

work together to resolve, are those concerns, such as the use of tax shelters, brought to greater public attention through the Enron/Andersen scandal. Certainly, we should be concerned when we look at the Enron/Andersen scandal with the lawless conduct that allegedly occurred, and there are prosecutors exploring that as I speak. But we here in the Congress need to be equally concerned about conduct by Andersen, Enron, and others that may be lawful but is simply awful in its impact on America.

The Enron/Andersen scandal certainly demonstrates the error of many who have spoken in this House and who have insisted that a tax cut deregulation elixir is the cure for every ill afflicting America. Certainly Enron got plenty of that elixir. In recent years, they did not bother paying any income taxes whatsoever to support our great country. Rather in reviewing the conduct of Enron and Andersen, we learn much that appears to have been lawful but was awful in its impact on our country.

This scandal is about more than dealing with a lack of oversight, it turns on the deliberate decisions of some policymakers in Washington to overlook loopholes, shortcuts, back doors, exemptions and exceptions that riddle our laws, providing special protection and special opportunities to special interests that lobby here in Washington—to the detriment of blameless employees at Enron, Andersen and other companies, of retirees, of investors, and of those many taxpayers, who work hard to contribute their fair share to our country.

The Enron/Andersen scandal makes the case for long overdue reforms in many areas. One of those is the Abusive Tax Shelter Shutdown Act, which I have been urging Congress over three years to adopt. Too often major corporations use gimmicks similar to these offshore subsidiaries that Enron created as a scheme to avoid paying their fair share of taxes. This tax shelter legislation, which we voted on here on the House floor, suffered the consistent objection of companies like Andersen, who peddle their tax shelters to more than just Enron. There are plenty of other companies engaged in the same general type of abusive tax shelters that aided Enron.

Second, the debate demonstrates the need to reform our campaign finance laws. There is so much focus in the press on what people are doing with their campaign checks from Enron. The attention ought to be on whether anything meaningful will be done to reform the campaign finance system for all contributions. We are now two or three signatures away from a discharge petition forcing the Speaker to bring this issue to the floor for full and fair debate. We ought not to have to force him, this ought to be the first item up for consideration next week in this House.

A third area where prompt reform is definitely required is with reference to

retirement security. These blameless folks who lost their retirement savings in their 401(k) plan as a result of being locked in to relying on company stock by Enron management presents a problem that working together we can act on now before others suffer the same fate.

I hope that the leadership of this House and the Administration, both of whom have blocked reforms on campaign finance and abusive tax shelters, that they have learned from this outrageous, still unfolding scandal with Enron and with Andersen. If we approach these problems together learning from the mistakes of some, we can produce good legislation, do it, quickly but carefully, and thereby ensuring that no more similar scandals afflict American families.

□ 1500

QUESTIONING CREDIBILITY OF FEDERAL STUDIES

The SPEAKER pro tempore (Mr. ISSA). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, I am anxious to be back here with my colleagues. There are a number of different issues that we face in this upcoming year.

One of the issues that I want to talk about this afternoon, and I am going to talk about a number of different things, but one of the things that is very important to me is the credibility of Federal studies. I want to give all of my colleagues on both sides of the aisle a very sad example of evidence that has been planted, planted evidence, just like in a criminal case where a police officer goes into the home of a suspect and plants a bag of marijuana. It is an effort to lie. That is what it is. It is lying about the evidence. That is exactly what has happened.

On a Federal study that was recently undertaken on three separate occasions, we had Federal employees who planted evidence in an effort to alter the result of a study involving an endangered species, the lynx. Let me go into a little more detail on the facts and let my colleagues determine for themselves, is this the way that we ought to run a so-called unbiased, fair study? And you ask the question and you answer the question: Should biologists, who have an agenda, go in and be involved and be allowed to make the decisions or be the ones who handle the evidence when they have obviously a biased agenda as to how that study ought to turn out?

The facts are this. In this country we undertook years ago the Endangered Species Act. It is an important act. It does a lot of important things. But as any act that has been enacted into law, there is always somebody who finds abuse, and there are always serious

questions and questions as to whether or not what the intentions of that act really were. Under the Endangered Species Act, we look out there for species, whose species are threatened or they are endangered. As we see those species, we go out and do studies. Or if we think species exist, we go out and we do studies to protect their habitat, to protect the area in which they live; we have actually seen one or two successful programs out of the Endangered Species Act; for example, the bald eagle. The bald eagle, that species and the preservation of that species, was approached with credible science.

Science is an important part of the preservation of these species. The science that is put forward must be credible. It has got to be truthful. You lose credibility regardless on which side of the aisle you are on, regardless of which side of the issue you are on, you lose credibility if you plant evidence. You lose credibility if you lie. You cannot do that. You have got to be truthful. Regardless of what those results of that study come out to be, you must be truthful.

Here is what happened. We had seven people involved. Several of those people were employees of the Federal Government. They were scientists. They were biologists. They were professionals. As chairman of the Subcommittee on Forests and Forest Health, which oversees the responsibility of this and answers to the full Committee on Resources, as chairman of that committee, we depend very heavily upon the assessment and the findings of these biologists. These people are hired as professionals. These people are hired with academic credentials.

Unfortunately, in this case we had some biologists who had a different agenda. We had some scientists who had a different agenda. We had some wildlife State employees who had a different agenda. They were so driven by their agenda that they felt it was necessary to plant evidence. What evidence did they plant? One of the endangered species which we are looking very carefully at, we are determining whether it should be listed as endangered and what areas it should be listed as endangered, is the lynx. It looks very much like your household cat, bigger, more like a bobcat. In fact, the species is related to the bobcat, the lynx and the bobcat.

