Navy, positive benefits for U.S. shipyards, positive benefits for the United States Treasury, and positive benefits for U.S. foreign policy. I urge its adoption.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I thank the ranking member for yielding, and, Mr. Speaker, I wish to engage the distinguished chairman of the Committee on International Relations in a colloquy.

Mr. GILMAN. Mr. Speaker, if the gentleman will yield, I will be pleased to engage in a colloquy with the gentleman from Guam.

Mr. UNDERWOOD. Mr. Speaker, in section 5 of H.R. 2035 concerning the repair and refurbishment of vessels in U.S. shipyards, the Secretary of the Navy is compelled to require to the maximum extent possible as a condition of transfer of a vessel to a foreign country that the country have repair or refurbishment of that vessel performed at a shipyard located in the United States.

Is it the gentleman's intention that in this provision territories, including a place that the gentleman from New York lived in for a while, Guam, is included in the definition of the United States?

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

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

Mr. GILMAN. The answer is, yes, the committee intends that the territories be included in a definition of the United States for purposes of this provision.

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman from New York for this clarification, and both him and the ranking member for their hard work on this issue. This will serve to clarify the legislation, and, hopefully, we will not have to do this again in future legislation regarding naval vessels and that this could be an important item for the people of Guam in particular, since the ship repair facility has recently closed down and has become privatized.

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

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and pass the bill, H.R. 2035, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

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

There was no objection.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2107, and that I may be permitted to include tables, charts, and other material.

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

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to House Resolution 181 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. 2107.

□ 1320

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. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. CALVERT, Chairman pro tempore, in the chair.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Friday, July 11, 1997, a request for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. CHABOT] had been postponed and the bill has been read through page 76, line 22.

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

Mr. Chairman, I know some of my colleagues will be interested in the schedule, so I might advise the body that it would be our intent to finish the amendments this afternoon, whatever amount of time that takes. We also have some limitations to debate. Then any votes will be rolled until 5 o'clock. We presently have the vote on the National Endowment for the Humanities pending, and I am sure there will be some additional votes.

At 5 o'clock we will vote on the amendments, and then it is my understanding from the leadership that they would like to vote on the suspensions, and the Journal, and then we would hope to get to final passage on the Interior bill some time around 8 o'clock tonight.

I might say to my colleagues I hope that in the intervening time this afternoon that they will take the opportunity to look at the bill. There are a lot of good features in this bill. I am pleased that we can say we are a little under last year's amount, but at the same time we have taken care of a lot of high priority items within the funds provided in this bill.

It goes without saying we have dozens and dozens of Member projects in this bill. We had 2,000 requests from Members for projects. Many of them overlapped obviously. But we tried, as much as possible, to prioritize these without regard to party, or to region, then simply make the best judgment we could in light of the availability of resources.

In terms of priorities, and I think this is very important, we added $78 million to the National Parks; that is a $78 million increase over last year, recognizing the pressures on the parks for visitations, to manage those who would seek the opportunity to visit our parks and to ensure that they have a positive experience.

We added $57 million for the National Forest System. We are getting enormous pressure on the national forests. Most people do not realize how important these lands are for the recreation users. And I have repeated this fact many times, but it bears another statement, and that is that the National Forest System has triple the visitor days of the Park System. Why? Because it has available a multiplicity of uses: We can hunt, we can fish, we can camp, we can bird watch, we can hike. In some areas we can run an all terrain vehicle; some areas, a snowmobile, a wide diversity of opportunities that are available in the national forests.

And I think a very important point is that the national forests provide an opportunity for family vacations, where the individual has got a couple weeks, can either rent or own a camper, go into a national forest and spend a couple of weeks with his or her family getting a better understanding of our natural heritage.

The allowable timber cut in our national forests, which this committee establishes as a cap, has been declining. In 1990 it was more than 11 billion board feet. Today it is down to 3.8 billion board feet.

And I would also point out in conjunction with that that we are growing each year 17 billion board feet, which means that we have a net increase in board feet in our national forests of almost 14 billion board feet.

Also, I think one of the good features in this bill is that we have emphasized forest health. We have a forest health program to address the problem of insects, of diseases, of the many things that create problems for our national forests, and we have recognized also the President's Northwest Forest Plan, which was the result of a compromise that President Clinton and Vice President Gore worked out some years ago, and we have supported that with significant dollars and language.

We often do not think of wildlife refuges necessarily in terms of visitors, but they are vital to the preservation of this Nation's wildlife resources. We have increased funding for the refugee system by $42 million.

We have synificantly increased funding for the Land and Water Conservation Fund, $239 million, and I think there are many other good features in this bill, and I hope that our colleagues will, all of them, take a look at it between now and the time we go to final passage and recognize that in supporting this they are supporting a very responsible and a very productive approach to the challenges that confront the Subcommittee on Interior.

AMENDMENT OFFERED BY MR. GIBBONS.

Mr. GIBBONS. Mr. Chairman, I ask unanimous consent to offer an amendment which amends a portion of the bill that has been previously read for amendment.

The Clerk read as follows:

Amendment offered by Mr. GIBBONS:

On page 14, line 4 before the words ''water rights'' insert surface''. On page 31, line 24 before the words ''water rights'' insert ''surface''.

The CHAIRMAN pro tempore. Is there objection to the consideration of the amendment en bloc to portions of the bill already passed in the reading?

Mr. DICKS. Reserving the right to object, Mr. Chairman, could the gentleman explain to us what the amendment is about?

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

Mr. DICKS. I yield to the gentleman from Nevada.

Mr. GIBBONS. Mr. Chairman, yes. To the gentleman from Washington, I would be happy to explain.

This amendment simply is a small technical amendment which changes a phrase on page 14, line 14, to add the word ''surface'' to ''water rights,'' and let me explain by way of this.

The U.S. Fish and Wildlife Department, the Department of the Interior, Bureau of Indian Affairs are buying and acquiring water rights in a specific location in the Lahontan Valley for the stillwater wildlife and for preservation of an endangered species fish. They are buying property with surface water rights attached to them so that they can acquire the water right, then take away the water right and resell the land.

The language in the bill itself provides that the Secretary cannot sell any water rights attached to the land when he puts it back up for resale after his acquisition, after taking the surface water rights away. All we want to do is reassure the folks, and we have a letter from the Secretary of the Interior to this effect, that he does not object to this proposal, that what they are selling is not land without any water. There are surface water rights and subsurface water rights. What we are trying to do is preserve the right for the Department of the Interior to sell land which has subsurface water rights like wellwater so that land can be sold. In this area of Nevada land without water is valueless.

Mr. DICKS. Mr. Chairman, I have been assured that the Secretary of the Interior has written a letter in support of this.

Mr. Chairman, I withdraw my reservation of objection.

□ 1330

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

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

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

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding to me.

We would have no objection to a limited amendment for the purpose described by the gentleman from Nevada [Mr. GIBBONS].

I think this is an important sentence in the Department's letter. It says, ''The Department will consult with the State and local jurisdictions, including appropriate planning and regulatory agencies and other interested persons, concerning the sale of such lands.'' We have no objection. We think this is a good amendment and support it.

Mr. GIBBONS. Mr. Chairman, I include for the RECORD a letter of July 14, 1997, with regard to this matter:

THE SECRETARY OF THE INTERIOR,
Washington, July 14, 1997.

Hon. RALPH REGULA,
Chairman, Subcommittee on Interior and Related Agencies, Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR MR. REGULA: Language was included in the fiscal year 1998 appropriations requests for the Department of the Interior in two places to allow, generally, the sale of lands and other real estate acquired incidental to the acquisition of water rights in the Truckee and Carson River basins in Nevada with the revenue from the sale to be deposited to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund for acquisition of additional water rights for purposes related to the initial acquisitions (i.e., restoration of Lahontan Valley wetlands and recovery of threatened and endangered fish at Pyramid Lake). The two provisions, one for the Fish and Wildlife Service (FWS) and the other for the Bureau of Indian Affairs (BIA), use parallel language with minor changes to correspond to the two separate water-right acquisition programs authorized. Both sets of language stem from the fact that a majority of water-right holders who want to sell their irrigation water rights (and only purchases from willing sellers are allowed) also want to sell the land and other real estate interests that go with the water rights. Except in limited circumstances, the Department of the Interior does not want to retain the land and other realty interests but rather wants to resell the land into the local private market and apply the receipts to continuation of the water-right acquisition programs.

I am advised that three questions have been raised with regard to this language. This letter will address each of those in turn:

1. A question has been raised as to whether the language in the pending appropriations measure on page 14, line 4 for FWS and page 31, line 24 for BIA allowing for the sale of land and interests in land ''. . . other than water rights . . .'' means that rights to subsurface water could not be sold. Our understanding is that the only water other than water-righted surface water acquired has been water in domestic wells that is not technically ''water-righted.'' In any case, it was not the Department of the Interior's intent to transfer any rights to these wells to the wetlands but, rather, to sell the domestic wells along with the land and other incidental real property. A suggestion has been made that the intent be clarified by adding the word ''surface'' before ''water rights'' in the language for both bureaus. The Department of the Interior would have no objection to a limited amendment for that purpose.

2. A question has also been raised as to whether the revenue from the sale of lands and interests in lands, other than surface water rights, will be used exclusively for acquisition of water rights tied to the original purpose of the initial acquisition. In other words, will revenue from the sale of lands acquired incidental to acquiring water rights for the Truckee River Water Quality Settlement be used exclusively for further acquisition of water rights to carry out the Settlement and, similarly, will such revenue from the sale of lands acquired incidental to acquiring water rights for the wetlands be used exclusively for water rights acquisition for the wetlands. The Department's intent is that the revenues be used exclusively for acquisitions related to the purpose of the original acquisitions. Accordingly, both bureaus will be advised to use their respective revenues exclusively in accord with this intent.

3. A question has also been raised as to whether the Department of the Interior would consult with the State of Nevada and units of local government with regard to the sale of lands and interests in lands under the proposed provisions. Extensive consultation has taken place previously with the state and with local jurisdictions regarding the purchase of lands under the wetlands restoration and endangered species recovery programs. In implementing these sale provisions, the Department will consult with the state and local jurisdictions, including appropriate planning and regulatory agencies, and other interested persons concerning the sale of such lands.

Sincerely,

BRUCE BABBETT.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Nevada [Mr. GIBBONS].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $13,900,000, to remain available until expended, of which $8,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out Subtitle C of the Museum and Library Services Act of 1996, $23,390,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided,* That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $907,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $6,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $2,700,000: *Provided,* That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $5,700,000: *Provided,* That all appointed members will be compensated at a rate not to exceed the rate for Executive Schedule Level IV: *Provided further,* That beginning in fiscal year 1998 and thereafter, the Commission is authorized to charge fees to cover the full costs of Geographic Information System products and services supplied by the Commission, and such fees shall be credited to this account as an offsetting collection, to remain available until expended.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388 (36 U.S.C. 1401), as amended, $31,707,000 of which $1,575,000 for the Museum's repair and rehabilitation program and $1,264,000 for the Museum's exhibitions program shall remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided,* That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the ''Buy American Act'').

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1995.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. Beginning in fiscal year 1998 and thereafter, where the actual costs of construction projects under self-determination contracts, compacts, or grants, pursuant to Public Laws 93–638, 103–413, or 100–297, are less than the estimated costs thereof, use of the resulting excess funds shall be determined by the appropriate Secretary after consultation with the tribes.

SEC. 311. Notwithstanding Public Law 103–413, quarterly payments of funds to tribes and tribal organizations under annual funding agreements pursuant to section 108 of Public Law 93–638, as amended, beginning in fiscal year 1998 and therafter, may be made on the first business day following the first day of a fiscal quarter.

SEC. 312. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: *Provided,* That if no funds are provided for the AmeriCorps program by the VA–HUD and Independent Agencies fiscal year 1998 appropriations bill, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 313. None of the funds made available in this Act may be used (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 314. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) On September 30, 1998, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 315. None of the funds appropriated or otherwise made available by this Act may be used for the purposes of acquiring lands in the counties of Gallia, Lawrence, Monroe, or Washington, Ohio, for the Wayne National Forest.

SEC. 316. None of the funds available to the Department of the Interior or the Department of Agriculture by this or any other Act

may be used to prepare, promulgate, implement, or enforce any interim or final rule or regulation pursuant to Title VIII of the Alaska National Interest Lands Conservation Act to assert jurisdiction, management, or control over any waters (other than non-navigable waters on Federal lands), non-Federal lands, or lands selected by, but not conveyed to, the State of Alaska pursuant to the Submerged Lands Act of 1953 or the Alaska Statehood Act, or an Alaska Native Corporation pursuant to the Alaska Native Claims Settlement Act.

SEC. 317. No funds appropriated under this or any other Act shall be used to review or modify sourcing areas previously approved under section 490(c)(3) of the Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101–382) or to enforce or implement Federal regulations 36 CFR part 223 promulgated on September 8, 1995. The regulations and interim rules in effect prior to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87, 36 CFR 223 subpart D, 36 CFR 223 subpart F, and 36 CFR 261.6) shall remain in effect. The Secretary of Agriculture or the Secretary of the Interior shall not adopt any policies concerning Public Law 101–382 or existing regulations that would restrain domestic transportation or processing of timber from private lands or impose additional accountability requirements on any timber. The Secretary of Commerce shall extend until September 30, 1998, the order issued under section 491(b)(2)(A) of Public Law 101–382 and shall issue an order under section 491(b)(2)(B) of such law that will be effective October 1, 1998.

SEC. 318. No part of any appropriation contained in this Act shall be expended or obligated to fund the activities of the western director and special assistant to the Secretary within the Office of the Secretary of Agriculture.

SEC. 319. Notwithstanding any other provision of law, for fiscal year 1998 the Secretaries of Agriculture and Interior are authorized to limit competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' component of the President's Forest Plan for the Pacific Northwest to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, and northern California that have been affected by reduced timber harvesting on Federal lands.

SEC. 320. Section 101(c) of Public Law 104–134 is amended as follows: Under the heading ''TITLE III—GENERAL PROVISIONS'' amend section 315(c)(1), subsections (A) and (B) by striking each of those subsections and inserting in lieu thereof:

''(A) Eighty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(A).

''(B) Twenty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(B).''

SEC. 321. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations.

SEC. 322. Section 303(d)(1) of Public Law 96–451 (16 U.S.C. 1606a(d)(1)) is amended by inserting before the semicolon the following: ''and other forest stand improvement activities to enhance forest health and reduce hazardous fuel loads of forest stands in the National Forest System''.

SEC. 323. The Secretaries of Agriculture and Interior, in their conducting the Interior Columbia Basin Ecosystem Management Project, including both the Eastside Draft Environmental Impact Statement and the Upper Columbia River Basin Ecosystem Management Strategy Draft Environmental Impact Statement as described in a Federal Register notice on January 15, 1997 (Vol. 62, No. 10, page 2176) (hereinafter ''Project''), shall analyze the economic and social conditions, and culture and customs of communities at the sub-basin level of analysis within the project area to the extent practicable and delineate the impacts the alternatives will have on the communities in the 164 sub-basins. The project managers shall release this more thorough analysis for public review as an addition to the draft environmental impact statements for the project, and incorporate this analysis and public comments to this analysis in any final environmental impact statements and record of decisions generated by the project.

SEC. 324. Notwithstanding section 904(b) of Public Law 104–333, hereafter, the Heritage Area established under section 904 of title IX of division II of Public Law 104–333 shall include any portion of a city, town, or village within an area specified in section 904(b)(2) of that Act only to the extent that the government of the city, town, or village, in a resolution of the governing board or council, agrees to be included and submits the resolution to the Secretary of the Interior and the management entities for the Heritage Area and to the extent such resolution is not subsequently revoked in the same manner.

AMENDMENT OFFERED BY MR. CRAPO

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CRAPO:

Page 89, after line 15, insert the following new title:

TITLE IV—DEFICIT REDUCTION LOCK-BOX

SEC. 401. SHORT TITLE.

This title may be cited as the ''Deficit Reduction Lock-box Act of 1997''.

SEC. 402. DEFICIT REDUCTION LOCK-BOX LEDGER.

