

were the only terms I insisted on. We met several times to discuss each of the matters. But for whatever reason, he felt he could not accept these terms, which appear now to be trifling when compared with the court's punishment.

Third, I recognize that Mr. McDERMOTT has every right to appeal the court's judgment and I would not suggest that appeal would be improper. But when the court's order for payment is final, he should pay it in full and at once. It's worth noting that this entire matter started with an ethics charge against the former Speaker, Newt Gingrich, which was resolved by fining him \$300,000. To end that matter once and for all—both for himself and the House—Speaker Gingrich paid the fine in full. The House deserves the same kind of finality here.

[From the Seattle Times]

McDERMOTT GETS \$600,000 TAB IN LEAK OF ILLEGAL PHONE TAPE

(By Alex Fryer)

A federal judge in Washington, D.C., has ordered Congressman Jim McDermott to pay \$60,000 plus attorney fees that could total more than \$545,000 to a Republican congressman who sued McDermott for leaking his cellphone conversations to news reporters.

In a harshly worded decision received by attorneys this week, U.S. District Court Judge Thomas Hogan said McDermott's "willful and knowing misconduct rises to the level of malice in this case."

It is unclear how McDermott, a Seattle Democrat, will pay for the award if he decides not to appeal it further. He turned down an offer to settle the case for \$10,000 last summer.

McDermott's lawyers were reviewing the court's decision, said his press secretary, Mike DeCesare.

A popular liberal lawmaker in a safe Democratic district, McDermott is expected to win re-election easily and has only \$45,000 in his campaign account.

McDermott's legal-defense fund, formed in the late 1990s to fight the lawsuit, has about \$10, according to his office.

Rep. John Boehner, R-Ohio, filed a civil suit against McDermott in 1998. The case began with Boehner's cellphone conversation in the parking lot of a Waffle House restaurant in northern Florida.

During a conference call with Republican leaders, Boehner talked about the pending Ethics Committee probe of then-House Speaker Newt Gingrich over the way Gingrich funded a college course he taught via satellite through a tax-deductible political-action committee.

A Florida couple intercepted and taped the call and gave it to McDermott on Jan. 8, 1997.

At the time, McDermott was the highest-ranking Democrat on the Ethics Committee, which handles complaints against members of Congress.

McDermott then leaked the tape to The New York Times and Atlanta Journal-Constitution. The New York Times published a front-page story Jan. 10, 1997, with the headline: "Gingrich is Heard Urging Tactics in Ethics Case."

Three days later, McDermott resigned from the Ethics Committee after the Florida couple identified him as the recipient of the tape.

Gingrich later was fined \$300,000 and reprimanded by the House. He resigned his seat in November 1998.

The couple who gave the tape to McDermott later pleaded guilty to unlawfully intercepting the call and were fined

\$500 each. The Justice Department has never pressed charges against McDermott.

Boehner sued McDermott, charging the eight-term lawmaker violated state and federal wiretapping laws.

McDermott won the first legal round when a federal judge ruled his actions were protected by the First Amendment. The case went up to the U.S. Supreme Court, which bounced it back down to lower courts.

In August, Judge Hogan determined McDermott "participated in an illegal transaction" when he accepted the tape from the Florida couple, and his actions weren't protected by the First Amendment.

Prior to the August ruling, Boehner said he was approached by a lawmaker on McDermott's behalf to broker a settlement.

In an interview during the Republican National Convention last August, Boehner said he set three conditions for McDermott: a \$10,000 donation to charity, an admission of guilt, and a letter of apology to the Speaker of House. Discussions broke down, and Hogan submitted his decision Oct. 22.

"The Court finds that (McDermott's) conduct was malicious in that he intentionally disclosed the tape to the national media in an attempt to politically harm the participants through an invasion of their privacy," Hogan wrote.

"(McDermott's) argument that he was acting in the public interest by exposing official misconduct is unsupported by the evidence."

Boehner's office said a settlement now was out of the question.

"This is full vindication of our view in this case," said Boehner's chief of staff, Mike Sommers. "We're looking forward to getting this case behind us."

Sommers said Boehner spent about \$545,000 in legal fees, paid from his campaign accounts.

"It's all been referred to legal council," said DeCesare, McDermott's press secretary. "It's a legal decision, and it needs to be analyzed."

McDermott's legal-defense account has paid about \$350,000 in attorney's fees since the case began, and now owes \$21,600 in legal bills, DeCesare said.

Asked if McDermott would embark on a fund-raising campaign to pay the legal bills, DeCesare replied: "The only next step is to let the legal team review the judge's decision and make a recommendation. It doesn't make sense to speculate on anything else."

