

Black bus riders by refusing to give her seat to a white man in 1955. Her subsequent arrest generated the Civil Rights Movement. She once said in regards to her protest, "I knew someone had to take the first step and I made up my mind not to move."

Her story is told to emphasize the power of one. One person can make a fleeting decision to impact the consciousness of society, by standing up for what they believe in. One person can cause the world to pay attention. One person can change the course of history.

Rosa Parks is one of many, and she is well deserving of this recognition.

CONFERENCE REPORT ON H.R. 2361,
DEPARTMENT OF THE INTERIOR,
ENVIRONMENT, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 2006

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 28, 2005

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this conference report—but only because it includes an essential immediate increase in funding for veterans health care.

This has been a long time coming. Last September, many of us sought to provide a \$2.5 billion increase over the Bush Administration's budget for veterans' health care. Earlier this year, Members on our side of the aisle made an unsuccessful effort to add \$1.2 billion for veterans' health care to the emergency supplemental appropriations for military activities in Afghanistan and Iraq. And over the last month, the Republican leadership led successful efforts to block consideration of amendments to add the needed funds for VA health care.

Things finally changed when the Bush Administration finally acknowledged a \$1 billion shortfall in veterans' health care for FY 2005, which had been well known since spring. When that happened, the Senate added \$1.5 billion in supplemental funding to this bill because it was the most convenient legislative vehicle—and the conferees wisely agreed to retain it in the conference report.

This additional \$1.5 billion is essential if we are to make any claim to meeting our moral obligation to America's veterans and returning soldiers. Because of its inclusion, I will vote for the conference report, even though the rest of the conference report does not deserve to pass.

Except for the veterans' health funding, this conference report falls short across the board.

It once again fails to provide the authorized funding for the payments-in-lieu-of-taxes program, shortchanging the counties and other local governments in Colorado and across the country for whom these "PILT" payments are so important.

It does not provide enough funds to enable the Bureau of Land Management, the U.S. Fish and Wildlife Service, the National Park Service, or the Forest Service to properly manage the federal lands for which they are responsible.

And it inadequately funds many other agencies as well, particularly the Environmental Protection Agency, which will be cut by about

3 percent from this fiscal year. I am particularly concerned about deep cuts to EPA's state grants (down nearly \$400 million from fiscal 2005), which support environmental protection programs through grants to State, local and tribal governments, and a \$24 million shortfall for EPA science and technology research.

Of course, Colorado will benefit from funding earmarked for projects in several parts of the state. But the needs of many communities will go unmet, and opportunities to acquire high-priority lands such as those in the Beaver Brook watershed in Clear Creek County will be missed.

Finally, the bill includes extensive legislative provisions authorizing the Forest Service to sell, lease, exchange, or otherwise convey lands that the Forest Service identifies as "administrative sites"—including forest headquarters, ranger stations, research stations, or laboratories, among many other kinds of sites.

Mr. Speaker, this part of the conference report originated in the Senate. Inclusion of such legislative provisions in a general appropriation bill is contrary to the House rules, because it properly should be handled by the authorizing committee—the Committee on Resources—in an orderly fashion that allows for hearings and the consideration of amendments.

It would have been far better for the House conferees to have rejected it and enabled our committee to consider it in that fashion. However, I want to express my appreciation for the fact that the conferees did make very important changes in the Senate-passed language.

In particular, I am glad that they included an explicit requirement for the Forest Service to consult with affected local governments and to provide public notice regarding their plans for disposing of properties covered by this part of the conference report. And I think that excluding visitor centers and potential inholdings as well as lands providing access to other lands or waters were valuable changes, as was the requirement that the Forest Service provide advance notice to Congress of planned disposals and the reaffirmation that environmental analysis of proposed disposals include consideration of the "no action" alternative as required by NEPA.

While this legislation will remain in effect only through fiscal 2008, the statement of managers clearly signals an expectation that Congress will be asked to renew it or perhaps even make it permanent. If that should occur, I will do all I can to make sure that the Resources Committee is responsible for considering such legislation and that it is not accomplished by inclusion of legislation in an appropriations measure.

STATES MUST LEAD IN PROTECTING
PRIVATE PROPERTY RIGHTS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 29, 2005

Mr. UDALL of Colorado. Mr. Speaker, the June 23rd decision of the U.S. Supreme Court in the case of *Kelo v. New London* has raised concern about the potential abuse of the power of eminent domain by local governments.

I share that concern, which is why I voted for the resolution (H. Res. 340) expressing the House's disagreement with that decision.

Congress may consider proposals for even stronger legislative responses. I think that is completely appropriate, and well may support legislation on this subject.

At the same time, however, I think it is important to remember that the primary responsibility in this area rests with the States and their local governments.

As I said during debate on the resolution passed by the House, while (in the words of the resolution) "Congress maintains the prerogative and reserve the right to address through legislation any abuses of eminent domain by State and local government," Congress can only take such action in ways that are themselves consistent with the Constitution.

Further, I think we should be reluctant to take actions to curb what some—perhaps even a temporary majority—in Congress might consider improper actions by a State or local government.

Thy States, through their legislatures or in some cases by direct popular vote, can put limits on the use of eminent domain by their agencies or local governments. I think this would be the best way to address potential abuses, and I think we in Congress should consider taking action to impose our ideas of proper limits only as a last resort.

That point was well made in a recent column by State Senator Lois Tochtrop, with whom I had the honor to serve when I was in the Colorado legislature.

In that column, Senator Tochtrop writes "There's only one piece of 'good news' for Colorado citizens in the recent Supreme Court decision. The high court left it up to state legislatures to control city bureaucrats bent on turning your home or business into a new strip mall. Here in Colorado, legislators have lots to do. . . . I will reintroduce legislation in the upcoming session to stop cities from abusing the power of eminent domain by giving corporate welfare to retailers while the taxpayers pay the bills."

I commend Senator Tochtrop for her leadership on this important issue. For the information of our colleagues, here is the complete text of her recent column:

[From the (Boulder, Colorado) Daily
Camera—July 14, 2005]

STATE MUST PROTECT PROPERTY RIGHTS
(By Sen. Lois Tochtrop)

Founding father James Madison: "Government (is) instituted to protect property of every sort. That alone is a just government which impartially secures to every man, whatever is his own."

United States Supreme Court: "Never mind!"

You've heard the bad news. If Wal-Mart or other big boxes want to take your home or business for a new store, that's OK by the U.S. Supreme Court. All big developers must do is convince property tax hungry city officials that the public will benefit. As we've seen in Colorado, that doesn't take much convincing.

Time was cities used eminent domain to condemn private property only for "public use" like roads, libraries or parks. Now, the Supreme Court says it's constitutional for government to take your property to build that Wal-Mart or Walgreen's, as long as there is some "public benefit." That promised benefit is the torrent of tax money that