

and to refer, for example, judges with whom I disagree, I call them strict constructionists, but I do not demean them. And I do not come down here and refer to them because I have a different point of view. I am from Florida. The United States Supreme Court made a decision that I thoroughly disagree with. But at the very same time, I respected that decision and went about my business, because it is the Supreme Court. We have three branches of government, not one that can make all of the laws.

Mr. AKIN. Mr. Speaker, if the gentleman will yield, I appreciate what the gentleman is saying, and I think that what the gentleman is saying gets to the heart of our disagreement on this point.

The gentleman said that the Supreme Court has made decisions that he strongly disagrees with, but he refused even to open his mouth hardly to refer to them other than in this context.

My sense is the three coequal branches of government means that we have a right to speak when we disagree and that we have even a responsibility to express that disagreement. And so our difference of opinion is that the gentleman really sees them as supreme, as the final decision on everything, and regardless of what they say, we have to suck it in and live with it. What I am saying is, that is alien to the thinking of our Founders. It is completely wrong.

Out of my State, I say to the gentleman, came the Dred Scott decision on slavery. I would not sit here and say, oh, I have to sit here and live with it. They are wrong, just as you and I can be wrong. We all make mistakes.

Mr. HASTINGS of Florida. Mr. Speaker, again reclaiming my time, the fact of the matter is that the Dred Scott decisions, *Plessy v. Ferguson*, a litany of decisions were changed over time.

One thing I would urge my colleague to really pay attention to, I will give him an illustration of two of this Nation's most prominent judges: One, Felix Frankfurter; and the other, Hugo Black. Hugo Black was a former member of the Ku Klux Klan, and Felix Frankfurter was an activist American civil libertarian. And when they went on the United States Supreme Court, they were ideological opposites. Over the course of time and events, if the gentleman will read their decisions, they changed.

My fear, as I have said, is, one day, we are no longer going to be in Congress. One day, mark my words, a different party will be in the majority. One day, conditions in the United States will be different. One day, world affairs will dictate an altered world reality. I ask my colleagues to vote against the underlying bill because if the reaction to these different scenarios goes beyond the constitutional limit, we would have already created the precedent that Congress cannot be

checked and balanced by the judicial branch. That would be unfortunate.

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

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

We had the opportunity to hear from the gentleman from Missouri to enunciate not only what was in his heart about this Pledge of Allegiance, and I believe he supported very strongly the belief of exactly why we are here today for the Flag Protection Act. I think that there are many people in the United States that simply do not like the Pledge of Allegiance and would wish and choose to change that.

We have heard the gentleman from Florida suggest that the world and this country will be much different in the future, and while I cannot argue with the gentleman that I think change is incumbent and will always happen, I think that there are some things that are worthy of keeping, that we should hold dear and important to this Nation. And one of them is the Pledge of Allegiance to the flag.

I think it is one of the reasons why, when new citizens come to this country and they become citizens, that tears stream down their eyes as they raise their hand, as a Federal judge or a Federal magistrate will administer their oath, and then they will say the Pledge of Allegiance. And people who are today fighting terrorism and represent our United States military, they stand up at attention before our flag. They understand that the United States of America is not perfect, and there may be changes in our future. But I believe that they also believe that one thing should not change, and that is the Pledge of Allegiance to the flag of the United States of America. Every day, when we open the United States Congress, we respectfully give our thanks not only to God, and certainly the words right over your head there, Mr. Speaker, "in God we trust" are stated from the podium up front, but also we say the Pledge of Allegiance to the flag.

This body has been used as an attempt to publicize and perhaps politicize the Pledge of Allegiance to the flag of the United States of America. I think that it is a right thing that we will stand up for the Flag Protection Act. I think it is the right thing to do, and I encourage all of my colleagues to not only stand up for this flag but for this wonderful legislation, for traditional American values and our Founding Fathers' intent.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

□ 1845

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

RECORD votes on postponed questions will be taken tomorrow.

