

access to their government's actions. This amendment was developed behind closed doors. Laws that limit the use of FOIA for public oversight of government actions should only be enacted after wide public consultation and discussion, which has not occurred with this provision.

Mr. Speaker, I am also disappointed with a provision of this conference report affecting OMB Circular A-76, which lays out the procedures used when the government privatizes work currently performed by federal employees. Under existing law, the private sector has the legal right to protest the results of such a public/private competition, but the public sector employees do not. This is fundamentally unfair.

The Senate bill would have addressed this inequity by granting both the official who submits the agency's bid, and a person representing a majority of the affected federal employees legal standing to protest at both the GAO and in the Court of Federal Claims. Instead of adopting this approach, the conference report gives standing only to the agency official, and only at the GAO. The report also requires the agency official to file a protest if a majority of the affected federal employees request that he do so, unless the official determines there is no reasonable basis to protest. While this limited approach is an improvement over existing law, I would have preferred the original Senate language, and will continue working to ensure that federal employees have all the legal rights currently afforded to contractors.

Finally, I strongly oppose section 3116, a provision that reverses an important aspect of the nation's nuclear waste cleanup policy. Specifically, it allows the Department of Energy to abandon millions of gallons of highly radioactive waste in leaking tanks in South Carolina and Idaho. It also sets a dangerous precedent for the cleanup of radioactive waste in Washington. This provision has not been adequately considered in either chamber of Congress.

THE LIBERATION OF NAVASSA
AND DESECHEO ISLANDS BEGINS

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2004

Mr. RAHALL. Mr. Speaker, in my capacity as the ranking Democratic member on the Committee on Resources, it has been both a pleasure and an honor to oversee the management of our Federal public lands and resources.

It is not an exaggeration to say that our system of public lands—our parks, forests, refuges and wilderness areas—is second to none when it comes to providing world-class opportunities for Americans to enjoy outdoor recreation. That is, of course, when the general public is actually allowed to access and use their public lands.

Regardless of the fact that the Federal Government holds land in trust for the American people, sadly it appears that what the people own, the people may not necessarily ever get to use.

This is the case with two tiny islands in the Western Caribbean. Navassa and Desecheo

islands have interesting histories, but I doubt most Americans even know they exist, let alone that the islands are, in fact, part of our very own country.

The story of Navassa Island is a classic tale of American capitalism. It came to be part of America in the late 1800's through the mining and sale of petrified bird guano—yes, guano—as fertilizer. It is also the site of one of our Nation's early, ugly labor disputes. Over time, guano went out of fashion, but the outpost served a new purpose for 80 years, as a light source to guide ships through the islands of the Caribbean. In 1996, with the advent of new technologies, the lighthouse went dark. The property, however, remained part of the U.S.

Eventually that island and Desecheo Island, a former military training range, were incorporated into the National Wildlife Refuge system. The designation rightfully recognizes the unique qualities of the two islands, which are rich in uncommon plant and animal life. But, in turn, it has also led to their being essentially fenced off from the people who own them—the American public. For in fact, today, the Fish & Wildlife Service bars legal access to these two islands apparently under any circumstance.

That might be the end of the story, were it not for a group of Ham radio operators, who, after having been granted special use access to these public lands for twenty years, were suddenly denied permission to visit the islands to broadcast

Indeed, for no sensible reason, the Fish and Wildlife Service—the same agency that had been granting access to these radio operators—arbitrarily reversed course and denied permits for a non-controversial recreational activity that had been approved for two decades of responsible and uneventful public use.

Not only did the agency cut off these broadcasters, it did so even after they agreed to assume all liability, to submit to any regulation or permit condition, and even to pay all administrative, management and travel costs for the Federal agency to remove all financial and logistical hurdles.

This is an instance of outrageous administrative arrogance to deny a permit for a recreational use that has been shown to be harmless to fish and wildlife. Public recreation at our National Wildlife Refuges is as much a part of the history of Refuge System as the critters themselves.

The Secretary of the Interior has been given congressional authority to grant special use permits for just such circumstances, when a public use is not incompatible with the purpose of the refuge. Yet, for some reason that escapes me, this Secretary will not budge. In the case of these two islands, the Secretary's discretionary powers amount to guano.

Such hubris cannot be allowed to stand unchallenged. Along with my colleague, the Chairman of the Resources Committee, RICHARD POMBO, I am introducing today legislation to address this deplorable situation and to restore the public's right of access to its Federal public lands. The liberation of Navassa and Desecheo Islands begins today.

This legislation would accomplish two main goals. First, it would require the Fish and Wildlife Service to issue regulations within 120 days after the bill's enactment to resolve this particular dispute. Second, to ensure access at both refuges the legislation would require

the Service to establish at least one period of time each year for public access for each island.

Language authorizing the Service to specify use periods and to attach reasonable permit restrictions in order to protect resources and public safety should provide adequate flexibility to balance the competing interests of resource protection and public recreation.

Also important, this legislation will help to harmonize existing use policies in regard to Navassa and Desecheo Refuges with three other remote refuges in the Pacific—Baker Island, Johnson Island and Jarvis Island. These three refuges, all accessible by way of special use permits, show plainly that controlled public recreational access is possible even at extremely remote and fragile refuges. In fact, the ham radio operators were successful in securing a permit to visit Baker Island as recently as 2002. In fairness, the same access should be provided to Navassa Island and Desecheo.

I am fully aware of the Service's need to balance public access with the Refuge System's overall "wildlife first" mission.

The Service cannot, however, be allowed to selectively choose to implement those parts of its authority it favors but ignore those requirements to provide for public recreation which are clearly stated in existing law.

I urge members to support this important legislation.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 16, 2004

Mr. GALLEGLY. Mr. Speaker, on October 8, 2004, I was unable to vote on ordering the previous question on H. Res. 843, waiving points of order against the conference report to accompany H.R. 4200, the National Defense Authorization Act for fiscal year 2005 (rollcall 524); had I been present I would have voted "yea." Also, I was unable to vote on a motion to instruct conferees on S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States government (rollcall 525); had I been present I would have voted "nay." Additionally, I was unable to vote on the motion to table H. Res. 845 (rollcall 526); had I been present I would have voted "aye."

Mr. Speaker, on October 9, 2004, I was unable to vote on several measures before the House: H. Con. Res. 518, providing for an adjournment of the two Houses (rollcall 527); had I been present, I would have voted "yea"; On agreeing to the conference report on H.R. 4200, the DOD Authorization for fiscal year 2005 (rollcall 528); had I been present, I would have voted "yea"; on agreeing to the conference report on H.R. 4837, the Military Construction Appropriations bill for fiscal year 2005 (rollcall 529); had I been present, I would have voted "yea"; and on agreeing to the conference report on H.R. 4567, the Homeland Security Appropriations bill for fiscal year 2005 (rollcall 530); had I been present, I would have voted "yea."