What happened was these scientists and these biologists, these are your employees, they work for us, for the Federal Government. They work for the people of this Nation. They do our work, to go out and determine what are the facts—just the facts, ma'am—what are the facts. These biologists were assigned to undertake a lynx study in two forests to determine whether or not there was any kind of proof of the habitat of lynx in these particular areas. This is very controversial, because if lynx were found to exist in these areas, very severe conditions are placed upon these forests.

Very severe conditions, restrictions on use. For example, if you had a ski area, my district in Colorado has all the ski areas in Colorado. If you had a lynx found on a ski area, you could shut the ski area down. You could shut down all the timber industry. You could shut down bike riders, mountain bikers. You could shut down people on the river. You could virtually shut the entire thing down for hundreds, maybe thousands, maybe hundreds of thousands of square miles.

So finding the evidence of these things is a very critical element in our assessment to determine whether or not these severe restrictions should be put into place.

What do these biologists do? What do these Federal Government employees who have a fiduciary relationship to the people for whom they work, which are the people of the United States of America, what do they do? They go out, they secure some lynx hair and they plant lynx hair in different spots in the forests. Then they go out and, oh, they discovered the lynx hair that they planted and they submit that to the lab for the lab to determine whether or not it is lynx hair. They planted the evidence. That is exactly what they did. Their full intent was for that study to conclude that lynx existed in these forests, and therefore the natural consequence of that finding was that restrictions would be placed on these forests.

How did we find out about this? How did we find out about the lynx? The way we found out about it, we had a whistleblower. It is not because these biologists came forward and said, look, as they are now saying, all we really wanted to do was test the laboratory. Let me ask you, how credible would you find a police officer who planted evidence in a suspect's house and later on in the courtroom said, "Well, the only reason I planted evidence was to see whether the crime lab could determine that I planted it and that the suspect really didn't have that bag of marijuana. That is why I did that." How credible would you find that?

How credible do we find these biologists' story that the whole reason they planted this lynx hair in the forests was to test the laboratory? In fact, their lies, their planting of evidence, has hurt the credibility and endangers the fundamental honesty of the National Lynx Survey. I have had people that are very active environmentalists that are on fire about this. It hurts their cause. It hurts everybody's cause to have Federal employees go in and plant evidence. It is like a bad cop. Who suffers the most from bad cops? Sure, the suspect, but good cops. Good cops suffer when they have got a bad cop. Good biologists suffer when you have got a bad biologist, biologists who will plant information with the full intent to provide misleading information, to sway the conclusion of a supposedly verifiable study. This is very, very damaging, what has occurred.

I note that my good colleague from the State of Arizona, a very active member on the committee, very involved in this revelation that has come up as a result of a whistleblower, by the way, not the biologists coming and telling us, telling the lab, oh, by the way, we were just testing the lab. As a result of somebody who was leaving the government, retired, on the day of their retirement they could not live with it anymore, they revealed to the Forest Service, hey, you know what, we kind of cheated a little, we planted lynx hair out there in the forest so that the laboratory would say that there was evidence of lynx habitat.

By the way, do you know what the Forest Service did? If you were a cop, you would be in jail, by the way. What the Forest Service did was simply take these biologists off that particular study, will not give the names of these biologists, and gave them counseling, counseling for this kind of an offense that undermines the entire credibility of the National Survey.

Back to my colleague from Arizona, I appreciate the fact that he has joined me today and I intend to yield him time to further discuss what the ramifications of planted evidence on the National Lynx Survey are.

With that, Mr. Speaker, I yield to the gentleman from Arizona such time as he may consume.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Colorado who has taken a leading role in this, and this should be of concern to every American, for what has been perpetrated on the American people can accurately be called biofraud.

People of good will can disagree on land use policy. People of good will can have different approaches to conservation and the environment. But always and forever, Mr. Speaker, the standard should be sound science.

I want to thank my colleague from Colorado for leading our subcommittee and as we serve together on the Committee on Resources, I look forward to hearings, but I think it only fair to put on notice those who would coddle a criminal element. This is not misguided behavior simply cured by counseling. This is not something that should remain confidential. Indeed, if there is another lament I have, it is a curious concern that some in government do not believe they are accountable to constitutional officers who are sent here to do the people's business.

Mr. Speaker, I would put those people with those misguided notions on notice today that I will work with my subcommittee chairman and I will work with the chairman of the full committee and I will work with this full House, if need be, if there are those who continue to stonewall the truth, I believe, quite reasonably, quite rationally, that we should bring people in under oath to the committee and if they continue to stonewall, this Congress should hold those people in contempt. I say that not in a reflex of rage

but in a calm, sober-minded fashion, because if we allow this kind of abuse to continue in our system, even as we lament what happens in stories of high finance, to pension funds, even as we attempt with the various committees of jurisdiction in this Congress to get to the bottom of business and accounting corruption, so too does this Congress have a responsibility to the American people, for their quality of life, for the true ascertainment of the biological integrity of the flora and fauna in our various national forests and the people of Colorado and Arizona and all of our States who love the land and make a living off the land as true stewards and true conservationists. This crime of biofraud should not go unnoticed, should not go unpunished.

I salute my colleague from Colorado because he understands with his background in law enforcement and the law and with a good dose of western, and let me enlarge that, American common sense and Yankee ingenuity, that we need to get to the bottom of this on behalf of all the American people, put a stop to biofraud, again amplify and adopt a notion of sound science and its application when it comes to something as crucial and as precious as our environment.

