The title of the Senate bill was amended so as to read: ''A bill to amend the Public Health Service Act to revise and extend programs established pursuant to the Ryan White Comprehensive AIDS Resources Emergency Act of 1990.''

A motion to reconsider was laid on the table.

A similar House bill (H.R. 1872 was laid on the table.

ALASKA NATIVE CLAIMS SETTLEMENT AMENDMENT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill (H.R. 402) to amend the Alaska Native Claims Settlement Act, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

TITLE I—ALASKA NATIVE CLAIMS SETTLEMENT

SECTION 101. RATIFICATION OF CERTAIN CASWELL AND MONTANA CREEK NATIVE ASSOCIATIONS CONVEYANCES.

The conveyance of approximately 11,520 acres to Montana Creek Native Association, Inc., and the conveyance of approximately 11,520 acres to Caswell Native Association, Inc., by Cook Inlet Region, Inc. in fulfillment of the agreement of February 3, 1976, and subsequent letter agreement of March 26, 1982, among the 3 parties are hereby adopted and ratified as a matter of Federal law. The conveyances shall be deemed to be conveyances pursuant to section 14(h)(2) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(2)). The group corporations for Montana Creek and Caswell are hereby declared to have received their full entitlement and shall not be entitled to receive any additional lands under the Alaska Native Claims Settlement Act. The ratification of these conveyances shall not have any effect on section 14(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)) or upon the duties and obligations of the United States to any Alaska Native Corporation. This ratification shall not be for any claim to land or money by the Caswell or Montana Creek group corporations or any other Alaska Native Corporation against the State of Alaska, the United States, or Cook Inlet Region, Incorporated.

SEC. 102. MINING CLAIMS ON LANDS CONVEYED TO ALASKA REGIONAL CORPORATIONS.

Section 22(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(c)) is amended by adding at the end the following:

''(3) This section shall apply to lands conveyed by interim conveyance or patent to a regional corporation pursuant to this Act which are made subject to a mining claim or claims located under the general mining laws, including lands conveyed prior to enactment of this paragraph. Effective upon the date of enactment of this paragraph, the Secretary, acting through the Bureau of Land Management and in a manner consistent with section 14(g), shall transfer to the regional corporation administration of all mining claims determined to be entirely within lands conveyed to that corporation. Any person holding such mining claim or claims shall meet such requirements of the general mining laws and section 314 of the Federal Land Management and Policy Act of 1976 (43 U.S.C. 1744), except that any filings that would have been made with the Bureau of Land Management if the lands were within Federal ownership shall be timely made with the appropriate regional corporation. The validity of any such mining claim or claims may be contested by the regional corporation, in place of the United States. All contest proceedings and appeals by the mining claimants of adverse decision made by the regional corporation shall be brought in Federal District Court for the District of Alaska. Neither the United States nor any Federal agency or official shall be named or joined as a party in such proceedings or appeals. All revenues from such mining claims received after passage of this paragraph shall be remitted to the regional corporation subject to distribution pursuant to section 7(i) of this Act, except that in the event that the mining claim or claims are not totally within the lands conveyed to the regional corporation, the regional corporation shall be entitled only to that proportion of revenues, other than administrative fees, reasonably allocated to the portion of the mining claim so conveyed.''.

SEC. 103. SETTLEMENT OF CLAIMS ARISING FROM HAZARDOUS SUBSTANCE CONTAMINATION OF TRANSFERRED LANDS.

The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is amended by adding at the end the following:

''CLAIMS ARISING FROM CONTAMINATION OF TRANSFERRED LANDS

''SEC. 40. (a) As used in this section the term 'contaminant' means hazardous substance harmful to public health or the environment, including friable asbestos.

''(b) Within 18 months of enactment of this section, and after consultation with the Secretary of Agriculture, State of Alaska, and appropriate Alaska Native corporations and organizations, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a report addressing issues presented by the presence of contaminants on lands conveyed or prioritized for conveyance to such corporations pursuant to this Act. Such report shall consist of—

''(1) existing information concerning the nature and types of contaminants present on such lands prior to conveyance to Alaska Native corporations;

''(2) existing information identifying to the extent practicable the existence and availability of potentially responsible parties for the removal or remediation of the effects of such contaminants;

''(3) identification of existing remedies;

''(4) recommendations for any additional legislation that the Secretary concludes is necessary to remedy the problem of contaminants on the lands; and

''(5) in addition to the identification of contaminants, identification of structures known to have asbestos present and recommendations to inform Native landowners on the containment of asbestos.''.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR THE PURPOSES OF IMPLEMENTING REQUIRED RECONVEYANCES.

Section 14(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(c)) is amended by adding at the end the following:

''There is authorized to be appropriated such sums as may be necessary for the purpose of providing technical assistance to Village Corporations established pursuant to this Act in order that they may fulfill the reconveyance requirements of section 14(c) of this Act. The Secretary may make funds available as grants to ANCSA or nonprofit corporations that maintain in-house land planning and management capabilities.''.

SEC. 105. NATIVE ALLOTMENTS.

Section 1431(o) of the Alaska National Interest Lands Conservation Act (94 Stat. 2542) is amended by adding at the end the following:

''(5) Following the exercise by Arctic Slope Regional Corporation of its option under paragraph (1) to acquire the subsurface estate beneath lands within the National Petroleum Reserve—Alaska selected by Kuukpik Corporation, where such subsurface estate entirely surrounds lands subject to a Native allotment application approved under 905 of this Act, and the oil and gas in such lands have been reserved to the United States, Arctic Slope Regional Corporation, at its further option and subject to the concurrence of Kuukpik Corporation, shall be entitled to receive a conveyance of the reserved oil and gas, including all rights and privileges therein reserved to the United States, in such lands. Upon the receipt of a conveyance of such oil and gas interests, the entitlement of Arctic Slope Regional Corporation to in-lieu subsurface lands under section 12(a)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(a)(1)) shall be reduced by the amount of acreage determined by the Secretary to be conveyed to Arctic Slope Regional Corporation pursuant to this paragraph.''.

SEC. 106. REPORT CONCERNING OPEN SEASON FOR CERTAIN NATIVE ALASKA VETERANS FOR ALLOTMENTS.

(a) IN GENERAL.—No later than 9 months after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Agriculture, the State of Alaska and appropriate Native corporations and organizations, shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report which shall include, but not be limited to, the following:

(1) The number of Vietnam era veterans, as defined in section 101 of title 38, United States Code, who were eligible for but did not apply for an allotment of not to exceed 160 acres under the Act of May 17, 1906 (chapter 2469, 34 Stat. 197), as the Act was in effect before December 18, 1971.

