APPOINTMENT OF CONFEREES ON H.R. 3616, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The SPEAKER pro tempore. Without objection and notwithstanding postponement of further proceedings on the question on agreeing to the motion to instruct, the Chair appoints the following conferees:

FY 1999 DOD CONFERENCE APPOINTMENT (SENATE AMENDMENT TO H.R. 3616)

From the Committee on National Security, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. SPENCE, STUMP, HUNTER, KASICH, BATEMAN, HANSEN, WELDON (PA), HEFLEY, SAXTON, BUYER, Mrs. FOWLER, Messrs. MCHUGH, WATTS (OK), THORNBERRY, CHAMBLISS, JONES, PAPPAS, RILEY, SKELTON, SISISKY, SPRATT, ORTIZ, PICKETT, EVANS, TAYLOR, ABERCROMBIE, MEEHAN, Ms. HARMAN, Messrs. MCHALE, KENNEDY (RI), ALLEN, SNYDER, and MALONEY (CT).

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

Messrs. GOSS, LEWIS (CA), and DICKS.

From the Committee on Banking and Financial Services, for consideration of section 1064 of the Senate amendment:

Messrs. LEACH, CASTLE, and LAFALCE.

From the Committee on Commerce, for consideration of sections 601, 3136, 3151, 3154, 3201, 3401, 3403, 3404, 3405, 3406, and 3407 of the House bill, and sections 321, 601, 1062, 3133, 3140, 3142, 3144, 3201, and title XXXVIII of the Senate amendment, and modifications committed to conference:

Messrs. BLILEY, DAN SCHAEFER (CO), and DINGELL.

Provided that Mr. OXLEY is appointed in lieu of Mr. DAN SCHAEFER (CO) for consideration of section 321 of the Senate amendment.

Provided that Mr. BILIRAKIS is appointed in lieu of Mr. DAN SCHAEFER (CO) for consideration of section 601 of the House bill, and section 601 of the Senate amendment.

Provided that Mr. TAUZIN is appointed in lieu of Mr. DAN SCHAEFER (CO) for consideration of section 1062 and Title XXXVIII of the Senate amendment.

From the Committee on Education and the Workforce, for consideration of sections 361, 364, 551, and 3151 of the House bill, and sections 522, 643, and 1055 of the Senate amendment, and modifications committed to conference:

Messrs. PETRI, RIGGS, and ROEMER.

From the Committee on Government Reform and Oversight, for consideration of sections 368, 729, 1025, 1042, and 1101–1106 of the House bill, and sections 346, 623, 707, 805, 806, 813, 814, 815, 816, 1101–1105, 3142, 3144, 3145, 3162–3172 and 3510 of the Senate amendment, and modifications committed to conference:

Messrs. BURTON (IN), MICA, and WAXMAN.

Provided that Mr. HORN is appointed in lieu of Mr. MICA for consideration of section 368 of the House bill and sections 346, 623, 707, 805, 806, 813, 814, 815, and 816 of the Senate amendment.

From the Committee on International Relations, for consideration of sections 233, 1021, 1043, 1044, 1201, 1204, 1205, 1210, 1211, 1213, 1216, and Title XIII of the House bill, and sections 326, 332, 1013, 1041, 1042, 1074, 1084, 3506, 3601, 3602, and 3901–3904 of the Senate amendment, and modifications committed to conference:

Messrs. GILMAN, BEREUTER, and HAMILTON.

From the Committee on International Relations, for consideration of sections 1207, 1208, 1209, and 1212 of the House bill, and modifications committed to conference:

Messrs. GILMAN, BEREUTER, SMITH (NJ), BURTON (IN), ROHRBACHER, HAMILTON, GEJDENSON, and LANTOS.

From the Committee on the Judiciary, for consideration of sections 1045 and 2812 of the House bill and section 1077 of the Senate amendment, and modifications committed to conference:

Messrs. HYDE, BRYANT, and CONYERS.

From the Committee on Resources, for consideration of sections 601, 2812, and 3404–3407 of the House bill, and section 601, 2828, and Title XXIX of the Senate amendment and modifications committed to conference:

Messrs. YOUNG (AK), TAUZIN, and MILLER (CA).

From the Committee on Science, for consideration of sections 3135 and 3140 of the Senate amendment, and modifications committed to conference:

Messrs. SENSENBRENNER, CALVERT, and BROWN (CA).

From the Committee on Transportation and Infrastructure, for consideration of sections 552, 601, 1411, and 1413 of the House bill, and sections 323, 601, 604, and 1080 of the Senate amendment, and modifications committed to conference:

Messrs. SHUSTER, BOEHLERT, and CLEMENT.

From the Committee on Veterans' Affairs for consideration of sections 556 and 1046 of the House bill, and sections 618, 619, 644, and 1082 of the Senate amendment, and modifications committed to conference:

Messrs. SMITH (NJ), BILIRAKIS, and RODRIGUEZ.

From the Committee on Ways and Means, for consideration of Titles XXXVII and XXXVIII of the Senate amendment, and modifications committed to conference:

Messrs. CRANE, THOMAS (CA), and MATSUI.

There was no objection.

□ 2100

DESIGNATION OF EMERGENCY REQUIREMENT PURSUANT TO BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Ways and Means.

To the Congress of the United States:

Pursuant to section 3309(c) of the Internal Revenue Service Restructuring and Reform Act of 1998, I hereby designate the provisions of subsection (a) and (b) of section 3309 of such Act as an emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 22, 1998.*

LEGISLATIVE PROGRAM

(Mr. REGULA asked and was given permission to address the House for 1 minute.)

Mr. REGULA. Mr. Speaker, just to advise Members, we will return to the Interior bill shortly. There will be no more votes tonight. However, I repeat, we will take all amendments tonight and stack votes until tomorrow. We intend to read through the end of the bill. It is important that if Members have amendments, they must offer them tonight. Tomorrow will be too late. This understanding has been worked out with the minority. Tomorrow we will only vote on the stack of amendments, plus final passage.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 504 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4193.

□ 2104

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4193) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the request for a recorded vote on the amendment by the gentleman from Washington (Mr. MCDERMOTT) had been postponed, and title III was open to amendment at any point.

AMENDMENT NO. 21 OFFERED BY MR. GILCHREST

Mr. GILCHREST. Mr. Chairman, I offer an amendment, Amendment No. 21.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. GILCHREST:

Page 122, beginning on line 24, strike section 337.

Mr. GILCHREST. Mr. Chairman, I appreciate the opportunity to discuss this amendment.

The Coastal Barriers Resource System was created by the Reagan Administration in 1982. It was recognized at the time that coastal barrier islands are just that: they are barriers. They protect the mainland from storms, tidal floods and a number of other things. Absent human involvement, these islands are not stable systems. Even with human habitation, they are very unstable systems. These islands are frequently subject to hurricanes, flooding, and shifting coastlines. They basically, Mr. Chairman, are very unstable and on a regular basis they are very dynamic.

Oddly enough, however, they also represent prime oceanfront real estate and have been heavily developed in many areas. This development typically proceeds with full awareness of the risks involved, and worse, very often there is no thought given to the natural processes of these dynamic coastal barrier islands. As a result of that, we have seen for decades that large amounts of Federal assistance is provided then for disaster relief, flood insurance, beach stabilization, roads, et cetera, et cetera, after the inevitable storms roll through or nature takes its natural course.

When the Coastal Barrier Resource System was created in 1982, approximately a half a million acres was included in the system. In 1990 it was amended where it was up to about 900,000 acres, and today in our system we have about 1.3 million acres in 22 different States in the Atlantic, Gulf of Mexico, and Great Lakes coasts.

The Coastal Barrier Resources Act was designed to limit development on coastal barrier islands, therefore limiting Federal aid in new development projects. The act does nothing to prohibit new construction on land within the system. That means if one wants to build a house within the system on a national barrier island, one can do that; we just with the act limit the amount of Federal responsibility to one's particular choice.

The language in the Interior appropriation bill would remove 75 acres from the system in various areas around the State of Florida. It would designate 32 acres of a State park as otherwise, and it is already protected, but it would designate 32 acres of a State park as land within the system, and would add 7 acres to the Coastal Barrier System.

By comparison, Mr. Chairman, 75 acres does not sound like a lot when you compare it to 1.3 million acres in the system, but that is not the question. The question is and the problem is that this provision in this bill, in effect, has a negative effect on the integrity of the whole system. These areas were the areas in question tonight and, in my judgment, were legitimately included in the Coastal Barriers Resource system.

This provision in this bill sends a clear rifle shot signal to developers that the coastal areas are now, those coastal areas in this provision in the bill are now and must be the responsibility of the American taxpayers to be responsible for if a hurricane blows through.

In units of the Coastal Barrier System, the act prohibits Federal expenditures on items such as, and right now those areas within the coastal barrier system, the Federal Government cannot expend money for bridges, sewers, roads, housing, shoreline protection, that is beach replenishment projects, water supply, wastewater treatment facilities, disaster relief, flood insurance claim payments, and so on and so forth. If we take an area out of the Coastal Barriers island system, then the Federal Government will be responsible for all of those items.

Federal subsidies, according to the Congressional Budget Office, for coastal development costs the American taxpayer right now $82,000 per development acre per year on coastal barrier islands that are outside the Coastal Barrier Resource System. According to FEMA's own numbers, the Federal flood insurance program in 1997 had a net loss of $117 million, a net loss. Expanding opportunities to develop in high-risk areas will only worsen that condition for ratepayers and taxpayers.

The National Weather Service says that in this fiscal year, well, they do not go according to fiscal years I guess, but in 1998 they say there will be 10 storms, 6 of which will be hurricanes.