□ 1515

I appreciate the presumption of innocence for those who it is believed have committed a crime, but, again, I would reiterate to this House, to cover this up in some sort of victimology and saying there, there, counseling is fine, is in itself misfeasance and malfeasance of the stewardship of the land and the basic trust this government and its citizens deserve.

Mr. MCINNIS. Mr. Speaker, I thank the gentleman from Arizona. I might add that I, too, agree with the gentleman about presumption of innocence in regards to whether or not a crime has taken place.

But I should note that there is no presumption of innocence because these parties have made an admission of guilt as far as misdoing in the responsibilities and the fiduciary duties of their job, as the gentleman knows.

This is not an allegation we are making from the House floor about some biologists at the Forest Service. I know on the House floor allegations are made or that we want to investigate here or we want to investigate there. The facts are clear: These employees planted evidence. They have admitted to planting evidence.

The whistleblower is how we first found out about it. The Forest Service has disciplined, unfortunately, just by simply counseling. Any other job in America they would have been fired, and, frankly, I think criminal charges would have been filed by the local district attorney. But in this particular case the Forest Service counseled them and then kept it quiet. We only broke this loose about a month ago.

Mr. HAYWORTH. I appreciate the gentleman's knowledge, and we should

note that investigators continue to work on this case.

Let me just ask, are the perpetrators still in the employ of the Forest Service, receiving salaries from tax dollars, to the gentleman's knowledge?

Mr. MCINNIS. Reclaiming my time from the gentleman from Arizona, the answer to that is yes, they remain as employees of the Federal Government, in good standing, by the way, I might add. Number two, the Forest Service, to this point in time we have not been able to secure from them information as to what other studies these particular biologists have been involved in.

Because of the fact of the deeds that these biologists have committed, the admitted deeds of planting evidence in hopes of having a conclusion reached that lynx existed in these particular forests, because of the seriousness of these charges, it is my opinion that we should look at any work that these people have done to see whether or not they have also planted evidence in those cases.

As the gentleman from Arizona will recall, a few months ago in the City of Los Angeles they had a bad cop and he planted or fabricated evidence in many, many cases. They had to reopen every case that cop ever had his fingerprints on to see whether in fact, and, unfortunately, they found out he had, to find out if in fact that officer had altered evidence in those cases.

That is exactly what needs to happen here. But, unfortunately, the Forest Service thought it was appropriate just to counsel these employees, pat them on the back and tell them that they were bad boys and bad girls and they should behave more properly in the future and let it go at that.

Had we not found out about it, frankly, I am afraid we would see that alteration or planting of evidence would then be seen as somewhat of an acceptable practice with very little punishment by the controlling agency.

Mr. HAYWORTH. If the gentleman would yield further for a question, we have had a chance to discuss this off the House floor, but to make it a part of the record here today, in this House Chamber, Mr. Speaker, I would ask my colleague from Colorado, how he would characterize the response of the Forest Service? Has it been forthcoming, has it been begrudging, have we seen the type of attitude of how dare we question their disciplinary procedures?

How would the gentleman characterize the ambience or the governmental philosophy of the response of those at the Forest Service?

Mr. MCINNIS. At this point in time, reclaiming my time from the gentleman from Arizona, I should say the Forest Service, or the Department of Interior, or the Division of Wildlife in the State of Washington, none of these agencies were forthcoming in advising the United States Congress, more specifically the committees that have direct responsibility over these issues,

advising us that in fact false evidence had been planted in a very critical study and it altered or could have altered the results of that study. So that information was not provided. We dug that information out.

However, once the information was located or provided to us, then I can tell you the new head of the Department of Agriculture, Ann Veneman, the head of the National Forest Service and the Secretary of Interior have been very cooperative.

To the extent they have not yet given us those names, I am going to get those names and I am going to release them to the public. I think the public has a right to know the bad cop. In Los Angeles they put that name out real quickly, because they wanted people who dealt with this cop to know they had a bad cop. We need to know this here, too.

But to this point in time, they have been cooperative, the heads of the agencies. We have not, in my opinion, found that same form of cooperation at lower levels. In other words, we are finding a great deal of resistance obviously by the biologists themselves. They know they are in a lot of hot water and so on.

So, yes, we have had cooperation. We have a number of investigators in the field and we hope in our subcommittee hearing which is coming up to pull out further cooperation if it is not forthcoming.

Mr. HAYWORTH. I thank my friend for the time. I would simply say I look forward to joining my colleague from Colorado for those subcommittee hearings.

But I also think it is important for purposes of full disclosure to the American people, it is interesting, political scientists put a word on what my friend describes, where you may have a philosophical and cultural change at the top, but those at the different levels of bureaucracy are somewhat reluctant to help deal with these policy solutions or even feel that they are accountable for helping in that regard. The political scientists call it bureaucratic inertia.

Mr. Speaker, I would say to my colleagues today on the floor, let us take away that value-neutral title. Anyone who withholds information, as far as I am concerned, is complicit in a crime and part of a coverup, and it is the duty of our subcommittee and the full committee and this entire House in legitimate government oversight to work with my colleague from Colorado.

I would simply say, Mr. Speaker, to any employee who believes they have a higher calling than sound science or accountability to the taxpayers of this country and the citizens of this Nation and duly elected constitutional officers, they should go on notice: Their days are numbered and we will get to the bottom of this on behalf of all the American people, because the people have the right to know.

Mr. MCINNIS. I thank the gentleman from Arizona. I might point out to my

colleagues here, what we are talking about has implications for millions of people. When you close down a forest in the West, remember that in the West we have huge quantities of public lands. In the East you have very little public land. In fact, in many of your States your public lands are the lands where the county courthouse sits. Oh, we have the Shenandoah Park and the Florida Everglades, but for the most part in the East you have no public lands.