(a) ESTABLISHMENT OF LEDGER.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

''DEFICIT REDUCTION LOCK-BOX LEDGER

''SEC. 314. (a) ESTABLISHMENT OF LEDGER.—The Director of the Congressional Budget Office (hereinafter in this section referred to as the 'Director') shall maintain a ledger to be known as the 'Deficit Reduction Lock-box Ledger'. The Ledger shall be divided into entries corresponding to the subcommittees of the Committees on Appropriations. Each entry shall consist of three parts: the 'House Lock-box Balance'; the 'Senate Lock-box Balance'; and the 'Joint House-Senate Lock-box Balance'.

''(b) COMPONENTS OF LEDGER.—Each component in an entry shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

''(c) CREDIT OF AMOUNTS TO LEDGER.—(1) The Director shall, upon the engrossment of any appropriation bill by the House of Representatives and upon the engrossment of that bill by the Senate, credit to the applicable entry balance of that House amounts of new budget authority and outlays equal to the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by that House to that bill.

''(2) The Director shall, upon the engrossment of Senate amendments to any appropriation bill, credit to the applicable Joint House-Senate Lock-box Balance the amounts of new budget authority and outlays equal to—

''(A) an amount equal to one-half of the sum of (i) the amount of new budget authority in the House Lock-box Balance plus (ii) the amount of new budget authority in the Senate Lock-box Balance for that bill; and

''(B) an amount equal to one-half of the sum of (i) the amount of outlays in the House Lock-box Balance plus (ii) the amount of outlays in the Senate Lock-box Balance for that bill.

''(3) CALCULATION OF LOCK-BOX SAVINGS IN SENATE.—For purposes of calculating under this section the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the Senate on an appropriation bill, the amendments reported to the Senate by its Committee on Appropriations shall be considered to be part of the original text of the bill.

''(d) DEFINITION.—As used in this section, the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.''.

''(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new item:

''Sec. 314. Deficit reduction lock-box ledger.''.

SEC. 403. TALLY DURING HOUSE CONSIDERATION.

There shall be available to Members in the House of Representatives during consideration of any appropriations bill by the House a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported.

SEC. 404. DOWNWARD ADJUSTMENT OF 602(a) ALLOCATIONS AND SECTION 602(b) SUBALLOCATIONS.

(a) ALLOCATIONS.—Section 602(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

''(5) Upon the engrossment of Senate amendments to any appropriation bill (as defined in section 314(d)) for a fiscal year, the amounts allocated under paragraph (1) or (2) to the Committee on Appropriations of each House upon the adoption of the most recent concurrent resolution on the budget for that fiscal year shall be adjusted downward by the amounts credited to the applicable Joint House-Senate Lock-box Balance under section 314(c)(2). The revised levels of budget authority and outlays shall be submitted to each House by the chairman of the Committee on the Budget of that House and shall be printed in the Congressional Record.''.

(b) SUBALLOCATIONS.—Section 602(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: ''Whenever an adjustment is made under subsection (a)(5) to an allocation under that subsection, the chairman of the Committee on Appropriations of each House shall make downward adjustments in the most recent suballocations of new budget authority and outlays under subparagraph (A) to the appropriate subcommittees of that committee in the total amounts of those adjustments under section 314(c)(2). The revised suballocations shall be submitted to each House by the Chairman of the Committee on Appropriations of that House and shall be printed in the Congressional Record.''.

SEC. 405. PERIODIC REPORTING OF LEDGER STATEMENTS.

Section 308(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: ''Such reports shall also include an up-to-date tabulation of the amounts contained in the ledger and each entry established by section 314(a).''.

SEC. 406. DOWNWARD ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS.

The discretionary spending limits for new budget authority and outlays for any fiscal year set forth in section 601(a)(2) of the Congressional Budget Act of 1997, as adjusted in strict conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amounts set forth in the final regular appropriation bill for that fiscal year or joint resolution making continuing appropriations through the end of that fiscal year. Those amounts shall be the sums of the Joint House-Senate Lock-box Balances for that fiscal year, as calculated under section 602(a)(5) of the Congressional Budget Act of 1974. That bill or joint resolution shall contain the following statement of law: ''As required by section 406 of the Deficit Reduction Lock-box Act of 1997, for fiscal year [insert appropriate fiscal year] and each outyear, the adjusted discretionary spending limit for new budget authority shall be reduced by $ [insert appropriate amount of reduction] and the adjusted discretionary limit for outlays shall be reduced by $ [insert appropriate amount of reduction] for the budget year and each outyear.'' Notwithstanding section 904(c) of the Congressional Budget Act of 1974, section 306 of that Act as it applies to this statement shall be waived. This adjustment shall be reflected in reports under sections 254(g) and 254(h) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 407. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall apply to all appropriation bills making appropriations for fiscal year 1998 or any subsequent fiscal year.

(b) DEFINITION.—As used in this section, the term ''appropriation bill'' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.

The CHAIRMAN pro tempore. Pursuant to House Resolution 181, the gentleman from Idaho [Mr. CRAPO] and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are here, I think for the fourth time, to debate the critical lockbox legislation which will correct one of the more significant problems in our current budgetary process.

Before I describe this legislation, the amendment, I want to first of all give thanks to the gentleman from Florida [Mr. FOLEY] and the gentlewoman from California [Ms. HARMAN] who both have, because of their schedules, been unable to be here on the floor today but are strong supporters and have been with us from the outset in fighting to make sure this critical legislation makes it not only to the floor once again, but ultimately becomes law.

The gentleman from Florida [Mr. FOLEY] has been a tireless fighter for deficit reduction, and the gentlewoman from California [Ms. HARMAN] has been with us from the outset, showing this is a strong bipartisan effort to correct a serious problem in the budget process we have.

What is that problem? I indicated earlier, this is the fourth time we have brought this legislation before the House. Each time it has passed resoundingly, with votes well in excess of 300 votes. The problem that has been addressed, and hopefully one of these times we will be able to make it through not only the House but through the conference committee and send it to the President for his signature, which we expect would be forthcoming, the problem is simply this: As we put together our budgets each year and as we debate and vote on motions to restrict spending, cut spending, or eliminate spending on various programs or projects, all that happens when we succeed in paring back the budget in those votes is that the funding for those projects becomes free and available to be shifted into other spending. It does not necessarily go to deficit reduction, and in most cases does not go to deficit reduction.

This bill would be very simple, but is very needed. It would require that when the House and the Senate both make the same cuts, so that both the House and Senate have agreed to eliminate spending in a particular program or project area, that those cuts go into a lockbox, and in conference those funds cannot then be siphoned off or moved into other spending. They must be dedicated to deficit reduction.

If there are different amounts between the House and Senate, the conference committee has the freedom to decide a figure between the two amounts, but the conference committee is required to allocate those funding reductions to the deficit.

Mr. Chairman, some Members have said, well, why not allow us, if we want to make a cut or a reduction in spending, to designate that to some other program if we so choose? This legislation allows that. It simply says that if Members want to shift spending instead of cut spending, then they have to say so in their amendment. If they do not say so, then we assume, as most debate assumes, that the cuts or the reductions are specified for deficit reduction. I think it is a very valuable amendment.

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

Mr. REGULA. Mr. Chairman, we have no problem on this side with the amendment. We are prepared to accept it.

Mr. YATES. Mr. Chairman, I rise to claim time on the amendment.

The CHAIRMAN pro tempore. The gentleman from Illinois [Mr. YATES] is recognized for 10 minutes.

Mr. YATES. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I am not quite sure I understand the gentleman's amendment fully. As we pass this bill and the Senate passes its bill and we agree on a reduction, the gentleman's amendment would require that we cannot use that money of the reduced amount for any other program. Is that a correct interpretation?

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

Mr. YATES. I yield to the gentleman from Idaho.

Mr. CRAPO. Yes, Mr. Chairman, that is a correct interpretation, with this explanation. If the Member bringing the amendment wants the funding to be utilized in another program, he can easily do so in the amendment. But most of the time when we debate these matters, they are debated as though they were budget issues and we are reducing unnecessary spending. This amendment says if we do not designate it to another spending source, then the conference committee is not allowed to redesignate it to another source. It is designated to the deficit.

Mr. YATES. If I understand the purpose of the amendment, it is to reduce the deficit. Is that correct?

Mr. CRAPO. That is correct, Mr. Chairman.

Mr. YATES. Why, then, Mr. Chairman, I would ask the gentleman, is his party advocating the tax reduction bill? Will that not increase the deficit?

Mr. CRAPO. Mr. Chairman, I would say to the gentleman, because as he knows, we have a strong difference of opinion on both sides of the aisle with regard to tax reduction and what impacts it will have on revenue.

Take, for example, the capital gains tax reduction. Many of us believe very strongly that that tax cut is going to actually free up and stimulate the economy sufficiently to generate more tax revenue. The bottom line is that the tax debate is not this debate, and although many of us support tax cuts, we also support a good fiscal control over the spending habits of this Congress. That is what this amendment would address.

Mr. YATES. Personally, Mr. Chairman, I support neither tax cut, and I support reducing the deficit.

Ms. HARMAN. Mr. Chairman, I rise in strong support of the amendment offered by my friend MIKE CRAPO to add the bipartisan deficit reduction lockbox amendment to the 1998 Interior appropriations bill.

As the lead Democratic sponsor of the Crapo-Harman deficit reduction lockbox bill, H.R. 126, I also want to thank the Rules Committee and, in particular, its chairman, JERRY SOLOMON, for making the request by the gentleman from Florida, Mr. FOLEY, and me in order.

Deficit hawks—listen up. As the mother of the deficit reduction lockbox, passage of this amendment is imperative now—at the front-end of the appropriations process, or we will again mislead our constituents who think a cut means a cut when, in fact, a cut in one spending program is reallocated to another bill's spending program.

The House has on three occasions overwhelmingly passed the deficit reduction

lockbox, twice as amendments to appropriations bills and once as a free-standing bill, H.R. 1162. Regrettably, the other body failed to match our efforts and the measures died with the adjournment of the 104th Congress.

Mr. Chairman, the deficit reduction lockbox is a very simple mechanism. When Members vote for floor amendments to cut spending, under current budget rules, the savings generated can later be earmarked and spent by the Appropriations Committee on other programs. With the enactment of the lockbox, a separate account is created in each appropriation bill into which savings from cutting amendments are deposited. Those savings cannot be respent or reused by the Appropriations Committee.

During the fiscal 1997 appropriations process, the House adopted floor amendments cutting nearly $1 billion in spending. That billion dollars could have been locked for deficit reduction as the proponents of the amendments intended.

A table prepared at my request by the Congressional Research Service shows that $40 million in energy and water cuts ware reprogrammed, $543 million in national security cuts were reprogrammed, and $349 million in VA–HUD cuts were reprogrammed.

Mr. Chairman, without lockbox, more than large sums of money are at stake. So are our reputations. As the Rules Committee said in its report accompanying last year's lockbox bill:

> Not only is (the Lock-box) important for fiscal accountability, but it is also important to the credibility of the Congress with the American people. The Committee strongly believes that our procedures should make it clear that a cut is really a cut . . . (and the Lock-box) . . . meets this requirement.

The lockbox is supported by a broad bipartisan group of deficit hawks both here in the House and among the public. Fiscal watchdog groups like Americans for Tax Reform, Citizens Against Government Waste, the National Taxpayers Union, the U.S. Chamber of Commerce, the Concord Coalition and Citizens for a Sound Economy have strongly endorsed this legislation.

Mr. Chairman, show me—and our constituents—the money. Vote for the Crapo-Harman-Foley deficit reduction lockbox amendment to the Interior Appropriations Act so we can get it into conference with the Senate.

Table 1. Total savings of House adopted amendments reducing budget authority, by FY 1997 regular appropriations bill

[In millions of dollars]

Bill	*Amount*
Agriculture	(1)
Commerce-Justice-State	(1)
District of Columbia	(1)
Energy and Water Development	$40.573
Foreign Operations	2.525
Interior	(1)
Labor-Health and Human Services-Education	(1)
Legislative Branch	(1)
Military Construction	(1)
National Security	[2] 543.000
Transportation	(1)
Treasury-Postal Service	[3] 2.000
Veterans' Affairs-Housing and Urban Development	[4] 349.000
Total	$937.098

[1] The House did not adopt any amendments to this bill reducing budget authority.

[2] Most of the reduction of appropriations ($508 million) was contained in the floor manager's amendment to comply with the recently adopted 602(b) spending ceilings.

[3] The House adopted an amendment denying an FY 1997 cost-of-living allowance for Members of Congress, senior executive branch officials, and Federal judges. An accurate estimate of the amount of the savings from the amendment was excluded from Table 1. The amount provided for the Treasury-Postal Service bill in Table 1 represents the total savings from the only amendment adopted that reduced a specific amount of budget authority, $2 million.

[4] The House adopted two amendments. Each amendment increased budget authority for certain activities and decreased budget authority for other activities. However, the net effect of each amendment was a reduction in budget authority.

Sources: Congressional Records, vol. 142, 1996; and each of the 13 FY 1997 regular appropriations bill (House Appropriations Committee's reported version).

Mr. FOLEY. Mr. Chairman, the deficit reduction lockbox is an idea that, when adopted, will genuinely lower our Nation's deficit and benefit every American's pocketbook.

Had the lockbox been in place during the appropriations process last year we would have saved the taxpayer almost $1 billion.

I expect you'll see Mr. CRAPO, Ms. HARMAN, and myself a few more times this year unless this measure is permanently adopted.

As Members of Congress, we work hard and round up the votes to eliminate unnecessary spending only to have the savings swept away by another Member and utilized for their pet project.

This institution has played that kind of shell-and-pea game in the appropriations process for years—we shift money from shell to shell with such speed and agility that our baffled constituents soon lose track of the funds.

They have a right to know that a cut is a cut and we have a right to expect our hard work toward reducing the deficit will amount to something more than a bank account to finance pork-barrel spending.

Simply put, this amendment will guarantee that the spending cuts approved in this appropriations bill would be designated for deficit reduction.

Our national debt isn't going away any time soon, but a small step like this is at least a step in the right direction to reduce it.

We should close this legislative loophole.

We have to get serious about deficit reduction and fulfill the pledge we made to our constituents to reduce the debt our children will ultimately be responsible for.

Mr. GOSS. Mr. Chairman, I appreciate the gentleman from Idaho yielding me time and I rise in strong support of his Lockbox amendment. I want to also commend him for his leadership and persistence in this effort.

Mr. Chairman, this is not a new concept—the House overwhelmingly voted three times in support of the Lockbox. The proposal, originally introduced by Mr. CRAPO, went through a thorough vetting process in the Rules Committee during the 104th Congress. We worked hard to smooth the rough edges and resolve the various technical problems. The end result is the proposal before us—and I am proud to have played a part in getting us to this point. The Lockbox simply makes sense. In the real world, when you say you are going to spend less money, you should spend less money. Only in Washington can you say you are cutting spending and then allow the money to mysteriously reappear for spending somewhere else. It is disingenuous; it hurts the taxpayer; and it contributes to the cynical popular view of this body. The idea is simple—create a deficit reduction account to ensure that hard fought spending cuts are realized. When the House votes to save money—the Lockbox mechanism ensures that the money will truly be saved. Simple though it seems, we have had some resistance to this idea in the other body and I urge the ''mothers'' and ''fathers'' of the Lockbox in the House to continue to press our friends over there to look favorably on this proposal. On the larger subject of reforming our budget process, as chairman of the Subcommittee on Legislative and Budget Process, I am continuing to work with Chairman SOLOMON, Chairman KASICH, and other interested members to develop a more rational and understandable approach to how we spend the Nation's money and enforce our commitments to balance the Federal books.

In the interim, this is a good amendment and I urge my colleagues to support it.

Mr. Chairman, I have no objection to the amendment offered by the gentleman from Idaho, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Idaho [Mr. CRAPO].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 181, further proceedings on the amendment offered by the gentleman from Idaho [Mr. CRAPO] will be postponed.

The point of no quorum is considered withdrawn.

Are there further amendments?

AMENDMENT OFFERED BY MR. ISTOOK

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

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

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 by the Bureau of Indian Affairs to transfer any land into trust under section 5 of the Indian Reorganization Act (25 U.S.C. 465), or any other Federal statute that does not explicitly denominate and identify a specific tribe or specific property, except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) a binding agreement is in place between the tribe that will have jurisdiction over the land to be taken into trust and the appropriate State and local officials; and

(2) such agreement provides, for as long as the land is held in trust, for the collection and payment, by any retail establishment located on the land to be taken into trust, of State and local sales and excise taxes, including any special tax on motor fuel, tobacco, or alcohol, on any retail item sold to any nonmember of the tribe for which the land is held in trust, or an agreed upon payment in lieu of such taxes.

