

I want to conclude this evening, but I just wanted to point out again that that is why so many of us on the Democratic side have been up here over the last couple of weeks, and we are going to continue to do it, because we will have the budget come up next week, and we really do want to have a debate on the substance of Social Security and where we are going with it and not just having this certificate that is going to be out there and giving people this idea that everything is fine, when it is not. So we are going to continue to be here.

I just want to thank my colleague, the gentleman from Arkansas, and point out that as Democrats, we do think this is a very important issue that needs to be openly debated; and we are going to be here every night, if necessary, to make the point over the next few weeks.

#### ENDANGERED SPECIES ACT CAUSING SEVERE NEGATIVE IMPACTS ON ECONOMY

The SPEAKER pro tempore (Mr. WILSON of South Carolina). Under the Speaker's announced policy of January 3, 2001, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 60 minutes.

Mr. OSBORNE. Mr. Speaker, I represent a very large rural area in Nebraska. Actually, 97 percent of the district is privately owned. From about this area here on west is the third district, which I represent.

Currently, landowners are very concerned about property rights; and they are especially concerned about the Endangered Species Act, because this can be very intrusive and very threatening to landowners. Among those I represent, three events have contributed to this loss of confidence, and I will mention each one individually.

The first is the Klamath Basin situation that happened in Oregon this past year. As many people understand and realize, Fish and Wildlife shut off the irrigation water that served 1,400 farms in the Klamath Basin. They did so rather abruptly. The crops had already been planted, and this was done to protect the short-nosed sucker which lived in Klamath Lake and which is listed as endangered and also to help the coho salmon population in the river below in Klamath River. So the farmers lost their crops; some lost their farms. Land values declined from \$2,500 per acre to \$35 per acre, and Oregon State University estimates the loss of water cost the economy roughly \$134 million in that area.

So naturally, landowners across the country, landowners in Nebraska were aware of this; and they are concerned about how far-reaching and how invasive the Endangered Species Act can become.

Recently, the National Academy of Science performed an independent review of the Klamath River Basin situation. Listen to what they found: they ruled that there was insufficient data

to justify the decision to shut off the irrigation water. They said that cutting off water was not necessary to save the short-nosed sucker in Klamath Lake. Factors other than low water levels were endangering the sucker, so it was not the low water level at all. Also, actually, they found that larger releases in the Klamath River did not help the coho salmon but actually may have, in some ways, endangered them further.

So the whole situation in Klamath River has been called into serious question, and it would appear that all of the economic and financial damage that was done was all for naught; and in most cases, it would appear that it was something that should not have happened at all.

Secondly, there was a congressional hearing last week that I participated in in the Committee on Resources, and they had members of the Fish and Wildlife Service and the Forest Service; and these officials were asked to testify because seven employees of these agencies and also employees of a Washington State agency falsely planted Canadian lynx hair in Washington and Oregon.

□ 2045

This was an obvious effort to falsify data and to show that the Canadian lynx had an expanded and much larger range than what was believed. This would also have enhanced and enlarged their critical habitat for the Canadian lynx.

According to testimony, others within the government agencies were aware of the planted lynx hair and did not report it. This was a rather bizarre and unusual thing, because we would think that these employees would be in significant difficulty for having falsified the data. In many cases, we would have thought they would have been terminated. But actually, what they received as punishment was a verbal reprimand, verbal counseling, I guess is the way they put it, and most of these employees received their year-end bonuses, so it did not seem that the agency took any significant action. I guess that leaves many of us who are concerned about the Endangered Species Act to have some pause about what has been going on here.

The third instance that I would like to discuss, that I think is particularly important and more relevant to the State of Nebraska, where I live, is that in 1978, 56 miles of the Central Platte River was declared critical habitat for the whooping crane. This area is designated by the red line here that goes from Lexington, Nebraska, down to Grand Island. That is 56 miles. It was assumed that that stretch of river is critical for the survival of the whooping crane.

At one time, there were less than 50 whooping cranes in existence, so it was certainly endangered, no one questions that. Currently, the population of whooping cranes is at 175, but they are still definitely endangered.

In 1994, Fish and Wildlife proposed end-stream flows in the Platte River to preserve the whooping crane. They wanted to manage the amount of water going down the river, which would supposedly enable the whooping crane to have a better chance to survive.

They proposed that 2,400 cubic feet per second for 6 weeks during the spring would go down the river. This is a lot of water to go down the river, and that is water that could be stored here in Lake McConaughy later on for irrigation, but it is water that was used or is proposed to be used strictly for the whooping crane and for their habitat.