In the West we are totally and completely dependent upon public lands. All of our power, our highways, our lifestyle, our recreation, our farms, our ranches, our water, everything is fully dependent upon the Federal lands.

There are ways that you can shut us off. There are ways that you can shut down human existence in the West. One of them is through these endangered species. There has been a much higher priority given to endangered species, as you know, than human species on a number of occasions. In some cases I think there is some justification for that.

But under these circumstances, what has happened is if you found evidence of a lynx, and in fact that endangered species never existed in that particular area, or the habitat is not in existence, but because of planted evidence, because Federal employees lied, hundreds of thousands of people who depend on the public lands or thousands and thousands of people who have private lands that are impacted by the endangered species, and remember, endangered species regulations do not just apply to public lands, they apply to private lands, their lives could be affected in a very negative fashion, a loss of huge value of their holdings or their lifestyles or their work.

So the ramifications of planting this evidence are just as serious as if a cop came into the gentleman from Arizona's office and planted a bag of cocaine and then turned you in. You can imagine the public outcry for your resignation because they found cocaine in your office. The ramifications are huge. And it is same thing here. The ramifications of this false and planted information are devastating if deployed in the way that these biologists intended.

Mr. HAYWORTH. If my friend would yield, I want to thank him for putting the proper perspective on this, Mr. Speaker, because from time to time there are those who will portray any instance of wrongdoing as being somehow an issue decided because of the person's naivete or confusion and that there would be no harm.

My colleague from Colorado points out quite correctly that while public land is important in all of our 50 States, public land is such a fact of life west of the Mississippi, and particularly in the Southwest, where in my Congressional district, the Sixth Congressional District of Arizona, we have some counties that the land mass is 95

percent government-controlled. Indeed, one county, Gila County, Arizona, less than 3 percent of the land is private land.

And this is not some esoteric imagining. This is a reality for the people of the West who, time and again, have proven to be good stewards of the land, who, because of a unique circumstance in applying for statehood, had to confer to the Federal Government over half of their lands as a dowry, if you will, or as a condition for statehood.

It sets up a different dynamic than we see here on the eastern seaboard. It sets up a dynamic with which many Americans in major cities in the East or the Midwest may not be familiar, indeed, a dynamic that some in fact in western major cities may not be familiar with.

But this has a direct harm on American citizens, particularly in the rural West, and it is not a noble and misguided action.

Indeed, we see that in the newspapers today with the arrival of the American Taliban, John Walker Lindh, and the spin that somehow a young person meant well, but they were naive, ignoring the fact that young Americans younger than John Walker Lindh put on the uniform of this country to defend this country, and yet in the popular culture with the defeatist notions blaming America first, you get this incredible spin, and, quite frankly, this deviant public psychology that will explain away any and all crimes.

Mr. Speaker, my colleague from Colorado and I and other members of this subcommittee will get to the bottom of these crimes that have been committed against the American people. And, no, this was not a naive misjudgment deserving of counseling, any more than the actions of the so-called American Taliban are things to be excused. They are both crimes against this country. And how horrible it is that the perpetrators of this crime were ostensibly working on behalf of the American people and to this day are paid with the hard-earned tax money of the American citizens.

We will make it clear that sound science must be restored and a new sense of ethics must come to our pursuit of conservation and our preservation of our environment. In that way, people of good will, even though there may be disagreements on public policy, can at least work from sound scientific data, and in the public arena and in this Chamber and in the give and take of community control can come up with sound solutions, rather than having the misguided folks who believe the ends absolutely justify the means, who would even take criminal action to appeal to their misguided notion of what the greater good might be.

It has been said, Mr. Speaker, we are a nation of laws and not of men, but men must faithfully execute the laws of this country. And in their wisdom our founders gave this branch of government, the legislative branch, legiti-

mate oversight of those executive agencies who from time to time might forget their scope and mission, might engage in misfeasance and malfeasance.

With my colleague from Colorado at the helm our subcommittee, I have every confidence that we will get to the bottom of this, and it will make a difference on behalf of the American people. I yield back to my friend.

Mr. MCINNIS. I thank the gentleman from Arizona. The gentleman is correct. These biologists lied. There is no way around it. These were Federal employees who lied. They have admitted to their lie. They planted evidence.

The purpose for which they planted this evidence was to alter the National Lynx Survey. They wanted to alter it in such a way, in my opinion, that they wanted to show the existence of an endangered species in a forest, which in fact no previous evidence has been found that that possibly endangered species had habitat in that area. That is the whole intent.

Now, what they are saying today is they just wanted to test the laboratory. You can imagine, to my colleague from Arizona, if you put a gun in your belt and walked through the metal detector at the airport and then explain to the officers that captured you, I just wanted to test your metal detector, that is why I walked through with a gun. Or a cop who plants evidence who says I just wanted to test the laboratory, the crime lab, to see if they could find that I planted the evidence and not the poor suspect who could face years in prison, point number one.

□ 1530

The second point I would make with the gentleman is, the gentleman speaks of the national media. Can we imagine what the national media would be doing with this story if, in fact, the facts were reserved. If, in fact, somebody had gone in and actually taken a live lynx or taken evidence out of the forest so that it appeared that no endangered species existed in that area, to me, that would be completely intolerable. But it would be on the front page of, certainly, The New York Times and certainly The Washington Post and certainly the Miami Herald and all of the papers in Massachusetts and Connecticut.