Mr. Chairman, I ask unanimous consent that total debate on the amendment be limited to 30 minutes, equally divided, 15 minutes per side.

Mr. YATES. Mr. Chairman, I object to the limitation of time on this amendment.

The CHAIRMAN pro tempore. Objection is heard.

□ 1345

PARLIAMENTARY INQUIRY

Mr. KOLBE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. CALVERT). The gentleman will state it.

Mr. KOLBE. Mr. Chairman, did the gentleman offer what was known as amendment No. 2? I was not clear. I had an amendment that I thought he was offering and when it got read, it was something different.

Mr. YATES. Mr. Chairman, this is Istook-Visclosky, which is the Indian amendment, so-called.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, if that is the case, I rise to a point of order against the amendment.

The CHAIRMAN pro tempore. Since there has been no recognition for debate the gentleman is timely and will state his point of order.

Mr. KOLBE. Mr. Chairman, I make a point of order against this amendment because it proposes to change existing law and therefore violates clause 2 of House rule XXI. The rule states in pertinent part, ''no amendment to a general appropriation bill shall be in order if changing existing law.''

The amendment first gives affirmative direction, in effect. Second, it imposes additional duties. Third, it modifies existing powers and duties. And fourth, it modifies existing law.

The Istook-Visclosky amendment prohibits the Secretary of the Interior from taking land into trust for an Indian tribal government unless the tribe negotiates a binding agreement with State and local governments for collection and payment of State and local sales and excise taxes on retail purchases made on that land by nontribal members. The amendment also applies similar restrictions on the Secretary's authority to take land into trust for individual Indians.

The Istook-Visclosky amendment constitutes a violation of clause 2 of House rule XXI, and I would ask that the Chair give a ruling on this point of order.

The CHAIRMAN pro tempore. Does the gentleman from Oklahoma [Mr. ISTOOK] wish to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, I would note this is the identical amendment that was offered and withstood a point of order last year on the House floor and was enacted by this House 212 to 206.

The CHAIRMAN pro tempore. Does the gentleman from Rhode Island [Mr. KENNEDY] wish to be heard on the point of order?

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would like to second the Parliamentarian's request that we review this amendment and concur with the gentleman from Arizona that this amendment is not in proper order.

The CHAIRMAN pro tempore. Does the gentleman from Illinois [Mr. YATES] wish to be heard on the point of order?

Mr. YATES. Mr. Chairman, I raise the same point of order that was raised by the gentleman from Arizona and cite the same reason; namely, that it is legislation on an appropriation bill and therefore out of order.

The CHAIRMAN pro tempore. The Chair is prepared to rule.

Pursuant to clause 2(c) of rule XXI, as amended in the 105th Congress, an amendment to a general appropriation bill changing existing law is defined to include an amendment making the availability of funds contingent upon the receipt or possession of information not required by existing law for the period of the appropriation. Precedents to the contrary from prior Congresses are no longer dispositive. The amendment thus constitutes legislation and is in violation of clause 2(c) of rule XXI.

The Chair sustains the point of order.

Mr. ISTOOK. Mr. Chairman, for clarification may I inquire of the Chair, is it correct that the point of order is sustained even though the amendment is the same as last year because of a revision in the House rules from last year to this year?

The CHAIRMAN pro tempore. The gentleman is correct.

AMENDMENT OFFERED BY MR. ISTOOK

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

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

Page 89, after line 15, insert the following new section:

SEC. 325. None of the funds made available in this Act may be used to carry out the provisions of section 5 of the Act of June 18, 1934 (25 U.S.C. 465; commonly known as the ''Indian Reorganization Act''), or the first section of the Act of June 26, 1936 (25 U.S.C. 501 et seq.), to acquire, through relinquishment, gift, exchange, or assignment, any interest in lands or surface rights to lands, outside of existing Indian reservations.

Mr. ISTOOK. Mr. Chairman, I would note this amendment is offered on behalf of the gentleman from Indiana [Mr. VISCLOSKY] and myself, and again I ask unanimous consent that total debate on this amendment be limited to 30 minutes, to be divided equally 15 minutes per side.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. KENNEDY of Rhode Island. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. ISTOOK. Mr. Chairman, I will speak from the well on this.

Mr. Chairman, this amendment is offered to address the same problem that this House addressed last year by a vote of 212 to 206. It is based upon a very simple principle. All people should be equal in the eyes of the law. We should not say that some person should be entitled to evade their taxes because they make a purchase at a place that does not wish to follow the law and does not collect taxes that are due on certain commodities. Usually it happens to be fuel, gasoline, diesel for automobiles. It is cigarettes. It is alcohol. It is other items that are purchased that normally have a sales tax.

Mr. Chairman, about $1 billion a year that is supposed to go to State and local governments to support roads, to pay for schools, to pay for hospitals, to pay for public health and public safety is being evaded with the complicity of the Federal Government. Why? Because the Bureau of Indian Affairs is transferring land at the request of Indian tribes to what is called tribal trust status, which makes it Federal Government property operated by an Indian tribe which has gotten this land not because it is part of their historic property, not because it is any land that had special significance. It may not even be in the same State where the tribe has ever been. It may be hundreds of miles away from any other tribal property.

But it is in a prime location for traffic, and they erect there convenience stores and gasoline stations to take advantage of their failure to collect the taxes because the U.S. Supreme Court has ruled that although taxes are due on the transactions, on the sales to nonmembers of the tribes, they have not granted the States an enforcement mechanism, and that is up to Congress. The tribes have no sovereign immunity, the Supreme Court says, but Congress has not acted.

Mr. Chairman, if you could buy your gasoline at two locations and one is being operated by an Indian tribe which refuses to help collect the tax and the other operated by someone else, you will find that on average it is 26 cents a gallon less if you go to the one where the tribe is assisting the tax evasion. If you are buying a pack of cigarettes, on average around this country it is 41 cents a pack less on a purchase of cigarettes. No wonder a person that is trying to play fair and live by the rules and obey the law, that is trying to compete, finds that they cannot because the Federal Government is helping them to acquire the prime real estate locations with no relation to Indian tradition or custom or heritage but with only one thought in mind: They want the extra money.

It is huge. New York State estimates they are losing over $100 million a year already, and my State of Oklahoma, the total loss is in the vicinity of $30 to $40 million a year already and it is accelerating year after year after year.

This amendment very simply says we are going to have a moratorium on that sort of thing until we can get a handle on it, until we can reinstate the principle of fair play.

Mr. Chairman, if you look at some of the advertisements that they run in newspapers, grand opening, for example, of this particular facility in Oklahoma in this newspaper ad, they were not charging the tax on cigarettes. The U.S. Supreme Court says the purchaser, for example, still owes the tax, but they are not helping collect it as all other merchants are required to do by law. They do not collect it on beer, on gasoline.

No wonder legitimate operators find that they cannot compete. No wonder that people from the U.S. Chamber of Commerce, or the National Federation of Retailers, or Governors of State after State, or the National League of Cities and the National Association of Governors have all said we need this legislation.

The gentleman from Indiana [Mr. VISCLOSKY] and I have sponsored House bill 1168 which puts in place the protective mechanism. We have even been denied a hearing so we have to come with this amendment to try to work on the travesty, on the tax evasion. That is what it is, pure and simple, do not take my word for it. Take the word of the U.S. Supreme Court that has said that is what is at issue. It is tax evasion which is illegal.

Mr. Chairman, the adoption of this amendment is simply a fair play amendment. It is saying that the U.S. Government will no longer be a party to the widespread tax evasion that not only is taking honest people who try to compete and putting them out of business, but it is draining the resources and the opportunities in State and local government.

I ask adoption of the amendment.

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

Mr. Chairman, there is one basic fallacy in the argument of the gentleman from Oklahoma, and that is to equate Indian tribes with individual people. Indian tribes are sovereign nations. They are entitled to make the laws that they want to with respect to their trust lands. If they do want to sell merchandise and not charge State taxes, they can do that.

It is true that they find themselves in a favorable position as against other merchants who have to charge taxes, but the same rule is applicable to other States in the Union. There is no reason why the gentleman should not make the same attack for the States surrounding the State of Oklahoma because they, too, have the right to charge whatever taxes they want to charge. If they choose not to charge any taxes, that is their right as well. Indian tribes have been recognized as having those powers.

The Department of the Interior strongly opposes this measure. It would infringe upon tribal sovereignty. It would impede the 60-year Federal policy of promoting tribal economic self-governing. On this appropriation subcommittee over the years we have tried to formulate procedures that will permit the Indian tribes to benefit and to foster their self-government. This would abolish all recognition of that kind. It would say that the Indian tribes are no different than any other American people and, as a matter of fact, that they are not States. They have been recognized as States by the courts.

So, Mr. Chairman, this is an invasion of Indian sovereignty, and the Indians have suffered enough over the years. This is another attack upon their right to self-sufficiency and to self-government. I urge opposition to the amendment.

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

Mr. YATES. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I rise in support and concur with the remarks of my colleague, the gentleman from Illinois [Mr. YATES], the ranking member.

Furthermore, this amendment has nothing to do with the tax structure that exists. It makes a direct attack on trust lands. The fact is in my home State of Minnesota the native American groups have often lost much of the land that was trusted to them, ceded to them under treaties. This would put a moratorium on any type of action that might take place with regard to acquiring the lands that they initially had or other lands that would provide for a reservation or the economic viability of those reservation the native American people. This is a mean-spirited amendment.

As far as that goes, the ranking member, the gentleman from Illinois is exactly right. We have South Dakota advertising that they offer various tax benefits, so this goes on quite regularly. It is true that many of these native American groups do of course impose taxes or other means of raising money from various sources, except it goes back to that native American group. In fact, they at times agree to collect a portion of the sales tax or all of the sales tax. The native American groups provide law enforcement. They make many contributions on a voluntary basis.

The fact is that this amendment is an argument over power. This is an argument over the basic sovereign power of these independent Native American groups. That is what this amendment represents. The fact is that there are more of us than there are of these minority group native Americans today, but the fact is that we have made a commitment, a series of treaties, to respect the dignity, the governance, the culture, the lifestyle of native American groups.

I think finally now, with some of the activities that are going forward within the law, obviously, there is a means to address and redress these problems; that is, to sit down at a negotiating table, as many States have done, and deal with compacts; to come to an agreement with the native American groups just as States do with one another.

□ 1400

We need to learn to live with the type of pluralism that is present in our Nation. That is the epitome of what this Nation is about. It is such pluralism that defines us, and it is high time we recognize the same.

These various groups that I've heard listed in favor of the Istook amendment, supposedly the defenders of the free enterprise system, ironically are very anxious to eliminate the competition to their ventures and to their profit.

That is what this particular amendment is targeted to, but on the face of it it stops in place the trust transfers of native American lands. That is wrong, it should be avoided, we should not let that go forward. This is an amendment that is trying to do something indirectly that it cannot address directly. They should directly address the native American sovereignty, which all of us have worked for. Is it perfect? No, but we will not get there by pulling the rug out from under the credibility of the U.S. Government commitments and treaty obligations, defeat this amendment.

Mr. KOLBE. Mr. Chairman, I move to strike the last word, and I do rise in opposition to this amendment.

I cannot help but remember the very bitter and contentious debate we had on a similar amendment during floor consideration of last year's Interior appropriations bill. As some here may recall, that amendment was adopted by a very narrow six-vote margin. What happened after that, well, we know it was stripped from the bill after the administration objected to its inclusion.

Things have not changed this year. Let me quote from Secretary Babbitt's letter to the gentleman from Louisiana [Mr. LIVINGSTON] about this particular amendment:

> The Department of the Interior strongly opposes ''this measure'' because it would infringe upon tribal sovereignty, thwart the longstanding Federal policy of promoting tribal economic self-sufficiency, and undermine ongoing efforts of tribes and States to negotiate joint taxation agreements to accommodate the needs of both parties.

It is clear that the administration opposes this, but, Mr. Chairman, we should oppose it in the House of Representatives. Members on both sides of the aisle ought to oppose it. Very simply put, this is bad public policy.

The Member offering the amendment, and I have the greatest respect for the gentleman from Oklahoma, but he talked a lot about tax evasion. And yet the fact of the matter is that, when polled by the Bureau of Alcohol, Tobacco and Firearms on the subject of evasion of taxes, only 5 out of 28 States that were polled could respond that they could make any determination.

They could make no distinction between what was the legal loss of revenue and what was the contraband loss of revenue; in other words, what was

legally sold on the reservations for use there by the people buying it and what was sold for resale, which would be contraband. So they could not make any distinction between what was the actual loss of revenue between what is legal and what was illegal. I think that is an important point to keep in mind.

It is, I think, important to note that this would have a tremendous impact on a lot of the tribes and their ability to carry out their responsibilities. Pending land acquisitions would be put on hold, brought to a halt.

Let me give my colleagues a couple that would be affected, one by the Oneida tribe of Wisconsin to acquire land for housing of tribal members; a pending application from the Sauk and the Fox tribe of Kansas to acquire land to be used to provide tribal elders with senior citizen centers.

Let us face it, this is going to have a tremendous impact on the ability of tribes to provide for the self-sufficiency of their own people. It is another attempt to get back at tribal governments because they have the ability to negotiate, on their terms, tax compacts with State and local governments. This amendment would prevent the expenditure of any Federal funds to take lands into trust for individual Indians or tribal governments.

Why are we considering this action? Apparently there are some that think that we should penalize native American tribes because they are on the way to providing for their own self-sufficiency with a variety of things, some of which we do not like, and some of which I do not personally agree with and do not believe we should be doing but, nonetheless, they are legal and they are doing it to provide for their own self-sufficiency.

Mr. Chairman, I am concerned that instead of promoting positive thought-provoking legislative initiatives that benefit native Americans, we have embarked on a policy that would impose punitive punishment.

We cannot be sure what the impact of this limitation amendment is going to have on the Native American population. I do not think there is anyone that can tell us what its impact will be because we have never held any hearings on this issue.

Again, let us make it clear. Why are we having this debate at all? It is because some people are angry, but not all. The tribal governments pay no State or local sales tax on retail sales that take place on Indian trust land, but we should not be doing this today to punish them. But we should find out before we do this, if we are going to do this, what the impact would actually be on tribes.

We need to hold hearings on this, but we have not held any hearings on this issue. I understand the problem the gentleman has of not being able to get hearings. I think there should be hearings on this subject, should be debate on this, but we should not do it on an appropriations bill.

Consider what would be the impact this would have on, for example, the Oglala Sioux in Pine Ridge, South Dakota.

The CHAIRMAN. The time of the gentleman from Arizona [Mr. KOLBE] has expired.

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

Mr. KOLBE. Mr. Chairman, what would be the impact on the Oglala Sioux in Pine Ridge, SD? They have 400 families on the waiting list for home repair. What about the Turtle Mountain tribe in North Dakota, who report that only half of the adult members have high school diplomas? Or the Navajo people in my own State? They have 13,000 eligible students from the scholarship program this year, and there are over 20,000 homeless families on the reservation, and they do not have funds for this kind of thing.

So I would implore anyone and everyone in this body to think about the impact on relations between Indian tribes and State governments, between Indian tribes and the Federal Government. There will be a serious negative impact, and I urge my colleagues to vote against this amendment.

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

Mr. Chairman, this amendment seeks to resolve a problem that really does not exist. There are numerous problems with the amendment, starting with the fact that the language is so unclear that the Department of the Interior really does not know what it means. Apparently, it would mean one thing in Oklahoma and something quite different in the other 49 States.

Complex issues like this should not be really added as an amendment to an appropriations bill but reviewed by the authorization committee. This is certainly no way to write a public policy and certainly no way to treat the native Americans of this country, who have not been treated well.

You know, we stole a great deal of land from the Indians. In my own State of Michigan, land was stolen which is no longer part of a reservation, no longer part of a trust. Up near Burt Lake, around the turn of the century, the sheriff came in and drove all the Indians off their land and, to make sure they did not come back, burned their village down. That was in my dad's lifetime. My dad remembers that.