Mrs. FOWLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to the Gilchrest amendment, which affects property and constituents in my district. I have great respect for my good friend and colleague from Maryland, but I have to disagree with his approach to a Florida issue.

Two years ago this Congress and President Clinton approved section 220 of the Omnibus Parks Act of 1996 that removed a net of 36 acres that were mistakenly put in the Coastal Barrier Resource System.

Now, let me say from the outset that I support the Coastal Barrier Resource System. My district includes more than 100 miles of beautiful Atlantic coastline, and its continued beauty is essential to the ecology and the economy of my district. Tourism is the number one industry in our State and it is our beautiful coastline that brings people there.

Mr. Chairman, any argument that this correction was slipped through the legislative process, and I have heard that from some groups going around the Hill, is false. When originally introduced in the 104th Congress, this bill sought to exclude almost 200 acres from the system. But once it was scrubbed thoroughly by the committee process and Florida officials, only a net removal of 36 acres remained. Removal of these 36 acres was supported by the entire bipartisan Florida House delegation, both of our United States Senators, as well as the governor and the Florida Department of Community Affairs.

Now, let me put this into perspective. We are talking about 36 acres spread out over 8 different coastal barrier resource units, out of 285,000 acres that are in the system in the State of Florida, and 1.2 million nationwide. It is important to note that the Florida Department of Community Affairs, which is our State land agency, originally opposed exclusion of these acres, but once they reviewed the evidence on these net 36, then they endorsed their removal.

Any claims that these exclusions were not scrutinized, debated, or carefully considered are quite simply wrong. There have been congressional hearings on this issue and Florida environmental officials went over these properties with a fine tooth comb before lending their support.

So why are we back here today? Well, we are here because the Coastal Alliance, not willing to accept the judgment of every government official in the State of Florida, the United States Congress, and the President, brought a lawsuit against these changes. Now, without getting into all of the legalese of the suit, in short, a Federal judge overturned Congress's will because the Department of Interior said they did not have the new maps on file on the date of enactment.

The judge's ruling had absolutely nothing to do with the merits of this issue. The judge also ruled that the Department should ask Congress to address the problem of not being able to carry out Congress's intent. So all that the language that is in the bill does is what the judge ordered. It carries out the will of this Congress.

Now, the Coastal Alliance and others think the judge's ruling is an opportunity to reopen debate on these properties. It is not. The judge specifically asked for a remedy to carry out the will of Congress. The language in the bill today is that remedy.

□ 2115

The entire Florida delegation; the governor; the gentleman from Alaska (Mr. YOUNG), the authorizing chairman; and the gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on Interior Appropriations, still support removal of these properties. In fact, I have a letter here from Governor Chiles urging defeat of the Gilchrest

amendment, which I will ask to submit for inclusion as part of the RECORD.

The judge did not ask us to review these properties one more time, as some would like to do. He asked us to carry out the intent of Congress. I would ask my colleagues to join the Florida delegation in reaffirming the will of Congress and voting against the Gilchrest amendment.

STATE OF FLORIDA,
WASHINGTON OFFICE,
Washington, DC, July 20, 1998.

Hon. RALPH REGULA,
Chairman, Interior and Related Agencies Subcommittee, House Appropriations Committee, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in opposition to the Gilchrest amendment to the FY99 Interior and Related Agencies appropriations bill, dealing with Florida-specific provisions of the Coastal Barriers Resources Act (CBRA).

As I have previously stated, the State of Florida is very supportive of the purposes of the CBRA to protect and preserve Florida's many pristine barrier lands from development. However, the parcels that are referenced in the Interior appropriations bill are not pristine, undeveloped properties in need of protection, but instead are parcels which were mistakenly included in the original CBRA due to mapping errors. These errors were corrected in P.L. 104–33, which was later overturned in federal court on a technicality.

The State reviewed the provisions of P.L. 104–33 and believes that these properties should be excluded from the CBRA system. I would urge Members to oppose the Gilchrest amendment.

With kind regards, I am
Sincerely,

LAWTON CHILES.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is very hard for me to disagree with the gentlewoman from Jacksonville, Florida (Mrs. FOWLER), my good friend. I had the opportunity to work with her constituents for years and admire their concern and their interest. But with all due respect, I have a little difficulty with some of the characterization.

I think it was clear when President Clinton signed the legislation in effect in the last session that he was not agreeing to it. In fact, my reading of that indicated that there were grave reservations on the part of the administration.

I am here, I guess, because of my grave concerns about the process that have been raised by the gentleman from Maryland (Mr. GILCHREST). The way that we handle water resources and development in disaster-prone areas in this country is itself a disaster.

Despite spending over $40 billion, for instance, to prevent flooding since 1960, flood-related costs adjusted for inflation are about triple what they were in the early 1950s, before we started the program. Total Federal disaster payments between 1977 and 1993 topped $100 billion. Disaster costs have increased 550 percent in the last 10 years.

Recently, this last week, we were here debating remedy to the Salton Sea, which was itself part of an engineering failure on the part of efforts to try and impact the environment. I appreciate that disasters are not always predictable, but too much development occurs directly in harm's way with the taxpayer footing the bill.

In 1982, as the gentleman from Maryland outlined, the Reagan administration and a Democratic Congress passed the Coastal Barrier Resources Act. I am not going to go through the details that the gentleman from Maryland pointed out, but it has saved the taxpayers an estimated $11 billion, keeping Federal investment out of millions of acres of barrier islands and coastline.

Mr. Chairman, if people want to build where God does not want them, then they ought to step up and pay the price, not the American taxpayer. The bill before us invites Federal investments back into the path of disaster.

I personally have reservations in terms of dealing with this as a technical amendment in terms of a rider. There is substantive legislation that has been considered in the past in the Committee on Resources. I would like that dealt with in that fashion. I too have reviewed the various parcels. It seems to me that there was, in fact, an argument made that they were in fact properly categorized.

But it seems to me that what we need to do on this floor is to be more aggressive in the protection of these issues that protect the taxpayer. And, in fact, we should be pushing back, whether it is water reclamation projects in the West, mining costs, beach nourishment, disaster relief, flooding, levees. Time and time again the taxpayer has been stuck with the bill. We have been very, very slow to adjust our policies over time. And I am reluctant to see us this evening, through the process of the rider process, expand that. I would rather this go back to substantive committees.

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Oregon (Mr. BLUMENAUER) for yielding. I would just like to conclude that I compliment the gentlewoman from Florida (Mrs. FOWLER) for her cooperation in her disagreement tonight. I still have strong disagreements with the gentlewoman from Florida. I have strong agreements with the gentleman from Oregon, and I also want to compliment him on his efforts in bringing this issue to light before the Members.

This is not an issue of 32 acres being taken out of the system. It is not an issue of 75 acres being taken out of the system. It is an issue of creating an environment where we begin to lose a few acres every year. I do not want the system to leak.

Now, I have had discussions with the delegation from Florida, and Mr. Chairman, we have a strong commitment by the Florida delegation to work to ensure that we lose no more acres to the coastal barrier resource system in this country, that the 1.3 million acres that we have now in this system will stay intact.

Because of that commitment, and the dialogue that we have had before we reached the floor, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

Page 106, beginning at line 16, strike section 327 (and redesignate the subsequent sections accordingly).

Mr. HINCHEY. Mr. Chairman, this amendment would simply strike the provision of the bill that would grant an easement through the Chugach National Forest to the Chugach Alaska Corporation. Under a 1982 settlement, the corporation has a right to access its lands which are surrounded by the Chugach National Forest. However, under the agreement, access is to be granted through a negotiation with the Forest Service and any easement providing access is to be conditioned on environmental review and on public comment.

The rider, which is the subject of this amendment, would effectively override all of that process. Instead it would give the corporation the right to choose the easement and would exempt its decision from environmental review or public comment. Moreover, the grant itself would be unusual. The easement would be 250 feet wide, 10 times the width of a usual access road, and the easement would be permanent and irrevocable.

This easement would be granted over public lands; in other words, our lands, the lands of the public, all the people of the country. No private landowner would agree to such an arrangement, and we who are the custodians of this land for the public should not agree to it either.

We do not want to deny the corporation legitimate access to its lands. It is entitled to that. But the corporation has been negotiating with the Forest Service. Its president, in fact, testified before our committee earlier this year that the negotiations were proceeding amicably. The corporation and the Forest Service signed a memorandum of understanding in March that is supposed to produce an agreement later this year. The date is in fact December 11.

The corporation did not say that the Forest Service had been difficult or uncooperative in negotiations. But the corporation apparently wants to circumvent environmental laws and reviews that could just delay the process for a few months.

It apparently wants a better deal than the Forest Service is likely to

propose. Who would not leap at a chance for such a special deal? But that does not mean that this Congress ought to approve it.

Some people may think we have no interest in the land up there, or that our constituents have no interest in it. Why not just give it away? However, this section of the Chugach is an unusual section. The law requires the Forest Service to manage this area for conservation of fish and wildlife and their habitat, the only such place in the Forest Service where this language pertains.

The proposed easement would lie in or near the Copper River Delta, said to be the richest habitat for waterfowl and shore birds in the Western Hemisphere and the site of the most prolific sporting ground for salmon that we have. That is why so many organizations oppose this rider. Like myself, they are not saying that we should cut off access. They are saying that we should take time, be careful, and follow the usual process and the reviews the corporation has agreed to. That is all I am asking.

Mr. Chairman, I want to make it clear that we are in no way suggesting that this road providing access into this land should not be built. It is quite clear the corporation has the right to that access. That access should be granted. But it should be granted just as any other access would be granted. It should be granted in accordance with the law.