(2) An assessment of the potential impacts of additional allotments on conservation system units as that term is defined in section 102(4) of the Alaska National Interest Lands Conservation Act (94 Stat. 2375).

(3) Recommendations for any additional legislation that the Secretary concludes is necessary.

(b) REQUIREMENT.—The Secretary of Veterans Affairs shall release to the Secretary of the Interior information relevant to the report required under subsection (a).

SEC. 107. TRANSFER OF WRANGELL INSTITUTE.

(a) PROPERTY TRANSFER.—In order to effect a recision of the ANCSA settlement conveyance to Cook Inlet Region, Incorporated of the approximately 134.49 acres and structures located thereon (''property'') known as the Wrangell Institute in Wrangell, Alaska, upon certification to the Secretary by Cook Inlet Region, Incorporated, that the Wrangell Institute property has been offered for transfer to the City of Wrangell, property bidding credits in an amount of $475,000, together with adjustments from January 1, 1976 made pursuant to the methodology used to establish the Remaining Obligation Entitlement in the Memorandum of Understanding Between the United States Department of the Interior and Cook Inlet Region, Incorporated dated April 11, 1986, shall be restored to the Cook Inlet Region, Incorporated, property account in the Treasury established under section 12(b) of the Act of January 2, 1976 (Public Law 94–204, 43 U.S.C. 1611 note), as amended, referred to in such section as the ''Cook Inlet Region, Incorporated, property account''. Acceptance by the City of Wrangell, Alaska of the property shall constitute a waiver by the City of Wrangell of any claims for the costs of remediation related to asbestos, whether in the nature of participation or reimbursement, against the United States or Cook Inlet Region, Incorporated. The acceptance of the property bidding credits by Cook Inlet Region, Incorporated, Alaska of the property shall constitute a waiver by Cook Inlet Region, Incorporated of any claims for the costs of remediation related to asbestos, whether in the nature of participation or

reimbursement, against the United States. In no event shall the United States be required to take title to the property. Such restored property bidding credits may be used in the same manner as any other portion of the account.

(b) HOLD HARMLESS.—Upon acceptance of the property bidding credits by Cook Inlet Region, Inc., the United States shall defend and hold harmless Cook Inlet Region, Incorporated, and its subsidiaries in any and all claims arising from asbestos or any contamination existing at the Wrangell Institute property at the time of transfer of ownership of the property from the United States to Cook Inlet Region, Incorporated.

SEC. 108. SHISHMAREF AIRPORT AMENDMENT.

The Shishmaref Airport, conveyed to the State of Alaska on January 5, 1967, in Patent No. 1240529, is subject to reversion to the United States, pursuant to the terms of that patent for nonuse as an airport. The Administrator of the Federal Aviation Administration is hereby directed to exercise said reverter in Patent No. 1240529 in favor of the United States within twelve months of the date of enactment of this section. Upon revesting of title, notwithstanding any other provision of law, the United States shall immediately thereafter transfer all right, title, and interest of the United States in the subject lands to the Shishmaref Native Corporation. Nothing in this section shall relieve the State, the United States, or any other potentially responsible party of liability, if any, under existing law for the cleanup of hazardous or solid wastes on the property, nor shall the United States or Shishmaref Native Corporation become liable for the cleanup of the property solely by virtue of acquiring title from the State of Alaska or from the United States.

SEC. 109. CONFIRMATION OF WOODY ISLAND AS ELIGIBLE NATIVE VILLAGE.

The Native village of Woody Island, located on Woody Island, Alaska, in the Koniag Region, is hereby confirmed as an eligible Alaska Native Village, pursuant to Section 11(b)(3) of the Alaska Native Claims Settlement Act (''ANCSA''). It is further confirmed that Leisnoi, Inc., is the Village Corporation, as that term is defined in Section 3(j) of ANCSA, for the village of Woody Island.

SEC. 110. DEFINITION OF REVENUES.

(a) Section 7(i) of the Alaska Native Claims Settlement Act, Public Law 92–203 (43 U.S.C. 1606(i)), is amended—

(1) by inserting ''(1)'' after ''(i)''; and

(2) by adding at the end the following new paragraph:

''(2) For purposes of this subsection, the term 'revenues' does not include any benefit received or realized for the use of losses incurred or credits earned by a Regional Corporation.''.

(b) This amendment shall be effective as of the date of enactment of the Alaska Native Claims Settlement Act, Public Law 92–203 (43 U.S.C. 1601, et seq.).

TITLE II—HAWAIIAN HOME LANDS

SEC. 201. SHORT TITLE

This title may cited as the ''Hawaiian Home Lands Recovery Act''.

SEC. 202. DEFINITIONS.

As used in this title:

(1) AGENCY.—The term ''agency'' includes—

(A) any instrumentality of the United States;

(B) any element of an agency; and

(C) any wholly owned or mixed-owned corporation of the United States Government.

(2) BENEFICIARY.—The term ''beneficiary'' has the same meaning as is given the term ''native Hawaiian'' under section 201(7) of the Hawaiian Homes Commission Act.

(3) CHAIRMAN.—The term ''Chairman'' means the Chairman of the Hawaiian Homes Commission of the State of Hawaii.

(4) COMMISSION.—The term ''Commission'' means the Hawaiian Homes Commission established by section 202 of the Hawaiian Homes Commission Act.

(5) HAWAIIAN HOMES COMMISSION ACT.—The term ''Hawaiian Homes Commission Act'' means the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et. seq., chapter 42).

(6) HAWAII STATE ADMISSION ACT.—The term ''Hawaii State Admission Act'' means the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (73 Stat. 4, chapter 339; 48 U.S.C. note prec. 491).

(7) LOST USE.—The term ''lost use'' means the value of the use of the land during the period when beneficiaries or the Hawaiian Homes Commission have been unable to use lands as authorized by the Hawaiian Homes Commission Act because of the use of such lands by the Federal Government after August 21, 1959.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 203. SETTLEMENT OF FEDERAL CLAIMS.

(a) DETERMINATION.—

(1) The Secretary shall determine the value of the following:

(A) Lands under the control of the Federal Government that—

(i) were initially designated as available lands under section 203 of the Hawaiian Homes Commission Act (as in effect on the date of enactment of such Act); and

(ii) were nevertheless transferred to or otherwise acquired by the Federal Government.

(B) The lost use of lands described in subparagraph (A).

(2)(A) Except as provided in subparagraph (B), the determinations of value made under this subsection shall be made not later than 1 year after the date of enactment of this Act. In carrying out this subsection, the Secretary shall use a method of determining value that—

(i) is acceptable to the Chairman; and

(ii) is in the best interest of the beneficiaries.