About 3 years ago, the Catholic church gave to that tribe three acres so they could start again to preserve their culture. Now, under this legislation, that tribe could not have those acres put under trust. That is why the Secretary of the Interior will recommend that the President veto this bill. He issued that statement this morning.

Now, authors of this amendment assert that State tax agreements with Indian tribes are virtually nonexistent. Nothing could be further from the truth. The facts are that 18 different States have already entered into tax agreements with over 200 Indian tribes. The current process is working, it works well in the State of Michigan, its works well in most of the States, and people are compacting more and more as we speak here today between the tribes and the various States.

Mr. Chairman, if we were to listen to the authors of this amendment, one would believe that State and local governments have no role in determining whether the BIA takes land into trust. Again, that could not be further from the truth. The fact is before the BIA does that and before the Secretary puts land into trust, he has to consult with State and local governments to see what the impact upon them will be. And those State and local governments have an appeal process both within the Department of the Interior and through the Federal courts.

There are safeguards built into this, but if this amendment would be passed today, the Governors and local officials would hold all the cards in these negotiations that are taking place throughout the country. The tribes would have no recourse if the State did not negotiate in good faith, and this amendment would give the Governors the incentives not to negotiate in good faith. If my colleagues want to see how States negotiate with Indian tribes, they should take a look at the compacting process after the recent Seminole decision.

There has been, I do not believe, one new compact reached since that Seminole decision. That decision put in the hands of the Governor in that one area of law the power really not to be sued and not to be taken into court. This amendment will go even further treating Oklahoma in one way and the other 49 States in another way.

Mr. Chairman, I look back at my State and I look at the tribes in my State and see the land they at one time owned, look at that one band who lost all their land and now have three acres, and are joyful because the Catholic church gave them the three acres. And the amendment of the gentleman from Oklahoma [Mr. ISTOOK] would say that not even those three acres could be taken into trust for those Indians.

We have a moral obligation. I carry within my suit every day this Constitution, which all of us have taken the oath to uphold. We recognize three types of sovereignties in this constitution; article I, section 8: those sovereignties that are foreign countries, the several States, and the Indian tribes.

This is a frontal attack upon that sovereignty and it is a frontal attack by an amendment through an appropriations bill. Last week I begged for the language so I could look at it and was only given the language yesterday. The language is still defective.

Let us uphold our oath to this Constitution and respect that sovereignty and do what we do in due process and encourage the tribes and the States to negotiate.

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

Mr. Chairman, I rise in strong support of this amendment, and I thank my friends from Oklahoma and Indiana for their leadership on this issue in support of small business. This is commonsense legislation that will level the playing field for small businesses across this country.

The problem is not difficult. We have already heard it outlined this morning. Native American tribes are currently exempt from charging excise taxes on sales of things like gas and food and liquor and tobacco products when selling these products to members of their own tribe.

I do not think anybody in this Chamber disagrees with the underlying law and where we stand today, except for the fact that it puts tax-exempt Indian tribes in direct competition with small businesses and it drives small businesses out of business.

I have to admit that a year ago I voted with the opposition, those that are opposing this amendment today. But over the last year I have sat and studied this issue, I have talked with a lot of small business owners, I have examined the treaty, and I do not believe that it is fair for small businesses in America to have to compete on a head-to-head matchup with those people who are not paying their fair share.

This amendment takes an important first step in ending the Federal Government's role in creating an unfair playing field. The amendment states that, before new lands are transferred by the Bureau of Indian Affairs into the tribal trust, the tribe must reach a binding agreement regarding State and local sales and excise taxes on sales to non-Indian customers.

Currently, native American tribes can purchase any land they want to and then move that land into trust, which eliminates any State or Federal taxes that they would otherwise have to pay. What many times happens is that after the land is put in trust, these tribes establish for-profit businesses on land that are exempt from taxes.

This amendment will not affect any Indian reservation lands nor any lands currently held in trust estates. Tribes can still operate businesses on their lands, and this legislation says nothing to the contrary. It simply levels the playing field for those small businesses wishing to sell fuel, food, and tobacco products around reservations.

This year I am going to join a number of individuals that have come out in strong support of this amendment. The U.S. Chamber of Commerce, the National League of Cities, the National Conference of State Legislators have all come around to agreeing that this amendment makes common sense; that this amendment is the right way in terms of fairness for the American business man and woman.

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

Mr. CHRISTENSEN. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I thank the gentleman for yielding to me.

I appreciate the study the gentleman and so many others have made in the time since. Even though we requested hearings in Congress, we were denied those by the chairman of the particular committee and, thus, we are here, because we know that the problem is accelerating.

□ 1415

If you look, Mr. Chairman, at the total amount, for example, the State and local governments rely on motor fuel taxes, it is $25 billion a year. Mr. Chairman, if we can sell gasoline for 25 cents a gallon cheaper, and if the Bureau of Indian Affairs, which currently has hundreds of thousands of acres of requests pending, continues to transfer property at patchwork, prime real estate, high-traffic locations, it does not take long for the motorist to say, my goodness, it is 25 cents cheaper over here, I am going to buy my gasoline there, not understanding that they are dealing with a merchant that is marketing tax evasion.

They are not trying to develop marketable skill. They are not trying to build legitimate businesses. They are trying to take advantage of the failure of this Congress to act as the U.S. Supreme Court has said clearly we have the authority to act. It is not violating sovereign immunity, it is not violating any treaties, it is merely reinstating fair play.

Mr. Chairman, this is a very significant amendment. And if we believe that we want to help tribal members with legitimate businesses, instead of having false delusions that the way to get ahead in life is to find and create tax loopholes and profit off of them, then we need to support this amendment.

This is recognized as a threat to the ability to provide care for people in public hospitals, to provide roads, to provide education.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Istook-Visclosky amendment is simply disgraceful. It is disgraceful because it demonstrates the ignorance of this U.S. House of Representatives when it comes to the fundamental issues of native American sovereignty.

Proponents of this legislation just do not get it. They are building on the callous history of this Nation towards our native Americans. When 40 percent of our native Americans are unemployed, when thousands are sick and dying, when Indian children live in substandard housing and get insufficient moneys for education, the lowest per capita health care and education spending of any group in this country are native Americans. When Indians have four times the suicide rate of other groups in this country, the proponents of this legislation would like us to believe that it is the States that are getting a raw deal.

Excuse me. This amendment states that it is States who are getting the raw deal. Guess what? We are the ones who took away the native American land to begin with. Everyone is talking, the gentleman from Oklahoma [Mr. ISTOOK] is talking about the native Americans are trying to put all this land in trust. Do I need to remind my colleague that we have taken over 90 million acres to States and local governments since 1887, and yet there are only 9 million acres given to native Americans in the form of trust lands? Boy, that sounds to me like a real power grab.

This rider claims that Indians are fortunate because they have sovereignty. Let me say that sovereignty is all that these native Americans have left. Sure, let us get behind the simple idea of subordinating native American governments and all native Americans to pull the poverty stricken status they are already in.

The truth of the amendment is that it gives States the upper hand. By eliminating the ability to take lands into trust or by giving local governments absolute veto power over new trust lands, we forsake the government-to-government relationship, as my colleague, the gentleman from Michigan [Mr. KILDEE], said, which is the Constitution of these United States.

Read the Constitution of the United States, article I, section 8, clause 2, regarding native American lands. They treat them as States. They are sovereignties. And yet the gentleman from Oklahoma [Mr. ISTOOK] would not like to have us believe they are other people.

Well, what are Rhode Islanders in my State? Are they other people because we pay different sales taxes than my colleague might have in his State? No, they do not because they are a separate sovereignty. And that is no different from native American lands, and it is an elementary fact to this whole debate.

Of course, the great concept here is that we break treaty obligations and violate this Constitution because the States are getting a raw deal.

Let us be clear. This amendment's goal is to give some county executives veto power over the president or governor of a native American nation and violate the trust responsibility that our Constitution gives native Americans.

Istook-Visclosky incorrectly assumes that there is no process for protecting State and local government interests when lands are being considered for transfer into trust. As my colleagues have stated over and over again, that is not the case. Many States are currently in the process of working this out so that nonmembers of native American tribes are taxed and those taxes are reverted to the States.

But the gentleman from Oklahoma [Mr. ISTOOK] and the gentleman from Indiana [Mr. VISCLOSKY] would preempt and preclude any State from being able to work out a negotiation with their native American tribe for that State to be able to work out an arrangement where they revert the taxes back to the State.

We are talking about a discriminatory measure here. And that is what this legislation does, it furthers the intolerance towards native Americans by calling them tax evaders. That is shameful, saying native Americans are tax evaders.

My God, does my colleague not understand the situation that sovereignty is all about?

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

Mr. KENNEDY of Rhode Island. Would the gentleman from Oklahoma [Mr. ISTOOK] like to put in an amendment, bill commissaries at our military bases? Because it seems to me they are unfair competition, too. Commissaries in my district are charging well under the market price for goods that they sell to our enlisted people.

Would the gentleman from Oklahoma [Mr. ISTOOK] put in an amendment that would say that is unfair competition? No, he would not.

Mr. ISTOOK. Mr. Chairman, I would answer the question if the gentleman from Rhode Island [Mr. KENNEDY] is posing the question to me.

Mr. KENNEDY of Rhode Island. This amendment treats native Americans as if they are criminals, and it is dead wrong. I ask my colleagues to join me in voting against the Visclosky-Istook amendment and upholding the Constitution of the United States, which we were sworn to uphold in article I, section 8, clause 2 of the U.S. Constitution.

Mr. STEARNS. Mr. Chairman, I move to strike the requisite number of words, and I yield to my colleague, the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I find it interesting if someone would claim that we are disregarding the needs of American Indians in this country, if they will look, for example, at page 5 of the report of the very bill that is on this floor right now, they will find that we are appropriating approximately $6.5 billion for American Indian programs. Agriculture, Commerce, Justice, Education, Health and Human Services, Indian Health Services, all of these other matters.

Why? Because we have undertaken certain obligations and we seek to honor them. We do not permit, for example, a member of the general public to go into a commissary on Federal military property and buy goods at any sort of reduced rate. That is only limited to military personnel, and reserves cannot even do it if they are not on active duty.

Now, if we were to open up those or any other place and say that the general public is invited to come in and do their shopping, in competition with those that are not there for a special purpose, then I would agree with the analogy that the gentleman from Rhode Island [Mr. KENNEDY] raises.

Mr. KENNEDY of Rhode Island. Mr. Chairman, would the gentleman yield?

The CHAIRMAN. The time is controlled by the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, the gentleman from Rhode Island [Mr. KENNEDY] did not wish to yield to have this interspersed with his comments.

But you see, what the tribes are doing, if they were establishing something that is basically a commissary for the Indian tribes, there is nothing that we are seeking to do that interferes with that.

The U.S. Supreme Court has said, if they are making a transaction with a tribal member, they do not have to charge any State or local sales tax or gasoline tax or cigarette tax, and we are not trying to do that. But what they are doing is saying, we do not want just a location that is maybe in the middle of a military business and we do not want to just handle transactions for the benefit of our own members. They say, we are wanting locations at prime areas.

For example, I have a copy of the letter that says Cheyenne-Arapaho tribes are seeking to buy up existing convenience store locations along Interstate 40, not because it is next to their tribal lands or has any relation or is trying to serve the needs of the members of the tribe, but because there are hundreds of thousands of people every day that pass through and they want to be able to sell to them and to undercut the competition and to get all that business, not by selling to members of the tribes but by putting people out of business who are following the law.

Mr. KENNEDY of Rhode Island. Mr. Chairman, would the gentleman yield?

Mr. ISTOOK. Mr. Chairman, I will not yield. I tried to engage in a dialog.

You see, they are saying, we do not want to take care of our tribal members. We want an advantage that nobody else has—26 cents a gallon on gasoline. Now, you go to the corner, and I do not care who you are, you drive up to a corner and see the price over here is maybe a $1.20 a gallon and over here it is $1.45. Where are you going buy your gasoline? It does not take a rocket scientist to figure out what happens here.

And this is not sales to tribal members. The U.S. Supreme Court in a series, a series, of decisions have said that the tax is still due when they are making the sales to the nontribal customers. Unfortunately, the tribes are not doing that. They are refusing to cooperate with the State and local governments in collecting the taxes that the U.S. Supreme Court says are due, and they are profiting off the tax evasion. They are marketing the tax evasion to their customers.

If this were just a matter of tribes trying to deal with their own tribal members and help out and bring people up to compete, that would be a very different situation. But it is not what they are doing.

I have a letter from a tribal member who operates a convenience store, and guess what? She collects tax from customers. She follows the law. She does not have the special advantage that the BIA has given some land and trust to her. And she is being out competed by a tribal gasoline station that is knocking out the ability of one of their own members to work hard and to make an honest living because they are not looking to build up regular businesses.

As the newspaper ad which I held earlier shows, they are trying to sell to people who say, let us not pay gasoline tax, let us not pay beer tax, let us not pay cigarette tax, let us not pay sales tax. And that is what is costing us all around this country, and it is getting bigger every year if we do not stop it.

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. MILLER of California. Mr. Chairman, I yield to Mr. YATES.

Mr. YATES. Mr. Chairman, the gentleman from Oklahoma [Mr. ISTOOK] cites the statistic in the committee's report to the effect of $6 billion in various programs as being spent for the Indian people.

In our appropriation subcommittee, we have been reviewing the plight of the Indian people and making funds available for, I guess, since the committee was in organization. For 25 years, I have been reviewing these programs. I will tell the gentleman that $6 billion still is not enough to take care of the Indian people. They are still the poorest segment of our population. And year after year, that continues.

The fact that they are given recognition as a State, I should like to ask the gentleman from Oklahoma [Mr. ISTOOK], what happens if the State of Texas, which is next to the gentleman's State of Oklahoma, what if the State of Texas were to charge lower amounts and people went to the State of Texas instead? Would the gentleman try to get a law passed by the Congress that would hurt the State of Texas? Of course he would not.

These are sovereign nations, Indian people deserve recognition as such.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman from Illinois [Mr. YATES] for his remarks because I think he is quite on point.

This amendment is a very blunt instrument to go on what the gentleman from Oklahoma [Mr. ISTOOK]) perceives to be some wrong that the Indian nations of this country would engage in economic activity and that they would do that on tribal land, which is sovereign land and which they have the

right if they so desire not to charge a tax on the sales of those products.

□ 1430

The gentleman from Illinois just pointed out, people drive across the State line into Nevada to buy goods, because they do not have a sales tax because they have gambling. People drive to Oregon from California because they do not have a sales tax, because they have got an angry constituency that will not let them have one, so people go there to buy their goods. People call up L.L. Bean and Lands End and they buy goods by mail to avoid the sales tax, and we are not shutting down all mail order houses in this country. We are not shutting down the service station across the State line. People go to Juarez, Mexico across the line to buy pharmaceuticals, and we do not shut down the country of Mexico because it is sovereign.

We made a decision a long time ago that Indian lands in this Nation were going to be sovereign and they were going to be treated like States and they were going to be treated like foreign nations. That is what this is about. The suggestion here that because somebody has put up a competitive truck stop on Interstate 50 or Interstate 80 or whatever the highway and that now we should shut down, and that is what this amendment does, shut down the ability of Indian nations to bring additional land into tribal land and take away the right of the Secretary of the Interior to engage in that process, is ludicrous. It is ludicrous. We act like there is a run on the lands of this country. The fact of the matter is there is not. The fact of the matter is the Indians have lost more lands out of trust than they have brought into trust.

The gentleman cites the suggestion that somehow the Indians are taking a huge amount of land. Yes, they have applications. What has the general rule been? The general rule has been if there is a local controversy, if the Governor does not like it or the local State legislature does not like it, the Secretary more or less has hands off. Why? Because we try to tell people to sort it out.

The fact of the matter is that a number of States, 200 tribes, 18 States have tax treaties, tax policies, lands have been brought into trust and there have been various controversies. Very often the tribes have said we will accede to this, we will agree to that, we will agree to that condition, that is a process of negotiation. But that is a process of negotiation between equals, between a sovereign State, a sovereign tribe and the Secretary of the Interior, someone who is an arbiter. That is the process as it is designed to be. That is the process that should be allowed to continue.