This story is being brushed aside in some camps. It is our responsibility. I say to my colleague from the State of Arizona, under the subcommittee of which I am chair and of which the gentleman is an active member, it is our responsibility, regardless of the Robin Hood mystique that may be placed by some media outlets on these individuals, it is our responsibility to make it known that Federal biologists have a fiduciary responsibility, which has been violated through their lies, which they have admitted to, through their planting of evidence, which they have admitted to, and have them answer to the consequences of their actions.

I yield to the gentleman.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman. As we were hearing a recitation of different analogies and actual events, whether it be the Los Angeles cop gone bad, or a variety of other stories, I thought about the conduct of those who have come in this institution before; and when my colleague and I were still in private life, I can remember reading as an American citizen of the Abscam investigation and, indeed, a Member of this House, who was caught red-handed on videotape pocketing proceeds, ill-gotten gains, held a press conference and said, I was just conducting my own investigation. As absurd as that denial was then, it is equally absurd to have these bio-frauds claiming the same thing and, worse still, the management of the agency saying, well, you need some counseling. You can continue to work here in good standing, but you need some counseling.

No. What needs to happen is that the rule of law must be maintained and the sacred trust of those who would work on behalf of the taxpayers must be restored. I salute my colleague for taking the lead on this. I pledge to him and, Mr. Speaker, to this House, and to those I represent, that we will find out what has transpired and we will make the changes necessary.

Mr. MCINNIS. Mr. Speaker, I would point out to the gentleman, we have heard a lot of discussion about the Enron Corporation and a lot of attention has been paid to the Enron Corporation, and the shredding, not only at Enron, but Arthur Andersen, the shredding of evidence. They are there destroying evidence. In this particular case which, by the way, could impact hundreds of thousands of people, evidence was not shredded, it was created, falsely created and then planted as to affect the result of the study.

So I appreciate the gentleman. What I intend to do here is read for the RECORD, unless the gentleman has any further comments, I would like to read for the RECORD a letter issued by the chairman of the whole committee and myself as chairman of the Subcommittee on Forest and Forest Health, a letter sent to the Secretary of the Department of Agriculture and to the Secretary of the Interior.

"Dear Secretaries:

"We are alarmed and outraged by the findings of a recent Forest Service investigation regarding the lynx recovery survey, which concluded that hair samples from Canadian lynx had been illicitly "planted" on three known occasions by officials in the U.S. Forest Service, the U.S. Fish and Wildlife Service, and the Washington State Department of Fish and Wildlife. While we commend the Forest Service and the Fish and Wildlife Service for investigating the matter and bringing it to Congress's attention, we believe the investigation's findings raise other fundamental issues and questions that have not yet been satisfactorily answered. Notably, it calls into question

the very credibility and the integrity of broader lynx surveys. Given the extraordinary impact that the lynx recovery program will have on the management of national forests throughout the West and around the Nation, the Forest Service and the Fish and Wildlife Service should immediately resolve these outstanding issues.

"First, we believe that simply reassigning culpable individuals is a grossly inadequate punishment, given the magnitude of this offense. While the investigation may, in fact, be correct in concluding that these incidents do not rise to the level of criminality, a finding we reserve judgment on until we have the opportunity to thoroughly review the facts and the relevant laws, these offenses minimally amount to professional malfeasance of the highest order. Whatever the reason, these individuals appear and have admitted to knowingly and willfully planted false evidence that, if unexposed, would have had immense implications on any number of management decisions. Even if not criminal, again, an issue we reserve judgment on, this unethical behavior runs afoul of even the most lackadaisical standard of professional conduct. As such, we believe these individuals should be terminated immediately if their guilt is verifiable. We have every confidence that if a Federal employee buried or otherwise concealed legitimate evidence pointing to the existence of a lynx on a national forest, their termination would be swift and sure. This incident should be treated no differently. Federal land managers simply cannot be allowed to obstruct a process of this size and this consequence with relative impunity.

"Second, we believe the nature of these improprieties dictates an immediate and a thorough review of all of the data acquired during the course of the lynx survey. A December 13 Forest Service memo to Congress detailing this incident asserts that survey coordinators feel the integrity of the overall lynx sampling effort is being maintained. But the memo offers nothing to support those findings. Has the Forest Service attempted to independently verify the scientific authenticity of previously identified lynx samples found in other regions? Can the Forest Service and the Fish and Wildlife Service say with any level of certainty that any other lynx samples were not planted in a similar manner? If the answer to either of these questions is no, how can the Forest Service and Fish and Wildlife Service guarantee Congress and the public that the national lynx recovery effort is grounded in science rather than in the fraudulent behavior of some unscrupulous field officers.

"Ultimately, the credibility of the lynx survey is now hanging by a thread. The Forest Service and the Fish and Wildlife Service have an obligation to demonstrate the propriety of other samples before it uses the lynx survey to make sweeping land management decisions.

"As your internal audit of this situation moves forward, we intend to ask the General Accounting Office to conduct its own parallel probe of these incidents. In addition, at this time we are planning on holding oversight hearings before the Forests and Forest Health Subcommittee early next year," that is this year, "to ensure that this unfortunate occurrence is satisfactorily remedied."

The reason I read this into the RECORD is, one, I wanted the letter submitted for the RECORD, as the gentleman from Arizona mentions, but I also want to point out that this notes several of the points that the gentleman has brought up. The gentleman has stated, I think in explicit terms, exactly what the concern is we have here, and that is, we have to depend on credibility. We cannot risk having scientists who make these kinds of decisions planting the evidence. It is not right. It is a lie. It ought to face the consequences.