(B) The Secretary and the Chairman may mutually agree to extend the deadline for making determinations under this subparagraph beyond the date specified in subparagraph (A).

(3) The Secretary and the Chairman may mutually agree, with respect to the determinations of value described in subparagraphs (A) and (B) of paragraph (1), to provide—

(A) for making any portion of the determinations of value pursuant to subparagraphs (A) and (B) of paragraph (1); and

(B) for making the remainder of the determinations with respect to which the Secretary and the Chairman do not exercise the option described in subparagraph (A), pursuant to an appraisal conducted under paragraph (4).

(4)(A) Except as provided in subparagraph (C), if the Secretary and the Chairman do not agree on the determinations of value made by the Secretary under subparagraphs (A) and (B) of paragraph (1), or, pursuant to paragraph (3), mutually agree to determine the value of certain lands pursuant to this subparagraph, such values shall be determined by an appraisal. An appraisal conducted under this subparagraph shall be conducted in accordance with appraisal standards that are mutually agreeable to the Secretary and the Chairman.

(B) If an appraisal is conducted pursuant to this subparagraph, during the appraisal process—

(i) the Chairman shall have the opportunity to present evidence of value to the Secretary;

(ii) the Secretary shall provide the Chairman a preliminary copy of the appraisal;

(iii) the Chairman shall have a reasonable and sufficient opportunity to comment on the preliminary copy of the appraisal; and

(iv) the Secretary shall give consideration to the comments and evidence of value submitted by the Chairman under this subparagraph.

(C) The Chairman shall have the right to dispute the determinations of values made by an appraisal conducted under this subparagraph. If the Chairman disputes the appraisal, the Secretary and the Chairman may mutually agree to employ a process of bargaining, mediation, or other means of dispute resolution to make the determinations of values described in subparagraphs (A) and (B) of paragraph (1).

(b) AUTHORIZATION.—

(1) EXCHANGE.—Subject to paragraphs (2) and (5), the Secretary may convey Federal lands described in paragraph (5) to the Department of Hawaiian Home Lands in exchange for the continued retention by the Federal Government of lands described in subsection (a)(1)(A).

(2) VALUE OF LANDS.—(A) The value of any lands conveyed to the Department of Hawaiian Home Lands by the Federal Government in accordance with an exchange made under paragraph (1) may not be less than the value of the lands retained by the Federal Government pursuant to such exchange.

(B) For the purposes of this subsection, the value of any lands exchanged pursuant to paragraph (1) shall be determined as of the date the exchange is carried out, or any other date determined by the Secretary, with the concurrence of the Chairman.

(3) LOST USE.—Subject to paragraphs (4) and (5), the Secretary may convey Federal lands described in paragraph (5) to the Department of Hawaiian Home Lands as compensation for the lost use of lands determined under subsection (a)(1)(B).

(4) VALUE OF LOST USE.—(A) the value of any lands conveyed to the Department of Hawaiian Home Lands by the Federal Government as compensation under paragraph (3) may not be less than the value of the lost use of lands determined under subsection (a)(1)(B).

(B) For the purposes of this subparagraph, the value of any lands conveyed pursuant to paragraph (3) shall be determined as of the date that the conveyance occurs, or any other date determined by the Secretary, with the concurrence of the Chairman.

(5) FEDERAL LANDS FOR EXCHANGE.—(A) Subject to subparagraphs (B) and (C), Federal lands located in Hawaii that are under the control of an agency (other than lands within the National Park System or the National Wildlife Refuge System) may be conveyed to the Department of Hawaiian Home Lands under paragraphs (1) and (3). To assist the Secretary in carrying out this Act, the head of an agency may transfer to the Department of the Interior, without reimbursement, jurisdiction and control over any lands and any structures that the Secretary determines to be suitable for conveyance to the Department of Hawaiian Home Lands pursuant to an exchange conducted under this section.

(B) No Federal lands that the Federal Government is required to convey to the State of Hawaii under section 5 of the Hawaii State Admission Act may be conveyed under paragraph (1) or (3).

(C) No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to an exchange made under this paragraph to the Department of Hawaiian Home Lands.

(c) AVAILABLE LANDS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary shall require that lands conveyed to the Department of Hawaiian Home Lands under this Act shall have the status of available lands under the Hawaiian Home Commission Act.

(2) SUBSEQUENT EXCHANGE OF LANDS.—Notwithstanding any other provision of law, lands conveyed to the Department of Hawaiian Home Lands under this paragraph may subsequently be exchanged pursuant to section 204(3) of the Hawaiian Home Commission Act.

(3) SALE OF CERTAIN LANDS.—Notwithstanding any other provision of law, the Chairman may, at the time that lands are conveyed to the Department of Hawaiian Home Lands as compensation for lost use under this Act, designate lands to be sold. The Chairman is authorized to sell such land under terms and conditions that

are in the best interest of the beneficiaries. The proceeds of such a sale may only be used for the purposes described in section 207(a) of the Hawaiian Homes Commission Act.

(d) CONSULTATION.—In carrying out their respective responsibilities under this section, the Secretary and the Chairman shall—

(1) consult with the beneficiaries and organizations representing the beneficiaries; and

(2) report to such organizations on a regular basis concerning the progress made to meet the requirements of this section.

(e) HOLD HARMLESS.—Notwithstanding any other provision of law, the United States shall defend and hold harmless the Department of Hawaiian Home Lands, the employees of the Department, and the beneficiaries with respect to any claim arising from the ownership of any land or structure that is conveyed to the Department pursuant to an exchange made under this section prior to the conveyance to the Department of such land or structure.

(f) SCREENING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense and the Administrator of General Services shall, at the same time as notice is provided to Federal agencies that excess real property is being screened pursuant to applicable Federal laws (including regulations) for possible transfer to such agencies, notify the Chairman of any such screening of real property that is located within the State of Hawaii.

(2) RESPONSE TO NOTIFICATION.—Notwithstanding any other provision of law, not later than 90 days after receiving a notice under paragraph (1), the Chairman may select for appraisal real property, or at the election of the Chairman, portions of real property, that is the subject of a screening.

(3) SELECTION.—Notwithstanding any other provision of law, with respect to any real property located in the State of Hawaii that, as of the date of enactment of this Act, is being screened pursuant to applicable Federal laws for possible transfer (as described in paragraph (1)) or has been screened for such purpose, but has not been transferred or declared to be surplus real property, the Chairman may select all, or any portion of, such real property to be appraised pursuant to paragraph (4).