Sometimes we argue over lands being brought into sovereignty, whether or not they should have gambling or not. Some tribes have said, we will agree not to do that; California in one instance, and I think in North Carolina. Other questions may be taxable, they have been engaged in tax treaties. Other policies about the uses of those lands, the riparian uses of those lands, forest practices. A lot of this has been negotiated and discussed and hammered out. But what we do not do is, we do not take away the rights of every Indian nation in this country because we have got some problem with truck stops. That just is not going to work.

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

Mr. MILLER of California. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. I want to ask the gentleman from California, because he mentioned examples of different places that have static borders.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

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

Mr. ISTOOK. Is the gentleman aware that the examples he cites are States, for example, that have static borders and that what is happening, we have applications and grants of trust status where basically the borders are shifting one plot of land at a time. An application is not, for example, for thousands of acres. The applications may be for one lot, for example, in a State and then another lot in a different state.

Mr. MILLER of California. Absolutely. One of the things that is made part of the whole question of lands being taken into trust by the Secretary in behalf of various Indian nations is that a number of applications have been made remote to the land base that the tribes have now or some people believe to be the historical base that the tribes have and that has always been controversial.

There was a controversy in Milwaukee a few years ago about those lands being brought into trust. But that is the process of negotiations. That is the process that the State or the State legislature or the local county officials or interested citizens comment on, and that is the process where the Secretary makes the decision for the purposes and the use of these lands and the connection of the tribes to these lands and the rightful claim to these lands. That is a process.

The Istook amendment wipes that process out and says no other lands can be brought into trust by an Indian nation. It is just an unacceptable suggestion to what may not even be a real problem. The House ought to reject this amendment.

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

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

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in strong opposition to the Istook-Visclosky amendment. There are many reasons to oppose this amendment, Mr. Chairman. First, as a matter of procedure, this is more than a matter of setting a level of appropriations. This amendment sets legislative policy on a subject under the jurisdiction of the Committee on Resources. The subject of this amendment has not been considered by the committee of jurisdiction. By proceeding with an appropriation rider, we lose the value of public input to Congress available through committee hearings. Those of us who serve on the authorization committees are again locked out of the full deliberative process.

Many of us have seen conflicting statements of the many ''Dear Colleagues'' that have been floating around. In many cases these letters are in direct conflict with one another, which raises the question all the more, we need to have hearings on this issue.

I believe, Mr. Chairman, it is not controverted that current law and regulations mandate that the Secretary of the Interior provide notice to State and local governments prior to making a final determination on taking Indian lands into trust status. State and local governments who disagree with a decision of the Secretary can appeal adverse decisions within the Department of the Interior and in the Federal courts. This procedure is already in place.

If this amendment is enacted into law, Mr. Chairman, State and local governments would be given an absolute veto over all future transfers to or of land trust status. This is a significant change of national policy. I submit this cannot be done.

Finally, Mr. Chairman, as matter of equity, I find it very disturbing that we are debating today yet another attack on Native American Indians. I fear that efforts like this are a renewal of the efforts of Congress in prior decades when actions were taken to make sure our first Americans were never given the opportunity to achieve success. There was a recent advertisement I heard that pretty well sums up, Mr. Chairman, our treatment of our Nation's Native Americans. It went something like this: 200 years of exploitation and neglect, more than 700 broken treaties, 700 broken treaties; $2 billion in tribal trust funds lost or mismanaged, $200 million in funding cuts last year, and now the Chamber of this hallowed hall wants to levy new taxes against tribal governments. Have Native Americans not paid enough, I submit, Mr. Chairman? This ad was a brutally accurate summary of our past treatment of American Indians.

The question today is, do we continue along the destructive line of reasoning or do we provide today's tribes with the opportunity to determine their future through their own self-initiative? Mr. Chairman, I have heard that we talk about fair play. Let us propose a law to honor every one of these 700 broken treaties that our government broke and let us see what happens. If we talk about fair play, let us

honor the 700 treaties that our government committed itself with these Native Americans and let us see what the landscape is going to be with what this Nation is all about.

Mr. Chairman, I submit we ought to vote against this proposed amendment.

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

Mr. Chairman, I regret that the legislative procedures of this body forces the gentleman to offer this amendment as a limitation on the appropriations bill. I am sympathetic to the concerns that the gentleman has and I think his legislative language targets those much more precisely than the limitation before us and should be addressed by the authorizing committee.

Unfortunately, the authorizing committee has chosen, at least to this point, not to have hearings, and I think it is a subject that deserves a full hearing in the authorizing committee. Because the gentleman from Oklahoma is forced to use a limitation amendment, it is broader than we should have it because it prohibits acquiring through gift or exchange any interest, for essentially any purpose, and there are a lot of reasons why there should be lands transferred that have nothing to do with this question of taxes.

Another problem with this approach is that it is only a 1-year limitation. Because of being on an appropriations bill, it cannot be extended beyond 1 year, and I think it would be very difficult for any group to make economic decisions either to construct or to open up a facility, knowing that in 1 year this could be changed by virtue of the fact that this limitation language would expire at the end of fiscal year 1998, which would be September 30, 1998. I hope that the authorizing committee will address this problem.

I might point out that there are already in existence 200 agreements with 18 different States where the States and the tribes, exercising their sovereign rights, have addressed this problem. I would hope that a lot of tribes and States would continue on that path to bring about fairness in the marketplace, but at this point, because of the sovereignty of the Indian nations, this is a decision that has to be made by the tribes and the States.

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

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

Mr. KOLBE. Mr. Chairman, I want to commend the chairman of the subcommittee for his statement. I think he has made a very important point, and that is that this is a very broad amendment. I will come back to that in a moment.

I certainly agree with the gentleman from Oklahoma, this is a significant debate we are having and a significant amendment. It is one of great importance and it deserves the kind of debate that it gets here today. I think what must be emphasized here is the issue of sovereignty. These are sovereign tribes. They do have sovereign rights. They have the right to approach the Federal Government when they negotiate on an equal basis, and yet the thrust of this amendment is to put a limitation on the Secretary from taking lands into the reservation unless there is a binding agreement between the tribes, States, and local governments that would require the tribe to pay State and local taxes on reservation lands; in other words, unless they give up their sovereignty, unless we limit that sovereignty for this purpose. So they are not going into some negotiation on an equal basis when not one but both hands are tied behind their back, as this amendment would do.

I think it is very important to keep that in mind. It is also important to recognize that we are really talking about enterprise zones here. In many cases the lands we are talking about are not part of the reservation itself but are adjacent to it, because very often the reservation lands originally set aside were not the best lands, were not good lands. They have had to bring in some of these other lands in order to have the kind of enterprise zones that we are talking about. The Republicans on this side of the aisle have supported it in inner cities, we supported it in rural areas. Native Americans have that. They have it by virtue of the sovereignty that they have, by virtue of the fact that they are not subject to the taxation that the rest of us have. That kind of enterprise zone we should be supporting for these people who have been among the very poorest.

Finally let me make this final point, that what is missing here is this is a limitation amendment. As the chairman said, it is much broader. It goes far beyond simply being a limitation. It goes too broad. We are talking about putting a limitation on bringing lands in for any purpose whatever. I think of in my State, legislation that this body has debated for a long time, the Hopie-Navajo land settlement. Part of that has to do with bringing certain lands under the jurisdiction of the two tribes. That is critical to making that settlement work. Yet this would put a prohibition on making that happen, on making that work.

I would urge my colleagues to vote against this amendment. As much as I sympathize with what the gentleman from Oklahoma is trying to do, it is not the right place, it is not the right way to go about it, and it certainly is not the right time without having the committee of jurisdiction take this up and take this under consideration.

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

Mr. Chairman, I rise in opposition to this amendment. I certainly want to associate myself with the remarks of the chairman of our subcommittee and the gentleman from Illinois [Mr. YATES], the ranking member of our subcommittee. They have made the point that this is a very profound change in legislation that we are attempting to add to an appropriations bill, but that is a technical reason for opposing this amendment. There are moral and substantive reasons for opposing this amendment. Let me suggest the first moral argument. The Native Americans in this land are the poorest of the poor in the United States. Why? Because we, descendants of those European colonists, took their land and their life-style. By 1887, they had about 138 million acres, a minute fraction of the land that they used to live on, and then over the next 47 years we took 90 million acres back from them.

□ 1445

Since 1934, the Department of the Interior has restored 10 percent of that land, about 9 million acres, and that is the kind of land we are talking about, a very small fraction, virtually all of it land that used to be within the original boundaries of their reservations that we are talking about here.

Let me suggest another moral reason. In 1886, the Supreme Court noted that: ''The tribes owe no allegiance to the States and receive from them no protection. Because of the local ill feeling, the people in the States where tribes are found are often their deadliest enemies.'' And for that reason a law was passed called the General Allotment Act. It actually did not accomplish what was intended originally, but the fact is we have acknowledged that the only way that the American Indian can be respected and protected in terms of their rights is for the Federal Government to have a unique relationship between federally recognized Indian tribal governments and the Congress. Only the U.S. Congress, has the responsibility to defend tribal governments from intrusion by State governments.

Let me suggest some other reasons though, that this amendment should be defeated. This amendment would unconstitutionally give State and local governments absolute veto power over each tribal application to place Indian owned land in trust status. It would provide no remedy to a tribe if a State or local government flatly refused to negotiate a tax agreement with the tribe, and the result would be years of costly litigation. It purports to fix a problem that simply does not exist. State governments can and do collect lawfully imposed sales taxes on Indian trust lands. The Supreme Court has held time and again that product sales to nonmembers on trust lands for use off reservation are subject to State sales taxes. Most states, including Oklahoma, have developed a variety of methods for collecting those taxes.

It assumes that there is no process for protecting State and local government interests when lands are considered for transferring to trust status. In fact, the current law already protects State and government interests when

the Secretary considers land for trust status. Under the current secretarial regulations, the Secretary must consult with State and local governments prior to making a final determination on taking land into trust status, and the Secretary must specifically consider the impact on State and local governments of removal of the land from the tax rolls.

This amendment is not necessary. This amendment violates our Constitution, our constitutional protection of Native Americans. This amendment is legislation on an appropriations bill. This amendment does an injustice to the poorest of the poor Americans in this country. This amendment certainly should be defeated, and I urge my colleagues to defeat it in the strongest possible terms.

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

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Chairman, I apologize for belaboring this subject even further. I think that the debate so far has indicated a clear preponderance of views, and I am not an expert on this subject, so I feel doubly guilty. But I did have the opportunity of experiencing this problem of multiple sovereignty and its application from my earliest days.

Mr. Chairman, I was born and raised in that southeast corner of California which borders on Arizona and Mexico and abounds with Indian reservations, and from my earliest days I can recall going across the border to Mexico because the gasoline was cheaper, and the steaks were better and cheaper, and when I got a little older I went across the border to Arizona to help my brother get married because one can get married more cheaply over there and with less waiting time and less restrictions. Each governmental institution, each organization had different rules, and separate sovereignty.

And of course I can, from where I live now, which is a little further north, pass through a half dozen Indian reservations and have assorted gambling opportunities on my way down to Mexico or to Arizona or wherever I choose to go. And I frankly gloried in this. I valued this rich diversity, and I would not have changed it for the world because it allowed for people who were seeking opportunity to acquire it.

We still have that going on. A lot of people come down to this corner of the United States because it is very warm in the wintertime and it is a rich recreational resource, and they come down there, and they camp out on the desert if they are totally broke because it does not cost anything. If they are senior citizens, and many of them are, they can go across the border to Mexico and buy all of their prescription drugs at ridiculously low prices, and most of them take advantage of that opportunity. And it contributes to the economic vitality of the region, as a matter of fact.

Now I would suggest that, and I am saying this without any exhaustive investigation, but that we may actually benefit from this diversity of sovereignty and the opportunity that it creates and that if there is a solution, maybe we ought to try the market solution. If too many people are going across the border to Arizona or to Mexico to find something cheaper, maybe we ought to look at ways of attracting some people from Arizona and Mexico over to California to buy something cheaper over here. That would be a good competitive way to balance out the playing field, and actually this is happening in many situations.

I know of Indian gambling casinos, for example, which have a monopoly and maybe are using that monopoly to extort a little more from the white man than they really should, and other tribes have come in and opened up competitive operations and kind of leveled the playing field in the process of doing that.

This is legitimate, and I think in the long run justice will be served, the free market will be glorified for what it can really do to keep unreasonable prices or unreasonable regulation out of existence, and we can continue with the kind of a system that we have.

Of course, basically I think we ought to let the Indians have this kind of an opportunity. It is an economic development program for them. It has encouraged them to get into business and become self-sufficient.

We have enterprise zones in which we do exactly the same thing for non-Indians for example. We give them tax advantages, we give them freedom from regulation in order to encourage them to create jobs and to provide opportunities for poor people. Well, is that not what we are doing with the opportunities that the Indians now have as sovereign States with the ability to control their own future? Those are enterprise zones for them.

I say God bless the enterprise zones; let us keep them.

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

Mr. Chairman, I rise today in opposition to the Istook amendment and urge my colleagues to vote against this amendment because, as we have heard over and over today, it is overly broad, and it is also unnecessary.

I come from an area of Wisconsin representing an area which has seven different separate Native American Indian tribes, all of whom have land holdings in the district. Of the seven tribes who have businesses on trust lands in Wisconsin, all of them are paying taxes.

I read from a letter from the state revenue agent in Wisconsin: ''I have reviewed our records. I am unaware of any Indian organization not collecting Wisconsin taxes.''

We have had agreements in place between the tribes and the State of Wisconsin for years for the payment of these taxes, and the adoption of the Istook amendment would jeopardize these agreements between two recognized bodies, the State of Wisconsin and the Native American tribes.

The Indian tribes in Wisconsin are not unique in this regard. In fact, almost every State with significant Indian population have similar agreements with their State governments, and according to a study we have heard cited before, conducted in 1995 by a State, the Arizona Legislative Council, 200 tribes from 18 States have reached similar agreements. I have a letter from the Oklahoma Tax Commission which describes the compact the tribes in Oklahoma have made with the State, and as for the ad that appeared in Roll Call and was held up earlier on the House floor, it is an old ad. It no longer runs, since the law in Oklahoma has been changed. It is, I think, a misleading problem, and the Choctaw tribe no longer runs it.

We have also heard about the collection of taxes in New York State. However, I have been told the Istook amendment would not even apply to New York State since, as one of the original 13 colonies, they have a different relationship with their tribes. And, moreover, the Governor of New York has stated he thinks it is not proper or beneficial for New York to impose taxes on sales made on Indian lands. So New York is not losing tax revenues, it is choosing not to collect these taxes.

There have been no hearings, as has been cited before on this amendment. It is another case of trying to create new policy with a very serious amendment to a serious appropriations bill. Indians tribes, native Americans, are creating jobs, paying taxes, helping this Nation's economy as well as their own. I urge my colleagues to look to Wisconsin as a good example. I urge my colleagues to reject this amendment and to protect the current agreements between the States and tribes to collect taxes.

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

Mr. Chairman, the way the Congress operates really is not that dissimilar from the way the rest of the world operates in several respects. One of those respects, Mr. Chairman, is the fact that usually there is a reason why things happen, there is a reason why positions are taken, there is a reason why Members vote the way they do, there is a reason why Members say certain things, and I think we are faced with a good example of that, Mr. Chairman.

We have heard from those opposed to this amendment that they are opposed to it because it is unconstitutional. Well, let us examine that, and I suspect that if we examine it, Mr. Chairman, we will find that there is indeed another reason because the amendment

that the gentleman from Oklahoma is proposing is not unconstitutional either on its face or in any reasonable interpretation of it.

So let me assure those colleagues on either side of the aisle who truly are concerned about the constitutionality of this provision that it is not unconstitutional, and that is a position born not just of my opinion or the author's opinion, but of a learned treatise that we would be happy to make available to any Member, conducted and composed by the Congressional Research Service, that has looked at this proposal and has concluded that because of its narrow scope, because it does not, would not, establish any burden on the constitutional rights of Indians, but simply provide a mechanism whereby legitimate taxes that are constitutional can more easily and more effectively for the benefit of all citizens be collected, and I think that their concerns, if indeed those concerns are born of an interest in making sure that this provision is constitutional, that it would, in fact, be constitutional.

