreage involving approximately 65 community land grant claims estimated to be 1.5 million acres in New Mexico alone. There are other land grants in Arizona and Texas.

This bill would establish a Commission to review and determine the validity of the petitioned community land grant claims filed by eligible descendants. The Commission will be comprised of five members appointed by the President and confirmed by the Senate. After reaching its last decision the Commission will submit to the President and to Congress a report containing the decisions and a recommendation on whether each community land grant should be reconstituted.

#### COMMITTEE ACTION

H.R. 2538 was introduced on September 24, 1997, by Congressman Bill Redmond (R-NM). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks and Public Lands. On March 26, 1998, the Subcommittee held a hearing on H.R. 2538, where witnesses from the State of New Mexico, including Roberto Mondragón from the New Mexico Land Grant Forum, and Robert Torrez, a State Historian, testified in favor of H.R. 2538. The Clinton Administration failed to provide a witness or to provide testimony at the hearing. On May 4, 1998, however, the State Department sent a letter stating its opposition to H.R. 2538. On May 7, 1998 the Subcommittee met to mark up H.R. 2538. An en bloc amendment was offered by Subcommittee Chairman James V. Hansen (R-UT) to remove an unnecessary clause referring to the tax status of the lands in question, make a minor spelling correction, increase the length of the Commission from three to five years, limit the jurisdiction of the Commission to the State of New Mexico, clarify that the Commission may not recommend taking private property to reconstitute a land grant but may recommend the substitution of comparable federal lands in their place, and insert a clause stating that Congress shall act after receiving the Commission's recommendations. The amendment was adopted by voice vote. The bill was then ordered favorably reported to the Full Committee by voice vote. On May 20, 1998, the Full Resources Committee met to consider H.R. 2538. An en bloc amendment to strike language requiring that two eligible descendants sit on the Commission and to strike language allowing the Commission to accept gifts, bequests and devises was offered by Congressman Bruce Vento (D-MN), and was defeated by voice vote. Congressman Vento offered another amendment to prevent the Commission from examining any land claims that dealt with private property. The amendment was defeated by a roll call vote of 11-17, as follows:

**Committee on Resources  
U.S. House of Representatives  
105th Congress**

Full Committee

Date 5-20-98Roll No. 1

Bill No. H.R. 2538 Short Title Guadalupe-Hidalgo Treaty Land Claims Act of 1997."  
 Amendment or matter voted on: Vento Amendment #270

<b>Member</b>	<b>Yea</b>	<b>Nay</b>	<b>Pres</b>	<b>Member</b>	<b>Yea</b>	<b>Nay</b>	<b>Pres</b>
Mr. Young (Chairman)		X		Mr. Miller	X		
Mr. Tauzin				Mr. Markey			
Mr. Hansen	X			Mr. Rahall			
Mr. Saxton	X			Mr. Vento	X		
Mr. Gallegly	X			Mr. Kildee	X		
Mr. Duncan				Mr. DeFazio	X		
Mr. Hefley				Mr. Faleomavaega	X		
Mr. Doolittle	X			Mr. Abercrombie			
Mr. Gilchrest	X			Mr. Ortiz			
Mr. Calvert	X			Mr. Pickett			
Mr. Pombo	X			Mr. Pallone			
Mrs. Cubin	X			Mr. Dooley			
Mrs. Chenoweth	X			Mr. Romero-Barcelo			
Mrs. Linda Smith	X			Mr. Hinchey			
Mr. Radanovich	X			Mr. Underwood			
Mr. Jones	X			Mr. Farr	X		
Mr. Thornberry				Mr. Kennedy			
Mr. Shadegg	X			Mr. Adam Smith	X		
Mr. Ensign	X			Mr. Delahunt			
Mr. Bob Smith				Mr. John			
Mr. Cannon	X			Ms. Green	X		
Mr. Brady				Mr. Kind	X		
Mr. Peterson	X			Mr. Doggett			
Mr. Hill							
Mr. Schaffer	X						
Mr. Gibbons	X						
Mr. Crapo				<b>TOTAL</b>	<b>11</b>	<b>17</b>	

Congressman Sam Farr (D-CA) offered an amendment to clarify that the Commission may only recommend the substitution of New Mexico lands to reconstitute a land grant. The amendment passed by unanimous consent. The bill as amended was then ordered favorably reported to the House of Representatives in the presence of a quorum by voice vote.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the proposed advisory committee authorized in H.R. 2538 are not currently being nor could they be performed by one or more agencies, an advisory committee already in existence or by enlarging the mandate of an existing advisory committee.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact H.R. 2538.

#### COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 2538. However, clause 7(d) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

#### COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(i)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 2538 does not contain any new budget authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of H.R. 2538 would result in increased governmental receipts and expenditures because the Commission established in the bill may accept and spend donations. The estimated donations are less than \$500,000 a year.

2. With respect to the requirement of clause 2(i)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 2538.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the

following cost estimate for H.R. 2538 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 29, 1998.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2538, the Guadalupe-Hidalgo Treaty Land Claims Act of 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Victoria V. Heid.

Sincerely,

*JUNE E. O'NEILL, Director.*

Enclosure.

*H.R. 2538—Guadalupe-Hidalgo Treaty Land Claims Act of 1998*

Summary: H.R. 2538 would establish a commission, to be known as the Guadalupe-Hidalgo Treaty Land Claims Commission, and a study center to review petitions from eligible descendants regarding the validity of certain land claims.