(4) APPRAISAL.—Notwithstanding any other provision of law, the Secretary of Defense or the Administrator of General Services shall appriase the real property or portions of real property selected by the Chairman using the Uniform Standards for Federal Land Acquisition developed by the Interagency Land Acquisition Conference, or such other standard as the Chairman agrees to.

(5) REQUEST FOR CONVEYANCE.—Notwithstanding any other provision of law, not later than 30 days after the date of completion of such appraisal, the Chairman may request the conveyance to the Department of Hawaiian Home Lands of—

(A) the appraised property; or

(B) a portion of the appraised property, to the Department of Hawaiian Home Lands.

(6) CONVEYANCE.—Notwithstanding any other provision of law, upon receipt of a request from the Chairman, the Secretary of Defense or the Administrator of the General Services Administration shall convey, without reimbursement, the real property that is the subject of the request to the Department of Hawaiian Home Lands as compensation for lands identified under subsection (a)(1)(A) or lost use identified under subsection (a)(1)(B).

(7) REAL PROPERTY NOT SUBJECT TO RECOUPMENT.—Notwithstanding any other provision of law, any real property conveyed pursuant to paragraph (6) shall not be subject to recoupment based upon the sale or lease of the land by the Chairman.

(8) VALUATION.—Notwithstanding any other provision of law, the Secretary shall reduce the value identified under subparagraph (A) or (B) of subsection (a)(1), as determined pursuant to such subsection, by an amount equal to the appraised value of any excess lands conveyed pursuant to paragraph (6).

(9) LIMITATION.—No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to this subsection to the Department of Hawaiian Home Lands.

SEC. 204. PROCEDURE FOR APPROVAL OF AMENDMENTS TO HAWAIIAN HOMES COMMISSION ACT.

(a) NOTICE TO THE SECRETARY.—Not later than 120 days after a proposed amendment to the Hawaiian Homes Commission Act is approved in the manner provided in section 4 of the Hawaii State Admission Act, the Chairman shall submit to the Secretary—

(1) a copy of the proposed amendment;

(2) the nature of the change proposed to be made by the amendment; and

(3) an opinion regarding whether the proposed amendment requires the approval of Congress under section 4 of the Hawaii State Admission Act.

(b) DETERMINATION BY SECRETARY.—Not later than 60 days after receiving the materials required to be submitted by the Chairman pursuant to subsection (a), the Secretary shall determine whether the proposed amendment requires the approval of Congress under section 4 of the Hawaii State Admission Act, and shall notify the Chairman and Congress of the determination of the Secretary.

(c) CONGRESSIONAL APPROVAL REQUIRED.—If, pursuant to subsection (b), the Secretary determines that the proposed amendment requires the approval of Congress, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives—

(1) a draft joint resolution approving the amendment;

(2) a description of the change made by the proposed amendment and an explanation of how the amendment advances the interests of the beneficiaries;

(3) a comparison of the existing law (as of the date of submission of the proposed amendment) that is the subject of the amendment with the proposed amendment;

(4) a recommendation concerning the advisability of approving the proposed amendment; and

(5) any documentation concerning the amendments received from the Chairman.

SEC. 205. LAND EXCHANGES.

(a) NOTICE TO THE SECRETARY.—If the Chairman recommends for approval an exchange of Hawaiian Home Lands, the Chairman shall submit a report to the Secretary on the proposed exchange. The report shall contain—

(1) a description of the acreage and fair market value of the lands involved in the exchange;

(2) surveys and appraisals prepared by the Department of Hawaiian Home Lands, if any; and

(3) an identification of the benefits to the parties of the proposed exchange.

(b) APPROVAL OR DISAPPROVAL.—

(1) IN GENERAL.—Not later than 120 days after receiving the information required to be submitted by the Chairman pursuant to subsection (a), the Secretary shall approve or disapprove the proposed exchange.

(2) NOTIFICATION.—The Secretary shall notify the Chairman, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of the reasons for the approval or disapproval of the proposed exchange.

(c) EXCHANGES INITIATED BY SECRETARY.—

(1) IN GENERAL.—The Secretary may recommend to the Chairman an exchange of Hawaiian Home Lands for Federal lands described in section 203(b)(5), other than lands described in subparagraphs (B) and (C) of such section. If the Secretary initiates a recommendation for such an exchange, the Secretary shall submit a report to the Chairman on the proposed exchange that meets the requirements of a report described in subsection (a).

(2) APPROVAL BY CHAIRMAN.—Not later than 120 days after receiving a recommendation for an exchange from the Secretary under paragraph (1), the Chairman shall provide written notification to the Secretary of the approval or disapproval of a proposed exchange. If the Chairman approves the proposed exchange, upon receipt of the written notification, the Secretary shall notify the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of the approval of the Chairman of the proposed exchange.

(3) EXCHANGE.—Upon providing notification pursuant to paragraph (2) of a proposed exchange that has been approved by the Chairman pursuant to this section, the Secretary may carry out the exchange.

(d) SELECTION AND EXCHANGE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may—

(A) select real property that is the subject of screening activities conducted by the Secretary of Defense or the Administrator of General Services pursuant to applicable Federal laws (including regulations) for possible transfer to Federal agencies; and

(B) make recommendations to the Chairman concerning making an exchange under subsection (c) that includes such real property.

(2) TRANSFER.—Notwithstanding any other provision of law, if the Chairman approves an exchange proposed by the Secretary under paragraph (1)—

(A) the Secretary of Defense or the Administrator of General Services shall transfer the real property described in paragraph (1)(A) that is the subject of the exchange to the Secretary without reimbursement; and

(B) the Secretary shall carry out the exchange.

(3) LIMITATION.—No Federal lands that generate income (or would be expected to generate income) for the Federal Government may be conveyed pursuant to this subsection to the Department of Hawaiian Home Lands.

(e) SURVEYS AND APPRAISALS.—

(1) REQUIREMENT.—The Secretary shall conduct a survey of all Hawaiian Home Lands based on the report entitled ''Survey Needs for the Hawaiian Home Lands'', issued by the Bureau of Land Management of the Department of the Interior, and dated July 1991.

(2) OTHER SURVEYS.—The Secretary is authorized to conduct such other surveys and appraisals as may be necessary to make an informed decision regarding approval or disapproval of a proposed exchange.

SEC. 206. ADMINISTRATION OF ACTS BY UNITED STATES.

(a) DESIGNATION.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall designate an individual from within the Department of the Interior to administer the responsibilities of the United States under this title and the Hawaiian Homes Commission Act.

(2) DEFAULT.—If the Secretary fails to make an appointment by the date specified in paragraph (1), or if the position is vacant at any time thereafter, the Assistant Secretary for Policy, Budget, and Administration of the Department of the Interior shall exercise the responsibilities for the Department in accordance with subsection (b).

