

SUPPORT OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS AND THE CITY OF EDWARDSVILLE, KANSAS, FOR H.R. 5561

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. MOORE. Mr. Speaker, I recently received from Carol Marinovich, the mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, a letter in which she expresses the strong support of their governing body for H.R. 5561, legislation I have introduced that would settle pending land claims of the Wyandotte Nation in Wyandotte County, Kansas. Additionally, I received today correspondence from Edwardsville, Kansas, Mayor Luther Pickell strongly supporting H.R. 5561. I hope all Members of the House and the Senate will review the correspondence from Mayor Marinovich and Mayor Pickell, along with the resolutions unanimously adopted by the Unified Government's governing council and the city of Edwardsville in support of this measure, and join with me in endorsing this proposal.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KS.
CAROL MARINOVICH, MAYOR/CEO,
November 14, 2002.

Hon. DENNIS MOORE,
U.S. House of Representatives, Washington, DC.
DEAR CONGRESSMAN MOORE: On November 5, 2002, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas ("Unified Government") unanimously approved Resolution No. R-95-02 fully and completely endorsing Congressional approval of H.R. 5561 or similar legislation, permanently settling and releasing all rights and land claims asserted by the Wyandotte Nation ("Nation") to approximately 1900 acres of real estate within our county. The terms of the Resolution, here attached, are the clearest expression of the governing body's collective endorsement in support of this legislation. The Unified Government respectfully requests your affirmative action in expediting this important legislation.

During the last ten years, the Nation and the Unified Government have struggled together to create an opportunity that mutually benefits the citizens of both our communities. Despite our best efforts in the Kansas Legislature and with the Kansas Governor, our actions to date have proven fruitless. Federal intervention remains the best and only viable solution to our problem.

The lawsuit, *Wyandotte Nation v. Unified Government of Kansas City and Wyandotte County*, Kansas, Case No. 012303-CM (U.S.D.C., Kan.), now pending before the United States District Court for the District of Kansas asserts a claim to 1900 acres of land in the Northeast area of our County. This realty includes the Fairfax Industrial area, with major industries such as General Motors, Owens-Corning and International Paper Corporation, as well as numerous other industries, large and small. Equally important and perhaps more compelling, the lawsuit's boundaries include many individual homeowners who have expressed fear at the prospect of losing their homes. The titles to all these properties are encumbered by this lawsuit. The cloud on their ownership affects the ability to purchase and sell, refinance, borrow and enjoy the security

found in owning their home free and clear of any encumbrances.

The role of the Federal government in this matter is worthy of note. The land claim stems from an alleged failure of the Federal Government in the Treaty of 1855 with the Nation to properly require the sale or ceding of all rights in the now disputed 1900 acres. The merits of the claim are before the Court, and the course of litigation, at a minimum, will be tortuous, lengthy and very expensive before the final chapter is written. The United States was a party to this case at its inception. However, a motion to dismiss asserting an immunity defense was quickly filed and granted, removing the Federal Government from the case. The individual homeowners, small business and industrial businesses were left to absorb the costs of litigation and endure the fear and uncertainty that remains. Except for the legislation introduced by Congressman Dennis Moore, no other representative of the people of Wyandotte County has taken steps to alleviate this burden. The United States government simply fled from this problem by the most expedient means.

The people of Wyandotte County overwhelmingly support the concept of Class III gaming in our community. In a referendum held several years ago on the question of whether casino-style gaming should be conducted on the grounds of a local pari-mutuel racing facility, 80% of the voters approved. The reasons for this are as varied as the individuals within our community, but would include generally economic development and entertainment. This vote, by the way, occurred several years before the litigation was filed and was not a factor in anyone's thinking.

The Nation and Unified Government have, through the years, held each other in high regard and esteem. This relationship has, however, no doubt been strained by the litigation. Criticism that has found its way into the media neither reflects the entire story nor all that has been said. The Unified Government has consistently voiced criticism of the litigation as a means to resolve the underlying issues. Nevertheless, our community and our governing body has just as consistently supported Class III gaming in our county. We have sought the assistance of our Governor and the Kansas Legislature, which have turned away from us on this issue. Congressional intervention remains the best solution to this complicated problem.

Our county takes its name from the Nation. The long standing historical connection between us lies no farther than the Huron Cemetery across the street from our three principal government buildings. Their ancestors and ours lay buried together. Many of our current residents claim a common lineage from tribal members that resided here before 1855. Notwithstanding the litigation, resolution of this matter will allow the parties to work cooperatively to see this project to conclusion.

For the reasons stated above, I, as Mayor/CEO of the Unified Government, respectfully urge Congress to approve H.R. 5561 or similar legislation to resolve the current litigation.

Sincerely

CAROL MARINOVICH,
Mayor/CEO

CITY OF EDWARDSVILLE,
EDWARDSVILLE, KS,
November 14, 2002.