Mr. Speaker, I will include for the RECORD at this time the aforementioned letter.

DECEMBER 17, 2001.

ANN M. VENEMAN,
Secretary, Department Agriculture, Washington, DC.

GALE A. NORTON,
Secretary, Department of Interior, Washington, DC.

DEAR SECRETARY VENEMAN AND SECRETARY NORTON: We were alarmed and outraged by the findings of a recent Forest Service investigation regarding the lynx recovery survey, which concluded that hair samples from Canadian lynx had been illicitly "planted" on three known occasions by officials in the Forest Service, the U.S. Fish and Wildlife Service and the Washington State Department of Fish and Wildlife. While we commend the Forest Service and the Fish and Wildlife Service for investigating the matter and bringing it to Congress' attention, we believe the investigation's findings raise other elemental issues and questions that have not yet been satisfactorily answered. Notably, it calls into question the very credibility and integrity of the broader Canada lynx survey. Given the extraordinary impact that the lynx recovery program will have on the management of national forests throughout the West and around the nation, the Forest Service and the Fish and Wildlife Service should immediately resolve these outstanding matters.

First, we believe that simply reassigning culpable individuals is a grossly inadequate punishment given the magnitude of this offense. While the investigation may in fact be correct in concluding that these incidents do not rise to the level of criminality—a finding we reserve judgment on until we have the opportunity to more thoroughly review the facts and relevant laws—these offenses minimally amount to professional malfeasance of the highest order. Whatever the reason, these individuals appear to have knowingly and willfully planted false evidence that, if unexposed, would have had immense implications on any number of management decisions. Even if not criminal—again, an issue we reserve judgment on—this unethical behavior runs afoul of even the most lackadaisical standard of professional conduct. As such, we believe these individuals should be terminated immediately if their guilt is verifiable. We have every confidence that if a federal employee buried or otherwise con-

cealed legitimate evidence pointing to the existence of a lynx on a national forest, their termination would be swift and sure. This incident should be treated no differently. Federal land managers simply cannot be allowed to obstruct a process of this side and consequence with relative impunity.

Second, we believe the nature of these improprieties dictates an immediate and thorough review of all the data acquired during the course of the lynx survey. A December 13 Forest Service memo to Congress detailing this incident asserts that "survey coordinators feel the integrity of the overall lynx sampling effort is being maintained," but the memo offers nothing to support these "feelings." Has the Forest Service attempted to independently verify the scientific authenticity of previously identified lynx samples found in other Regions? Can the Forest Service and the Fish and Wildlife Service say with any level of certainty that other lynx samples were not "planted" in a similarly surreptitious manner? If the answer to either of these questions is no, how can the Forest Service and the Fish and Wildlife Service guarantee Congress and the public that the national lynx recovery effort is grounded in science, rather than in the fraudulent behavior of unscrupulous field officers.

Ultimately, the credibility of the lynx survey is now hanging by a thread. The Forest Service and the Fish and Wildlife Service have an obligation to demonstrate the propriety of other samples before it uses the lynx survey to make sweeping land management decisions.

As your internal audit of this situation moves forward, we intend to ask the General Accounting Office to conduct its own parallel probe of these incidents. In addition, at this time we are planning on holding oversight hearings before the Forests and Forest Health Subcommittee early next year to ensure that this unfortunate occurrence is satisfactorily remedied.

Sincerely,

SCOTT MCINNIS,
Chairman, Subcommittee on Forests and Forest Health, Committee on Resources.

JIM HANSEN,
Chairman, Committee on Resources.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISSA). The Chair would caution all persons in the gallery to refrain from all conversations. The acoustics in the chamber are such that these carry and make it impossible to hear those speaking. Would all persons in the gallery please refrain from further conversation.

Mr. MCINNIS. Mr. Speaker, I am going to move to another subject, but I will be happy to yield to the gentleman if he wants to conclude.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Colorado. I appreciate the encyclopedic nature of the letter to the Forest Service. I would just reiterate, it is a question of sound science; but even more basic than that, it is a question of trust. We will work at the subcommittee level, at the full committee level, and, indeed, in this House of Representatives to ensure that the American people can trust those who are in the service of this government to rely on sound

science and to understand their fiduciary role to the American people and to our public lands.

Mr. MCINNIS. Mr. Speaker, I appreciate the gentleman from Arizona. I would also say to the gentleman that there are a couple of other subjects here I intend to discuss, and I would invite the gentleman to participate as well, because I know the gentleman from Arizona has some very strong feelings.

First of all, let me tell my colleagues that in the last few days, I cannot believe what I have been reading, but I have been reading in world press and national press and even local press about some question of the treatment of our prisoners, the al Qaeda prisoners that we are now holding in Cuba. I cannot believe this. These are people whose entire cause is to destroy our society; and frankly, they did a pretty good job of it. Four or 5,000 people, they murdered them. That is what it was. In cold blood, regardless of their nationalities, regardless of their faith, regardless of whether they were military or nonmilitary; we all know what I am talking about on September 11. These people declared war against the United States of America.

And now, as prisoners in Cuba, I can assure my colleagues that, one, they have better clothing than they have ever had. They have all been provided with their religious book, the Koran, so that they can study that if they wish. They are being fed better than they were being fed in probably years. They are receiving better health care than they have ever received in their home countries that they came from.