(b) RESPONSIBILITIES.—The individual designated pursuant to subsection (a) shall, in administering the laws referred to in such subsection—

(1) advance the interests of the beneficiaries; and

(2) assist the beneficiaries and the Department of Hawaiian Home Lands in obtaining assistance from programs of the Department of the

Interior and other Federal agencies that will promote homesteading opportunities, economic self-sufficiency, and social well-being of the beneficiaries.

SEC. 207. ADJUSTMENT.

The Act of July 1, 1932 (47 Stat. 564, chapter 369; 25 U.S.C. 386a) is amended by striking the period at the end and adding the following: '': Provided further, That the Secretary shall adjust or eliminate charges, defer collection of construction costs, and make no assessment on behalf of such charges for beneficiaries that hold leases on Hawaiian home lands, to the same extent as is permitted for individual Indians or tribes of Indians under this section.''.

SEC. 208. REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Chairman shall report to the Secretary concerning any claims that—

(1) involve the transfer of lands designated as available lands under section 203 of the Hawaiian Homes Commission Act (as in effect on the date of enactment of such Act); and

(2) are not otherwise covered under this title.

(b) REVIEW.—Not later than 180 days after receiving the report submitted under subsection (a), the Secretary shall make a determination with respect to each claim referred to in subsection (a), whether, on the basis of legal and equitable considerations, compensation should be granted to the Department of Hawaiian Home Lands.

(c) COMPENSATION.—If the Secretary makes a determination under subsection (b) that compensation should be granted to the Department of Hawaiian Home Lands, the Secretary shall determine the value of the lands and lost use in accordance with the process established under section 203(a), and increase the determination of value made under subparagraphs (A) and (B) of section 203(a)(1) by the value determined under this subsection.

SEC. 209. AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary for compensation to the Department of Hawaiian Home Lands for the value of the lost use of lands determined under section 203. Compensation received by the Department of Hawaiian Home Lands from funds made available pursuant to this section may only be used for the purposes described in section 207(a) of the Hawaiian Homes Commission Act. To the extent that amounts are made available by appropriations pursuant to this section for compensation paid to the Department of Hawaiian Home Lands for lost use, the Secretary shall reduce the determination of value established under section 203(a)(1)(B) by such amount.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes, and the gentleman from Hawaii [Mr. ABERCROMBIE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of H.R. 402, as amended in the Senate. This bill is the result of a 2½-year effort of the Alaska Federation of Natives, the State of Alaska, the administration, and my ranking minority member, Mr. MILLER, and I thank them for their dedication and hard work. Sections 101 and 107 of title I of this bill have already passed the House in previous Congresses but were not acted on by the Senate.

H.R. 402 makes several technical changes to the Alaska Native Claims Settlement Act of 1971 [ANCSA] and the Alaska National Interests Land Conservation Act to address some of the unresolved land issues which have arisen since the passage of these Acts. This bill also adds a new title to address the issue of Hawaiian Home Lands.

Title I includes specific land conveyances to Native corporations, the clarification of mining authority and administration of mining claims on lands conveyed to Native corporations, an authorization for technical assistance to Native villages to help with land reconveyances required under ANCSA, a report on Vietnam-era veterans who were eligible but did not receive land under the Native Allotment Act of May 17, 1906, the confirmation of Woody Island, AK, as an eligible Alaska Native village under ANCSA and further clarification regarding the application of section 7(i) of the ANCSA revenue sharing provision to Alaska Native Regional corporations.

Title II authorizes the Secretary of the Interior to begin the negotiation process for 1,400 acres of Federal lands to be conveyed to the Department of Hawaiian Home Lands in exchange for Hawaiian Home Lands retained by the Federal Government and for compensation for lost use of these lands. This is an authorization only to establish a process for the exchange of lands as authorized in the Hawaiian Home Lands Recovery Act.

Mr. Speaker, all these provisions are long awaited, by both my Alaska Native constituency and the Hawaiian Native constituency to resolve some of the land disputes in the respective Native homelands and States.

I want to thank Chairman KASICH and his staff for their thorough review of this bill in a short period of time and their cooperation in scheduling this bill on today's program.

Mr. Speaker, I would suggest respectfully that one of the most frustrating things I have in this profession of mine is when I have people come to me and suggest ''we should have been notified.'' This bill has been on the burner for a long, long time, and the Senate provision for the Hawaiian homelands has been passed by the Senate many, many months ago. Now people are raising some questions, I want to suggest redundantly. I think those questions are moot, and should not be answered at this time because they are not germane to the subject we are discussing today.

Mr. Speaker, I urge my colleagues to support this measure.

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

(Mr. ABERCROMBIE asked and was given permission to revise and extend his remarks.)

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

Mr. Speaker, I would like to say to my good friend from Alaska [Mr. YOUNG] that I very much appreciate the remarks that he has made. Unless I misunderstood him, I think that some of the objections being raised are moot, rather than mute. Unfortunately, very few of the activities and actions on this floor take place in a mute situation. We may wish for more of that before we are through.

Unfortunately the gentleman from Alaska [Mr. YOUNG] has probably missed the general tenor of my remarks in the last minute or so, because he is otherwise preoccupied. I hope he will, however, be able to take note of the fact that I rise in support of the legislation which passed the House without controversy on March 14 of this year. That bill was the product, as the gentleman from Alaska [Mr. YOUNG] has noted, of a lengthy process and negotiation between the Department of the Interior, the State of Alaska, and the Alaska Federation of Natives and other interested parties, one of whom obviously, of course, is the State of Hawaii.

It was substantially the same as legislation passed in the last Congress, and it dealt with a number of matters of importance to native Alaskans and to native Hawaiians.

However, Mr. Speaker, the bill before us today has been amended by the other body and can no longer be described as legislation that resembled that which I previously noted. To be clear, the Department of the Interior has certain concerns about some of the provisions added by the other body.

In this case, however, I defer to the judgment of the gentleman from Alaska [Mr. YOUNG] as to what is in the best interests of the Alaskan natives. I would hope, Mr. Speaker, that our colleagues would do that for the gentleman from Alaska [Mr. YOUNG] and myself. I urge my colleagues to support the bill.

Mr. Speaker, I want to say in addition how much I appreciate the concerns and the attention paid by the gentleman from Alaska [Mr. YOUNG] and the Committee on Resources staff to this bill. The gentleman is quite correct that this has taken actually years to get through. Some sections of it have been months in the making. Hearings have been held.