## PINE SPRINGS LAND EXCHANGE ACT

Mr. NEUGEBAUER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4806) to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4806

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

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Pine Springs Land Exchange Act".

### SEC. 2. LAND EXCHANGE, LINCOLN NATIONAL FOREST, NEW MEXICO.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term "Federal land" means the three parcels of land, and any improvements thereon, comprising approximately 80 acres in the Lincoln National Forest, New Mexico, as depicted on the map entitled "Pine Springs Land Exchange" and dated May 25, 2004, and more particularly described as S1/2SE1/4NW1/4, SW1/4SW1/4, W1/2E1/2NW1/4SW1/4, and E1/2W1/2NW1/4SW1/4 of section 32 of township 17 south, range 13 east, New Mexico Principal Meridian.

(2) NON-FEDERAL LAND.—The term "non-Federal land" means the parcel of land owned by Lubbock Christian University comprising approximately 80 acres, as depicted on the map referred to in paragraph (1) and more particularly described as N1/2NW1/4 of section 24 of township 17 south, range 12 east, New Mexico Principal Meridian.

(b) LAND EXCHANGE REQUIRED.—

(1) EXCHANGE.—In exchange for the conveyance of the non-Federal land by Lubbock Christian University, the Secretary of Agriculture shall convey to Lubbock Christian University, by quit-claim deed, all right, title, and interest of the United States in and to the Federal land. The conveyance of the Federal land shall be subject to valid existing rights and such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States. To the extent practicable, and subject to paragraph (2), the Secretary shall complete the land exchange not later than one year after the date of the enactment of this Act.

(2) ACCEPTABLE TITLE.—Title to the non-Federal land shall conform with the title approval standards of the Attorney General applicable to Federal land acquisitions and shall otherwise be acceptable to the Secretary.

(3) COSTS OF IMPLEMENTING THE EXCHANGE.—The costs of implementing the land exchange shall be shared equally by the Secretary and Lubbock Christian University.

(c) TREATMENT OF MAP AND LEGAL DESCRIPTIONS.—The Secretary and Lubbock Christian University may correct any minor error in the map referred to in subsection (a)(1) or the legal descriptions of the Federal land and non-Federal land. In the event of a discrepancy between

the map and legal descriptions, the map shall prevail unless the Secretary and Lubbock Christian University otherwise agree. The map shall be on file and available for inspection in the Office of the Chief of the Forest Service and the Office of the Supervisor of Lincoln National Forest.

(d) **EQUAL VALUE EXCHANGES.**—The fair market values of the Federal land and non-Federal land exchanged under subsection (b) shall be equal or, if they are not equal, shall be equalized in the manner provided in section 206 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1716). The fair market value of the land shall be determined by appraisals acceptable to the Secretary and Lubbock Christian University. The appraisals shall be performed in conformance with subsection (d) of such section and the Uniform Appraisal Standards for Federal Land Acquisitions.

(e) **REVOCATION AND WITHDRAWAL.**—

(1) **REVOCATION OF ORDERS.**—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(2) **WITHDRAWAL OF FEDERAL LAND.**—Subject to valid existing rights, pending the completion of the land exchange, the Federal land is withdrawn from all forms of location, entry and patent under the public land laws, including the mining and mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(f) **ADMINISTRATION OF LAND ACQUIRED BY UNITED STATES.**—

(1) **BOUNDARY ADJUSTMENT.**—Upon acceptance of title by the Secretary of the non-Federal land, the acquired land shall become part of the Lincoln National Forest, and the boundaries of the Lincoln National Forest shall be adjusted to include the land. For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Lincoln National Forest, as adjusted pursuant to this paragraph, shall be considered to be boundaries of the Lincoln National Forest as of January 1, 1965.

(2) **MANAGEMENT.**—The Secretary shall manage the acquired land in accordance with the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480, 500, 513–519, 521, 552, 563), and in accordance with the other laws and regulations applicable to National Forest System lands.