The legislation simply involves establishment of a mechanism for collecting State and local retail excise taxes on retail items sold by tribal vendors on tribal lands to nontribal members and utilizing that mechanism as a precondition for taking land into trust for an individual Indian or an Indian tribe. It does no more than that, which would possibly get it into an area of constitutional activity or restrictions.

□ 1500

It does not do that. There is a line of cases, Mr. Chairman, that clearly establishes that assuring the collection of legally valid estate taxes of sales occurring on lands to be taken into trust certainly is constitutional.

In the case of Oklahoma Tax Commission versus Citizens Band Potawatomi Tribe in 1991, Chief Justice Rehnquist, speaking for a unanimous Court, indicated that the States could look for agreements with the tribes for tax collection, or to Congress to vindicate their rights to tax sales to nonmembers on Indian reservations.

So if in fact we are looking for a mechanism that is fair, and that is, after all, what we all purport to want here is basic fairness, then the proposal of the gentleman from Oklahoma [Mr. ISTOOK] is patently fair. It is not unconstitutional. It has been found that it likely will not be unconstitutional, the word implemented by the Congressional Research Service, and I suspect any legitimate constitutional analysis of it would indeed bear that out.

In my own State, Mr. Chairman, we are facing the situation right now with a tribe from Oklahoma seeking to come into Georgia, not a contiguous State, and establish a gambling or gaming organization or institution or business therein.

This is one of the legitimate concerns of all of our citizens, those of large means as well as those of small means; that is, that the tax base not be eroded. It is not any diminution of the rights of our native American citizens to simply establish that as a precondition for enjoying the benefits of instituting gambling or gaming institutions, that they set up a mechanism to collect taxes, which indeed helps not only them but all of the citizens of that State in which that institution is resided.

In conclusion, Mr. Chairman, let me assure our colleagues and those who might be legitimately concerned about the constitutionality of this provision that it is thoroughly constitutional, both in its intent as well as the way it would be carried out, and urge adoption and a favorable vote on the proposal of the gentleman from Oklahoma [Mr. ISTOOK].

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

Mr. Chairman, I rise for four purposes. First of all, as the cosponsor of this amendment, I rise to emphasize to the body that this is a bipartisan proposal authored by the gentleman from Oklahoma [Mr. ISTOOK] as well as myself.

My second purpose in rising is to ask that we view this issue on the merits and the factual basis. Such words as intolerance, disgraceful, bitter, mean-spirited, angry, stolen, have all been used today during the debate, but we ought to look at the factual basis as to what the gentleman from Oklahoma [Mr. ISTOOK] and myself want to do.

The first thing we want to do is as a national Government, we are asking States and local governments to do more, but we are not providing them in this instance the tools to collect the necessary revenue to proceed.

Second, for all those entrepreneurs who want to make a living and pay taxes themselves and support their families, they are placed at a significant competitive disadvantage. That is all we are trying to do.

In my remaining time, the fourth point I want to address is what we are not trying to do. The gentleman from Oklahoma [Mr. ISTOOK] and I often disagree. One area we have never disagreed on is the issue of the Constitution of the United States. We are not violating any provision of that document, and the High Court of this land has said that the collection of taxes on sales to non-Indians does not violate tribal sovereignty or any treaties the United States has with tribes. We are not attacking the sovereignty of Indians.

I would also point out that our country has agreements and treaties with other sovereign nations as far as the collection and disposal of taxes.

Finally, if we were trying to do something that was in violation of the sovereignty of these nations, a number of Members who have stood up in opposition to our amendment have also talked about the compacts and the value that these compacts have already had that have been entered into by various units of government and the tribes. That is all we are asking be done. That has been found to be constitutional.

The second argument put forth today is that we have essentially called for a shutdown on the transfer of tribal lands. We are trying to kill that process. We are asking for a moratorium. The fact is, and I would acknowledge that this is not the most precise amendment that has ever been offered on this issue, we tried to do that last year on June 20, and we were prohibited from doing so today. We have tried to address this issue surgically in authorizing legislation that has not had hearings held on it, despite the fact that there are now 56 cosponsors of that legislation.

What we are simply saying, to capture people's attention and to make sure this situation is addressed, is if the desire to purchase new lands takes place, we have to submit that process to the congressional authorization and appropriation process and it can proceed. We do not prohibit them.

The issue of the compacts, we have compacts. The system is working just fine. The problem is the U.S. Supreme Court on six different occasions has said that the States have the right to collect these taxes, but the Court has barred the States from filing suit. There is no incentive at all on behalf of any of the tribes to enter into good faith negotiations.

All we are trying to do is to level that playing field to ensure that there is an incentive by the tribes to sit down in good faith, with governmental entities of good faith, to make sure that these compacts do proceed so we can protect State and local revenues as well as small entrepreneurs.

There has been a dispute as to what is really the loss of revenues. I went to St. Mark's grade school in Gary, IN. All I know is if you are selling a tank of gasoline and not paying 7½ cents to 34⁹⁄₁₀ cents of that gasoline you are losing revenues. If you are selling a pack of cigarettes and not collecting 2.5 cents per pack up to 81½ cents per pack, you are losing money as an institution of the Government. States like New York are claiming they are losing up to $100 million; New Mexico, $2.7 million; California, $30 to $50 million a year.

We are told that, by a number of speakers, we have not held any hearings. What we need are hearings. I could not agree more. On June 10 of last year, when the gentleman from Oklahoma [Mr. ISTOOK] and I offered the amendment we were not allowed to offer today, the chairman of the authorizing committee in the House, the gentleman from Alaska [Mr. YOUNG] got up on this House floor, he got up and said, ''Since I have been chairman of the Committee on Resources, not a single Member of Congress has introduced a single bill on this subject.''

The CHAIRMAN. The time of the gentleman from Indiana [Mr. VISCLOSKY] has expired.

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

Mr. VISCLOSKY. He said, Mr. Chairman, ''Since I have been chairman, we have never had a single hearing on this subject. No witnesses have offered any testimony on this subject.'' The chairman was right. The chairman was right.

That is why the gentleman from Oklahoma [Mr. ISTOOK] and myself introduced authorizing legislation in this Congress. That is why 54 of our colleagues have joined us in a bipartisan fashion to sponsor that legislation and to ask for hearings. Here we are, almost 13 months after the fact, and yes, no hearings have been held and the gentleman from Oklahoma [Mr. ISTOOK] and I have been very, very patient.

The final objection raised on the floor today is that this is a new tax, and nothing could be further from the truth. We are simply suggesting that there should be an even playing field; that compacts ought to be entered into to preserve the revenue flow of the States and the locales, to preserve the ability of private business to compete in this society. That is all we are doing. There are no new taxes here involved.

I would urge my colleagues on the facts and the issues involved, not to the emotion, and on a bipartisan basis, to please on this vote support the Istook-Visclosky amendment.

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

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

Mr. HINCHEY. Mr. Chairman, my reading of this amendment is that it would effectively prohibit the Secretary from recognizing new Indian trust lands. I therefore am opposed to the amendment, and I ask others to join me in that position.

Mr. Chairman, this amendment, if it were to succeed, would be destructive not only to native Americans but also in many instances to the communities around which they reside or nearby where they reside. Why do tribes petition to the Secretary to take lands into trust for them in the first place? In some cases they are reacquiring lands they have lost because of their historical or religious significance and they want those lands back again. In most cases they are acquiring lands which have the potential to produce income for the tribe, to help them become economically self-sufficient.

Because of the discrimination that they have faced, because of poverty and limited education and a host of other disadvantages, and because they lost their lands which they depended upon, many tribes cannot build self-sufficiency without building on their trust lands; that is, taking advantage of the edge that sovereignty gives them.

In effect, this is no different from States that make use of their statehood to draw business or create industry; gambling in Nevada, for example, or credit cards in Delaware or South Dakota, or communities that offer tax breaks to attract industries. But they cannot take their advantage of their sovereignty unless they have land, and specifically land that has some commercial potential. If they open a business 200 miles from nowhere, then obviously they are not going to get people to travel there to do business with them.

If we take away their opportunity to have new lands taken into trust, lands where they are sovereign, we are taking their only real competitive edge from them, the only real edge they have. We are denying them the best chance they have to become a self-sufficient community. We are taking their livelihood away from them, just as surely as we did a century or two ago.

But some will ask this question: Does this opportunity not hurt their neighbors? Does this not hurt the States? When the Secretary considers petitions for trust lands, and this point has been made here earlier this afternoon, he must take into account the interests of the affected State and local governments, and he does so in every instance. But he does not allow a State or a local government to veto a petition. He has to consider the objections to it, look at those objections in context, but that does not give the opportunity for a veto.

In many cases the State and local governments benefit from the designation of new trust lands. This is true in my State and in my district. One of the counties I represent is in fact eager to see tribes acquire new trust lands in their midst, because they expect that by so doing, that will also bring in profitable businesses that will benefit all the other businesses that currently exist in that community, and will exist there in the future.

So this amendment would not only deny an economic opportunity for Indian tribes, it would also block, in many instances, opportunities for the communities they live with and work with.

So for those reasons, that it impinges unnecessarily, unfairly, and I believe unconstitutionally on the sovereignty of Indian tribes, and that also in many instances as a result it will do damage to the communities that adjoin those Indian tribe lands, those Indian trust lands, I oppose this amendment, and I hope that enough others will oppose it so it will be defeated.

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

Mr. Chairman, I rise in opposition to this amendment. We are told, Mr. Chairman, that this amendment is needed because it is the only way to stop native Americans from avoiding paying taxes. But in the debate we are having here today I hope we all understand that we have Indian tribes, we have individual members of that tribe, and then we also have just individual members of this country.

This amendment, as written by the authors, is really directed at native American tribes, not individuals. So even if we pass this amendment, and I hope we do not, but even if we passed it, individuals can still continue to avoid taxes. Unfortunately, every day in this country people think of ways and schemes on how to avoid paying taxes.

Our Constitution does recognize the sovereignty of native American tribes. Land that is placed in trust then goes underneath that sovereignty, and on that land there may not be taxes imposed by the Federal Government, just like the Federal Government does not impose taxes on each and every State in a direct manner, but we do on individuals.

Each State in this country is a sovereign State, and each State has different workers' compensation laws, unemployment laws, single business taxes, and also competes against each other in attracting businesses.

But this amendment's intent, I believe, is to start chipping away at sovereignty for native American tribes. The intent is to take away those sovereign rights, and to in fact tax the Native American tribes and not individuals.

The authors indicate that the States can do more, and they are trying to level the playing field, but the States have in fact entered into many agreements; like my State of Michigan, they have entered into agreements.

In fact, we have heard throughout this debate today that there are these 200 State tribal taxation agreements in 18 different States. If 18 different States can enter into 200 agreements, why cannot those States who feel they are coming up a little short on their taxation in their States enforce those agreements?

The primary author of this agreement, the gentleman from Oklahoma [Mr. ISTOOK], the Oklahoma Tax Commission has passed legislation as early as 1992 which does impose taxes and does impose taxes on cigarettes and gasoline in the State of Oklahoma. In fact, I have a letter here from Kathryn Bass, deputy general counsel, that says that ''in lieu of State tobacco and sales taxes in the amount of 25 percent of all applicable State excise taxes on all cigarettes and tobacco products purchased by the Nation or its licensees for resale in Indian country without reference to the membership or nonmembership status of the purchasing public.''

Mr. Chairman, I include for the RECORD the letter of July 9, 1997, from Kathryn Bass to Mr. Baker-Shank.

The letter referred to is as follows:

OKLAHOMA TAX COMMISSION,
Oklahoma City, OK, July 9, 1997.

PHILLIP BAKER-SHANK, DORSEY & WHITNEY,
Washington, DC.

DEAR MR. BAKER-SHANK: Pursuant to your inquiry, this will confirm that the State of Oklahoma and the Choctaw Nation signed a Tribal/State Tobacco Tax Compact dated June 8, 1992, effective January 1, 1993.

Pursuant to the Compact, the Nation agreed to make payments to the State in lieu of state tobacco and sales taxes in the amount of 25% of all applicable State excise taxes on all cigarettes and tobacco products purchased by the Nation or its licensees for resale in Indian country without reference to the membership or non-membership status of the purchasing public. The payments in lieu of state taxes are collected by the wholesalers selling cigarettes and tobacco products to the Nation and its licensees and are included in the wholesale purchase price of the products.

The Compact is authorized pursuant to 68 O.S. §346 et seq.

Very truly yours,

KATHRYN BASS,
Deputy General Counsel.

□ 1515

So they put in a 25-percent payment in lieu of taxes. That is sort of a creative way in which one State has addressed this issue. I think each and every State should do it that way.

My own State of Michigan, we have come up with ways to place not only excise taxes but also sales tax on whether it be gasoline, tobacco sold by native American tribes or individuals within our State. The problem that we have here is really a State issue. The States have shown the ingenuity to address this issue.

I do not want the Federal Government, this Congress or anyone else telling Michigan how to enter into these agreements with native Americans. I do not want the Federal Government telling us how to do our job back in our States. We have creative State legislators. We have creative Governors. We have creative State tax commissions. They are the best to issue or address this issue. I do not believe it is necessary for us, the U.S. Congress, to start telling the States how to address this issue.

With that, Mr. Chairman, I see this as an attack on the sovereignty of native American tribes throughout this Nation. I would hope that we would defeat this amendment.

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

I rise today in strong support of the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK] and the gentleman from Indiana [Mr. VISCLOSKY] to promote tax fairness and relieve our Nation's small businesses from unfair competition by Indian tribes.

Let me make it very clear what this amendment does. It simply says that no new Federal lands can be transferred into tribal trust until Indian tribes reach a binding agreement regarding State and local sales tax on sales to non-Indians. The Supreme Court has made it very clear that only sales to members of the Indian tribes holding the land in trust are properly exempted from State and local taxes. But what is actually happening?

Many Indian tribes are using property in tribal trust to operate truck stops, gas stations, convenience stores and other retail outlets without charging any State or local fuel sales or excise taxes. This in turn means that they are selling goods to non-Indians at prices far below what any other small business can charge; in the case of gasoline, some 20 to 30 cents less per gallon.

Mr. Chairman, this is patently unfair. It is unfair to our Nation's small business owners. It is unfair to our State governments which are losing millions of dollars annually in tax revenue. Mr. Chairman, I am all for lower taxes on consumers, but I am also for tax fairness. This is a serious loophole that Congress must close. I strongly urge my colleagues to support the Istook-Visclosky amendment.

Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I would like to address a couple of issues that have been mentioned by some of my colleagues. For example, we heard the argument, well, is this not the same as States having different levels of taxes for gasoline or cigarettes or whatever it might be. No, it is not the same, because this is a patchwork quilt.

This is where the Bureau of Indian Affairs is, for example, taking applications for a tribe in Oklahoma to open up a convenience store at a crossroads of two interstate highways in Ohio where they have never had any historical connection, they do not have any sort of tribal lands or any relevance there except it is a nice location to get a lot of traffic and make a lot of money. An Oklahoma tribe with applications in Arizona, an Oklahoma tribe with applications in Georgia. And it goes on, too, with different States.

We have cities finding that different residential lots, not in one block as part of an Indian area or reservation but in a patchwork quilt, they will come in and take one residential lot in the middle of a community and open up a store and say they are exempt from the zoning laws, as well.

This is more like if one State said, I am going to buy a piece of property in another State, and if I go out of Oklahoma and I go to Missouri and I say, "Now this land I bought is no longer under the laws of the State of Missouri, it is under the laws of the State of Oklahoma." So you could have, for example, Florida with a gas tax of a nickel a gallon saying, "We are going to buy pieces of property in Connecticut where it is 38 cents a gallon. And we are going to undercut the price and we will tell everybody they are not in Connecticut anymore, they are in Florida."

So if they go into Rhode Island where it is 28 cents a gallon, or if North Carolina, with 5 cents a pack cigarette taxes says, "We are going to open up pieces of North Carolina in New York State where the cigarette tax is 56 cents a pack or in New Jersey where it is 40 cents a pack or Massachusetts where it is 51 cents a pack, and we are going to sell it for the taxes only a nickel a pack," you see what happens with this patchwork quilt that is being created.

These are not tribes wanting to have operations on their reservations or on Indian lands. These are tribes that want to pick and choose the premier locations anyplace in the country with no connection, no next door neighbor situation with any existing tribes, not contiguous land, but just say "We want to buy up different tracts and create a checkerboard. And our tribal lands are checkerboarded all over the place, and they all just happen to be locations where lots of people come by to buy gasoline and cigarettes and groceries and evade the tax."