I think that it is fair to say that this has been acted on in a bipartisan way, based on the merits rather than on some of the fears and anxieties that might otherwise have attended this bill.

Mr. Speaker, I do hope that our colleagues will recognize that this bill has been put together on the basis of good will and good faith, and that the matters to be dealt with in the bill have long since passed the point of reasonable time to have them resolved.

Mr. Speaker, I rise in strong support of title II, the Hawaiian Home Lands Recovery Act, contained in H.R. 402, the Alaska Native Claims Settlement Act. The Hawaiian Home Lands Recovery Act demonstrates a good faith effort by the Federal Government regarding the settlement of claims by the Department

of Hawaiian Home Lands. In simpler terms, this is a land exchange bill from the Federal Government to the Department of Hawaiian Home Lands to make the covenant whole in regards to the set aside of lands established under the Hawaiian Homes Commission Act.

Over 70 years have elapsed since Congress passed the Hawaiian Homes Commission Act of 1920 [HHCA]. Under the HHCA approximately 203,500 acres of public land was set aside for the ''rehabilitation'' of Native Hawaiians through a Government-sponsored homesteading project. Two major factors prompted Congress to pass the HHCA. First, the Native Hawaiians were a dying race. Population data showed that the number of full-blooded Hawaiians in the territory had decreased from an 1826 estimate of 142,650 to 22,600 in 1919. Second, Congress saw that previous systems of land distribution were ineffective when judged practically by the benefits accruing to Native Hawaiians.

The HHCA was originally intended for rural homesteading, i.e., for Native Hawaiians to leave urban areas and return to the lands to become subsistence or commercial farmers and ranchers. Yet, the demand of Native Hawaiians for residential house lots has far exceeded the demand for agricultural or pastoral lots.

Since the State of Hawaii essentially assumed the duties of management and disposition of the Hawaiian home lands under the Statehood Admission Act, why would an action be considered a Federal breach?

Federal—because (1) these wrongful actions took place prior to statehood, in a time period when Hawaii was under Federal jurisdiction, and in which title to the land was held by the U.S. Government; or, (2) are continuing wrongful actions for which the Federal Government is responsible and only the Federal Government can remedy.

Breach—because the wrongful actions are breaches of responsibility under statute, by judicial or legislative findings, through trust law, or moral obligations. Alienation of land, and use of the land for purposes that are not authorized under the HHCA constitute breaches of the trust. There are numerous examples of these breaches in the territorial period. 1,400 acres of identified Hawaiian home lands.

The Hawaiian Home Lands Recovery Act seeks to redress this issue by authorizing the transfer of Federal lands to the Department of Hawaiian Home Lands in exchange for Hawaiian home lands retained by the Federal Government. Although the term ''exchange'' is used in this legislation, there is no expectation that DHHL will relinquish land to the Federal Government. DHHL need only relinquish any remaining claim it may have to former home lands now controlled by the Federal Government. The bill would also provide compensation for lost use of Hawaiian home lands controlled by the Federal Government.

In advance of land being conveyed to the Department of Hawaiian Home Lands under sections 203(b) and 203(f) of the bill, the Secretary of the Interior is required to determine the value of lands currently controlled by the Federal Government that were designated as available lands under the Hawaiian Homes Commission Act. It is important to note that section 203(a)(1)(A)(i) states that this determination is to be made based upon the HHCA, as enacted. Thus, the valuation shall include lands designated as home lands under the 1920 Act that are not currently part of the home land inventory, whether the withdrawal occurred as a result of executive action, or through an act of Congress. The Secretary is also required to determine the value of the lost use of lands currently controlled by the Federal Government so that this, too, can be compensated.

The valuation required by the legislation is not intended to be a unilateral action by the Secretary. On the contrary, section 203(a)(2)(A) requires the use of a valuation method that is acceptable to the Chairman of the Department of Hawaiian Home Lands and, most importantly, is in the best interests of the beneficiaries. These two conditions exist regardless of whether the Secretary uses an appraisal or non-appraisal method of valuation. Section 203(a)(2)(A) requires the Secretary to be an advocate for the best interests of Hawaiian home beneficiaries in reaching a determination of value. Thus the Secretary has a fiduciary responsibility for seeing to it that the beneficiaries receive the maximum possible compensation.

Under section 203(a), the Secretary need not determine the value of land and lost use by appraisal. The committee included a provision allowing valuation by a method other than appraisal in order to promote a speedy resolution of this longstanding conflict. The committee considers valuation by mutual agreement to be far preferable to the burdensome process of appraisal. During our hearings on this legislation, the Senate Energy and Natural Resources Committee was advised that the State of Hawaii had appraised most of the Federal properties in question. The GAO, in their report to the committee, analyzed the State appraisals and found the appraisal methodology used by the State was appropriate and that proper accounting principles were employed. The State appraisals therefore supplant the need for a separate appraisal by the Department of the Interior.

In the unfortunate event that the Interior Department decides to proceed with an appraisal, a number of specific safeguards have been instituted to ensure that the Department properly discharges its fiduciary responsibility to protect the interests of the Hawaiian home beneficiaries. These include a guarantee that the chairman of the Department of Hawaiian Home Lands shall have the opportunity to present evidence of the value of the home lands that were lost as well as the value of the lost use of these lands, the right to review and comment on a preliminary copy of the appraisal, and most importantly, the requirement that the Secretary give full consideration of the evidence of value presented by DHHL. Given the responsibility under section 203(a)(2)(A) that the Secretary represent the best interests of the beneficiaries, the requirement in section 203(a)(4)(B) is not ephemeral. When construed together, these provisions require the Secretary to give great weight to the recommendations of the DHHL on matters of value, especially if the interests of home land beneficiaries would be advanced by doing so.

In addition to all these protections, the Chairman of the Department of Hawaiian Home Lands has the right to dispute the determinations of value for land and lost use. Thus it is unmistakably clear that the Secretary and the chairman of DHHL must mutually consent to the values to be determined under section 203 of the bill.

Section 203(b) authorizes the conveyance of land to the Department of Hawaiian Home Lands as compensation for lost lands, and the lost use of home lands retained by the Federal Government. This section further authorizes the head of any Federal agency to transfer land and structures to the Secretary of the Interior for subsequent conveyance to DHHL. I want to contrast the two-step conveyance process described in section 203(b)(5) with the authority for the General Services Administration or the Department of Defense to convey property directly to DHHL under Section 203(f)(6) of the bill. A section 203(f)(6) conveyance would be a direct transfer of title, without intervention by the Department of the Interior, whereas the Interior Department would act as a transfer agent for conveyances executed under section 203(b)(5). Let me point out, however, that although jurisdiction and control of land would be transferred to the Interior Department under a section 203(b)(5) conveyance, the Interior Department's responsibility in completing the transfer is nothing more than a ministerial function. In this case the agency serves as a conduit for consummating the transfer of title to the DHHL.

