

state total, not 35% in each state, that's more than 2.5 million acres—all in one year!

Mandating leases for that much land, that fast, risks putting a big part of Northwestern Colorado on the fast track to becoming a national sacrifice zone. It's like a trip in a time machine—back to the mistaken crash-development policy of the Carter Administration. That was a mistake then and it would be a mistake now. That's why my amendment would have deleted that requirement, allowing current law to stand.

Also, current law requires the Interior Department to prepare a programmatic environmental impact statement (EIS) on oil shale, with a tight deadline for completion. That's the right thing to do. Work has started on that EIS, and Coloradans look forward to reading it. But reading something before evaluating it must be too old-fashioned for the Republican leadership, because the bill says that the EIS is "deemed" to be good enough—meaning that it cannot be questioned or challenged—and no further environmental analysis will be done for a full 10 years—no matter what problems the State of Colorado or anyone else may have with the EIS.

That's like giving an "A" grade before a student even turns in the homework—it may be good for the student's "self-esteem," but it doesn't ensure careful work. And careful work on oil shale is essential because the stakes are so high for Colorado's land, water, and communities. That's why my amendment would have deleted that and allowed current law to stand.

Finally, current law tells the Interior Department to set oil-shale royalty rates that will do two things—encourage development of oil shale and also ensure a fair return to the taxpayers. But the bill would repeal this, replacing it with specific rates to be charged for the first 10 years of commercial oil shale production, and requiring that after that the rates must be adjusted according to a formula tied to certain oil prices. This is a blatant example of micro-management, with nothing to show it is fair to the taxpayers. My amendment would have deleted that that attempt at long-term political price-fixing, and replaced it with the language of the current law.

The Congressional Budget Office's report on these oil shale provisions estimates that they will not do much to raise revenue or otherwise help balance the budget. So, there is no budgetary reason to include them in this bill, while from the standpoint of what is best for Colorado and its communities there is every reason to change them in the way that my amendment would have done—and I cannot support them unless such changes are made.

And that is also the case with the parts of the bill dealing with the Mining Law of 1872.

As Westerners know all too well, that law—dating from the administration of President Ulysses S. Grant—still governs the mining of gold, silver, and other "hardrock" minerals on federal lands. It still allows private companies to get a patent—an ownership deed—to public lands containing valuable minerals for a mere \$2.50 to \$5.00 per acre, the same prices that were set in 1872, without paying the taxpayers a fee like that paid for the Federal oil, gas, or other minerals developed under more modern law. Since 1872, more than \$245 billion worth of minerals have been extracted from public lands at these bargain-basement prices, and nearly as much land as in the entire state of

Connecticut has been sold to the mining industry for less than \$5 an acre.

Because the mining industry doesn't need patents—they can and do mine on unpatented claims and because there are so many problems associated with patenting, annually since 1994 Congress has renewed a moratorium on the patenting of mining claims. But this bill would repeal that moratorium. And while the bill would raise the price of patents, it would not require payments that reflect the value of the minerals involved. So, according to the Congressional Budget Office, this provision would raise only about \$158 million over the next five years. This is not real reform—it is a continued subsidy for the "hardrock" mining industry. But other provisions in this part of the bill are worse.

For example, the bill would allow claim holders to patent land without proving there is a valuable mineral deposit as long as they already have a permit to mine or have reported to the SEC that there is a "probable" mineral reserve there. This means that claim holders can purchase public land without having to prove that they can or will construct a viable mine. And it allows the sale of "mineral development lands"—meaning any land with a valuable mineral deposit as well as lands that were once mineralized and were previously mined—for the purpose of "sustainable economic development." According to John Leshy, who served as Solicitor of the Interior and who is an expert on the mining law, the result will be to "put in the hands of corporations the keys to privatize millions of acres of federal land"—setting the stage for a massive fire sale of Federal lands for bargain-basement prices.

And in Colorado, a state with a long and rich mining history, the results could be dramatic. As the Denver Post has noted, "Coloradans could unexpectedly see suburban sprawl on mountainsides they thought were protected open spaces . . . It's an invitation to condo developers, mini-mansion home builders and other speculators to snatch up federal lands that otherwise would never leave public ownership. . . . Just in Colorado, old mining patents encompass 123,000 acres. Most existing claims are next to or surrounded by national forests, parks or other public lands. Many also are near former mining towns that have become pricey resorts such as Aspen, Telluride, Breckenridge and Crested Butte. Twenty-three of Colorado's 24 ski areas are on national forests and so are vulnerable under the proposal."

In short, as the Denver Post's editors rightly observe, these provisions "really aren't about mining; they're about real estate speculation," which is why they have called on us to "erase them from the budget reconciliation bill."

But of course, since no amendments are permitted, we can't erase that part, or any other part of the legislation. The only choice before us is to vote yes or no on the entire bill.