PAYING TRIBUTE TO JIM AND DEE PRELESNIK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to Jim and Dee Prelesnik, two patriotic Americans from Pueblo, Colorado. The couple are ardent supporters of our troops, and country, and I would like to join my colleagues here today in recognizing their tremendous display of patriotism before this body of Congress and this Nation.

After September 11, 2001, the American people rallied to support their fellow citizens by hanging American flags outside their homes and on their vehicles, writing letters to the troops, and wearing red, white and blue. While driving through Pueblo, I noticed one house in particular: The house of Jim and Dee Prelesnik. I was awed by their impressive display of flags and was at once struck by their

unwavering patriotism and support of our troops.

Mr. Speaker, it is a privilege to recognize Jim and Dee for their exemplary display of love of country. They stood with their heads held high in one of our nation's darkest hours, and support our troops at home and abroad. It is with great pleasure that I recognize them today before this body of Congress and this Nation. Thank you both. I will always remember your displays and words of support and optimism.

PERSONAL EXPLANATION

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mrs. MCCARTHY of New York. Mr. Speaker, I missed rollcall vote No. 536 due to surgery. Rollcall vote 536 was on final passage of S. 2986, raising the federal debt limit.

Had I been present I would have voted "no" on rollcall vote 536.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE FOR H.R. 3283

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. POMBO. Mr. Speaker, I request that the attached cost estimate for H.R. 3283, the Federal Lands Recreation Enhancement Act, be submitted for the RECORD.

CONGRESSIONAL BUDGET OFFICE,
U.S. Congress,
Washington, DC, November 19, 2004.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3283, the Federal Lands Recreation Enhancement Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

H.R. 3283—Federal Lands Recreational Enhancement Act

Summary: CBO estimates that enacting H.R. 3283 would increase direct spending by about \$700 million over the 2006-2014 period. The bill would establish a new recreation fee program for the U.S. Forest Service and for land management agencies of the Department of the Interior. It would authorize the National Park Service (NPS) to establish, charge, and modify admission fees at units of the National Park System. The bill also would authorize other agencies—such as the Forest Service, the Bureau of Land Management (BLM), and the U.S. Fish and Wildlife Service (USFWS)—to establish similar charges called standard amenity fees at certain sites under their jurisdictions. For all agencies, the use of specialized facilities or services (such as developed campgrounds or boat launches) would be covered by expanded amenity fees. In addition, the bill would authorize interagency annual passes, which would replace current passes such as Golden

Eagles and National Park Passports. Finally, H.R. 3283 would authorize all of the above agencies to retain and spend all offsetting receipts collected under the new fee program without further appropriation.

CBO estimates that NPS and other federal agencies would collect a total of \$2.1 billion over the 2006–2014 period under H.R. 3283, or about \$800 million more than we expect those agencies to collect under existing recreation fee authorities. We estimate that the agen-

cies would spend about the same amount (i.e., around \$2.1 billion) over that period, or about \$1.5 billion more than they would be allowed to spend under existing law. (Under such law, beginning in January 2006, agencies generally may spend a much smaller percentage of fee collections than under H.R. 3283.) Thus, the net budgetary impact of enacting this legislation would be an increase in direct spending of about \$700 million over the 2006–2014 period.

This legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated net budgetary impact of H.R. 3283 is summarized in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars									
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
CHANGES IN DIRECT SPENDING										
Recreation Fee Program:										
Change in Offsetting Receipts:										
Estimated Budget Authority	0	-66	-85	-87	-88	-90	-92	-94	-96	-98
Estimated Outlays	0	-66	-85	-87	-88	-90	-92	-94	-96	-98
Change in Spending:										
Estimated Budget Authority	0	140	176	181	182	186	190	194	198	202
Estimated Outlays	0	55	123	162	178	184	188	191	195	198
Net Change in Direct Spending:										
Estimated Budget Authority	0	74	91	94	94	96	98	100	102	104
Estimated Outlays	0	-11	38	75	90	94	96	97	99	100

Basis of Estimate: For this estimate, CBO assumes that the recreation fee program established by H.R. 3283 will be implemented during fiscal year 2005 and that the fees adopted by the affected agencies will sum to about the same level of offsetting receipts currently collected under the recreation fee demonstration program. This estimate is based on information provided by NPS (which collects and spends the vast majority of recreation fees), the Forest Service, the USFWS, the Bureau of Reclamation, and BLM.

Recreation Fees and Spending Under Current Law

Historically, the collection and spending of recreation fees by most federal agencies has been governed by the Land and Water Conservation Fund Act. That act authorizes these agencies to collect fees for use of, and in some cases entrance to, federal lands that have significant recreational resources, subject to rate caps and other limitations. It also allows most of the agencies to spend up to 15 percent of annual fee collections without further appropriation to offset the costs of collecting the fees. The remaining 85 percent of fee receipts are available only if subsequently appropriated.