Hon. DENNIS MOORE,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MOORE: Congratulations on your successful re-election to the third District of Kansas. As you know during

the last ten years the Wyandotte Nation has struggled to successfully defend their rights to land which was wrongly taken from them over a century ago by the United States Government. We are aware of the generous support that you have marshaled in Congress and applaud your efforts on behalf of our citizens, businesses and local units of government.

As elected leaders from Wyandotte County, the Edwardsville City Council unanimously endorsed the proposed Congressional Act to permanently settle this matter and avoid a certain litigation strategy which will be both costly to taxpayers and the Wyandotte Nation. The clouded land title will prevent existing corporations and businesses from expanding in the Fairfax Industrial District costing The State of Kansas and Local Units of government millions in revenue. The litigation has already prevented one major corporation from expanding in the Fairfax District and forced the relocation of over 350 employees. We cannot sustain economic growth in this area without the settlement of the land claim.

Your legislation provides for a federal legislative solution that protects over \$2 billion in taxable real estate investment, saves over 4000 high salaried jobs for the State of Kansas and finally settles a century old land claim which badly needs to be ended. We wish you luck in the closing days of Congress and will assist you by any means necessary to gain passage of this important act.

Please notify us if we may be of assistance in explaining this to any other member of the United States Congress.

Sincerely,

LUTHER PICKELL, Mayor.

CONFERENCE REPORT ON H.R. 4546,
BOB STUMP NATIONAL DEFENSE
AUTHORIZATION ACT FOR FIS-
CAL YEAR 2003

SPEECH OF

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 2002

Mr. BENTSEN. Mr. Speaker, I rise in support of the Fiscal Year 2003 Defense Authorization Conference Report, legislation which will provide our military forces with the resources needed to counter threats abroad while strengthening the security of our homeland.

This conference report provides crucial funding in several critical areas, among them: weapons procurement, research and development, operations and maintenance, and efforts against the proliferation of weapons of mass destruction. At \$393 billion, the conference report matches the President's request, and represents a 13 percent increase over current spending levels. As the largest national defense budget in inflation-adjusted terms since fiscal year 1990, this conference report confronts the changing security environment faced by our country and helps our armed services in coping with the new challenges facing them. I believe this legislation will provide the appropriate budgetary foundation to allow the President and Congress to pay for the war on terrorism as well as fulfill critical military needs that may arise.

Our military forces are today called upon to confront a host of wide-ranging challenges across every continent and hemisphere of the

world. This conference report will ensure that our military remains the best-trained, best-equipped, and best prepared force to continue confronting these evolving challenges. To that end, I am pleased that this legislation authorizes an across-the-board 4.1 percent pay increase, along with targeted increases of up to 6.5 percent for N.C.O.s and officers. This represents the fourth largest increase for military personnel since 1982. In addition, this legislation also includes provisions for improvements to health care and education for our service members, provisions I consider crucial to increasing the recruiting and retention rates of highly qualified military personnel.

As a member of the House Budget Committee, I have fought to recognize the immeasurable contributions of America's disabled veterans by being a strong proponent for concurrent receipt. I believe disabled military retirees deserve both disability and retirement benefits, therefore I am pleased that this defense authorization changes current law to allow veterans who earned a Purple Heart or who suffered a severe injury in a combat-related incident to receive both retirement and disability benefits. Although this provision targets only those specific veterans who are 60 percent disabled and I believe this benefit should be extended to additional veterans, I find this legislation a good first step in the right direction and urge my colleagues to continue supporting further efforts expanding concurrent receipt coverage in the future.

This conference report provides \$7.3 billion to support DoD efforts to combat global terrorism, including funds for counterterrorism, force protection, counter-intelligence, and anti-terrorism programs. To guard against the threat weapons of mass destruction pose to the United States, this report authorizes \$993 million for advanced chemical-biological detection, protection, and decontamination programs, \$148.2 million for biowarfare defense technology, and \$416.7 million funding efforts securing weapons of mass destruction and dismantling their facilities in the former Soviet Union. With respect to homeland defense, this legislation will require the DoD to work with the Department of Homeland Security and other federal agencies to share promising new technology, as well as assist local "first responders" improve their ability to respond to domestic terrorist actions.

While I will vote in support of this legislation, I have concerns regarding the process of base closures. With regard to base closures, I am concerned that language contained in this defense authorization would allow base closures to take place without adequate consultation with Members of Congress and affected communities. While I have a consistent record of supporting cost-savings in all areas of the federal budget, I do not believe another round of base closures should be conducted until the DoD makes a thorough evaluation as to whether its current infrastructure is in a position to cope with the changing security environment. The threats facing our nation require that infrastructure on the local, state, and certainly the federal level be prepared and adequate to confront any possible scenarios. Due to language that would require 7 of 9 members of the Defense Base Closure and Realignment Commission (BRAC) approve any base closure, I strongly encourage the DoD to consult closely with Members of Congress. I believe the concerns of potentially affected

areas must be closely considered. The loss of a military base can prove potentially devastating for defense-dependent local economies, such is the case in my home state of Texas. Not only that, but in many cases, the additional level of disaster and emergency assistance provided by nearby military facilities can prove extremely helpful to local communities. As such, I believe the DoD and Congress should be cautious and prudent in planning the closure of bases that will be carrying our military's mission in the coming months and years.