And, as I said, the bill is just one part of a larger budget plan—one that insists on pushing ahead on the same course that has led to the serious fiscal problems that now confront us—setting the stage for more top-heavy tax cuts while we are putting the costs of war and everything else the government does on the national credit card. This cannot go on forever. Sooner or later, something has to give.

So, Mr. Speaker, there is an urgent need to rethink and revise our budget policies, includ-

ing both taxes and spending. But this bill reflects a refusal to do that rethinking. And for me the only viable choice is to vote no—no on the oil shale provisions, no on the mining provisions, and no on all the rest of this very unnecessary, very unbalanced, very short-sighted, and very unwise legislation.

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## DEFICIT REDUCTION ACT OF 2005

SPEECH OF

**HON. LEE TERRY**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. TERRY. Mr. Speaker, as the House of Representatives considers passage of the Deficit Reduction Act, I rise in overall support of H.R. 4241. As the process moves forward, I urge my colleagues in this chamber and in the conference to consider some additions and changes.

The actual estimated average cost to a community retail pharmacy to dispense prescription drugs (\$9.25) is greater than the minimum multi-source dispensing fee established by H.R. 4241 (\$8.00). Because H.R. 4241 does not establish a dispensing fee for single source medications, commonly known as brand-name drugs, I urge my colleagues to consider an increase in dispensing fees for both single source and multisource medications that adequately compensates community retail pharmacies for their cost to dispense prescription drugs within the Medicaid program. In addition, I urge my colleagues to encourage the states to conduct mandatory comprehensive studies to determine actual distribution expenses incurred by community retail pharmacies participating in the Medicaid program so that fair and equitable distribution reimbursement rates can be established.

We should also do all we can to provide incentives to increase the distribution of generic therapeutic equivalent drugs when they are available. While our bill provides higher dispensing fees for generics based on Retail Average Manufacturers Price (RAMP) plus cost, I still do not feel that there is enough incentive in our model to encourage effective use of generics. I encourage continued work in conference to increase the utilization of generics, which in itself has significant savings potential.

H.R. 4241 establishes a new benchmark formula for establishing reimbursement rates for community retail pharmacies participating in the Medicaid program. The benchmark formula, known as RAMP, can often be significantly out of date because it is updated on a quarterly basis and it often is not determined and posted for another quarter. Because pharmaceutical prices are updated on a daily basis, the RAMP has the potential to be as much as six months out of date. Accordingly, I urge my colleagues to consider modifying requirements related to RAMP from a quarterly recalculation basis to a monthly basis so that community retail pharmacies do not have to absorb significant financial losses due to fluctuations in real cost.

## TRIBUTE TO ALBERT SPADA

**HON. MAURICE D. HINCHEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 18, 2005*

Mr. HINCHEY. Mr. Speaker, I rise today to honor my good friend and constituent Albert Spada for his distinguished professional career and impressive record of community service. Al retired earlier this year as Ulster County Clerk, a position he has held since 1967. I would like to recognize and thank him for his outstanding leadership in Ulster County both as an elected official and an active and dedicated member of the community.

Al was elected to the office of Ulster County Clerk at the age of 34, the youngest county clerk in New York at the time. Prior to his election, Al served as Deputy Clerk for Ulster County and legislative aide to New York State Assemblyman Kenneth Wilson and New York State Senator E. Ogden Bush. Prior to that, Al served in the United States Air Force during the Korean Conflict as a Staff Sergeant. After serving as chief of the Air Force supply depot in Japan, he received an honorable discharge from military service.

For more than 35 years, Al served the people of Ulster County with distinction and honor. His responsiveness and accessibility to county residents defined his tenure in office. Al established himself as the preeminent advocate for Ulster County residents on matters pertaining to the functions of his office and other county government business. Over the nearly 4 decades that he was in office, Al's personal efforts have positively affected the lives of countless Ulster County residents. All of these attributes contributed to Al being the longest serving County Clerk in Ulster County since George Clinton held the position in the late 18th century.

Al has received numerous honors over the years including the Lifetime Achievement Award from the New York State Association of County Clerks and the Man of the Year Award from the local chapter of the Veterans of Foreign Wars. Al has been a member of the New York Association of County Clerks since 1966 and has served on the boards of Benedictine and Kingston Hospitals, the New York State Advisory Board of Public Works and the Kingston Housing Authority, where he currently sits as chairman. He has served on the Heritage Advisory Committee, the New York State Sports Authority and the Ulster County United Way. Most notably perhaps, Al has been a lifetime member of the Glasco Volunteer Fire Department.

In addition to the many accomplishments and accolades that Al has received over the years, he is widely regarded as a friend to many people throughout the community. His loyalty and generosity, as well as his extraordinary sense of humor, have endeared him to countless Ulster County residents and while his presence in the county building will be greatly missed, we will all take comfort in knowing that he will remain an active member of our community.

Mr. Speaker, I am delighted to congratulate my friend Albert Spada and his family on the occasion of his retirement after so many years of dedicated service to the residents of Ulster County. I offer him my warmest personal wishes for a healthy and happy retirement along

with my deep appreciation for his friendship and his longstanding commitment to public service.