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I will not take much time.

As we conclude this debate, I think it is important that we understand what this debate is not. I will not debate the merits. I made it clear earlier that on the merits, the substance of this, I think this is bad public policy. I think it is extraordinarily important that every Member that votes on this understand what this amendment is about or, more to the point, what it is not about.

I just heard a moment ago the gentleman from California talking about how this would prevent the transfer of any lands until, and then he went on to say, until the tribes have entered into such an agreement dealing with the collection of taxes.

Mr. Chairman, that had to do with an amendment that was stricken on a point of order. This amendment, this amendment that we are considering right now says only that the Secretary may not use any funds in this act to carry out purposes, provisions of the act to acquire through relinquishment, gift, exchange or assignment any interest in lands or surface rights to lands outside of existing Indian reservations.

Mr. Chairman, it does not have anything to do with the issue that we have all been talking about, myself included, about taxes, about whether it is fair that tribes should collect taxes, pay taxes for sales to non-Indians on their reservations. It does not have anything to do with that. It says only that the Secretary may not acquire, do anything, spend any money to acquire any land to put it into trust status. For whatever reason it is being done, no money may be spent.

Mr. DICKS. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, is the gentleman aware there are actually

some 30 different laws under which property is taken into trust and the amendment only addresses one specific one, leaving in place a multitude of others which, among other things, permit tribes to acquire hospital property and so forth? Is the gentleman aware that this is only 1 of some 30 different sections under which lands can be taken in and put into trust?

Mr. KOLBE. Mr. Chairman, if the gentleman will continue to yield, I am aware that it is only one of the various provisions, but that one provision does not have to do with just taxes. It does not have anything to do with taxes.

It is only one provision for bringing them in but it is also one that is extraordinarily important and would limit, could have severe limitations on the ability of the Secretary to bring lands into tribal trust status. It is for that reason, Mr. Chairman, I believe that we should reject this amendment.

I understand why the gentleman has proposed the amendment, because it was the only way that it could be brought to the floor, but it is too broad. It does not do what it is intended to do. It goes far beyond that and prevents the Secretary from bringing any land under tribal trust status at any point.

I believe that that is a mistake. I would urge Members of this body to reject this amendment.

Mr. DICKS. Mr. Chairman, I call for a vote on the amendment.

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

Mr. Chairman, this has been a very interesting debate. I know my father raised me with the belief always that the American Indians had gotten a raw deal in our Nation's history. I have tried to be very sympathetic to many of the problems they have had.

Clearly, from listening to the debate today, this issue of tax collection is being handled very well in some States. But also it is very clear that there are some very serious problems with what is going on in some other areas. Indeed, I think the gentleman from Oklahoma has spelled out very clearly the nature of this problem and the severity of the problem.

Indeed, it is worth noting that if we did not have a problem here and that if it did not need to be dealt with, we would not have a situation where the U.S. Chamber of Commerce, the National Conference of State Legislators, these are all our colleagues who work in the State houses, have supported this. The National League of Cities, no less, is supporting this. So I would encourage my colleagues to vote ''yes'' on the Istook-Visclosky amendment.

Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I hope we can wrap this up.

I think it is important to stress what is happening here, what the Federal Government is making possible because of the patchwork quilt, hundreds of thousands of acres but sometimes it is a quarter acre here, a quarter acre there, maybe a full acre here for a truck stop, convenience store, smoke shop, whatever it may be, with total disregard to the States where a tribe may normally operate, with total disregard to its historic boundaries, whether you are talking about 20th century history or 19th century or 18th century or whatever. It is the basic rule of real estate, location, location, location, that is what is driving this, that and the ability, not because of sovereign immunity, not because of treaties, but, as the U.S. Supreme Court has stated, solely because Congress has failed to act that they are marketing the failure to charge taxes which the U.S. Supreme Court says are owing and are due when non-tribal Members make these purchases.

This is not an old advertisement. This ad is about 8 months old. It is after Oklahoma had tried to get tribes to enter into compacts. Only 3 out of 39 tribes in Oklahoma were willing to do so, despite some very heavy financial incentives, because they can make more money by saying, ''Come buy from us, no tax on cigarettes, no tax on gasoline, no tax on beer.'' And what difference does it make if they are not charging those taxes?

Look at the difference. If you do not charge on gasoline, 26 cents a gallon, you go to the corner, one station has a price 26 cents each and every gallon lower than the other. Where do you take your business? Cigarettes, average of 41 cents a pack. Where do you take your business?

North Carolina cannot come into Massachusetts and say, ''We have a 40 cents a pack, 46 cents a pack differential. We are going to open up a branch of North Carolina in the middle of Massachusetts so the Massachusetts businesses cannot do business.''

I heard someone on this floor say, well, that is okay, everybody can make a deal with the tribes. That means if you do not do business with the tribes you cannot stay in business if you do not let them take over your operation. What a difference it makes. This is from an actual retail location. It goes through their grocery, tobacco, beer profit, personnel, expenses, everything. If they have to pay the tax, the business operates an annual loss of $5,500 a year. If they do not have to collect the tax, they make $927,000 profit.

Who can stay in business if the Federal Government permits people to thumb their nose at the law? This is basic fairness. This is basic justice. This is basic playing by the rules. We have $6.5 billion in this bill and in other bills going directly to the benefit of Indian tribes. Do we also say that we want to give them the key to every business in the country, so that those that are trying to abide by the law cannot compete and our local communities do not have the billions of dollars they are losing in gasoline, cigarette, and sales taxes that pays for our roads, that pays for our schools, that pays for public safety?

□ 1530

I urge Members to vote for the amendment.

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

Mr. Chairman, I am of a split mind, frankly, on the Istook amendment. I am concerned about some of the issues that he raises, and I frankly think that some of the tribes have abused their ability to have land put in trust. And I think, for that reason, that the authorizing committee in charge of basic law ought to hold hearings and ought to produce a legislative vehicle that corrects that problem.

While the Istook amendment is advertised as attacking a problem such as the differential in tax law that the gentleman has referred to, in fact that is not what this amendment does. This amendment simply says, cold turkey, that none of the funds may be made available for the purposes of acquiring trust lands. That goes too far. It is not consistent with the traditions or obligations of this country, and for that reason I think that the amendment ought to be defeated.

I would also say that I would be much more inclined to vote for the gentleman's amendments in the future if they are not accompanied by an effort to use the congressional frank in order to send material into other Members' districts which is essentially misleading and is not descriptive of the actual amendments before the House.

I am very willing to respond to legitimate suggestions for change in the law, but I do not respond very well to lobbying pressure from anybody, especially when it comes from another Member of Congress. It seems to me that Members of Congress have an obligation to tend to their own districts. I think they ought to be very careful about the nature of mail which they send into other Members' districts under the frank.

The frank is a privilege that Members of this House have that should not be used to create internal lobbying. The gentleman from Oklahoma is well-known as someone who does not like to see Federal agencies or Federal grantees lobbying with Federal money. I also do not like to see Members of Congress lobbying with Federal money, especially when they are lobbying each other through the use of the frank and when frank material is sent into congressional districts which is not consistent with amendments that are actually offered on the House floor.

So, Mr. Chairman, I would simply say that I think there are two problems with the gentleman's approach. First, I do not, for one, think that it is appropriate to engage in what is in essence a lobbying operation with taxpayers' money by sending franked material into other Members' congressional districts.

Second, if that material is sent in, I think it ought to accurately reflect the

situation which exists in each of those States, and the material I saw did not.

And, third, I would suggest that the amendment ought to be offered which in fact attacks the problem that is described in the speeches accompanying the amendment. Eliminating all ability to take land in as trust lands is not the correct remedy for the problem at hand.

The gentleman from Oklahoma is correct about the problem. I, for one, very deeply resent the fact that some of the tribes have used existing law to take land into trust and then operate casinos on that land far from their reservation. I think that is an outrageous abuse of the trust privilege.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

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

Mr. OBEY. Mr. Chairman, I also think that it is wrong to convey a misinterpretation of what some of our Governors and some of our State legislatures have been able to negotiate by way of agreements with tribes so that they do, in fact, collect the correct amount of tax revenues from those States.

I would simply say that the gentleman is partially correct in his concern, but this is not the way to go about it. I do not think it is legitimate to wipe out the Secretary's ability to take land into trust across the board when, in fact, the problem is much narrower than this amendment would lead one to believe.

Mr. Chairman, I thank the House for its indulgence in allowing me the additional minute.

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

First of all, Mr. Chairman, I would like to answer what has just been put forth as an abuse of the frank. In fact, the information sent by the gentleman from Oklahoma [Mr. ISTOOK] was to public officials, cleared by the House Committee on Frank; and its erroneous nature will be determined by the facts and not by a Member standing on the floor.

I would rise to support the Istook amendment but begrudgingly. I come from the second largest tribal district in the United States, and I want to describe for the Members of this body what is occurring. In fact, extortion is occurring today as members of tribes go out and tell people who are independent private businessmen, many of which are members of that same tribe, that if they do not sell their fast food stores to them, if they do not sell their gas stations to them, that they will open one across the way and eliminate their business.

So not only is there an unfair competitive advantage, not only is there an unethical approach, but in fact there is extortion, which is under investigation by the FBI at the present time.

This is well-placed common sense. It does not limit all tribal lands coming under trust. What it says, simply, is that there must be an agreement between the tribes.

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

Mr. COBURN. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I think the gentleman was not here, and the only point I would want to make is that, first of all, the first Istook amendment that did what the gentleman wanted to do was struck down on a point of order, so now he has this secondary amendment. Under this amendment, remember now, the Secretary of the Interior must approve this.

I would say to the gentleman, if it was ever done in this kind of a threatening way, we will drive you out of business, that application I think would be turned down summarily by the Secretary of the Interior.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. COBURN] has expired.

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

Mr. DICKS. Mr. Chairman, will the gentleman continue to yield for one further comment?

Mr. COBURN. I will continue to yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the second comment is the parties would have a right to go to court, into federal district court, to stop the transfer into trust. I would think under that kind of a practice that the courts would strike down the application.

Mr. COBURN. Mr. Chairman, I will be happy to allow the other gentleman from Oklahoma to answer that, but I will tell the gentleman from Washington that presently those very things that he is describing are ongoing without interference from the BIA or the Secretary and, in fact, there is extortion ongoing.

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, I will join the gentleman in going to the FBI, if that is accurate.

Mr. COBURN. Mr. Chairman, reclaiming my time, I would tell the gentleman that I have been to the FBI.

I want to bring one additional point before I yield to the other gentleman from Oklahoma. We have before us an historic agreement on tobacco which has associated with it taxes on tobacco. Do my colleagues know where all the cigarettes will be sold in the future? They will be sold on tribal properties throughout the United States.

The Cherokee Nation, the Creek Nation, the Choctaw Nation, anywhere in history that they have lands, they will come and buy land and claim it as tribal lands, and they will be the sellers in fact of gasoline, they will be the sellers in fact of tobacco, they will be the owners of casino gambling, of bingo halls, and, in fact, the revenue lost to individual localities, municipalities and States will be enormous.

We have to deal with the greater issue: Can there truly be a sovereign country inside a sovereign country? That is one we will not attack. Nobody wants to deal with that issue. That is why we face this problem. And until we say the Indians cannot be truly sovereign, until we stop giving to the Cherokee Nation $100 million a year and allowing them to waste a large portion of that through the problems, if the gentleman is familiar now with what is going on with the Cherokee Nation, then we will not solve this problem.

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

Mr. COBURN. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I think the important thing to recall is, as has been pointed out before, there are approximately 30 laws on the books under which the Bureau of Indian Affairs can take property into tribal trust. This amendment only creates a restriction, a moratorium, upon one of them.

The only reason hearings have not been held, of course, is that despite requests many months old to do so, the authorizing committee has not held the hearings although we have requested them.

We have advised people of the provisions which were passed by this House last year by a vote of 212 to 206 which are incorporated in House Resolution 1168 sponsored by the gentleman from Indiana [Mr. VISCLOSKY] and myself and over 50 other Members of this body.

That was what the original amendment was that was offered on this floor because a point of order was raised and sustained against it. Then we came with the substitute amendment which only enacts the moratorium on one of the some 30-odd mechanisms. It leaves in place, for example, the mechanism where they can still acquire property for hospitals and other what is called eleemosynary institutions for public assistance and public good and so forth.

We are trying to target this as narrowly as the House rules permit us. And of course with the assistance of the Senate and the conference committee, we expect to improve upon that yet further.

This is an important amendment, Mr. Chairman, because the problem, as the gentleman from Oklahoma [Mr. COBURN] states, is accelerating, it is growing, and nobody can stay in business when their competitors have this advantage and can locate anywhere they wish without being tied to existing tribal lands.

The moratorium is only on new lands. It does not affect what they may do with lands which the tribes already have, whether they own them outright or are in trust.

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

Mr. COBURN. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I would use the time remaining to emphasize that this is a bipartisan proposal between the gentleman from Oklahoma [Mr. ISTOOK] and myself.

What we were trying to do was to ensure that States and locales have the resources to provide for the people that they represent; to provide for a fair playing field for entrepreneurs in this country.

I would emphasize we are not imposing a new tax. We are not taking anything away from Indians in the United States of America. What we are simply asking for is appropriate negotiations as far as State compacts.

Mr. Chairman, I urge my colleagues to support this endeavor.

Mrs. LINDA SMITH of Washington. Mr. Chairman, I rise in support of the Istook-Visclosky amendment. I believe that this legislation will protect small businesses from unfair competition and will ensure that states receive the nontribal tax revenues due them.

The Istook amendment addresses several important issues: Should a program designed to help native Americans tribes acquire lands for agriculture, industrial, and cultural purposes be instead used to drive out local competition? Should the American taxpayer be expected to foot the bill? The answer to both these questions is ''no.'' In fact, the U.S. Supreme Court has ruled that nontribal customers must pay State taxes on goods purchased on tribal land.

For States such as Washington, New York, California, Oklahoma, and Michigan—which are home to sizable tribal lands covering hundreds or thousands of square miles—the costs are extremely significant. My home State of Washington has lost $63 million in lost revenue from the sale of cigarettes alone. This figure, of course, does not include the lost opportunity costs to small business, men and women who were forced out of business because they could not compete with tax exempt tribal lands.

Mr. Chairman, I submit to you that it is unfair that programs and funds intended to be used by tribes to provide low cost food, housing, and to foster native American economic development, and heritage be used instead to fund anticompetitive activities.

The Supreme Court has also ruled that the issue of native American tribes collecting State excise taxes on sales to nontribal individuals that occur on tribal land does not involve native American tribes' claims of sovereign immunity. Nor does it involve any existing treaty obligation of the U.S. Government. It is, instead, a problem which Congress has created and which Congress must rectify. The amendment before us would do that, and I urge my colleagues to support it.

Mr. YOUNG of Alaska. Mr. Chairman, I oppose this amendment. This is a classic example of overreaction by Congress. This is curing a sprained ankle with a sledgehammer.

The gentleman from Oklahoma is trying to solve a problem that exists in a very few instances. I am told that a few Indian businesses are selling large amounts of tobacco and motor fuels without collecting State and local sales and excise taxes. I can appreciate how this gives a competitive advantage to a few Indian businesses.

I will support legislation which will straighten out this problem to the satisfaction of the States and local communities as well as the tribes.

However, I cannot support this amendment because it would place a limitation on appropriated funds that will adversely affect all Indian tribes.

Most lands being taken into trust have nothing whatsoever to do with taxes or commercial businesses. Most lands being taken into trust are small home sites which lie within an existing Indian reservation, parcels of nontrust land scattered from one end of a reservation to the other. Out west this is a very common land ownership pattern and is called checkerboarded land ownership. Administering these checkerboarded lands is a nightmare both for the States and the tribes.

Let me point out that small parcels of Indian land are still going out of trust every year. As a matter of fact, more land is going out of trust each year than is being taken into trust. In 1996, for example, 130,000 acres of land went out of trust and only 55,000 acres were taken into trust.

For decades the Interior Department has been trying to block up these checkerboard lands by taking back into trust those lands purchased by tribes which were originally part of a reservation and then went out of trust under the 1887 General Allotment Act.