Section 203(f) of the bill establishes a second means of conveying lands to the Department of Hawaiian Home Lands by allowing DHHL to obtain lands that are excess to the needs of individual Federal agencies. Subsection (f) places the Department of Hawaiian Home Lands in the same, or better, status as a Federal agency for the purpose of being notified of excess property and for obtaining the property from the excessing agency. Under no circumstances should the land that has been selected by the Chairman for appraisal under section 203(f)(2), and possible conveyance under section 203(f)(5), be transferred or otherwise disposed of by any Federal agency until the opportunity of the DHHL to obtain the land has expired.

Finally, let me comment on section 207 of the bill. This section establishes a cost sharing for Bureau of Reclamation projects on Hawaiian home lands that is the same as the cost sharing authorized for projects on Indian lands.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Speaker, I rise to express concern to H.R. 402, the Alaska Native Claims Settlement Act Amendments. I do so reluctantly and for reasons that have nothing to do with the underlying measure which has already passed the House.

Title I of H.R. 402, concerning the settlement of Alaskan Native claims, is legislation which deserves the support of the House. My qualms about this legislation reside wholly in title II which was added by the Senate.

Title II of the bill, the Hawaiian Home Lands Recovery Act, raises a number of issues that have not been adequately addressed here in the House. The legislation proposes to establish a system to resolve Hawaiian native claims against the Federal Government in disputes over lands which

were allegedly diverted during territorial times from a Federal homesteading program for native Hawaiians to military use by the United States. As the chairman of the Subcommittee on Military Installations and Facilities, I have a number of serious questions about the legislation sent to the House by the Senate.

My two principal concerns involve the conflict between this legislation and the disposal process put into place for excess military property under the base closure and realignment process and the possible effects of title II on the operational requirements for the Armed Forces in Hawaii. I'm concerned that the reuse and disposal of excess property at Naval Air Station Barbers Point will be seriously disrupted by this bill. Title II also holds open the prospect that the Department of Defense, particularly the Navy, could be evicted from certain lands essential for the continued performance of the Department's national defense mission merely to satisfy land claims of possibly dubious merit.

Mr. Speaker, it is my understanding that the Department of Defense and the Department of the Navy have expressed grave concern about the enactment of title II of H.R. 402. The Department may have legitimate concerns or the Department may be overreacting. We don't know because there have been no hearings on title II of which I am aware. In my view, we should have a better understanding of the implications of running with the Senate amendment before proceeding.

I would prefer sending this bill back to the Senate without title II. That would allow the underlying measure concerning Alaskan Native claims to proceed, but would also allow us some time to take a look at the Senate amendment.

□ 1545

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I recognize the concerns of the gentleman from Colorado [Mr. HEFLEY] and telephoned him earlier today when I became aware of the mirrors that had been raised this late in the game. I did not see the particular memorandum to which he referred in much of his remarks until just about an hour or less than an hour before these proceedings.

I can assure the gentleman as well as the gentleman from Alaska [Mr. YOUNG], that, had I been aware of some of these presumed objections earlier, I certainly would have brought to everyone's attention.

The fact is, if the gentleman will allow me just a few moments to go over the history very quickly here, this particular section in title II has been before the Congress for 15 months now. Apparently the Department of Defense discovered it in August of this year. That may be more of a reflection on the capabilities of the Department of Defense to get its work done than it is on the deliberative processes in either body in our national legislature.

I regret to say, Mr. Speaker, that the memorandum prepared for Mr. Mark Wagner, the Assistant Secretary for Defense Economic Security, whatever that is, on the subject of the Department of Hawaiian Home Lands, dated August 7, 1995, was written by a deputy, which amounts to, I am afraid, a series of editorial comments having no factual basis in the legislation. It is a little bit difficult to respond to what amounts to ad hominem commentary, but I will do my best to do that.

Mr. Speaker, there is also another memo dated August 29 of this year from the Department of Defense to the Office of Management and Budget which goes to several points. It states, and I want to indicate this to the gentleman from Alaska [Mr. YOUNG] and to the gentleman from Colorado [Mr. HEFLEY], that the Department is not discussing the merits of the claims in the memo, which I find extraordinary. If it is not discussing the merits of the claims, why is it discussing it at all?

I will repeat that. The Department is not discussing the merits of the claims. The claims go to two or three points that the gentleman from Colorado [Mr. HEFLEY] correctly raised as a result of receiving these memos.

The applicability of property at military installations closed or realigned pursuant to the base closure law, potential displacement from property essential for the performance of mission, and creation of special appraisal standards.

I can assure the gentleman, and I am sure the gentleman from Alaska [Mr. YOUNG] will in turn assure the gentleman, that the legislation as written in 402 and in section 2 does not in any way obviate any of those purposes of the base closure law or any performance of mission, nor anything having to do with special appraisal standards. The comments are entirely editorial in nature and amount to ad hominem commentary.

I can, if the gentleman from Alaska [Mr. YOUNG] desires it or the gentleman from Colorado [Mr. HEFLEY] desires it, submit in detail for the record or say it now on the floor point by point with a refutation, if you will, of these concerns. I can assure the gentlemen it is neither the intent of the legislation nor is the content of the language so far as I am able to determine, that any of these concerns are anything other than editorial abstractions.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to add to the comments of the gentleman from Hawaii.

I understand the concern of the gentleman from Colorado. In my opening statement I mentioned that I was very concerned. This is not a new issue. I was, first, not notified by the Navy nor the national security branch that, so when I did find out that this possibly occurred, I contacted not only the two senior Senators from Hawaii, I also contacted by senior Senator from Alaska.

I know I am not supposed to mention the other body. They said there was no problem. They had had the review and decided that these concerns were unwarranted. So I am still a little bit concerned that the Navy, after 15 months, now would editorialize and throw up this sort of smokescreen, if I may call it. Really what it means is they just do not want to get rid of anything they have, even though it is for a legitimate reason and a legitimate right, and to have justice served, this provision should be adopted.

It bothers me because, if this is a brandnew issue, it has been sprung on the House, it would be a different story. It was not sprung on the House. This has been around for a long, long time. We hear Friday now that these things may occur which, as was said before, there is no documentation, in fact backing up their premise.

So I am urging my Members to reject the argument from the Navy because I think they are flat wrong.