## A TRIBUTE TO THE BERKSHIRE JUVENILE COURT

**HON. JOHN W. OLVER**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 18, 2005*

Mr. OLVER. Mr. Speaker, I wish to recognize and honor the Berkshire Division of the Juvenile Court Department of the Trial Court of the Commonwealth of Massachusetts, on this, National Adoption Day, for their dedication to the hundreds of children in foster care in Berkshire County, Massachusetts, and for their promotion of adoption, which allows over 30 children per year to enter into loving and nurturing families.

Today, in Pittsfield, Massachusetts, sixteen adoptions will be performed in honor of National Adoption Day and in recognition of November as Adoption Awareness Month throughout the United States.

I want to thank the Berkshire Juvenile Court, under the guidance of the Honorable First Justice Paul E. Perachi, for their dedication and commitment to the children and families of Berkshire County, Massachusetts.

## RECOGNIZING THE OUTSTANDING EFFORTS OF BALTIMORE FIRE CAPTAIN KENNETH HYDE, SR.

**HON. C.A. DUTCH RUPPERSBERGER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 18, 2005*

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to recognize the outstanding efforts of one heroic individual who has greatly impacted the safety of the Baltimore community. He stands by 24 hours a day, 7 days a week in case of emergency. Whether he's disturbed from his slumber or called away from a family dinner, Baltimore Fire Captain and Riviera Beach Fire Chief Kenneth Hyde, Sr. readily awaits his next call to action.

Mr. Hyde holds two very demanding positions as he is the Baltimore City Fire Captain and the head of the Riviera Beach Volunteer Fire Company. That means he rarely enjoys a day of rest. However, he never complains, and neither do his crews. He has participated in the rescue of passengers of the water taxi, Lady D which overturned last year in Baltimore's Inner Harbor. He has assisted with the recent Hurricane Katrina cleanup, as well as countless other disasters.

While he primarily focuses on local mishaps, his interest lies in terrorism preparedness. He develops strategies for possible attacks, and devotes many of his weekends to either attending or conducting training sessions.

Mr. Hyde comes from a long line of firemen; his father, both grandfathers, brother, and now son, are all firemen. In addition, his wife is a dispatcher for the Baltimore City Fire Department, and his sister is in charge of the cadet program for the Riviera Beach Fire Department. It's obvious the Hyde family is dedicated to the safety of the citizens of Maryland.

Mr. Speaker, I ask that you rise with me today to applaud the incredible efforts of Mr. Kenneth Hyde in his unselfish commitment to protecting the people of the United States.

## DEFICIT REDUCTION ACT OF 2005

SPEECH OF

**HON. C.A. DUTCH RUPPERSBERGER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 17, 2005*

Mr. RUPPERSBERGER. Mr. Speaker, I rise today in opposition to this legislation.

Mr. Speaker, there is so much wrong with this legislation that I do not know where to begin.

This "deficit reduction act" is a tool for the majority party to justify their tax cuts that are poorly timed and do not benefit the American citizens who need help the most. It is irresponsible to cut funding for vital programs in order to make up for lost revenues due to tax cuts that benefit the wealthy. If we do not fix this deficit, we are forcing future generations to pay for Congress's fiscal irresponsibility. There are no useful deficit reduction measures in this bill.

This budget reconciliation bill cuts essential government programs that serve the most vulnerable members of our society. Society and government are judged by how we take care of those in need and we must do better. All totaled, the bill cuts spending by \$53.9 billion dollars which includes cuts to Medicaid, Food Stamps, student loans, and child support.

The cuts to the Medicaid program total \$11.9 billion or 22 percent of all of the cuts in this legislation. These cuts will result in premium increases for all participants and a reduction in benefits that will cause millions of children to lose some preventative and treatment services. At a time when health concerns are at the forefront of many people's minds, we should not be making cuts to Medicaid that will make it harder for people to afford the care they need.

The cuts to the Food Stamp Program total \$844 million dollars. These cuts would be the result of new limitations on who is qualified to receive food stamps. Under this legislation, some families receiving other types of federal assistance would be ineligible to receive food stamps. It is outrageous that we are cutting this and other programs that have been proven to help those who are the most in need.

The reductions in funding to child support programs total \$4.9 billion or 9 percent of all of the cuts in this legislation. This is just plain wrong. States rely on this funding to aid their efforts in establishing and enforcing child support orders; orders that are necessary if families and children are ever going to receive the support owed to them.

According to the Census Bureau for the most recent year that data is available (2001), only 45 percent of custodial parents have received the full amount of child support owed to them. There are an estimated 13.4 million parents with custody of 21.5 million children under age 21 whose other parent lives elsewhere. About 5-in-6 of those 13.4 million parents are mothers.

Twenty-five percent of single mothers with children in the United States are below the poverty level. We must do all that we can to