We should not, as this present bill provides, override NEPA, override the Clean Water Act, override all existing Federal legislation in order to give a special grant under these special extraordinary circumstances.

Let us build this road. Let us provide this access under the provisions that are going forward. Negotiations are proceeding just as they ought to, just as they would proceed in any other case, and they will lead to a fruitful conclusion. In other words, an agreement will be made and a road will be constructed. But it ought not to be constructed by fiat from the Congress. It ought not to be done in any way that is extraordinary or special, and that is what is called for under the present language.

Let us build this road, but let us honor the process as we are doing so, and once it is done let us make sure that we have done it right.

With this rider in this appropriations bill, this inappropriate rider, this bill is certain to be vetoed. If we approach this in the right and proper and just way, then we can get both the bill and the road built.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman from New York (Mr. HINCHEY) for yielding, and I rise in support of his amendment.

The CHAIRMAN. The time of the gentleman from New York (Mr. HINCHEY) has expired.

(On request of Mr. MILLER of California, and by unanimous consent, Mr. HINCHEY was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, I associate myself with the remarks of the gentleman from New York (Mr. HINCHEY). I think he makes an important point about this amendment. That is that due much to the activity of our committee chairman, who has the knack of getting people's attention in the bureaucracy, I think we are all very confident that this agreement is going to be reached by the end of this year.

But it is a question of how we do this and whether we do it, as the gentleman said, by fiat, and whether we do it notwithstanding any other provision of law. That is a recipe for disaster. It is a recipe for a veto. It is a recipe for delay, because people now will drag their feet in these negotiations waiting to see whether or not this provision does or does not become law.

Mr. Chairman, I do not believe it will become law. We have had conversations with the administration, and yet we also want these negotiations to finish by the end of the year. As was pointed out, we all acknowledge, as the chairman of our committee has told us numerous times at various octave levels, this runs with this land. They are entitled to this right-of-way.

But as was also pointed out, this is an area that was early recognized by the House and the Alaskan Native Lands Conservation when they sought to make the area adjacent to this a national wildlife refuge. That was not achieved. But the special management for fish and wildlife was achieved in this forest; I believe the only forest like it with that mandate in the country.

This process has been stop again, start again, stop again, start again, by both parties. All the blame is not just with the Forest Service. The other parties have been hot and cold on this relating to whether or not there is a market for coal, whether or not there is a market for timber, and that has influenced this to some extent.

Mr. Chairman, the time has come to bring this issue to a closure, but the time to bring it to closure within the regular order and within the laws governing these kinds of activities. Mr. Chairman, I thank the gentleman from New York for his amendment.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not sure the gentleman from New York (Mr. HINCHEY) was talking about the same language we have in the bill. I would point out some things.

The statement was made that they need time. Well, they have had since 1971. That is when the Alaska Native Claims Settlement Act was given and that is when this right-of-way was given—1971.

The Secretary of Agriculture agrees that they are entitled to this easement, and both gentlemen likewise agreed. And in 1982, there was an agreement with the Secretary of Agriculture. So here we are, 16 years later. I think that is enough time.

The Chugach Alaska Native Corporation has been complying with the appropriate environmental requirements and will complete those on schedule by the end of December, 1998.

Now, in the full committee, the language was further amended by the gentleman from Virginia (Mr. MORAN) to include the following: The easement was reduced from 500 feet to 250 feet. Secondly, access was changed from private to public. And, thirdly, the easement must be consistent with all environmental laws.

I believe the gentlemen over there expressed a concern that this easement comply with environmental laws, and that is incorporated into the language.

□ 2130

Mr. HINCHEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from New York.

Mr. HINCHEY. Is it not true, though, that the easement was not granted in 1971? In fact, the land area was set up for the tribe in 1971.

Mr. REGULA. That is correct.

Mr. HINCHEY. It was for the corporation. For the corporation in 1971.

Mr. REGULA. Right.

Mr. HINCHEY. The easement process was begun in 1982.

Mr. REGULA. That is correct.

Mr. HINCHEY. Since then, the corporation has broken off negotiations on the easement on a number of occasions. And since then they have sold the coal rights on their property to a South Korean corporation. So it is only now, or only recently that they have addressed the Forest Service, once again, only in the last year, to acquire access into this particular piece of property.

So I just want to make that clear; that several administrations have gone by during this process, but that there has not been a consistent attempt to establish this right-of-way either since 1971 or since 1982. That process has only been very recent.

Mr. REGULA. Reclaiming my time, would the gentleman agree, though, that they are entitled to the easement? Negotiations are underway. They are going to comply with the environmental requirements by the end of this year. Do we agree on that?

Mr. HINCHEY. If the gentleman will continue to yield, we do agree they are entitled to the easement, and they are entitled to negotiations to proceed expeditiously. And those negotiations are proceeding expeditiously.

And, in fact, the Memorandum of Understanding, upon which both the corporation and the Forest Service have entered into, requires that the negotiations be completed by December 11th. But they do not stipulate that the right-of-way should be 250 feet wide, which is 10 times as wide as the normal right-of-way.

Mr. REGULA. Well, reclaiming my time, I think the width of the right-of-way would be determined by topography, by the soil conditions, and a whole lot of variables in Alaska. And I think that that is a decision that should be made. The original we had in the bill was 500 feet. We agreed, by amendment from the gentleman from Virginia (Mr. MORAN) in the full committee to reduce it to 250 feet.

Mr. HINCHEY. If the gentleman will yield on that point, it is clear that what is attempting to be done in the legislation is to establish that this right-of-way would be extra negotiated, outside of the negotiations, and be established by fiat. And that the right-of-way would be a very extraordinary one, indeed, in that rather than the customary 25 feet wide, the right-of-way that would be established by fiat would be 250 feet wide.

Mr. REGULA. Staff advises me that the gentleman from Virginia got the information to establish the 250 foot right-of-way from the Forest Service, and that this was not an uncommon width in Alaska because of the unique topographical conditions as well as soil conditions that they need to address in establishing the access road.

Mr. HINCHEY. Yes, but it is true that the Forest Service has not agreed to that. This was simply some negotiations that went back and forth in the Committee on Appropriations, and that is very proper, I understand that, but the conclusion that was arrived at is a very inappropriate one indeed.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. REGULA) has expired.

(By unanimous consent, Mr. REGULA was allowed to proceed for 1 additional minute.)

Mr. REGULA. Mr. Chairman, reclaiming my time, the gentleman from Virginia established the 250 feet from information he received from the Forest Service. But, in any event, the Native Americans were promised this easement, and I think it is an obligation of this body to keep our word.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the requisite number of words, and I rise reluctantly, trying to be calm.

This is an outrage. The gentleman from New York has never been to Alaska, never been to Chugach, and now he is telling the American native people of Alaska that they are wrong; they have no rights. The Forest Service is correct and the Wilderness Society is correct.

Mr. HINCHEY: Mr. Chairman, will the gentleman yield.

Mr. YOUNG of Alaska. I am not yielding to the gentleman at all, period. I will tell him that right now. Just sit down.

Mr. HINCHEY. Well, I am sorry to hear that.

Mr. YOUNG of Alaska. I am not yielding.

I am telling the gentleman now that this is a deal this Congress made in 1971 to the Chugach native people. They had to go to court. In 1982, they had a decision from the court that said, yes, they had a right to 78,000 acres of land and a right of easement and it should be granted to them by, and shall be granted by the Forest Service.

And not through the delta, by the way. South of the delta to the Martin River. Nowhere near it. And that is what the court said should be done. The Forest Service, because they did not like that decision, as an agency have drug their feet again and again.

And why did the corporation back away from the Memorandum of Understanding? Because the Forest Service said we do not have the money to do the studies for the right-of-way. So they did the studies. They paid for it. Forest Service did it, but the native corporation paid for it.

Now they say they have got a Memorandum of Understanding and we are going to bring this to a conclusion by December 1. Let me read the gentleman the last page. It says nonenforceable. Nothing herein shall be construed as committing and obligating the United States Forest Service or the United States.

So what this tells me, after we go through this whole thing, this whole understanding, that the Forest Service, because they have not done it since 1982, they are going to say, forget it, American natives. We do not care what Congress has said. We are going to do what we want to do. That is how we are going to conduct our business. Congress does not count.

I had a 500 foot right-of-way, yes, because in Alaska it takes a little more room to build a highway, in that terrain and with the climatic challenges, than it does in the State of New York. But the corporation said they will never have a road wider than a standard road. It will be a two-lane road. It will have public access. And, in fact, the property will revert back to the Forest Service when they are done using it.

Now, the mention of coal being sold to Korea, as if it is an evil thing to sell their own property. For the gentleman's information, they are not going to mine that coal. What they want to do is develop some timber. Yes, they want to do that as their right.

So I am going to suggest that the gentleman's amendment is mischievous. It, in fact, is evil, because he is going against the intent of this Congress and the American native people that owned this land long before he was born. In fact, the gentleman ought to be ashamed of himself. What he is trying to do to these people is really wrong. * * * He is going back on the word of this Congress against the first citizens of this great Nation. It was their land, and the gentleman wants to take away their right that this Congress gave them under an act.

That just blows my mind, that someone from New York State, that has never been there, has never seen this area, never talked to the people can, in fact, promote something that has been given to him by one of the wilderness associations that promotes its ill will in this capital every day. No honesty, no direct influence at all, other than the fact that they think this is wrong.

I am ashamed, in fact, to see an amendment like this against the people of the great State of Alaska.

Mr. HINCHEY. Mr. Chairman, I ask that the words be taken down. I ask the gentleman's words be taken down.

The CHAIRMAN. The Clerk will report the words. Which words would the gentleman like?

Mr. HINCHEY. Immoral and corrupt.