The flows in the river are recommended to be 1,200 cubic feet per second in the summer, and then they would, like on wet weather years, occasionally they want "pulse" flows of 12,000 to 16,000 cubic feet per second, and those flows would have to persist for at least 5 days in duration during the months of May and June.

When you have 12,000 or 16,000 cubic feet per second, you are talking about flood or near-flood stages. We have some lowland flooding along the Platte, some crop ground that is certainly damaged; and the big problem is that if we have a rain or extra water coming in here in the South Platte, we have an all-out catastrophe, or at least the potential for it.

So this is where the controversy begins, because obviously the 2,400 cubic feet per second down the river, and that being lost to crops and to uses that municipalities and farmers can use along the river, has not gone down real well. Of course, the "pulse" flows have caused even greater consternation.

One of the things about the "pulse" flows is that they also scour the river bed. They remove sediment and deepen the channel. As far as the cranes are concerned, this is not something that is desirable.

So in order to accomplish these end-stream flows, there was a cooperative agreement that was formed between Colorado and Wyoming and Nebraska, those three States, and, of course, Colorado is here, Wyoming is here, and Nebraska is here, to serve that 56 miles of river.

Now, Nebraska's contribution to the cooperative agreement is 100,000 acre-feet of water stored in Lake McConaughy, this lake right here, and that is roughly one-ninth to one-tenth of the whole capacity of the lake. That lake is to be stored for an environmental account, to be released at any time that it is assumed that the whooping cranes might need that water.

Also, there are no new depletions in this area of the Platte Valley after 1997. What that means is that if you had an irrigation well and you drilled that well in 1998, you had to shut down another well so there was no net depletion of water. Or if you were a municipality and you needed more water from the Platte River, then you had in some

way to mitigate that and to shut down or reduce water use in another area. So since 1997, supposedly there are no new depletions in the river area.

In addition, there were 10,000 acres of critical habitat that was designated and set aside for the whooping crane.

Then this is probably the most bizarre issue of all. In order to replace the sediment that was taken out of the Platte by the "pulse" flows, it was recommended that there be 100 dump trucks of sediment hauled in and dumped in the Platte River every day for as long as possibly 100 years. That was so ludicrous that eventually Fish and Wildlife has backed off of that. Now all they are talking about is bulldozing or moving islands that are located in or near the river into the river, so this idea of replacing sediment has been a major issue.

Wyoming's contribution to the cooperative agreement is 34,000 acre-feet of water from Pathfinder Dam. Colorado's contribution is 10,000 acre-feet of water through the Tamarack plan. So, in total, phase one, the first 10 years, the amount dedicated to providing habitat for the whooping crane is 140,000 acre-feet of water per year. That is a lot of water going down the Platte River that could be used for a lot of different other issues that would certainly have a tremendous impact on the economy. Also, 10,000 acres, as we mentioned, has been set aside for the environmental aspects, and then the sediment replacement that we talked about.

Now, that is just phase 1. Eventually what the plan is, is to have 29,000 acres of habitat set aside and 417,000 acre-feet of water annually going down the river for environmental purposes. Now, that is increasing the 140,000 by roughly threefold, and no one knows quite where we can come up with that amount of water. That is an astronomical amount in the West, which generally tends to be rather dry.

The cost of the cooperative agreement, to date, is \$5.5 million. That is just to begin to formulate the plan. The estimated total cost of the cooperative agreement is \$160 million. That does not say anything about what it costs to move sediment into the river. That does not say anything about what it costs to have the no new depletions allotment, or what the costs to irrigators, farmers, and ranchers along the river would be in terms of lost water. The \$160 million would be just a fraction of the total cost.

So the cooperative agreement has been time-consuming, it has been expensive, it has been burdensome to landowners, and most importantly, and this is the critical issue, the whole cooperative agreement idea seems to be based on a false premise. That premise is that the 56-mile stretch of the Middle Platte is critical for the existence of the whooping crane. In other words, this stretch of river right here is necessary and it has to be managed in the way that the cooperative agreement has specified in order for the whooping crane to survive.

There was a watershed program director who worked for the Whooping Crane Trust, which is an environmental group, it is not a group of farmers or ranchers or anyone who is against wildlife. This person worked for the Whooping Crane Trust. He worked for them for 17 years. He wrote a document filed on March 22 of the year 2000. This letter was sent to Fish and Wildlife.

