

obtained thousands of pages of documents and testimony from the four companies involved in the spill, but virtually nothing—nothing—from the administration. In fact, my committee made no document requests and asked for no testimony from the administration.

The Federal role would appear to be an integral part of this story. We should have representatives from the Department of Interior and the Minerals Management Service explain why in March of 2009, in the Initial Exploration Plans for Deepwater Horizon, a blowout scenario was simply not contemplated, and why the Department of Interior did not require a site-specific oil spill response plan.

We've had no word from the Federal Government and related agencies. When will the administration begin to work with Congress, rather than against Congress and against the American people?

NETWORKS SHOW DOUBLE STANDARD ON SUPREME COURT NOMINEE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, when former President George W. Bush nominated John Roberts and Samuel Alito for the Supreme Court, the television networks repeatedly described them as “conservative,” and used terms such as “bedrock conservative,” “staunch conservative,” and “ultra-conservative.” In contrast, the networks rarely label President Obama's Supreme Court nominee, Elena Kagan, as “liberal,” according to an analysis by the Media Research Center. In fact, the networks called Justice Alito “conservative” 10 times more often than they called Judge Kagan “liberal” after their respective nominations, according to the MRC.

Perhaps that's no surprise, considering the networks' own political philosophy. These are the same networks who called Candidate Obama moderate, even though he had the most liberal voting record in the entire U.S. Senate. The networks should give Americans the facts about Supreme Court nominees, not practice double standards.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 17, 2010.

Hon. NANCY PELOSI,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II

of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 17, 2010 at 12:16 p.m.:

That the Senate passed with amendments H.R. 2711.

Appointments:
With best wishes, I am
Sincerely,

LORRAINE C. MILLER.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

□ 1415

ENDANGERED FISH RECOVERY PROGRAMS IMPROVEMENT ACT OF 2010

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2288) to amend Public Law 106-392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2023, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Endangered Fish Recovery Programs Improvement Act of 2010”.

SEC. 2. REAUTHORIZATION OF FISH RECOVERY PROGRAMS.

Section 3(d)(2) of Public Law 106-392 (114 Stat. 1604 and 1605) is amended by inserting at the end the following: “For fiscal years 2012 through 2023, there are hereby authorized to be appropriated such sums as may be necessary to provide for the annual base funding for the Recovery Implementation Programs above and beyond the continued use of power revenues to fund the operation and maintenance of capital projects and monitoring.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from California (Mr. MCCLINTOCK) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. NAPOLITANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. NAPOLITANO. Mr. Speaker, H.R. 2288, introduced by our colleague Representative JOHN SALAZAR from Colorado and seven other colleagues, would amend Public Law 106-392 to authorize appropriations for fiscal years 2012 to 2023 to fund fish recovery programs in the Upper Colorado and the San Juan River Basins.

H.R. 2288 will help ensure the continued delivery of water from Federal water projects to irrigators and municipal and industrial contractors throughout the Upper Colorado River Basin through fiscal year 2023. More than 1,500 water projects will continue to have certainty to move forward, based on the support and commitments generated through these recovery programs.

These recovery programs are nationally recognized examples of diverse stakeholders coming together to collaboratively find solutions without litigation that allow everyone to use the river systems to promote economic growth while supporting compliance with the Endangered Species Act and the recovery of native fish species within the Colorado River Basin.

Mr. Speaker, I ask my colleagues to support the passage of H.R. 2288, and I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Speaker, I yield myself such time as I may consume.

This measure offers yet another example of how the Endangered Species Act has put a gun to the head of the West. The unreasonable effect of this law is now impoverishing millions of people across the country. In California communities, it has devastated the agricultural sector of our economy, and it threatens us all with permanent water shortages, skyrocketing food prices, and chronic unemployment.