The CHAIRMAN. The Clerk will report the words.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman from Alaska will state his inquiry.

Mr. YOUNG of Alaska. May I inquire, what words are being struck? What words? Just to say he wants to strike the words, what words?

The CHAIRMAN. The gentleman is not stating a parliamentary inquiry. The Clerk is presently transcribing the words and when they are reported the House will determine that.

Mr. YOUNG of Alaska. Can the gentleman answer me that?

The CHAIRMAN. The gentleman from Alaska will suspend.

Mr. HINCHEY. Will the gentleman repeat the question?

Mr. YOUNG of Alaska. What words is the gentleman asking be struck?

Mr. HINCHEY. While I was asking the gentleman to yield, I believe that he used the words immoral and corrupt, and I am concerned about what context he used those words in and to whom they were referring.

The CHAIRMAN. Without objection, the gentleman from Alaska may explain.

Mr. YOUNG of Alaska. I think the amendment was; I was not referring to the gentleman.

Mr. HINCHEY. To whom was the gentleman referring, then?

Mr. YOUNG of Alaska. I was referring to the amendment itself as it is written. It strikes me it was really due to these American natives. If I am referring to the gentleman, I apologize for that. I will apologize for that.

Mr. HINCHEY. Is the gentleman suggesting that an amendment that I wrote is immoral and corrupt?

Mr. YOUNG of Alaska. I think, in fact, it is immoral, yes. I do not think it is corrupt.

Mr. HINCHEY. I think the gentleman used the word corrupt.

Mr. YOUNG of Alaska. I did, and I apologize for that.

I will withdraw the words if they are that offensive.

Mr. HINCHEY. I thank the gentleman. I appreciate it.

The CHAIRMAN. Without objection, the words are withdrawn.

There was no objection.

Mr. NETHERCUTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am rising in opposition to the gentleman from New York's amendment that affects this easement language that is contained in our subcommittee report and the bill.

I have lived in Alaska, spent a year continuously there, and spent 4½ years traveling literally throughout the entire State of Alaska and, in fact, worked on the Alaska Native Claims Settlement Act in the U.S. Senate as a staff person. So I have some sense of the agreement that was reached then and the respect under which it was given.

In fact, I agree, in many, many respects, with the gentleman from Alaska relative to the commitment that was made to the Native American peoples under the Native Claims Settlement Act.

I believe that the amendment of the gentleman from New York strikes a blow against the Native American private property owners. The amendment strikes a provision that is necessary for the Federal Government to keep a promise it made in 1982. I suggest that any of us in Washington State or New York or any other State of the Union would be offended if we had to wait from 1982 to 1998 to have the Federal Government fulfill a commitment that was made to our people.

I have great respect for the gentleman from Alaska for standing up for his State; he should and he is. All too common, Mr. Chairman, in this country, in this body, people from outside the area of concern are trying to influence what happens in the States, whether it is my western State, people from the East Coast trying to influence what happens in my State and tell our residents what is good for us. The same is true especially of Alaska.

I think this Congress many times has taken great liberty with the State of Alaska. I have lived there. I have seen what impact it has on the people who are there and this is another example of that.

In our bill, in the chairman's bill, the Subcommittee on Interior of the Committee on Appropriations, on which I serve, made clear that this 250 foot easement was just that, it is an easement for purposes of constructing a roadway into the land of the people who own it. It has been a 16-year saga of trying to get that decided.

This is not some superhighway or freeway that the native people there are trying to build. It is just not the case. It is a roadway to get from point A to point B into their own lands and use it for their own purposes, which are legitimate.

In our bill, we say nothing in this section waives any legal environmental requirement with respect to the actual road construction. It does not waive environmental laws. It is not trying to put up a high-rise on this 250 easement. But 250 feet in Alaska is different than 250 feet in the lower 48 in terms of the needs of the area there to do the construction that is necessary, to just build a two-lane road. And that is the commitment they have made.

So I really think it is offensive that the Native American people, the Chugachs, have to fight this battle for 16 years to try to get some relief. That is all this is, is trying to get some relief so they can get what is rightfully theirs.

□ 2145

It is clear that without this road, that the natives cannot get access to lands that Congress gave them. There was extensive debate in this body and in the other body settling the claims of the Alaskan natives. It is a breach of that commitment and that agreement and that settlement for now us having to be here fighting off this finality which I think is very important to the State of Alaska and the people of Alaska. In 16 years, the Federal Government has not given the natives the easement necessary for access to their lands, not somebody else's lands, their own lands. This bill grants that easement. The chairman is right. We sat in the full committee and acceded to the amendment of the gentleman from Virginia (Mr. MORAN) on the representation that this was what was necessary by the Forest Service and acceptable to the Forest Service for this construction and this easement to occur. This will go on and on and on in grand unfairness to the people of Alaska and the natives of Alaska if we do not resolve this today. The gentleman's amendment will enable the Federal Government to continue to breach its promise. I urge that it be rejected.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. I thank the gentleman for yielding.

Mr. Chairman, it has been suggested that without this rider, there will be no access to the Chugach. I want to make it perfectly understandable and plain that that is not true. There is a negotiation going on now between the Chugach Corporation and the Forest Service. The memorandum of understanding upon which they have entered into requires an agreement by the 11th of December. What this rider would do is override that process and it would establish this access by fiat, disregarding the laws established by this Congress on numerous occasions. That is precisely what this would do.

It has been suggested that this has been an interminable process, beginning back in 1982, and it has been obstructed, it has been suggested, by the Forest Service on more than one occasion. Again let me say that is not so. What has happened in the process of these negotiations is simply this. The leadership of the corporation has changed hands on several occasions. The direction of the corporation has changed on several occasions. It is only recently that they have come back to the table, wanting to conclude the negotiations, and those negotiations are going forward and they will conclude in an orderly, respectful fashion by the end of this year, given their own head. What this rider does is interrupt that. And it does something else, unfortunately. It is so wrong and so contrary to normal process that it is strongly objected to by the Forest Service and the Department, and it has been recommended to the President that on this basis alone if this bill passes with this rider that the bill be vetoed. That is how objectionable this rider is. The sad part about it is it is so totally unnecessary. This is an exercise of imprudence at best. If it were not to happen, the access would be granted, the road could be built, and everything that the Chugach Corporation wants in this regard would be acceded to. But since it is being done in this particular way, in the context of this rider, it places the whole process in jeopardy. I hope that that is clearly understood. The likelihood that this process will conclude amicably and favorably is jeopardized by the presence of this rider. If the rider is removed, the likelihood that the process will conclude amicably and in due course and expeditiously is guaranteed.

I hope that all those who respect the law, respect this Congress and what it has done over the years, respect lawful process, and also wish the best end of this process for the Chugach Corporation will join me in opposition to this rider.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Ohio.

Mr. REGULA. I want to make it clear that we are not disregarding the law. This is simply to expedite this action and this provision in the bill is for that purpose. I think we agree that it ought to be done. They are entitled to it. What we are trying to do is to get for these natives something that they were given by an original agreement, that has been delayed through various bureaucratic problems. Let us get on with it.

Mr. HINCHEY. The gentleman must know that the rider says, ''Without regard to any provision of law,'' and so it overrides the entire process. This document represents the agreement that is about to be signed within the next couple of months by everyone involved. This is the process that has been engaged in. What happens is that this rider overrides this whole process and throws out the law.

Mr. REGULA. If the gentleman will continue to yield, I just quote from the bill: ''Nothing in this section waives any legal environmental requirement with respect to the actual road construction.''

Mr. HINCHEY. If you read the first phrase, though, it says, ''Notwithstanding any provision of law.'' Do not forget the read the first phrase. The introductory clause in this case is critically important.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. MILLER of California:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC.—. None of the funds made available in this Act may be used to construct any road in the Tongass National Forest.

Mr. MILLER of California. Mr. Chairman, I think we are toward the end of the amendments in this legislation and fortunately this is a very straightforward amendment.

It is intended to prohibit the Forest Service from using appropriated funds to construct new timber roads in the Tongass National Forest in Alaska. It saves money and it protects old-growth forest at the same time.

The Tongass already has over 4,600 miles of permanent roads which have been built with the help of taxpayer subsidies for the timber industry. In fiscal year 1997, the Tongass timber program lost over $33 million, by far the biggest money loser in the Nation, in part because of 79 miles of new roads that were constructed. Because of the difficulty in construction and the terrain, these are some of the most expensive roads within the Forest Service.

The recently revised Tongass Land Management Plan would allow construction for up to an additional 110 miles of new roads annually. While this is less than the last decade's average of 168 miles constructed annually, it represents a major impact on the environment and would require significant outlays of taxpayer dollars. Because this plan is being reviewed on appeal by the Secretary, the Forest Service has not included the Tongass in the draft proposed roads moratorium.

It especially does not make sense to use appropriated funds to build new timber roads in the Tongass when the Forest Service has already been waiving local processing laws in order to allow the logs to be exported to Japan and to other countries. During 1997, the Forest Service permitted the export of over 100 million board feet of timber cut from the Tongass.

Mr. Chairman, the committee's bill proposes to eliminate purchaser road credits and to reduce to $1 million direct spending to build new roads. This amendment would seek to assure that no such funds would be used to build roads in the Tongass. It is pro-taxpayer, I believe it is pro-environment, and I urge the Members to support this amendment.