It reads as follows: "From 1970 through 1998," that is 28 years, "38 percent of the years exhibited no confirmed whooping crane sightings along the Platte River. On average, less than 1 percent of the population of whooping cranes was confirmed in the Platte Valley during that same time frame." This is not just in the river, but in the whole valley.

What he was saying was that 11 out of 29 years, there were no sightings of whooping cranes on the Platte River, and yet we are assuming that this stretch of river right here is critical for their survival. There was an average of between one and two sightings per year over that 29-year period.

Now, obviously, if you have 175 whooping cranes and that is critical habitat, we are going to see more than one or two in a year, and we are not going to go 11 or 12 years without seeing any.

He goes on to say this: "During the 1981-1984 radio tracking study of whooping cranes," and in other words, they put an electronic collar on the cranes, "18 whoopers were tracked on three southbound and two northbound migrations." So this took place over a 2½-year time frame.

He said, "Of those 18 whoopers, none of them used the Platte River." None of those that were tracked electronically were even in the Platte River or in that region. So the author of the report goes on to say this: "I wonder if the Platte River would even be considered if the Fish and Wildlife Service was charged with designating critical habitat today. Whooping crane experts that I have visited with would be hard-pressed to consider the Platte River, given our current state of knowledge, certainly, none would be willing to state on a witness stand that the continued existence of the species would be in jeopardy if the Platte River were to disappear."

So this was his conclusion, and this was the result of years of study. Yet, we have this very elaborate plan that has been concocted in order to preserve that piece of river when apparently it really does not serve the whooping crane to any great degree at all.

Further, and this is important as well, this week Fish and Wildlife is expected to declare 450 miles of the Platte and Loup and Niobrara rivers as critical habitat for the piping plover, so we are switching now from the whooping crane to the piping plover. Now, this is the Niobrara River here, and almost all of that river in its entirety is expected to be declared crit-

ical habitat. This is the north Loup, the middle Loup, and the south Loup. Again, that is going to be designated as critical habitat.

Now, the stretch of the Platte River extends from Cozad, right here, 80 miles to Chapman, right here. So it is approximately the same range as the whooping crane designation, but just a little bit further. So 97 percent of these river designations flow through Nebraska private lands. In other States where the piping plover is going to have critical habitat, such as Minnesota, North Dakota, South Dakota, Montana, roughly 97 to, in some cases, 100 percent of the habitat is strictly on public lands, so Nebraska is really hard hit as far as private lands.

Let us stick with the Middle Platte, because this is the area that has been studied the most. This is the area that we have the most data on. Again, let us refer to the document presented by the watershed program director. This is what he said about critical habitat for the piping plover.

"The Central Platte River does not offer any naturally occurring nesting habitat for these species, as amply demonstrated by the fact that no tern or plover chicks were known to fledge on any natural river sandbar during the entire decade of the 1990s." So what he is saying is that he and his colleagues studied this stretch of river right here, and during the 1990s, they found no reproduction of the piping plover or the least tern, which is also endangered, on that whole stretch of river. Yet, that is going to be designated as critical habitat for those birds.

The problem with this situation is that these birds nest near the water level, so if you have water at this level, the nest is going to be just a few inches above the water. Of course, the letter goes on to say this: "A 50-to-60-day window of flows less than about 1,500 cubic feet per second during late May through mid-July is necessary to allow for nesting and subsequent fledging. This did not happen in the 1990s. Nests and/or young were flooded out."

So during that period of time, 50 to 60 days, the better part of 2 months, in June and July, the water level must stay constant. It must stay very low, because once the birds build their nests, any surge of water is going to wipe out the nest. So during the decade of the 1990s, that is what happened every year. Every time there was any nest that was built, they were wiped out. Yet, this is where the critical habitat is going to be designated.

So flows are regulated from releases from Lake McConaughy. This is the major problem here, too. Here is Lake McConaughy. This is what controls 100,000 acre-feet of water that can be sent down the river at key times.

Now, the problem is that it is 100 miles from Lake McConaughy to Cozad or Lexington. It takes 5 days for the water from Lake McConaughy to reach this area. So if we think we have the

flow controlled, and then all of a sudden you have an inch or 2-inch rain or half-inch, or have a rain in Colorado which comes down the South Platte River, which is not regulated by the dam, all of a sudden you have a surge in the water flow, and for 10 years there was no way to assure that there would be 1,500-acre cubic feet per second or less in the river, and hence, we lost the fledging that was supposed to occur.