This is how we treat our prisoners. We are giving these people treatment that I would say if it were in reverse, first of all, they said very clearly what they were going to do with American prisoners. At the very beginning, the leaders of the Taliban said that they looked forward to a fight with America because they wanted to capture some young American soldiers and they were going to skin them alive. Skin them alive and ship the corpses back to us. That is what they were going to do with their prisoners. Now, the International Red Cross, which plays holier than thou, which, by the way, ought to clean up their own books, in my opinion, thinks that they have some kind of overriding legal jurisdiction to condemn the United States in the treatment of these prisoners in Cuba.

These people are nasty people. Of course we do not allow them to sit down with their fellow prisoners and communicate. Of course we have them in handcuffs and shackles. Of course we put them in orange outfits so that if they were to escape, they are much more easily identified. Of course we do not put them in Nikes so that they cannot. It is like any other prisoners, we put them in sandals or, in some cases barefoot, so that if they were to attempt an escape, they cannot move very far.

I am astounded at the political spin that is being put on by some of these media outlets that somehow the United States has shirked its responsibility to these prisoners and to these detainees. As we know, they are not prisoners of war, because we know what the International Red Cross would like us to do, and that is to declare that these detainees in Cuba are declared prisoners of war. Because once they are declared prisoners of war under the Geneva Convention, all they have to tell us is their name, rank, and serial number or whatever identification. That is it. They do not have to tell us about any upcoming terrorist attacks. And as we can see now, with Johnny Walker, the gentleman who, well, excuse me, I mistakenly referred to Mr. Walker as a gentleman. He is a war criminal, in my opinion.

But the fact is, we now see some of the national media starting to put a spin, and some of the liberal organizations putting a spin on this that this Johnny Walker should have been advised in the battlefield, right after they killed that American CIA agent, that young man with a family, by the way, right after they killed him, that when they captured this Johnny Walker, they should have advised him that he had the right to see an attorney, that he needs to know anything he says could be used against him in a court of law. They wanted Miranda rights on the battlefield. That is where this political spin is going.

We have every right to question those detainees in Cuba to determine where the next terrorist attack is coming from. As the gentleman knows, just this morning it was revealed to the American people that one of the detainees has advised us that the embassy in Yemen has been targeted for an attack on the embassy, and they have now evacuated the embassy. We would not get that information if it were up to the International Red Cross. I am astounded by the behavior of the International Red Cross. I yield to the gentleman from Arizona to add to this.

Mr. HAYWORTH. Mr. Speaker, I appreciate the gentleman yielding, because we need to make comments on this, especially the notion that we would designate these illegal combatants, to whom we refer now as detainees, as prisoners of war. Understand an even more diabolical implication, if they were regarded as prisoners of war. That would mean eventual repatriation to their various nations. Our Commander in Chief stood at this podium in the well of this House, in the wake of the attacks of September 11 and made clear to us, this is a new kind of war.

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Yes, there are categories which we can recognize in terms of international law. There are illegal combatants involved in this war, as my colleague, the gentleman from Colorado (Mr. MCINNIS), pointed out, as was brought

home to us with crystal clarity on September 11. Law-abiding citizens going about their daily activities were wantonly and brutally attacked at the cost of at least 3,000 American lives in New York, civilian personnel. With the cost of combined military and civilian personnel in the hundreds here, within 5 miles of this location at the Pentagon.

For the left wing media, I should also note for fairness, I received an e-mail from a British couple. I jokingly call them my British cousins because they take an interest in our constitutional Republic, and they come to visit quite often. They e-mailed my office today saying, Congressman, do not believe the prattle of the leftist press and the British tabloids. John Bull, the British citizenry, is with you. And how sad it is that the whole notion of the media culture has turned from keeping a journal, a chronicle of events to a realm of advocacy where opinions, no matter how aberrant, no matter how ultimately harmful are entertained and given quarter as if they have intellectual integrity.

Let me say this, Mr. Speaker, to those who would champion the rights of the butchers who oppose this country, the detainees who have told their guards when they have a chance they will kill more Americans, the detainees who have attempted to bite and with whatever weapons they have, their own hands, their own guile, try to harm American citizens, let me ask those who would champion in misguided notion their rights as if they were American citizens, how do you explain it to the orphans of September 11?

I mentioned earlier an attack occurred in close proximity to this citadel of freedom, this Capitol dome, at the Pentagon on that same horrible date.

I have heard stories of elementary children who lost their fathers, who today are affected with conditions that will follow them the rest of their lives. And as our Secretary of Defense has pointed out, as my colleague from Colorado has pointed out, we are treating these detainees who have vowed death to America, we have treated them more humanely than they would ever consider treating us. They have given them balanced meals. We have taken care of hygienic needs, and yes we have even entitled them to worship and assembly, which in some free nations where Americans now find themselves, in terms of military personnel, their right to freely worship according to the dictates of their own conscience is prohibited. And let me make it very clear, Mr. Speaker, to that group of misguided miscreants so enveloped in a doctrine of defeatism that they once again would blame America first, do you not remember what transpired on September 11?

Let me put it in some perspective for you. For the first time in modern history, for the first time in 200 years, our Nation was attacked by a foreign power within the continental United

States resulting in the death of innocents in an act of war. And this new type of war does not need the culture of victimology or the plaintive plea, why do they hate us, or all the other pop psychology and social, pathological causation reasons that those in the parlors or in the opinion journals should state.

We have a right to civil defense. We have a right to national survival, and those who are enemies of this Nation will pay a price. And, if necessary, if public opinion in Europe goes so awry, if the culture has changed so greatly on behalf of some of our so-called allies, then, Mr. Speaker, I am absolutely certain the American Nation is willing to go it alone.

And to those who think that we are somehow to blame, perhaps they should pay a visit to some of the terrorist states, see what freedom of worship, what freedom of assembly, what freedom of speech they would enjoy in those environments and then report back to the United States if they survive.