I would also say that this amendment is necessary because we see a sort of Soviet style economic decision in the Senate which demands that the Tongass engage in over 240 million board feet annually, an amount more than double the current demand-driven cut of 100 million. So I think that this amendment is also important for that reason because of actions being taken in the Senate. I would urge passage of this amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

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

Mr. YOUNG of Alaska. Mr. Chairman, some things never change. This Tongass fight has been going on for a long time. In all regards to my good friend, the ex-chairman of the committee, I can remember in 1989 that the gentleman from California worked very hard to solve the Tongass problem. We very frankly thought we had solved it. In 1990, 400 million board feet were being cut. I was told by the gentleman from California that the mills would still run, there would be plenty of timber. In fact he quoted, if I may quote,

Wilderness designation for the 23 areas would reduce the scheduled Tongass timber harvest of 450 million board feet annually by 49 million board feet. The impact of new wilderness on the scheduled timber base of 1.75 million acres is a loss of 238,000 acres. The remaining 1.5 million acres of land scheduled for harvest is capable of producing over 400 million board feet of timber per year.

Because of the Forest Service and this administration, a lot of inactivities and the continued taking away of lands, we are now down to very frankly 267 million board feet maybe if the Forest Service sells any. And, by the way, the efforts of the gentleman from California (Mr. MILLER) after 1990, we have no more saw mills, pulp mills left in the State. That is why there is no demand.

We are trying to develop three or four small mills. Very frankly that is what we are trying to do. We need roads in the area if we are to have any timber. You cannot get timber unless you have roads. Even the President agreed with this. Even the Forest Service agreed with this, that there has to be roads to get the timber out. What the Miller amendment does very frankly is to make sure there is no new timber cut in the Tongass. Otherwise there will be no more timber industry. I will be very frank with the gentleman from California that if he would say that is what he wanted to do in 1980 or 1990, I might have said, ''Okay, that is the way the game is played,'' but not to tell me we are going to have plenty of timber.

The other thing I might remind people that he killed 4,600 jobs in my southeast area. There is no forestry. There are a lot of forest rangers but no forestry being done. Actually I believe a zero cut in the Tongass is the goal.

It was mentioned about roads in the Tongass. To just give my colleagues an idea, Mr. Chairman, we do not know how many roads will be built in the new areas to get timber out. We have no idea. But I will tell my colleagues that in West Virginia, the Tongass is the same size, 17 million acres. West Virginia has 35,110 miles of road, and it is still called a rural State. Thank God for Senator BYRD. They have 35,110 miles of road and in the Tongass we have 2,000 miles of road. If you want to drive to Juneau, you cannot, the capital. If you want to drive to Petersburg, you cannot. If you want to drive to Sitka, you cannot. If you want to drive to Wrangell or any other place, you cannot, because we have no roads. There are 35,110 miles of road in West Virginia, the same size as the Tongass, and we have 2,000 miles of road. But what we are trying to do here is preserve what little remaining timber industry we have.

If we were to adopt the Miller amendment, if we were to adopt it, we would say no more timber shall be harvested in Tongass. If that is the intent of Mr. MILLER, I would suggest he offer that amendment, that he says there will be no more timber period ever harvested out of that area. Then we go back to 1990 where he said there would be approximately 400 million board feet still available after we set this aside for a wilderness area in the Tongass.

I am going to ask my colleagues just to consider this for a moment. In all due respect to my good friend, my ranking member, he does not want any timber harvesting left in the Tongass forest. I argue that we reached this agreement in 1990, we signed off on it with the environmental community. CEAC said in fact there will be peace in the valley. No longer any need to debate, this is behind us, let us go forth and do what is correct. Let us progress in more positive things. Yet here tonight at this late hour, we have a gentleman who it was involved in 1986, in 1989, in 1990, in three different Tongass bills. And we have it before us tonight.

I urge the defeat of this amendment. It is not only mischievous, I am going to suggest respectfully, it is an attempt to kill the forest industry.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

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

Mr. MILLER of California. I thank the gentleman for yielding. As he knows, I did not force the pulp mill to act in violation of criminal law and to

be successfully prosecuted under criminal law so that they ended up losing their rights in the forest.

Mr. YOUNG of Alaska. Reclaiming my time, that was not both mills and the gentleman from California knows that. Do not say that.

Mr. MILLER of California. The gentleman knows why the pulp mills are not there, too.

Mr. YOUNG of Alaska. Because there is no more timber.

Mr. MILLER of California. There is no market.

Mr. YOUNG of Alaska. There is no market because you have no timber.

Mr. MILLER of California. No, there is no market for the pulp.

□ 2200

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thought we had settled the Tongass matter in 1997 with the law of the gentleman from California (Mr. MILLER), and apparently not, because we are getting another bite of the apple proposed tonight.

At the time the 1997 Miller Tongass law passed, 3,000 people were put out of work; 1,600 were left. If this amendment is agreed to, 600 more workers will be out of work almost immediately.

I am somewhat surprised, and I have not been to the Tongass, but there must be some concern about 600 families that are suddenly going to be out of jobs, because from what little bit I know of Alaska, I do not think they are making any steel or bearings or tires or refrigerators in Alaska. If these people do not work in the timber industry, where will they work?

Mr. Chairman, I yield to the gentleman from California. Maybe he can answer that.

Mr. MILLER of California. Mr. Chairman, I would answer that by asking the gentleman a question. Are there appropriated funds in this bill for roads in the Tongass?

Mr. REGULA. Mr. Chairman, reclaiming my time, I think the Forest Service would make that decision. There is money for road building.

Mr. MILLER of California. So out of the $1 million, that money can be appropriated to the Tongass?

Mr. REGULA. That is going to be their decision.

Mr. MILLER of California. But that is $1 million nationwide.

Mr. REGULA. It is for new roads.

Mr. MILLER of California. Right.

Mr. REGULA. That is correct. But does this amendment only apply to the $1 million?

Mr. Chairman, I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, it says no appropriated funds, whatever we end up determining is appropriated for new roads, that none of those appropriated funds would be used for new road construction.

Mr. REGULA. Is this applicable only to the $1 million?

Mr. MILLER of California. Yes, if that is the only appropriated monies for new roads.

Mr. REGULA. So what is the gentleman suggesting?

Mr. MILLER of California. Apparently my amendment is going to lay off 600 people. The gentleman's bill does not have any money in it for new roads to begin with. We are down to $1 million nationwide. So let us not pretend like somebody cares about people, and other people do not at this point.

Mr. REGULA. Mr. Chairman, let us clarify it. Does the gentleman's amendment apply to reconstructed roads?

Mr. MILLER of California. No.

Mr. REGULA. So if they could reconstruct roads to keep these jobs, that would be permissible.

Mr. MILLER of California. That is a very important point. This has been one of the most aggressive road building programs per board feet. I mean, let us not pretend like there is not timber to cut off existing roads.

With all due respect to the Alaska delegation, and admiration, they have done very well in pushing roads that far exceed the purpose of the road for the timber that was taken off of previous sales. So it is not like they cannot meet 100 million board feet off of existing roads.

Let us not pretend the road is only good for that one sale and we never go back. That is not the history of forest roads anywhere, and it is certainly not the history here when you look to the extent to which roads have been pushed into the Tongass already in the name of previous sales.

Mr. REGULA. Mr. Chairman, reclaiming my time, if these are reconstructed roads, then the gentleman does not have a problem with that?

Mr. MILLER of California. Exactly.

Mr. REGULA. The gentleman wants to help to keep the jobs.

Mr. MILLER of California. The gentleman is correct.

Mr. REGULA. So the gentleman is not interested in stopping logging in the Tongass; is that correct?

Mr. MILLER of California. No, I never have been. Ten years ago we made a deal, Senator STEVENS and I, and we said for 10 years, that that would be it on the Tongass. It was not a matter of months before riders started appearing on Senate appropriations bills directing cuts in the Tongass.

We all have great admiration for Senator STEVENS, but he is the one that continued, continued to alter that original agreement that we had. I do not like the results but I have got to admire the talent. He has never stopped, as those Members on the Committee on Appropriations, I see them all smiling here, they know exactly what I am talking about. They have never had an appropriations bill move where there is not something tricking up.

He tried to change the forest plans. He tried to go back to the old plans. He tried to increase the cuts. He tried to increase the roads. He tried to bail the industries out of problems. Bang-di-di-bang-di-di-bang. This guy has never slept. I guess I misunderstood. I thought we shook hands, and he said we were going to go away for 10 years. I think he said he was never going to sleep for 10 years. That is what happened.

So this is not some unilateral course. As the Chairman knows, this is a very, very active subject matter in these appropriations bills, and it usually runs afoul of forest policy and the administration and all of the rest of it.

Mr. REGULA. Mr. Chairman, reclaiming my time, our bill presently does not mention the Tongass, as the gentleman knows.

Mr. MILLER of California. Right.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. REGULA) has expired.

(By unanimous consent, Mr. REGULA was allowed to proceed for 2 additional minutes.)

Mr. REGULA. Mr. Chairman, one other question: Does the gentleman think his amendment will in any way affect the contractual obligations of the Federal Government?

I yield to the gentleman from California.

Mr. MILLER of California. I do not know why it would. It would not affect the previous purchaser credits, no.

Mr. REGULA. Mr. Chairman, I think if there is some just possibility that it would, it could create a great liability. I would also point out that the Society of American Foresters and many labor unions oppose the Miller amendment, because they must have some concern that it will substantially reduce the employment base in Alaska.

Mr. MILLER of California. That has been a historical proposition.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. REGULA. Yes, I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, in answering the question of the contractual agreement of the forest, it will affect the ability to take trees off that forest. There is no doubt about that. With all due respect to the gentleman from California, I do believe his legal staff will tell him that.

I am going to suggest this issue is not in this bill. This is the first time I believe on this House floor that we have not had a Tongass provision in the committee bill that came to the floor. I never tried to put one in.

Mr. MILLER of California. He is quite correct. He is quite correct. Very rarely do they initiate over here.