□ 2100

So it is ironic that Fish and Wildlife chose to designate critical habitat in rivers which obviously has not worked and has ignored sand pits and lake shores which do work. Now all along the Platte River there are sand pits and small lakes and the only fledging, the only nesting that has been successful for the piping plover and the lease tern over the past 10 years or even 15 years has been on these sand pits, and yet none of these sand pits were designated as critical habitat by Fish and Wildlife, which is really hard to understand.

Sand pits or dredge islands are the only places where young have fledged in recent years, and so it would seem that attempting to create a river environment which promotes nesting by the piping plover and lease tern may actually harm the species. Again, we refer to the report and the author says this: "This begs the question as to whether it is in the best interests of this species' long-term well-being to attract them to an area where they are likely to be flooded or eaten by predators."

So what he is saying, in some cases, they have taken bulldozers, they have knocked down trees, they have tried to create artificial sand bars which would attract the piping plover and the lease tern to nest in the river; and when they have done that, invariably those nests have been wiped out by high water that comes surging down the river.

So in a sense, it has worked against the species to attract them to nest in an area where nesting is not going to be successful. It would be much better off if they were nesting in sand pits, small lakes where that is not going to happen to them.

It would seem that the critical habitat designation for the whooping crane in the first instance and the piping plover are inaccurate designations. The data simply does not support the designation. Therefore, I have requested the Secretary of the Interior provide an independent peer review through the National Academy of Sciences or some equivalent agency to review the listing of this habitat on the Platte River. I talked to Secretary Norton. I know that she is dedicated to making decisions based on accurate data, and we are very hopeful that her agency will see to it that there is a further independent peer review.

This did happen on the Klamath Basin. Unfortunately, it happened too

late for the farmers. It was done after the fact. In this case we want to have it done before the fact, before the list, before things get out of hand; and we think that is very important.

Mr. Speaker, it is important to those listening that they do not assume that I am against endangered species. Quite often people from agriculture areas are assumed to be automatically against wildlife, against endangered species; and that is absolutely not the case. However, I do oppose the Endangered Species Act as it is now interpreted and administered.

Sometimes the Endangered Species Act may actually harm the species. We have already given an example or two. For instance, the National Academy of Sciences study indicates that higher flows from Klamath Lake actually in some cases harm the coho salmon. My colleagues say how does that occur, and what happened was Klamath Lake is relatively shallow; and so when they kept water in Klamath Lake, instead of running some of that water down irrigation canals, they sent it all down the river. The water was warmer in Klamath River than it was normally because there are springs in the bottom of the river, and so as a result they warmed up the water in Klamath River, which was actually endangering and harming to the coho salmon. So sometimes there are unintended consequences, and sometimes the Endangered Species Act does not work in ways that it was designed to work.

Actually, we have also mentioned that alterations in the Central Platte often entice the nesting of plovers and terns, and we have talked about that, dragging them into sand bars where they get washed out.

Then lastly, let us consider one other instance where the Endangered Species Act probably is not serving a species very well, and that would be the area of prairie dogs.

Fish and Wildlife and others have viewed as a baseline the journals of Lewis and Clark back around 1800 to determine where the natural habitat for prairie dogs was. As many people know, Lewis and Clark went up the Missouri River, went on up into South Dakota, on over here into Montana, and so they journaled and they mentioned wildlife. They mentioned prairie dogs; but as most anyone can see, in the State of Nebraska very little of Nebraska except along the Missouri River was ever covered by Lewis and Clark. So how can we say what the natural range of prairie dogs was when we go back to a document that is more than 200 years old?

Anyway, we are certainly in the middle of a controversy in Nebraska, in Montana and South Dakota, North Dakota, Wyoming, other Western States regarding the prairie dog. The prairie dog right now is considered to be threatened, but it is not listed. What that means essentially is that apparently Fish and Wildlife feels that it is endangered, but they have not gotten

around to listing it; and many of us are hoping that they will reconsider before they do list it.

The thing to remember is that landowners will often tolerate prairie dogs as long as they can be managed. So if someone has got a ranch of 12,000 acres and they know they have got a prairie dog town down in one corner of their ranch and maybe another one up in this corner and they are certainly not out of control and they are not damaging a whole lot of pasture land, they are probably going to live and let live with those prairie dogs. But if on the other hand they realize that Fish and Wildlife is about to list the prairie dog as an endangered species and they can no longer touch those prairie dogs and they know very well that if they start moving and if they expand they can absolutely ruin a pasture, they could ruin half their land, they could ruin it all, and so what are they going to do? Are they going to let those prairie dog colonies survive, or are they going to make sure there are no endangered species on their property when the listing actually occurs?