While I have concerns about these provisions, I strongly support this Conference Report because it is important Congress speak with one voice in support of our armed services. On balance, the initiatives included in this bipartisan legislation are appropriate, and will provide our dedicated men and women in uniform with the necessary resources to cope with the demanding security challenges facing our nation. I urge my colleagues to vote in support of this important legislation.

HONORING THE OPENING OF THE
EAGLE ROCK ART MUSEUM IN
IDAHO FALLS, ID

HON. MICHAEL K. SIMPSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. SIMPSON. Mr. Speaker, I rise today to honor the beauty and value of persistence. Ten years ago, a group of artists along with the Mayor and City Council of Idaho Falls had the idea of creating an area art museum. This huge undertaking would take thousands of volunteer hours and many fundraising efforts to become a reality. Today, I'm proud to say through the hard work of those dedicated volunteers and public servants, the Eagle Rock Art Museum opened its doors.

The Eagle Rock Art Museum showcases eastern Idaho artists. As someone who occasionally dabbles in artistic endeavors, I value the cultural significance art plays in our society. Visitors to this wonderful facility can now marvel at stone sculptures, oil and watercolor pictures, tiles painted by children and other compelling works of art. Children can enter the doors of the Eagle Rock Art Museum and be inspired by the work it showcases. There's even a children's art gallery to display the work of our youngest citizens.

In civilization, art transcends age. The works of Michelangelo, Leonardo DaVinci, Claude Monet and modern day artists like Norman Rockwell breathe light into culture. The works of artists live on forever through museums like the Eagle Rock Art Museum. I'm proud of the community of Idaho Falls for working to make the Eagle Rock Art Museum a reality. The selfless efforts of many illustrate the powerful principle of working together for a common cause. I compliment Idaho Falls Mayor Linda Milam, Council members Ida Hardcastle and Mel Erickson, artists Gloria Miller Allen and John Griffith and the hundreds of other artists, individuals, and businesses that helped create the art museum. Thanks to their efforts generations of Idahoans will have a lasting appreciation for the importance of art in our world.

CELEBRATING 30 YEARS OF QUALITY IN FEDERAL PROCUREMENT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2002

Mr. TOM DAVIS of Virginia. Mr. Speaker, on Sunday, October 27, a milestone in Federal procurement was observed. That day marked the 30th anniversary of President Nixon's signing of the "Brooks Act" qualifications based selection (QBS) process into law as Public Law 92-582.

This law, which prescribes the process by which Federal agencies select contractors for architecture, engineering and related services ("A/E services"), is codified in 40 USC 541 et. seq. for civilian agencies and, by reference, also applies to military agencies (10 USC 2855). Regulations implementing the law are found in part 36 of the Federal Acquisition Regulations.

Named for its sponsor, our respected former colleague, the Honorable Jack Brooks of Texas, the Brooks Act provides for selection of firms for A/E services on the basis of demonstrated competence and qualifications, with negotiation of a fee that is fair and reasonable to the government.

Agencies publicly announce their requirements for A/E services, firms submit their qualifications (including resumes of personnel, past performance, experience and background), agencies review the competing firms' qualifications, a short list of most qualified firms is established and agencies conduct interviews, and the most qualified firm is selected for specific contract negotiations of the precise scope of services to be performed and negotiation of a fee that is "fair and reasonable to the government" based on the government's own estimate of the project cost.

QBS has been a trendsetter. When it was enacted in 1972, the QBS law was a radical exception to the government's overwhelming reliance on awarding contracts based on the lowest bidder. Indeed, QBS was a precursor to the trend that came in the 1990s to migrate from lowest bid to best value procurement. Moreover, contractors' past performance is a major factor in the evaluation and selection process—again something used in A/E contracting since 1972, but which became commonplace in other areas of Federal procurement in the 1990s.

The Federal government annually spends billions of dollars on construction of facilities and has capital assets of hundreds of billions. This investment is highly dependent on A/E services for feasibility studies, design, operation and maintenance. It has been said that A/E services accounts for less than 1/10th of 1 percent of the life-cycle cost of a facility, but the quality of the A/E services performed determine what the life cycle cost will be.

The wisdom of Congress in passing, and President Nixon in signing, the "Brooks Act", and of Congress in preserving this law for the past 30 years, has provided the American public with quality, cost effective and efficient A/E services on projects that stand the test of time.

The wisdom of the law is also demonstrated by the degree to which it has been emulated. The QBS process is included in the Model