The CHAIRMAN. The gentlemen will suspend. The gentleman from Ohio (Mr. REGULA) is not a mere spectator. The gentleman from Ohio (Mr. REGULA) controls the time.

The time of the gentleman from Ohio (Mr. REGULA) has again expired.

(By unanimous consent, Mr. REGULA was allowed to proceed for 2 additional minutes.)

Mr. REGULA. Mr. Chairman, I yield to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I want to stress that again. This issue I thought had been put to bed. The good Senator, bless his heart, never does sleep. But to be frank, I would suggest to the gentleman from California, if he wants to open up the Tongass, and he has his amendment adopted, he will really have an opportunity. And I will tell him, the gentleman from Washington (Mr. DICKS), and the gentleman from Ohio (Mr. REGULA) will tell him, he does not want to go through this.

So I was trying to do something correct for many times, dead serious, not to have the Tongass mentioned in the bill at all, so there would not be a door open for my good senior Senator who is very persevering.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, let me just say if this was the World Wrestling Federation, this tag team from Alaska would be the world's champions.

Mr. YOUNG of Alaska. I thank the gentleman.

Mr. MILLER of California. Mr. Chairman, I appreciate there is nothing in this bill, but we already know that the Senate is mandating more than doubling the cut of 240 million board feet. This is the Soviet Union saying we are going to cut this. There is no market. The price is falling. But what they need to make it all work is tax subsidized roads.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield again?

Mr. REGULA. Yes, I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, as I have said, I have left the Tongass, as the gentleman from Washington will say, out of this bill. We have reached an agreement on our side with those people that do not like road purchases of credit, et cetera, et cetera. We reached that agreement, so that is not in the bill. That has been agreed to.

Now the gentleman from California's amendment comes along and very frankly breaches that agreement. So I want to say, in all respects, if you open this box the agreement is off as far as the future in the conference.

Mr. MILLER of California. If the gentleman will yield, the gentleman does know that the Tongass is not part of the moratorium which is the basis for the agreement.

Mr. REGULA. Mr. Chairman, I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. That was done by the administration. That was done by the Forest Service rightfully due. I am saying that was rightfully done. We had a TLUMP process. We were told it followed the TLUMP. That is the planning program. We were told that. We have followed that. We are going to follow it if everything goes forth.

Mr. MILLER of California. We have this wonderful agreement over here on the other side. I can hear the heart beating over there and it is 240 million board feet.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman's amendment is adopted, I can guarantee him with my two Senators on the other side this is going to become one of the major issues. I tried very systematically to leave the Tongass out, on behalf of the gentleman from Ohio (Mr. REGULA), on behalf of the gentleman from Washington (Mr. DICKS), and leave the Tongass out of it.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. REGULA) has again expired.

(By unanimous consent, Mr. REGULA was allowed to proceed for 2 additional minutes.)

Mr. REGULA. Mr. Chairman, I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, in fact, I encourage the gentleman to withdraw the amendment and let this thing go over to the Senate side without the mention of Tongass and see what happens. But if the gentleman leaves it in there, I want to tell him, Katie bar the door, if he thinks El Niño is bad, try this one.

Mr. MILLER of California. That river boat is coming right to the forefront here.

Mr. REGULA. Mr. Chairman, based on that persuasive testimony, will the gentleman withdraw the amendment?

I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, the gentleman will not because he has such great admiration for this team over there. We know what is coming from the other side. It is clearly a decision to try and to drive additional roads and additional cuts far beyond the market-driven cut here. I think this is an important amendment. It is two old war horses up here.

Mr. REGULA. Mr. Chairman, let me just close by saying I urge all Members to reject this amendment. We closed the Tongass issue in the past, and let us move on.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will admonish all Members that referring to Senators by name, even in the context of being wrestlers, or referring to Senate action or inaction, is not appropriate.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is pretty hard for me to tell whether we are at the sublime or the ridiculous end of the evening given where we are at this point. My mind is certainly reeling from the discussion about the millions of board feet in different ways that that would happen.

But the one thing that I think I pick up out of this is that we have built roads, and we have harvested timber. The Forest Service says that, in 1997, the timber program in the Tongass cost $33 million to the U.S. taxpayers. So the combination of road building and timber harvest costs us $33 million.

Going back some years before that, from 1992 to 1994, the GAO says that the costs over that 3-year period was $100 million. The cost to the taxpayers, which again means the roads that were built, whatever were built, and whatever access that provided, and whatever was cut on that basis has cost the taxpayers $100 million. In the more recent time that is at least a third, at least a third, more than a third of the total timber program losses that the U.S. Forest Service has sustained.

It would appear that each sale in the Tongass is yielding a loss in substantial part because of the costs to the taxpayers of building the roads. We are now being told, well, yes, but we are not talking about building new roads but only of reconstructing the old ones which certainly are expensive in their own right.

In order to get to more timber where the major part of the problem or a major part of the problem is that the markets and the weather extremes in the circumstances mean that logging is going to be basically not profitable without the substantial subsidy of the building of the access to it.

I suspect that the vast majority of Americans would recognize this combination as a bad deal for the taxpayers and prefer to stop digging the hole deeper as we go.

Earlier this year, and I recognize that the Tongass is not part of the agreement, that is part of the issue, that the agreement was reached by Congress and the Forest Service to end the subsidized road building in roadless areas in the national forests. Why? Because generally it is environmentally destructive. It produces erosion and siltation of the waterways and that that has an adverse effect upon habitat, particularly because of silt and waterways for fishing stocks.

So the program of building new roads into national forests has been ended essentially except for that in Alaska. So the bill creates a special case in Alaska to allow this road building to continue, whether new or I am not sure after the discussion, although I listened very carefully to it, whether it is new or just reconstruction of the roads that are already there to do this in Alaska in the Tongass, which is our only remaining temperate rain forest.

□ 2215

So the road building program there is really a jobs program. For those who want less government or smaller government, then I would suggest that we ought to be voting against it in order to cut out wasteful corporate welfare.

From my point of view, coming from the Northeast, it is sort of an add-insult-to-injury, in a sense, because the

subsidy that would be required here to do this timber cut, which by all the figures in the past has been continually done at a loss to the U.S. taxpayers, that subsidy comes out of the hides of other parts of the country.

In my area and congressional district, the largest manufacturing in my district is paper manufacturing, and there is a good deal of timbering that goes on in some of the States in the Northeast. But we have need for programs and use programs.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. OLVER) has expired.

(By unanimous consent, Mr. OLVER was allowed to proceed for 2 additional minutes.)

Mr. OLVER. Mr. Chairman, in my part of the country we depend upon things like the Economic Action Plan, the Forest Stewardship, the Forest Legacy Program, and yet each year, especially this year, the chairman and the ranking member have to struggle very hard to find ways to fund those programs and to keep them running, based upon sound industry practices to promote economic development and natural resources protection. But each of them is being squeezed down over time and, instead, we are doing something which is a major subsidy to the industry by all indications from how it has operated and what the GAO says and what the Forest Service says about the net cost of the program in this instance there.

There are other costs involved in such a program. We would expect it to cost both in tourism and fishing, as I have already mentioned. And here we are, while we are trying to get other countries to protect their rain forests and actually paying, in some cases putting money into that, here we are with our taxpayers being sent a bill to cut down our own last remaining or major remaining temperate rain forest.

So with all of those thoughts under consideration, I would urge that Members of this body support the Miller amendment when it comes up for a vote tomorrow.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. OLVER) has expired.

(On request of Mr. YOUNG of Alaska, and by unanimous consent, Mr. OLVER was allowed to proceed for 1 additional minute.)

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Does the gentleman have any idea what size the Tongass Forest is?

Mr. OLVER. I think the gentleman told us what size it is earlier. It was the size of the State of West Virginia.

Mr. YOUNG of Alaska. Mr. Chairman, the reason I asked that question, the gentleman said we are cutting the last rain forest down. Does the gentleman know how many acres are left, of 17 million acres that are available to even think about harvesting?

Mr. OLVER. Mr. Chairman, reclaiming my time, yes. But this is what the debate is over. In essence, it really does not matter. If every time we build another road into that area it costs more to build the road than the value of the timber cut that we get, we are costing the taxpayers every time more than we are getting back from that.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will yield further, I am not debating that. I am debating the comment that we are cutting the last rain forest. We have about now left in that forest, about, get this, 11 million acres of rain forest that will not be touched. Nobody takes that into credit.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. OLVER) has expired.

(By unanimous consent, Mr. OLVER was allowed to proceed for 1 additional minute.)

Mr. OLVER. Mr. Chairman, I am surely not meaning to infer that we are cutting the last piece of rain forest that is the size of this Chamber or any such thing. Rain forests and the continuous convergence of cutting all around rain forests, whether they be in Costa Rica or in Sumatra or Borneo or the Amazon or in the Tongass, which is our largest and one that does contain substantial old growth forests which have never been cut, it is the major remaining temperate rain forest that we have. We are cutting into it.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will yield further, 93 percent of the forest is left. Ninety-three percent is left, and now, get this, of the 93, that is all 500-year-old trees. But do forests grow back?

Mr. OLVER. Mr. Chairman, reclaiming my time, surely, over a very long period of time. We plant at best not for our own generation, but for our grandchildren's generation. So it takes a very long time to grow back.

Mr. YOUNG of Alaska. So if a dead tree is dead, a dead tree is dead, and there is no harvesting of trees. Of the 93 percent, that means there will be no new trees. So, for future generations, that is nothing but dead trees.