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I hope the gentleman agrees with me that perhaps there is not even an argument being made so much as questions being raised. To that degree, if I may be granted just a moment or two more both for the benefit of our colleagues, the committee, and for the gentleman from Colorado [Mr. HEFLEY], with whom I have worked very, very closely and for whom I have great respect. If the gentleman will just give me a moment, I will state for the record so that it is explicit, Mr. Speaker.

With respect to H.R. 402 and the base closure, commonly known as the BRAC, all the decisions to close and realign bases in Hawaii or elsewhere will continue to stand and will not be affected by this legislation.

With respect to the Barbers Point situation, Barbers Point Naval Air Station, which is the most recent base closure report proposed, proposed by the BRAC Commission, a modification to the previous base closure decision, H.R. 402 will not interfere with that decision to implement the modified closure decision at Barbers Point.

On the base reuse and local reuse issue, which was raised, on the question of title II of H.R. 402 and affecting the reuse of Hawaii military bases or any other bases under the BRAC by the local reuse committees, let me make the following points: the bill contains a very tight restriction on the ability of the Department of Hawaiian Home Lands to obtain base closure properties in order to secure a favorable CBO scoring of the bill. The legislation excludes—and this is for everything in

the legislation, not just title II, as the gentleman from Alaska [Mr. YOUNG] knows—the legislation excludes any Federal lands that would generate income or would be expected to generate income for the Federal Government.

This restriction appears in the bill in three separate instances and represents a major hurdle for the acquisition of base closure property by anybody in those circumstances, including Hawaiian homeland.

Second, I pointed out that the CBO and the Department of Defense expect that any reuse of the Barbers Point land would generate income for the Federal Government. I should also note that Barbers Point is the only site in Hawaii that is eligible for reuse under the base closure process. Given the fact that no lands that could generate revenue for the Federal Government would be eligible for acquisition under this bill, a transfer of Barbers Point land to the Department of Hawaiian Home Lands does not appear to be a question.

Finally, I understand the Department of Defense has raised a concern that H.R. 402 might disadvantage the interests of base reuse committees in Hawaii. Let me reassure my colleagues, there is no legislative language to that effect, nor no intent to that effect or in this regard. This concern is without substance.

As I pointed out earlier, we have a rather unique situation at the Barbers Point Naval Air Station in which the most recent base closure report proposal had a modification to the previous base closure decision.

I will tell the Members what that modification is. It is to ensure that the Navy keeps the beaches, the recreational beaches. I have an idea, Mr. Speaker and Mr. HEFLEY, that this whole thing has been generated because there they are afraid that possibly some objections might be raised that the beaches in and the cottages attendant to the beaches might somehow fall into the hands of the Hawaiian people.

I will state for the record here that I voted for the Base Closure Commission report, the modified report, in which it says the two beaches—and I can name the beaches for you, I have them here, Nimitz Beach and White Plains Beach, beach recreational areas. That is the modification, to retain them, that they will be in there.

All I am asking for is access to them. I am perfectly content to have the Navy retain the beaches in Hawaii as vital to the necessary strategic military importance of the United States in the Pacific. But to have an entire bill that has been worked out in good faith on a bipartisan basis for the better part of 2½ years, to be objected to at this point or subject to some kind of scrutiny other than on the basis of the merits, seems to be outrageous.

The Navy can have the beaches. Can we please have the bill?

That was a rhetorical pause. Maybe we could exchange beaches, Mr. Speaker, for some beaches in Alaska, perhaps above the Arctic Circle. Do you think they would be interested in that exchange?

Mr. YOUNG of Alaska. Mr. Speaker, I am confident the Navy would not be interested in beaches in Alaska.

Mr. Speaker, I again stress for my colleagues to vote for this legislation. It is long overdue.

I am very concerned, as the gentleman from Hawaii has mentioned, that at this late date that these questions might arise. It is an example, I think, of some incompetency down in the department, and I say that with some reservation in the sense I cannot blame everybody, maybe just one enthusiastic individual. I know Secretary Dalton has been talked to. I had hoped that there would be a total turndown of this and I expect that before we do vote on this legislation, if we vote on this legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, in 1921 Congress enacted the Hawaiian Homes Commission Act to preserve and protect a way of life for native people on the Islands of Hawaii. The act put aside approximately 200,000 acres of land for the exclusive use and benefit of native Hawaiians. The purpose was to use these lands as a homesteading program to return native Hawaiians to their lands.

Unfortunately, the program was destined to fail from the outset. Between 1921 and 1959 when Hawaii became a State, the program was administered by the Federal Government through a succession of territorial Governors. During Federal control, large portions of the lands were withdrawn. All the best and most productive lands were taken, leaving mostly marginal lands which couldn't support housing or agriculture. The native Hawaiian community received no benefit from the lands taken.

In 1984 much of the land was returned but the Federal Government both continued to retain the best lands and provided no compensation for lost use.

Title II of H.R. 402 sets up a process whereby the Federal Government can exchange Federal lands within the State of Hawaii as a means of settling claims against the United States. The Secretary of the Interior would also be authorized to convey lands to the Department of Hawaiian Home Lands as compensation for lost use of those lands.

To be honest, I wish this bill went further and demanded back the valuable lands stolen from the native Hawaiians against the directive of the Congress. However, I defer to the wisdom of the only native Hawaiian to serve in the U.S. Senate, my good friend the Senator of Hawaii who authored this legislation. I also want to commend my colleagues Mr. ABERCROMBIE and Mrs. MINK for their efforts in moving this legislation.

I urge my colleagues to support this bill.

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

Mr. YOUNG of Alaska. Mr. Speaker, I urge passage of this very important legislation for the good of all.

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

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and concur in the Senate amendment to H.R. 402.

The question was taken.

Mr. RICHARDSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1600

PROVIDING FOR CONSIDERATION OF H.R. 39, FISHER CONSERVATION AND MANAGEMENT AMENDMENTS OF 1995

Mr. YOUNG of Alaska. Mr. Speaker, I offer a unanimous-consent request.

The SPEAKER pro tempore (Mr. FOLEY). The Clerk will report the unanimous consent request.

The Clerk read as follows:

Mr. YOUNG of Alaska asks unanimous consent that at any time hereafter the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 39) to amend the Magnuson Fishery Conservation and Management Act to improve fisheries management, and that consideration of the bill proceed according to the following order. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the 5-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. MILLER of California. Mr. Speaker, reserving the right to object, if I might, I would enter into a colloquy with the gentleman from Alaska [Mr. YOUNG]. I would like to have the gentleman clarify a point on H.R. 39 of the Magnuson Act reauthorization.

Is it the intention of the Chairman of the Committee that we will only consider the bill under general debate today, and rise to consider the bill for amendment at some later date?