The measure before us today seeks to spend roughly \$40 million through 2023 for research, management, operation, and maintenance and other annual noncapital expenditures in order to keep ESA litigation at bay in the Upper Colorado and San Juan River Basins. It's cosponsored by Representatives of both parties, not because it will produce a single drop of additional water for this region but, rather, because it will forestall additional endless ESA lawsuits.

These programs only exist and only command bipartisan support because these steps are mandated by the ESA under threat of the region losing further access to its own water. And at some point, we're going to have to consider major changes to the ESA before it further depresses our economy, strangles our agriculture, and depletes our Treasury.

Let me offer one of the examples of changes that I think needs to be made. The administration is now pursuing the deliberate destruction of four perfectly good hydroelectric dams on the

Klamath River that generate 155 megawatts of the cleanest and cheapest electricity on the planet at the cost to ratepayers and taxpayers of nearly \$500 million to tear down. This is to restore fish habitat for a few hundred salmon. When I visited the region a few weeks ago, I asked, If the salmon population was in decline, why don't we just build a fish hatchery? The Macaulay fish hatchery in Juneau, for example, produces 170 million salmon every year. And the answer was, We already have a fish hatchery below the dams at Iron Gate, but the Endangered Species Act doesn't allow us to count the millions of fish that it produces. This is insane.

In this case, it's going to cost us \$40 million, according to the CBO, on a program that lacks explicit goals and is running outrageous overhead—22 percent in one case. Now, let me emphasize this: This program doesn't even set specific recovery goals, so there's no rational way of judging success or failure either now or in the future. It is simply a bureaucratic perpetual spending machine.

The good news is, this program does include fish hatcheries, but without any numerical standard for success, their production becomes irrelevant to the program. We're squandering the earnings of our citizens on bureaucratic paperwork and Rube Goldberg contraptions with no rational standard for success instead of investing that money for new water supplies.

This bill continues a folly that our Nation and our economy can no longer afford. I realize that many of the supporters feel that this is the path of least resistance within the current legal framework in order to continue to use the water projects that we've already paid for. Well, that may be the case. But the path of least resistance is destroying our economy, bankrupting our country, and perhaps it's time we took the path less well traveled, the path of common sense.

I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I won't go into any other dialogue other than to yield, for as much time as he may consume, to the gentleman from Colorado, Congressman SALAZAR.

Mr. SALAZAR. Mr. Speaker, I want to thank the distinguished chairwoman of the subcommittee for moving this important bill forward. I would like to share with you and my esteemed colleagues the importance of the Upper Colorado River and San Juan River Basin Endangered Fish Recovery Program. This program is a premiere example of how to recover endangered fish species while also providing more than 3 million acre-feet of water per year to Federal, tribal, and non-Federal water projects. It has been cited as the most successful fish recovery program in the United States and is used as a model for other recovery programs developed across the country.

Today I am happy to see that the House is passing H.R. 2288, to ensure the program can finish the restoration projects identified for complete success. This bill extends the authorization of the program until the year 2023. At that time, the fish species in concern will be fully recovered, and the infrastructure will be in place to ensure continued success. The projects completed to date on the Upper Colorado and San Juan River Basins are examples of outstanding cooperation among a diverse group of local, State, Federal Government agencies, environmental groups, water users, farmers, ranchers, and utility consumers.

People ask why they've never heard of the recovery program, and that is because it has been so successful. The fish identified as being under threat have been substantially maintained. This bill is critical for the continued and final success of the projects necessary for recovery of the endangered fish.

I would also like to note that when this program was enacted, it was done with the understanding that power revenues would be used to pay for the costs of implementing the two fish recovery programs. Due to PAYGO rules, the legislation now lets the power customers only pay a part of the cost of these programs while national taxpayers cover the rest. The original program was agreed to based upon the understanding that power customers would pay for the fish recovery programs, and I hope that they will work with the rest of the parties to fulfill this funding obligation after 2011.

Mr. Speaker, this is a prime example of how one ounce of prevention is worth a pound of cure. It is one of the most successful recovery programs in the entire country, and I want to thank the chairwoman, and I want to thank Ranking Member McCLINTOCK for working with us on this legislation.