Mr. OLVER. Mr. Chairman, reclaiming my time, the very points that the gentleman is making, the gentleman is saying 500-year-old trees that are there, that have taken a good portion of that time, certainly they were probably merchantable, timberable a good number of years ago, but not by any means 200 or 300 years ago.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, when we had a lot of these Alaska issues on a debate, Chairman Udall led a trip, and we had all of the scientists on board one of the tour ships, one of your ferry systems going down to Sitka.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. OLVER) has expired.

(On request of Mr. MILLER of California, and by unanimous consent, Mr. OLVER was allowed to proceed for 1 additional minute.)

Mr. OLVER. Mr. Chairman, I yield to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. They were talking about reforestation and how soon these trees would grow back. So we were looking, as the gentleman said, at 500-year-old trees and 400-year-old trees, and there were people from the forestry industry that said, ''See all this? It will be back in 30 years.''

How the hell will it be back in 30 years, when it took 500 years to grow the first time? Plus you know what happens to the soil on these slopes. A lot of these will not be back. That is why it took 500 years for that tree to get there.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will yield further, not in Alaska. They are not talking about the same forest condition the gentleman has in California. I can say the same areas that have been growing timber since we harvested in 1900, they are now considered old growth trees. They are only 100 years old.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. OLVER) has again expired.

Mr. OLVER. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?.

Mr. DICKS. Mr. Chairman, I object. We have to get to a vote on this. We have gone on and on and on. Can we not vote on this amendment, please?

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentleman from California (Mr. MILLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentleman from California (Mr. MILLER) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. PAPPAS

Mr. PAPPAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. PAPPAS:

Insert after the final section the following:

SEC. . The amounts otherwise provided by this Act are revised by increasing the amount for ''LAND ACQUISITION AND STATE ASSISTANCE'' under the heading ''NATIONAL PARK SERVICE'' (to provide funds for the State assistance program) and reducing the amount for ''GRANTS AND ADMINISTRATION'' under the heading ''NATIONAL ENDOWMENT FOR THE ARTS'', by $50,000,000.

Mr. PAPPAS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAPPAS. Mr. Chairman, this amendment will reorder priorities in this Congress and this Interior appropriations bill. I know time is short and the chairman and ranking member have been here for quite some time, so I will be brief to explain what I am trying to do here.

This amendment would move $50 million into the Land and Water Conservation Fund Stateside Grant Program and reduce funding for the National Endowment for the Arts by $50 million.

The Stateside Grant Program, which is a matching grant program, helps States in recreational and open space efforts. This is a very good bill and it is a lean year.

I congratulate the chairman and ranking member for their efforts. Finding offsets is hard to do in this tightly constructed bill. For example, yesterday the gentleman from Massachusetts (Mr. MCGOVERN) and I offered an amendment to move $30 million into the Stateside Grant Program under the Land and Water Conservation Fund. Yesterday, 203 Members of this House supported this effort. However, many were troubled at the offset chosen.

This amendment is another attempt to find more acceptable offsets to fund an important function in the Land and Water Conservation Fund. To me, funding open space and recreational efforts is a more important priority to central New Jersey and the people of this country. I am a great supporter of the arts. However, I believe putting money into the Land and Water Conservation Fund is a more important priority because so much of our open space is disappearing.

Yesterday we had a full and fair debate on the propriety of the government support for the arts. I do not intend to replay yesterday's debate. However, the vote on the amendment of the gentlewoman from Connecticut (Mrs. JOHNSON) was a vote to support funding arts. The level of funding is a different matter, especially when there is an opportunity to help the quality of life of all Americans helped by the Land and Water Conservation Fund.

This amendment would reduce NEA funding to $48 million, which would be roughly $1 million for each state. New Jersey presently does well under the NEA compared to other States. However, we need to do much better in the Land and Water Conservation Fund funding and having the Federal Government more active in helping States do more to match recreation and open space efforts of the States.

Mr. Chairman, I urge this Congress to vote for this amendment as a statement of our commitment of proper priorities and our dedication to protecting open space and our communities.

Mr. HORN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am sorry to disagree with my colleague from New Jersey. I think we have here obviously a conflict of major things within one appropriations bill. The fact is that we won that battle for the arts by 253 to 173. I would hope we do not have to fight that every day the bill remains before us.

But it seems to me the answer to the gentleman's question on the how to acquire land and open space and all the rest means that the Forest Service ought to start prioritizing its various forests, portions of various forests, and we ought to be talking about land exchanges, not moving money from the arts, which means a lot to thousands of schoolchildren in America and millions of other people.

I am sure the chairman has explored that, but I would think we need to be more vigorous in the Forest Service in classifying the weaker part of a forest with the richer part of the forest and making the availability of millions of acres, which perhaps would gain the type of space the gentleman needs closer to the urban populations that would profit from it.

I would hope the gentleman might go that route, rather than create a friction within the House of Representatives of the arts versus trees, because a lot of us are for both of them.

Ms. SLAUGHTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to this amendment. As the gentleman from California (Mr. HORN) just pointed out, the House exercised its will yesterday on the matter of the National Endowment for the Arts.

The gentleman offering this amendment does quite well, as he pointed out, New Jersey does, but let me speak of his own district. In his district, he has four NEA grants alone that total over $210,000, almost a quarter of a million dollars. When you consider there are 435 Congressional districts competing for $98 million, you have to say that the gentleman from New Jersey (Mr. PAPPAS) does extraordinarily well.

Let me mention a few of those grants in the gentleman's district. The National Poetry Series, to support the work of five upcoming winners of the 1999 National poetry, an open competition. The McCarter Theater Company, it supports the production of a new musical.

□ 2230

The Princeton Art Museum tour, touring an exhibit entitled The Art and Culture of Chinese calligraphy. The American Boys Choir School, which gets by itself $120,000 to support their efforts to plan and to stabilize their endowment.

While I am sure that land and water certainly does add to the quality of life and to the joy of living, without any question I think that these programs that the NEA helps to leverage also do a great deal for the quality of life in the district of the gentleman from New Jersey (Mr. PAPPAS). It is very shortsighted for him to attempt to take half the money in what is already I think agreed by many of us to be an extremely underfunded program.

The NEA's direction from this Congress is to try to reach into every nook and cranny in the United States, and it is doing a very good job of doing that. The things that we know now about the importance of the arts and the effect that it has on the developing child, making a child a better student, giving them self-respect, teaching them discipline, all the things that we want for America's children, the ability to really develop one's mind and one's ability in science and math directed to the attention given and being exposed to music, particularly piano and dance, is certainly undisputed in this country today, and again is something that we very badly need and we very badly want.

Mr. Chairman, I appreciate very much my cochair of the Congressional Members Arts Organization, the gentleman from California (Mr. HORN), and he and I have worked very diligently in trying to keep this program alive. Thanks again to the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee, for his good work on NEA. I would urge that the House not pass this amendment and recommend very strongly a ''no'' vote, should it come to a vote tomorrow.

Mr. PAPPAS. Mr. Chairman, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from New Jersey.

Mr. PAPPAS. Mr. Chairman, I appreciate the gentlewoman's sentiments, but I also need to refer to the document that I have before me, which is the Land and Water Conservation Fund Act of 1965, which I will include for the record. From that, there is a reference to ''not less than $300 million for fiscal year 1977 and $900 million for fiscal year 1978, and for each fiscal year thereafter through September 30, 2015.''

Mr. Chairman, I include the following for the RECORD:

20. LAND AND WATER CONSERVATION FUND ACT OF 1965 (AND RELATED LAWS)

A. Land and Water Conservation Fund Act of 1965

An Act to establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes.

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

TITLE I—LAND AND WATER CONSERVATION PROVISIONS

SHORT TITLE AND STATEMENT OF PURPOSES

SECTION 1. [16 U.S.C. 4601–4] (a) CITATION; EFFECTIVE DATE.—This Act may be cited as the ''Land and Water Conservation Fund Act of 1965'' and shall become effective on January 1, 1965.

(b) PURPOSES.—The purposes of this Act are to assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors who are lawfully present within the boundaries of the United States of America such quality and quantity of outdoor recreation resources as

may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for the Federal acquisition and development of certain lands and other areas.

CERTAIN REVENUES PLACED IN SEPARATE FUND

SEC. 2. [16 U.S.C. 4601–5] SEPARATE FUND.—During the period ending September 30, 2015, there shall be covered into the land and water conservation fund in the Treasury of the United States, which fund is hereby established and is hereinafter referred to as the ''fund'', the following revenues and collections:

(a) SURPLUS PROPERTY SALES.—All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of those provisions of law set forth in section 485(b)(e), title 40, United States Code, or the Independent Offices Appropriation Act, 1963 (76 Stat. 725) or in any later appropriation Act) hereafter received from any disposal of surplus real property and related personal property under the Federal Property and Administrative Services Act of 1949, as amended, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this Act shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

(b) MOTORBOAT FUELS TAX.—The amounts provided for in section 201 of this Act.

(c)(1) OTHER REVENUES.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to this section, as amended, there are authorized to be appropriated annually to the fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the fund not less than $300,000,000 for fiscal year 1977, and $900,000,000 for fiscal year 1978 and for each fiscal year thereafter through September 30, 2015.

(2) To the extent that any such sums so appropriated are not sufficient to make the total annual income of the fund equivalent to the amounts provided in clause (1), an amount sufficient to cover the remainder thereof shall be credited to the fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331, et seq.): *Provided*, That notwithstanding the provisions of section 3 of this Act, moneys covered into the fund under this paragraph shall remain in the fund until appropriated by the Congress to carry out the purpose of this Act.

SEC. 3. [16 U.S.C. 4601–6] APPROPRIATIONS.—Moneys covered into the fund shall be available for expenditure for the purposes of this Act only when appropriated therefor. Such appropriations may be made without fiscal-year limitation. Moneys made available for obligation or expenditure from the fund or from the special account established under section 4(i)(1) may be obligated or expended only as provided in this Act.