Mr. MCINNIS. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I want to wrap this up very quickly by saying to the gentleman from Arizona (Mr. HAYWORTH), your points are very valid.

The United States will do it alone if it is necessary. But the reason the United States will not have to do it alone is because our friends and our neighbors and our acquaintances in Europe know that these acts of terrorism could be committed against them as well.

The International Red Cross is completely naive about the realities of what they are trying to do and the spin they are trying to put this thing on. I say I am gravely disappointed in the International Red Cross which, frankly, at times in the past has enjoyed a good reputation. The National Red Cross has had their reputation tarnished with their Victims Fund, as the gentleman from Arizona (Mr. HAYWORTH) knows. Now we have the International Red Cross trying to put on a spin.

I want to move quickly and I would be happy to yield the gentleman a few minutes. We have about 9 minutes remaining. I would like to talk about this upcoming session. I noted that the previous speaker spoke about bipartisanship on the education bill. I was proud of that.

We got a good bill out of here. We used bipartisanship. But there are some issues of which there are fundamental differences; and the fact that we cannot reach bipartisan support on some of these issues reflects the fundamental belief that some of us have. The fundamental belief of which I am speaking, which we are going to address here in the next few weeks, is the Democratic Party desire to raise taxes in this recession and the Republican desire to cut the taxes. Not raise taxes in this situation.

One of the leading speakers for the Democratic Party said just last week that the death tax, a tax which has no rational basis in our taxing system, the death tax was only put into our system to punish people who had been successful in our society, to punish the families, the Rockefellers and the Fords back around the turn of the last century; that is why this thing was placed into effect. Now, as you know, if you own a truck, a dump truck, a pickup and a bulldozer you are now in the death tax range. The leading Democratic spokesman said we should continue the death tax and we should immediately increase taxes by not allowing the people the tax cuts they have been promised in a recessionary period.

As the gentleman from Florida (Mr. FOLEY) said earlier on on this very House floor, he made the statement that President Kennedy, in the recession that President Kennedy faced, said this is not the time to raise taxes. This is time to put money in the pockets of consumers, the people that earn it. It is not our money. We take it from our citizens. We bring it here, and the citizens much more effectively spend that money.

This is a policy disagreement. Do not let people sugar coat it by telling you we ought to be bipartisan; we ought to agree to raise your taxes, America. Or maybe sugar coat it and not call it a tax raise. But really, we will not give you the tax reductions you deserved.

In other words, it is going to Safeway with a coupon that says you get 25 cents off Cheerios, and when you get there, Safeway says, well, we will not honor the coupon anymore. So we did not really raise the price of Cheerios by 25 cents, but we will not honor the coupon we just gave you. That is not what Safeway does. Safeway is a good store, but you get the point.

I will yield the balance of my time, which is probably about 4½ minutes or so, for the gentleman to make comments about this tax issue.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Colorado.

I know, Mr. Speaker, that I am honored to join my colleague not only in membership on the Committee on Resources but also on the Committee on Ways and Means, the committee with jurisdiction over the tax code, the committee that shepherded through the tax relief plan that our President asked for and the American people received earlier this year, and then worked hard, not once, but twice, to deliver an economic security package that, sadly, in the other Chamber has yet to see the light of day. And I appreciate my colleague commenting on it.

I think this is important, too, because it seems that some leaders on the other side, regardless of Chamber, have a problem not so much with the Republican Party but with members of their own party. We have heard of many Democrats joining with us in a bipartisan fashion regardless of their economic philosophy, whether they adhere

to the notion of John Maynard Keynes or whether they join us in the supply-side notion that at a time of economic downturn taxes must be reduced. Why? Because the economy needs to grow and people need more of their own money to save, spend, and invest. And the American people, Mr. Speaker, have gotten wise to the tired old argument that tax relief only benefits the rich.

Indeed, if you look more closely, the top 1 percent of income earners in the United States shoulder 36 percent of the tax burden. The top 5 percent take over 70 percent of the collective tax burden. The fact is, as our friend from Florida pointed out earlier today, as a Democratic chief executive, the late President Kennedy said, a rising tide lifts all boats.

Economic opportunity is important for all the American people. And so I am encouraged, Mr. Speaker, in the fact that the President of the United States has come and insisted on trying to change the tone in Washington. It resulted in a bipartisan education bill. Some people remain tone deaf when it comes to the question of taxation. But I take heart from the fact that those who have seen to oppose us and whose inaction lead unnecessarily, I believe, to holiday season of suffering, and how is this for irony? The very people who some on this Hill claim to champion suffered at their hands because of inaction on an economic security package brought to this floor not once, but twice, a compromise worked out with interests of the other party. And yet, hope springs eternal, and we will come back again.

But the American people understand, as my colleague, the gentleman from Colorado (Mr. MCINNIS), understands, as Members of both Houses, from both parties understand, the key to economic vitality is growth, and that growth is expressed by people having their own money to save, spend and invest, making their own decisions to fuel the economic engine so vital to not only our economic security but also to our national security.

Mr. Speaker, with that I yield back to my friend, the gentleman from Colorado.

Mr. MCINNIS. Mr. Speaker, I think it is important to note and repeat again, this is not the time to raise taxes. And I urge those members of the Democratic Party who are active in the party leadership structure to counsel those members of the party not to raise taxes. This hurts all American people in a recessionary period. This is not the time for the Democrats to raise taxes on the American people. We are in a recession. Those dollars need to stay in the pockets of our citizens.

REMEMBERING PAUL FANNIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.