I would say right now that that is happening to some degree with the prairie dogs. So the Endangered Species Act at this point is probably not serving the prairie dog to any great degree. Matter of fact, it may be harming it.

I think it is important that we understand that landowners are not people who are out to get the species. We have seen three examples of areas where the Endangered Species Act has not served landowners or wildlife well, the Klamath Basin crisis, the Canadian lynx falsified data, and then the critical habitat designation for the whooping crane, the piping plover and the Central Platte of Nebraska.

Generally speaking, the person that is closest to the species is the landowner, and I think that is something that people need to realize. There are a lot of environmental groups around the country, and they are very interested in species; and they care a lot about wildlife, but they are not right there with them every day like the landowner is.

Most landowners that I have known like wildlife. They certainly do not want to harm an endangered species, and so I have seen cases where Fish and Wildlife representatives have worked very well with landowners. I saw one in the central part of Nebraska where this person incorporated 15 or 20 farmers, and together they were able to create wetlands and habitat that was really outstanding for water fowl. So there is a cooperative effort, and usually landowners will respond to that type of approach.

On the other hand, I have seen Fish and Wildlife become rather arbitrary. They have used the Endangered Species Act as a club; and as a result, when forced to choose between a species and one's livelihood, the landowner usually is going to choose his livelihood. So I

think it is important that we understand that the Endangered Species Act in some ways can be an effective tool, but it has got to be used differently. It is not being used very effectively at the present time. I think it needs to be modified. The Endangered Species Act often unnecessarily forces the landowner to make this choice; and when this happens, everyone loses.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today and the balance of the week on account of business in the district.

Ms. ESHOO (at the request of Mr. GEPHARDT) for today and the balance of the week on account of medical reasons.

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. ORTIZ (at the request of Mr. GEPHARDT) for today on account of Texas primary election.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. REYES) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. FLAKE) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, March 13.

Mr. OSE, for 5 minutes, today.

#### BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on March 8, 2002 he presented to the President of the United States, for his approval, the following bill.

H.R. 3090. To provide tax incentives for economic recovery.

#### ADJOURNMENT

Mr. OSBORNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 13, 2002, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5840. A letter from the Chairman, Council of the District of Columbia, transmitting a

copy of D.C. ACT 14-297, "Advisory Neighborhood Commissions Boundaries Act of 2002" received March 12, 2002, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5841. A letter from the Chairman, Federal Election Commission, transmitting the report in compliance with the Federal Managers Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5842. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the Calendar Year 2001, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

5843. A letter from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting notice on leasing systems for the Eastern Gulf of Mexico, Sale 181, scheduled to be held on December 5, 2001, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Resources.

5844. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; St. Mary's Hospital Heliport, MD [Airspace Docket No. 01-AEA-21FR] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5845. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Upper Mississippi River, Mile Marker 507.3 to 506.3, Left Descending Bank, Cordova, Illinois [COTP St Louis-02-003] (RIN: 2115-AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5846. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, MD [CGD05-01-071] (RIN: 2115-AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5847. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Operation Native Atlas 2002, Waters adjacent to Camp Pendleton, California [COTP San Diego 02-001] (RIN: 2115-AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5848. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; San Francisco Bay, San Francisco, CA [COTP San Francisco Bay 01-012] (RIN: 2115-AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5849. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Liquefied Natural Gas Tanker Transits and Operations in Cook Inlet, Alaska [COTP Western Alaska 02-004] (RIN: 2115-AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5850. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Easton Memorial Hospital Heliport, MD [Airspace Docket No. 01-AEA-22FR] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Com-

mittee on Transportation and Infrastructure.

5851. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Hoover Dam, Davis Dam, and Glen Canyon Dam [COTP San Diego 01-021] (RIN: 2115-AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5852. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30293; Amdt. No. 2091] received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5853. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30296; Amdt. No. 2094] received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5854. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kayenta, AZ [Airspace Docket No. 01-AWP-26] received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5855. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kayenta, AZ [Airspace Docket No. 01-AWP-26] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5856. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Titusville, NASA Shuttle Landing Facility, FL [Airspace Docket No. 01-ASO-12] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5857. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E5 Airspace; Wauchula, FL [Airspace Docket No. 01-ASO-17] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5858. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E5 Airspace; Union, SC [Airspace Docket No. 01-ASO-14] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5859. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kenmare, ND [Airspace Docket No. 00-AGL-26] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5860. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Warren, MN [Airspace Docket No. 00-AGL-27] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5861. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Surface Area at