ADMISSION AND USE FEES; ESTABLISHMENT AND REGULATIONS

SEC. 4. (a) [16 U.S.C. 4601–6a] ADMISSION FEES.—Entrance or admission fees shall be charged only at designated units of the National Park System or National Conservation Areas administered by the Department of the Interior and National Recreation Areas, National Monuments, National Volcanic Monuments, National Scenic Areas, and no more than 21 areas of concentrated public use administered by the Department of Agriculture. For purposes of this subsection, the term ''area of concentrated public use'' means an area that is managed primarily for outdoor recreation purposes, contains at least one major recreation attraction, where facilities and services necessary to accommodate heavy public use are provided, and public access to the area is provided in such a manner that admission fees can be efficiently collected at one or more centralized locations. No admission fees of any kind shall be charged or imposed for entrance into any other federally owned areas which are operated and maintained by a Federal agency and used for outdoor recreation purposes.

(1)(A)(i) For admission into any such designated area, an annual admission permit (to be known as the Golden Eagle Passport) shall be available, for a fee of not more than $25. The permittee and any person accompanying him in a single, private noncommercial vehicle, or alternatively, the permittee and his spouse, children, and parents accompanying him where entry to the area is by any means other than private, noncommercial vehicle, shall be entitled to general admission into any area designated pursuant to this subsection. The annual permit shall be value for a period of 12 months from the date the annual fee is paid. The annual permit shall not authorize any uses for which additional fees are charged pursuant to subsections (b) and (c) of this section. The annual permit shall be nontransferable and the unlawful use thereof shall be punishable in accordance with regulations established pursuant to subsection (e). The annual permit shall be available for purchase at any such designated area.

(ii) The Secretary of the Interior and the Secretary of Agriculture may authorize businesses, nonprofit entities, and other organizations to sell and collect fees for the Golden Eagle Passport subject to such terms and conditions as the Secretaries may jointly prescribe. The Secretaries shall develop detailed guidelines for promotional advertising of non-Federal Golden Eagle Passport sales and shall monitor compliance with such guidelines. The Secretaries may authorize the sellers to withhold amounts up to, but not exceeding 8 percent of the gross fees collected from the sale of such passports as reimbursement for actual expenses of the sales. Receipts from such non-Federal sales of the Golden Eagle Passport shall be deposited into the special account established in subsection (i), to be allocated between the Secretary of the Interior and the Secretary of Agriculture in the same ratio as receipts from admission into Federal fee areas administered by the Secretary of Agriculture and the Secretary of the Interior pursuant to subsection (a).

Mr. Chairman, I think that the Congress has not done enough to fund the Land and Water Conservation Fund. As I said in my remarks to my friend from New York, the Congress has not, I think, followed through on funding a very, very important program. Open space is disappearing in my part of the country, and without more Federal involvement in State and local efforts to preserve open space, we are going to lose this battle.

Ms. SLAUGHTER. Mr. Chairman, reclaiming my time, I do not know how many forests the gentleman has in New Jersey, but let me say that when I first came to Congress in 1987, the National Endowment for the Arts budget was over $170 million. It has been cut considerably as well. I know of no other program, no other investment that we make in the United States budget of $98 million that will bring back into this Treasury almost $4 billion. Indeed, that money that is sent out enriches the lives of everyone that it touches.

I agree that open space is terribly important, but I do not want to see us pit one against the other, because the importance will be very difficult to approve for each one. I would think that the people in the gentleman's district would agree that the money that they have for the National Endowment for the Arts has been money well spent and has had a positive effect on the State of New Jersey, particularly in the gentleman's district.

Again, I urge a ''no'' vote on this amendment.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to point out to the gentleman from New Jersey (Mr. PAPPAS) that in this bill there is almost $3 million for the State of New Jersey, all Land and Water conservation money.

Also, I would point out that last year we spent $15 million on the Sterling Forest in the State of New Jersey, again, Land and Water conservation money. There is only so much of it, and we have a responsibility to the Federal lands.

We have $10 billion worth of backlog maintenance in our National Parks, 375 National Parks, 50 Forests, about 30 Fish and Wildlife, millions of acres of Bureau of Land Management; a total of almost 700 million acres that we are responsible for, to say nothing of all of the cultural institutions in this city, to say nothing of the Bureau of Indian Affairs. Mr. Chairman, 75 percent of the Indians do not even have adequate health care or dental care. We are stretched thin.

Yesterday this House, by an 80-vote margin, we voted to have the National Endowment for the Arts. We voted in another amendment not to bring back State Land and Water conservation money. I think in view of all of that, this attempt would fly in the face of the House's action, and more importantly, fly in the face of the House's responsibility to take care of those 700 million acres of Federal lands.

The National Governors Association advises us that 47 States have budget surpluses, and I think the State open spaces are a responsibility of the States. We are a Federal legislative body, and our number one priority has to be Federal responsibilities. Even in the arts there are State arts associations; many of them take responsibility and are financed by the States. They get some money from NEA.

This amendment to cut the NEA in half in the face of the House's action yesterday and to transfer money to the

Land and Water Fund just does not fit with the policies adopted by this Congress. I would strongly urge the House Members to vote against this amendment. I do not think it is good policy. We do not have the money, and our primary area of responsibility, which is the public lands, is faced with a $10 billion backlog of maintenance. This is roads and camp sites and housing and all kinds of needs. It would be irresponsible simply to shift money out to the States.

We used to have revenue-sharing and we eliminated it because there was not any revenue to share. The same thing is true of the State Land and Water Conservation Fund. We cannot even use all of it for Federal projects in terms of land acquisition, and it simply does not make good policy to adopt an amendment such as this. I would strongly urge the Members to vote against it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. PAPPAS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PAPPAS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

Are there further amendments to title III?

If not, the Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Department of the Interior and Related Agencies Appropriations Act, 1999''.

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILCHREST) HAVING ASSUMED THE CHAIR, MR. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4193) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes, had come to no resolution thereon.

MAKING NO FURTHER AMENDMENTS IN ORDER DURING FURTHER CONSIDERATION OF H.R. 4193, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. REGULA. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4193, pursuant to House Resolution 504, no further amendment shall be in order in the Committee of the Whole.

The SPEAKER pro tempore (Mr. GILCHREST). Is there objection to the request of the gentleman from Ohio?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GILCHREST). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BARBARIC ACTIONS OF RUTHLESS CASTRO DICTATORSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, we recently marked the sad anniversary of a dark day in the history of human rights and of Cuba, my native homeland.

It was 4 years ago on July 13, 1994 that thugs of the Castro regime purposely attacked and sunk a tug boat filled with Cuban refugees, refugees who were attempting to flee the island in search of freedom and democracy. It was another example, sadly, of the hundreds already available that clearly demonstrate the barbaric nature of the dictatorship that has ruthlessly ruled Cuba for 38 years.

Early in the morning of that day, over 50 Cuban refugees boarded a tug boat named the ''13th of March.'' They did not know that all along they were being watched by Castro's brutal authorities. After sailing about 7 miles in the the open sea, Castro's gun boats began to repeatedly ram the tug boat filled with mostly women and children, while shooting water guns at the refugees aboard the vessels. Rejecting the pleas of mercy from the refugees, the ruthless Cuban soldiers, acting under Castro's order, continued to ram the vessel until it began to sink, but this was not enough.

While the drowning refugees asked for help, the Cuban gun boats circled around the tug boat wreckage in order to create a whirlpool effect that literally sucked the refugees into the bottom of the sea. As a result, over 50 people were murdered, most of them women and children.

Here are posters, Mr. Speaker, and it speaks volumes when we look at this photograph, and these were young children who were aboard that tug boat, small boys and girls who would never be able to live their lives, and all for the crime of trying to flee the Communist tyranny that engulfs the island of Cuba, and because their parents wanted a better life here in the United States for these children.

Whole families, whose only crime was to seek a new life and freedom, were massacred by the Castro regime. One of the survivors of the attack, Maria Victoria Garcia Suarez, later recaptured this sad incident in an interview. Maria said, ''We begged them not to do it, not to shoot more water at us, to stop. There were children aboard, that they were going to kill both them and us. Then we cried out to one boy who was stationed on the bridge of one of the thugs, and we cried at him, that 'Jacobo, don't shoot, don't hit us with more water', and he just laughed saying, 'Let them die.' We cried out, we offered to surrender, but they kept spraying us with the water cannons and bumping against us. Then later, the boat that was on one side, on the right side, hit us hard and we capsized. That's when the boat began to sink on us.''

This tragic incident, Mr. Speaker, is not the exception in the brutal history of the Castro dictatorship; it is, sadly, the rule. In the almost 40 years of totalitarian rule, thousands of Cubans just like these small children have been subjected to torture, to harassment, and even to death. The Cuban political prisons continue to be filled with dissidents who fight for freedom and for democracy.

Right now, as I speak, dissidents who dared to publish a document criticizing the Cuban communist constitution and asking for more democratic reforms on the island remain in prison.

□ 2245

Many thought that after the Pope's visit to Cuba, the Cuban dictator would change. But as he has clearly shown throughout his brutal nature in power, he will not change. His only goal is to maintain power at any cost without any consideration for the suffering and the misery of the Cuban people.

The best way to remember the murdered refugees of this sad episode, these boys and girls, Mr. Speaker, is to continue to fight for the freedom of the Cuban people and to let them know that the United States and the United States Congress stand in solidarity with their daily struggle.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-McDONALD addressed the House. Her remarks will appear hereafter in the Extension of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.