CBO estimates that implementing this bill would cost about \$1 million a year over the 1999–2003 period, assuming appropriation of the authorized amounts. Enacting the bill could affect direct spending and receipts; therefore, pay-as-you-go procedures would apply, but we estimate that any such effects would total less than \$500,000 per year. H.R. 2538 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would have no significant impact on the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2538 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and the environment).

	By fiscal years, in millions of dollars—				
	1999	2000	2001	2002	2003
SPENDING SUBJECT TO APPROPRIATION					
Authorization level .....	1	1	1	1	1
Estimated outlays .....	1	1	1	1	1

Basis of estimate: H.R. 2538 would establish a Guadalupe-Hidalgo Treaty Land Claims Commission to review petitions from eligible descendants regarding the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848. To assist the commission in carrying out research, studies, and investigations related to these claims, the bill also would direct the commission to establish a Community Land Grant Study Center at the Onate Center in Alcade, New Mexico. To be considered by the commission, petitions would have to be submitted within five years of the bill's

enactment. H.R. 2538 would not empower the commission to settle any land claims, but would direct it to submit a report to the President and the Congress on its decisions and recommendations regarding such petitions as soon as practicable thereafter. The commission would terminate 180 days after submitting its final report.

*Spending subject to appropriation*

The bill would authorize the appropriation of \$1 million for each of the fiscal years 1999 through 2007 for the purpose of carrying out the activities of the commission and establishing and operating the Community Land Grant Study Center. Assuming appropriation of the authorized amount for each year, CBO estimates that costs would total about \$5 million over the 1999–2003 period.

*Direct spending and revenues*

H.R. 2538 would authorize the commission to accept and spend donations. Donations collected under this authority would count as governmental receipts (i.e., revenues) and their expenditure would count as direct spending. CBO estimates that any such donations would total less than \$500,000 per year.

Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. H.R. 2538 could affect both direct spending and receipts; therefore, pay-as-you-go procedures would apply. CBO estimates, however, that any changes in receipts from donations to the commission and consequent changes in direct spending would both total less than \$500,000 per year.

Intergovernmental and private-sector impact: H.R. 2538 contains no intergovernmental or private-sector mandates as defined in UMRA and would have no significant impact on the budgets of state, local, or tribal governments.

Estimate prepared by: Victoria V. Heid.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

H.R. 2538 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, H.R. 2538 would make no changes in existing law.

## DISSENTING VIEWS

We are opposed to H.R. 2838 in its present form. The issues dealt with by the legislation are serious matters that deserve closer attention than the Committee provided. This failure to deal with the substantive questions raised by this bill has resulted in the Committee reporting a poorly drafted bill that creates more problems than it solves.

No one can tell us how many claims there maybe as a result of this legislation. Since portions of New Mexico were acquired in the Louisiana Purchase, the annexation of Texas, as well as the Treaty of Guadalupe-Hidalgo, we don't even know exactly what parts of the State are affected by the bill. Since the Treaty covered all or parts of seven western states, the bill is opening the door to numerous potential land claims down the road in those other states as well. Further, the lands in question in New Mexico likely include numerous tracts in private, as well as public ownership and may include parts of some Indian Pueblos or reservations.

The language of H.R. 2538 itself is very troubling. The bill contains no legal standards or rules of evidence by which to judge any claims brought forth. As a quasi-judicial body, there are conflicts of interest in having eligible descendants serving as members of the commission, and with the commission being able to accept gifts, especially from those who may benefit from the commission's decisions. We also question how lands, as provided by the bill, can be "reconstituted" or restored as a municipality. What constitutes a municipality is something for the State of New Mexico to determine and not Federal law.

Contrary to what one may be led to believe, this bill is not just directed at the possible actions of the Federal Government. Under H.R. 2538 claims involving the Federal Government, claims involving the actions of private parties, and claims involving actions of a private party and a local government are opened for the Commission's consideration. We are also troubled by the open-ended nature of the bill that provides that if at anytime a land grantee or descendent relinquished title, for whatever reason, their heirs can now come back and make a claim.

Instead of simply prohibiting land claims against private property, the bill sets up a complicated system under which the Federal Government is supposed to compensate a claim that involves private lands. While the majority may have thought such a provision dealt with the private property issue, they have in reality opened untold private parcels to clouded titles.

Since the ratification of the Treaty of Guadalupe-Hidalgo in 1848, more than two hundred federal, state, and district court decisions have interpreted the Treaty. The U.S. Supreme Court has decided almost half of the major cases involving the Treaty. Several laws were enacted were enacted in the 19th century to address

such claims, including a 1891 Act that established a Court of Private Land Claims to deal with land claims specifically in New Mexico. In addition, there have been subsequent agreements with Mexico that have addressed Treaty claims. H.R. 2538 ignores this body of law and legal decisions and reopens all land grants to Commission review.

We recognize that for the potential claimants and their supporters, H.R. 2538 is a matter of considerable interest. However we believe that the interests of many private parties and the public are being poorly served by this legislation in its present form. Unless, the bill is amended to address the many concerns and problems associated with the legislation, we must urge our colleagues to oppose the bill.

ENI FALEOMAVAEGA.  
BRUCE F. VENTO.  
GEORGE MILLER.  
EDWARD J. MARKEY.  
MAURICE HINCHEY.  
PETER DEFAZIO.