Mr. McCLINTOCK. Mr. Speaker, I thank the gentleman for his kind words, but I do wonder how he can define success in a program that has no standards for success. I also need to correct him on one other point, and that is the claim that this will provide or produce 3 million acre-feet of water. It does no such thing. All it does is allow us to continue to use the 3 million acre-feet of water that we already produce and that we have already paid for without impediments posed by additional ESA litigation.

With that, I reserve the balance of my time.

Mrs. NAPOLITANO. I yield, for as much time as he may consume, to the gentleman from Colorado, Congressman SALAZAR.

Mr. SALAZAR. I thank the chairwoman.

I want to remind the ranking member that the individual who actually ran against me who was the Depart-

ment of Natural Resources director, Greg Walcher, for Colorado was one of the ones who helped to implement this program in Colorado, a very strong supporter. This was done in a bipartisan way, and most recovery programs are actually starting to be modeled after the Upper Colorado Fish Recovery Program. This is a way to keep fish from going on the endangered species list, and so I am very proud of this program.

We do have goals. By the year 2023, everything should be in place. The infrastructure should be in place so that we can maintain the numbers of the endangered fish in the Upper Colorado River and the San Juan.

Mr. McCLINTOCK. Mr. Speaker, I readily concede that if you put a gun to somebody's head, you can get reasonable people to do unreasonable things. The ESA is a gun to the head of the people of the West. It's time we did something about that.

No one suggests that there's not an important mission for the ESA, but it has gotten completely out of control. It has breached all bounds of reason and logic, and it is time that we visited that issue rather than continue to squander tens of millions of dollars on programs like this, whose sole purpose is simply to keep that ESA litigation at bay.

With that, I reserve the balance of my time.

Mrs. NAPOLITANO. I will yield 30 seconds to the gentleman from Colorado.

Mr. SALAZAR. I just wanted to thank the gentleman for joining us yesterday in Colorado for a specific water hearing that the gentlelady held in Greeley, Colorado, a prime example of how we can all work together to make sure that agriculture can maintain its water rights. So that is why I am so supportive of this program.

Mr. McCLINTOCK. Does the gentlelady have any additional speakers?

Mrs. NAPOLITANO. I have no further requests for time, and I reserve the balance of my time.

Mr. McCLINTOCK. Mr. Speaker, I yield back the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, Congressman SALAZAR was right. We met yesterday in Greeley, Colorado, with a lot of stakeholders of the Colorado River Basin who indicated to us that their economy is at stake. They professed to us that the Endangered Species Act actually helped maintain the quality of the water in the rivers. So, to me, that's a further indication of how important this particular bill is, to continue the collaboration of all the entities who would come to the table, put their differences aside and quit getting into litigation that is more costly to the taxpayer.

With that, I request that we support H.R. 2288.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 2288, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

BUFFALO SOLDIERS IN THE NATIONAL PARKS STUDY ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4491) to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Buffalo Soldiers in the National Parks Study Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) In the late 19th century and early 20th century, African-American troops who came to be known as the Buffalo Soldiers served in many critical roles in the western United States, including protecting some of the first National Parks.

(2) Based at the Presidio in San Francisco, Buffalo Soldiers were assigned to Sequoia and Yosemite National Parks where they patrolled the backcountry, built trails, stopped poaching, and otherwise served in the roles later assumed by National Park rangers.

(3) The public would benefit from having opportunities to learn more about the Buffalo Soldiers in the National Parks and their contributions to the management of National Parks and the legacy of African-Americans in the post-Civil War era.

(4) As the centennial of the National Park Service in 2016 approaches, it is an especially appropriate time to conduct research and increase public awareness of the stewardship role the Buffalo Soldiers played in the early years of the National Parks.

(b) PURPOSE.—The purpose of this Act is to authorize a study to determine the most effective ways to increase understanding and public awareness of the critical role that the Buffalo Soldiers played in the early years of the National Parks.