In 1996, the Congress established a temporary recreation fee demonstration program authorizing the NPS and other federal land management agencies to charge higher fees at more sites than would otherwise be permitted under the LWCF. Generally, under the demonstration program, the agencies may also spend without further appropriation 100 percent of all offsetting receipts collected at recreation sites. That spending authority applies for most agencies both to the additional receipts collected under the demonstration program and to the receipts that would have been collected under the more limited LWCF fee authority. As a result, the demonstration program brings in an extra \$80 million a year but results in higher spending authority of about \$170 million a year.

Under current law, the demonstration program will expire at the end of calendar year 2005, and recreation receipts for most agencies will fall to their pre-1996 levels. Spending authority will also fall—to 85 percent of receipts (except for transportation fees, National Park Passports, USFWS entrance fees, all of which will continue to be available under other statutes such as the National Parks Omnibus Management Act of 1998). Thus, while total receipts from recreation fees are expected to decrease from about \$220 million to about \$140 million a year, direct spending authority will be reduced by much

more—from about \$220 million to an estimated \$45 million.

Recreation Fees and Spending Under H.R. 3283

H.R. 3283 would effectively authorize the continuation of the fees and spending allowed by the recreation fee demonstration program through 2014. Thus, the bill would have two budgetary effects. First, allowing the agencies to maintain fees charged under the demonstration program would increase offsetting receipts by a total of \$800 million through 2014. Second, allowing all offsetting receipts from recreation fees to be spent without further appropriation would increase direct spending by \$1.5 billion over the same time period. The net impact on the federal budget would be an increase in direct spending of about \$700 million over the next nine years (after 2005).

Intergovernmental and private-sector impact: H.R. 3283 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On March 22, 2004, CBO transmitted a cost estimate for S. 1107, the Recreation Fee Authority Act of 2004, as ordered reported by the Senate Committee on Energy and Natural Resources on February 11, 2004. S. 1107 and H.R. 3283 both authorize recreation fee programs, but the Senate bill only covers NPS fees while the House bill covers the Forest Service and all bureaus within the Department of the Interior.

Estimate prepared by: Federal Costs: Deborah Reis; Impact on State, Local, and Tribal Governments: Marjorie Miller; and Impact on the Private Sector: Selena Caldera.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REV. DR. JAMES FORBES JR.:
FROM THE PULPIT, A STRUGGLE
FOR JUSTICE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 2004

Mr. RANGEL. Mr. Speaker, I rise today to commend the service of Rev. Dr. James Forbes Jr., Senior Minister of the Riverside Church in New York. A constant and powerful voice for social equality, and freedom, his leadership has set an example to the community in New York's 15th Congressional District, in our Nation and around the world. A clergy-

man of the highest order, Dr. Forbes is also an activist who equates spirituality with justice.

On June 1, 1989, the Rev. Dr. James Alexander Forbes, Jr. was installed as the fifth Senior Minister of The Riverside Church. He is the first African-American to serve in that position at one of the largest multicultural congregations in the Nation. Dr. Forbes is an ordained minister in the American Baptist Churches and in the Original United Holy Church of America. He has served congregations around our Nation, inspired by his painful personal experience of bigotry in the segregated South.

Dr. Forbes was born in 1935 in Burgaw, North Carolina, where his father was a Pentecostal bishop. He was the second oldest of eight children. He has led numerous workshops, retreats, and conferences for the National Council of Churches of Christ USA, the National Association of Campus Ministry, the American Baptist Churches, the United Church of Christ, the African Methodist Episcopal Church, the Christian Church (Disciples of Christ), the Episcopal Church, the Roman Catholic Church, the United Methodist Church, and the Presbyterian Church (USA). He is a consultant to the Congress of National Black Churches and past President of The Martin Luther King Fellows. Dr. Forbes has earned three degrees and has been awarded 13 honorary degrees among other awards.

I am deeply impressed by Dr. Forbes commitment to using tools of mass communication to educate our country in the principles of social justice, through a national movement called "progressive principles of justice". I commend to the attention of my colleagues a profile of Dr. Forbes, which appeared in the New York Times on October 12, 2004. This article reminded me of Dr. Forbes' leadership in moving us closer to the day when we all sit down together as children of God.

[From the New York Times, Oct. 12, 2004]

FROM THE PULPIT, A STRUGGLE FOR JUSTICE

(By Chris Hedges)

In the battle over Jesus, what he stood for, what he represents and how faith is experienced and sustained, the Rev. Dr. James A. Forbes Jr., the senior minister of Riverside Church, is determined to provide an alternative vision to the one offered by religious conservatives.