(g) **RELATION TO OTHER LAWS.**—Subchapters II and III of chapter 5 of title 40, United States Code, and the Agriculture Property Management Regulations shall not apply to any action taken pursuant to this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. NEUGEBAUER) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. NEUGEBAUER).

GENERAL LEAVE

Mr. NEUGEBAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4806.

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

There was no objection.

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

Mr. Speaker, H.R. 4806 would authorize a land exchange involving Federal

land in the Lincoln National Forest in the State of New Mexico.

This legislation would exchange 80 acres between the Lincoln National Forest and Lubbock Christian University for a much-needed expansion of the University's Pine Spring Camp. The camp is used in the summer for week-long camp sessions, and utilized in the winter by college groups, youth groups, and churches for retreats. In recent years, the camp has seen an increase in its visitors and will soon run out of room, forcing the camp to turn visitors away. Both the camp and Lubbock Christian University are non-profit.

While the land exchange takes place in the gentleman from New Mexico's (Mr. PEARCE) district, LCU is in my district and approached me for assistance for this issue. I would like to thank the gentleman from New Mexico (Mr. PEARCE) for his willingness to work with me on this issue, and I thank him for cosponsorship and support of this bill. Additionally, I would like to thank and recognize Lubbock Christian University not only for providing recreation and outdoor opportunities for students, but also for its notable contributions to the community of Lubbock and the State of Texas.

I urge support of this important measure.

Mr. Speaker, I reserve the balance of my time.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

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

Mr. Speaker, H.R. 4806, the Pine Springs Land Exchange takes approximately 80 acres of forest lands in the Lincoln National Forest and exchanges that for private land currently owned by Lubbock Christian University.

Currently, Lubbock Christian University operates a summer camp in New Mexico on private land adjacent to Lincoln National Forest. Their summer camp program has reached its capacity and the university desires to expand onto adjacent Forest Service lands.

In exchange for approximately 80 acres of lands adjacent to their existing camp, Lubbock Christian University will provide the Forest Service with approximately 80 acres of privately owned lands surrounded by Federal forests.

Our committee has worked hard to refine language that will make this exchange fair to the U.S. taxpayer. The bill we are considering today requires that the exchange be of equal value. If the land appraisals determine that the parcels are not of equal value, the bill provides for the equalization of values through cash payments.

We appreciate that land exchanges can often be controversial. However, we have tried very hard to ensure that this package consolidates Federal ownership in some parts of the forests while enabling Lubbock Christian University to expand its summer camp.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. NEUGEBAUER) that the House suspend the rules and pass the bill, H.R. 4806, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. LINDER (during consideration of H.R. 4045), from the Committee on Rules, submitted a privileged report (Rept. No. 108–695) on the resolution (H. Res. 785) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

#### MOKELUMNE RIVER FEASIBILITY STUDY

Mr. NEUGEBAUER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4045) to authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4045

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

#### SECTION 1. AUTHORIZATION OF MOKELUMNE RIVER REGIONAL WATER STORAGE AND CONJUNCTIVE USE PROJECT STUDY.

*Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") is authorized to prepare a feasibility study entitled the "Mokelumne River Regional Water Storage and Conjunctive Use Project Study" for a project to provide additional water supply and improve water management flexibility through the development of new water storage and conjunctive use programs.*

#### SEC. 2. USE OF REPORTS AND OTHER INFORMATION.

*In developing the Mokelumne River Regional Water Storage and Conjunctive Use Project Study, the Secretary shall use, as appropriate, reports and any other relevant information supplied by the Mokelumne River Water and Power Authority, the East Bay Municipal Utility District and other stakeholders.*

#### SEC. 3. DEADLINE.

*The Secretary shall complete the Mokelumne River Regional Water Storage and Conjunctive Use Project Study and provide copies of that study to the Committee on Resources of the House of Representatives and the Committee on*