SEC. 3. STUDY.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks.

(b) CONTENTS OF STUDY.—The study shall include—

(1) a historical assessment, based on extensive research, of the Buffalo Soldiers who served in National Parks in the years prior to the establishment of the National Park Service;

(2) an evaluation of the suitability and feasibility of establishing a national historic trail commemorating the route traveled by the Buffalo Soldiers from their post in the Presidio of San Francisco to Sequoia and Yosemite National Parks and to any other National Parks where they may have served;

(3) the identification of properties that could meet criteria for listing in the National Register of Historic Places or criteria for designation as National Historic Landmarks;

(4) an evaluation of appropriate ways to enhance historical research, education, interpretation, and public awareness of the story of the Buffalo Soldiers' stewardship role in the National Parks, including ways to link the story to the development of National Parks and the story of African-American military service following the Civil War; and

(5) any other matters that the Secretary of the Interior deems appropriate for this study.

(c) REPORT.—Not later than 3 years after funds are made available for the study, the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing the study's findings and recommendations.

□ 1430

The SPEAKER pro tempore (Mr. SALAZAR). Pursuant to the rule, the gentleman from Guam (Ms. BORDALLO) and the gentleman from California (Mr. MCCLINTOCK) each will control 20 minutes.

The Chair recognizes the gentleman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 4491, introduced by Representative JACKIE SPEIER of California, would authorize the National Park Service to conduct a special resource study to determine appropriate and feasible ways to commemorate the African American cavalymen known as the Buffalo Soldiers and the important role that they played in the early years of the national parks. These soldiers played a critical role in protecting Yosemite and Sequoia National Parks and served as the Nation's first park rangers.

Under the proposed legislation, the National Park Service would evaluate alternatives to commemorate and interpret the roles of the Buffalo Soldiers. They would also evaluate the suitability and feasibility of establishing a national historic trail along

the route used by the Buffalo Soldiers from their post in the Presidio of San Francisco to the Sierra Nevada Mountains.

Representative SPEIER is to be commended for her work to highlight this important chapter in African American history and in the history of our national parks.

Mr. Speaker, H.R. 4491 received broad bipartisan support in committee, and I urge its adoption by the House today.

I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in my opinion, the most important role of the national parks is to provide a link to our Nation's proud history. I believe in American exceptionalism. The story of our Nation is the story of the uniquely American principles enshrined in the Declaration of Independence and how they shaped and molded what has become the most successful Republic in the history of human civilization.

One aspect of that story is exemplified by the Buffalo Soldiers, Americans of African descent who transcended the prejudices of the post-Civil War era to serve as the first peacetime Army units comprised of African Americans. They took the heroism and patriotism of the famous 54th Massachusetts and other Civil War units and made them into a proud and permanent fixture within the American Armed Forces. Their members included Medal of Honor winner Louis H. Carpenter and Henry O. Flipper, the first American of African descent to graduate from West Point.

The Buffalo Soldiers made immeasurable contributions to the continental expansion of our Nation, to the protection of our first national parks, but perhaps most important is their immortal contribution to the unification of our Nation as a free people.

As Shakespeare said, Their story should the good man teach his son. This bill would develop a plan to do precisely that within the national park system. I urge its adoption.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H.R. 4491, the Buffalo Soldiers in the National Parks Study Act.

I commend this legislation which directs the Secretary of the Interior to study the role the Buffalo Soldiers played in the development of the National Park System. It is time more information comes to light regarding the contributions Buffalo Soldiers made to protect our National Parks until 1914. Few know the story of how Buffalo Soldiers once patrolled Yosemite, Sequoia and Kings Canyon parks.

As their service has been nearly forgotten, I praise this legislation which will ensure their efforts to our Country are remembered. Buffalo Soldiers remain an integral element in founding our National Parks. These American soldiers carried out mounted patrol duties in