The effect of this amendment would be catastrophic for any Indian tribe which has spent years and years and thousands and thousands of dollars buying back their lands. In many instances, these lands purchased by tribes will have little value to anybody unless they are taken into trust.

Tribes are doing this for reasonable, practical purposes. The Bureau of Indian Affairs operates law enforcement programs, road maintenance programs, environmental services programs, real estate services programs, water resources programs, and a large number of other programs which only apply to trust lands. Tribes want their members living on these lands to benefit from these programs.

Trust status defines the jurisdictional powers exercised by a tribal government. It also defines the extent of State jurisdiction. It determines Federal criminal jurisdiction.

The gentleman from Oklahoma wants to solve a commercial tax problem which many of the States have already solved. I am told that even the State of Oklahoma has worked out most of its tax problems with most of its tribes.

This amendment, however, ignores all of these State solutions. Instead, this amendment would completely eliminate the Secretary of the Interior's ability to take any land into trust, in any State for any reason.

Mr. Chairman, this sledgehammer approach is wrong and I urge my colleagues to oppose this amendment.

Ms. DELAURO. Mr. Chairman, I encourage my colleagues to oppose the Istook amendment because it improperly interferes with established practices for placing Indian lands into trust. In addition, the Interior appropriations bill is not the place to consider this ill-advised amendment.

Our country has struggled to address the needs of native Americans who lost more than 90 million acres near the turn of the century. But we have arrived at a process that works under the Indian Reorganization Act of 1934. The Secretary of the Interior is able to consider applications to place Indian land in trust. Placing land in trust is intended to promote self-determination and economic self-sufficiency for tribes. It is important to keep in mind that 40 percent of applications to place land in trust are not approved. In addition, many acres of land are removed from trust status each year. In 1995, more than 130,000 acres went out of trust while only 55,000 acres went into trust.

The Istook amendment rewrites the process for placing lands in trust and could unfairly block Indian lands from entering trust status. It would backtrack on the principle that relations between native Americans and the United States should be at the level of the Federal Government, rather than at the State level where, historically, Indian tribes have been treated fairly. Under the Istook amendment, a State would only need to refuse to negotiate with an Indian tribe in order to block that tribe's lands from being placed in trust.

Finally, the Istook amendment should be opposed on procedural grounds alone. This amendment constitutes a substantial revision of policy toward native American lands that ought not to be attached to the Interior appropriations bill. But at the very least, it should be fully considered before the House makes such a dramatic policy change. Unfortunately, hearings have not been held on the Istook amendment, nor was it considered by the Interior Subcommittee or the full Appropriations Committee.

I urge my colleagues to vote against the Istook amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK].

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

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

The CHAIRMAN. Pursuant to House Resolution 181, further proceedings on the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 14 OFFERED BY MR. HILL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. HILL: Page 89, after line 15, insert the following new section:

SEC. 325. None of the funds appropriated or otherwise made available to the Indian Health Service by this Act may be used to restructure the funding of Indian health care delivery systems to Alaskan Natives.

Mr. HILL. Mr. Chairman, I offer this amendment on behalf of the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources. He has been asked by the Alaska regional nonprofit health corporations to offer an amendment to the Interior appropriations bill.

Currently, health care in Alaska's 226 Native villages is provided by 12 regional nonprofit health corporations.

□ 1545

These corporations are governed by elected village government representatives. They set policies and priorities for health care delivery to Alaska Natives within their regions and villages.

This tribally-controlled health delivery structure implements self-governance and self-determination legislation as mandated by Congress. Chairman YOUNG was actively involved with the passage of these important legislative measures to promote self-governance and self-determination by villages in Alaska.

As I just described, these 12 regional nonprofit health corporations provide health care services to 226 federally recognized Alaska Native villages or tribes, consisting of approximately 86,000 Alaska Natives. However, as mandated under Public Law 93–638, as amended, the Indian Health Service has recently let several villages break away from these regionalized health care delivery systems.

This mandatory provision allows the villages to administer their own health care programs, on a fragmented basis, which the IHS funds directly. At the same time, corresponding resources are siphoned off almost quid pro quo from the regional nonprofit health corporations. This, of course, diminishes the quality and extent of health care services provided by the regional health corporations to thousands of village residents.

Chairman YOUNG has fought long and hard for village self-governance and will continue to do so. However, he frankly cannot justify fragmenting and destroying a workable regionalized health care system which at least meets the minimal health care needs of Alaska Natives.

We, as a Congress, have a duty to protect and advance Alaska Native villages and peoples. The provision of adequate health care services must be a top priority in Congress's protection of Alaska Native peoples. After all, we are talking about the life and death of Alaska citizens.

This amendment seeks to protect the health and lives of Alaska Natives by maintaining health care delivery on a regional basis under the nonprofit corporations, which again are governed by elected Alaska Native village representatives. This has proven to be a very effective delivery system in meeting the minimum health care needs of the people. Why monkey around with a program that works?

In the interim, it is the position of the Alaska delegation that Congress, in honoring the U.S. trust responsibility, not allow any more villages to separate from the regional health corporations until Congress takes further action after the General Accounting Office issues a report on the impacts of costs and health care delivery to Alaska Natives.

I urge the adoption of this Alaska-specific amendment.

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

Mr. Chairman, this amendment will have no adverse impact on the delivery of health services to Alaska Natives. It simply codifies IHS's current policy with respect to the compact between the agency and the Indian health care corporations. To the best of my knowledge, there is no opposition. We are prepared to accept the amendment on this side.

Mr. Chairman, I yield to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, the only thing we have heard is that Health and Human Services is concerned that the proposed amendment could infringe on the right of tribal governments to participate in self-determination contracting and compacting, which is their right pursuant to the Indian Self-Determination and Education Act.

We understand that GAO will be asked to study the complexities of this situation. It would be prudent to delay action on this matter until the results of this analysis are completed and reviewed by the tribal governments, Congress, and the administration. And this language comes up, this statement comes up with the blessing of OMB and the Indian Health Service.

I am not going to object to the amendment. I think we can check with the administration during conference and make certain that we are on solid ground here. The gentleman has offered the amendment for the gentleman from Alaska [Mr. YOUNG], and I have no objection to it, but I wanted to put this in the RECORD at this point.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana [Mr. HILL].

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. STUPAK

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. STUPAK: Page 89, after line 15, insert the following:

SEC. 325. None of the funds made available by this Act may be used for the eviction of any person from real property in Sleeping Bear Dunes National Lakeshore that the person was authorized, on July 10, 1997, to occupy under a lease by the Department of the Interior or a special use permit issued by the Department of the Interior.

Mr. STUPAK. Mr. Chairman, I will be brief. My amendment is strictly a limitation amendment which simply prevents the eviction of individuals at Sleeping Bear Dunes National Lake Shore until the abandoned buildings or previous structures are removed and taken care of.

Basically, what it says, Mr. Chairman, is my understanding right now over at Sleeping Bear Dunes National Lake Shore there are over 100 abandoned buildings from folks who had leases with the Park Service. The Park Service was then to tear those buildings down and let the area go back to its natural state.

Unfortunately, the Park Service has not had the money to clean up these abandoned sites, so today there are over 100 abandoned dwellings on the lake shore. There is no money to tear them down, to allow it to go back to its natural state. So they do not have money to do it, but yet we are still evicting people. We are still evicting people. We do not have money to clean up the past abandoned buildings. This year alone 11 more people will be evicted.

What my amendment simply does, it is not a permanent amendment, but what it simply does is holds eviction for the length of this legislation, which is approximately 1 year. There is no reason in the world for an additional eyesore upon the Sleeping Bear National Lake Shore. There is no reason to have abandoned buildings. There is no reason to have deteriorating buildings when we cannot take care of the ones we already have. In a way, it is a 1-year moratorium.

I understand that there is no objection. I want to thank the gentleman from Ohio [Mr. REGULA], for helping me along on this process; the gentleman from Illinois [Mr. YATES], the gentleman from Washington [Mr. DICKS], and others who have worked with us on this process to put the amendment in this legislation.

Mr. REGULA. Mr. Chairman, I move to strike the last word. We are prepared to accept the amendment of the gentleman from Michigan [Mr. STUPAK], but I do want to make it clear that this is only a 1-year, temporary withholding and that ultimately these residents will be required to move. Of course, they will be compensated, but they will eventually be required to sell to the Government. But in view of the fact that the Park Service currently has 100 structures that they have not had the funding to remove, I do not think it would be fair to those that are still there to make them move during the next fiscal year.

I would urge the Park Service to get on with removing the structures that are already there and have been purchased by the Service. By imposing a 1-year moratorium, we give the residents confidence that they will, at least, be able to stay through fiscal year 1998. We support the amendment.

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

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

Mr. DICKS. Mr. Chairman, I share the concern of the gentleman from Ohio [Mr. REGULA] about letting this go on beyond 1 year. The Park Service has, in fact, written a letter of concern about this. But under the circumstances, if they have not torn down the structures, the gentleman I think makes a persuasive case that for 1 year, at least, we ought to go along with this.

I appreciate the gentleman yielding.

Mr. REGULA. Mr. Chairman, reclaiming my time, I yield to the gentlemen from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I am concerned about the type of precedent. I understand there is a special problem asserted in this particular instance, but the word ''eviction'' used by the amendment author very much surprises me. I expect that most of these individuals had a 25-year contract that they made to, in fact, utilize the property, and I might add at generally reasonable prices, and receive then the compensation for their property under specific terms of a contract.

I am surprised to hear that there are so many sites. I do not know every year if you look at what is happening with these properties that were largely voluntarily sold, maybe some years ago, that you may be getting into an issue here where every year, even this year in 1997, you may have individuals that are now expected to in fact give up the properties in accord with their agreements. When an amendment like this passes, I think it raises all sorts of issues and questions.

This is not an unusual problem. We had the same thing with the Indiana Dunes, and I think that you will find that there are many Members that have come before our authorizing committee on this sort of matter. So I understand the concerns being expressed here by my friend and colleague from Michigan [Mr. STUPAK], but I also would suggest that there is an issue here that is going to obviously open up the floodgates with regards to this type of orderly agreements and contracts by land management agencies acquiring lands and properties.

I hope the dollars are available for demolishing and moving these empty buildings out, these acquisitions were painful decisions that were made at some expense and time to the taxpayer, Mr. Chairman.

Mr. REGULA. Mr. Chairman, reclaiming my time, I understand the concerns of the gentleman from Minnesota [Mr. VENTO]. This is one of the reasons that we have given the Park Service additional money to deal with backlog maintenance. This would fall within that category, and I emphasize that we are only contemplating this limitation for 1 year.

Mr. Chairman, I yield to the gentleman from Michigan [Mr. STUPAK], who may want to comment.

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding. In response to my friend from Minnesota, this has been going on for some time. This lake shore property in my district, there are over 100 abandoned buildings.

Today is the first time I heard where the Park Service, not from the chairman, but we had a letter from the Park Service that said suddenly we have money. For 3 years we have been trying to address it. If this is the only way we can address this issue, then this legislation has a lot of merit because we at least got to addressing the issue after 3 years.

It is not just my district. I know in Delaware and Indiana and other places we have to address it and there has to be some kind of fairness. If we are telling people their time is up, they have to move off, and it is just going to sit there, for a lot of these folks this lake shore property goes through two counties in my district. They are the eyes and ears, and they help out the Park Service and they keep the buildings maintained. I think that is better than some abandoned building that becomes an attractive nuisance and we have liability issues.

So while I understand the concerns about all the limitations of only 1 year, at the same time I think we have to start addressing it in a very practical manner. I appreciate the cooperation I have received from everyone on this issue.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. STUPAK].

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. COBURN

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. COBURN:

Page 89, after line 15, insert the following new section:

SEC. 325. (a) None of the funds made available by this Act may be obligated or expended for the Man and Biosphere Program or the World Heritage Program administered by the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

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

Mr. COBURN. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 60 minutes and that the time be equally divided.

Mr. DICKS. Mr. Chairman, reserving the right to object, unfortunately, I have been instructed by our leadership that we have to object to any time agreements at this point. I regret that, but I have no choice.

The CHAIRMAN. Objection is heard.

The gentleman from Oklahoma [Mr. COBURN] is recognized for 5 minutes.

Mr. COBURN. Mr. Chairman, this is not truly about biosphere reserves. This is not about the United Nations. What this is about is us as a body and whether or not we are going to follow our constitutional process in this body. This is just one example of many where this body has violated and continues to violate its own rules in terms of authorized programs.

In the last several years millions of dollars have been spent on this program as well as hundreds of other programs without any authorization whatsoever from this body. This amendment seeks to eliminate just one of the many hundreds of areas where money is spent, taxpayer money is spent, never being approved by Congress in an authorizing body, never being looked at completely by that authorizing body.

Second, it lacks complete oversight. There is no oversight into the money, the taxpayer money that is spent. There has been no oversight function whatsoever.

What this amendment attempts to do is to talk to the Congress about returning to do what it is supposed to do. Now if you oppose this amendment, then what you really do is you oppose us operating under the rules that we have set for ourselves, because what in fact we have said is that we are not going to fund money for programs that are not authorized. We are not going to spend American taxpayers' money in a way that we cannot go and see that it is spent properly.

We are not going to spend money on authorizing programs. There were exclusions in the first three authorizing programs that came through this House floor that said we will not allow money to be spent on this until it will be authorized.

So I would simply ask, Mr. Chairman, that we in fact apply the rules of the House and the disciplines that were put there on purpose so that we do the right job with the American taxpayers' money.

Mr. Chairman, I yield to the gentlewoman from Idaho [Mrs. CHENOWETH].

□ 1600

Mrs. CHENOWETH. I thank the gentleman from Oklahoma [Mr. COBURN] for yielding.

Mr. Chairman, I want to very briefly identify with the remarks of my colleagues. This has less to do with the United Nations, but it has more to do with the fact that we as Congressmen must abide by the constitutional responsibilities that we have and, that is, not only to protect the pocketbooks of the taxpayers dollars in good and wise expenditures but also their ability to make a living. A lot of Americans are still having to make a living off the land.

I just want to call attention to the fact that there are 47 biosphere reserve sites already designated in the United States without congressional authority, sites whose acreages would total the land base of the State of Colorado.

We can see Colorado here designated in black. That is the land base that has been designated as biosphere reserves, without any authorization from Congress and without the local people realizing or being informed that this was happening to their land base. It is a serious problem. It needs congressional oversight and congressional authority.

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

Mr. Chairman, I strongly oppose the gentleman's amendment to prohibit U.S. funds for the U.S. Man and the Biosphere Program and for the World

Heritage programs which are both administered by the United Nations Educational, Scientific and Cultural Organization [UNESCO].

As the gentleman points out, I think erroneously, these programs do report on how the money is expended on those particular programs. Regrettably we are not members of UNESCO, the United Nations group. President Reagan made sure of that by taking us out during his administration. I contend that we ought to be back in the organization so that we could sit at the table with other nations and obviously have a better sense of monitoring. But this amendment, Mr. Chairman, caters to the ill-founded fears of a tiny minority of people in this population of ours who sees a worldwide conspiracy behind every UNESCO program.

Frankly, the debate on this issue has surfaced some of the grossest distortion of facts that I have witnessed in a long time. Digressing a bit, I might talk about a small minority in this country who many years ago was known as the Know-Nothing Party. The Know-Nothing Party talked about a great world conspiracy to take over the United States. As a matter of fact, they said that the Washington Monument was being built by the Pope to commemorate his taking over the sovereign United States. To prove that, they said that the marble to build the Washington Monument was coming no less from Italy.

Well, the Know-Nothing Party was effective. They scared everybody in town and they stopped building the Washington Monument. They stopped for about 50 years, as a matter of fact. The Washington Monument lay by itself there, a third built. If Members go out and look at the Washington Monument today, they will notice that it is two-toned. It is two colors. Years later when Abraham Lincoln was elected into office, he said, ''that is enough of this scare tactics, let us finish the monument''. However when they went back to Italy to the quarry, they were out of that marble. So they had to go to another quarry to try to match the marble but they never could. Instead the marble was a shade lighter. That is why the Washington Monument is of two colors.

The Know-Nothing Party had been effective in their panic to stop it. That is what I think this group is doing today. Those who support this amendment maintain that the inclusion of Federal lands in the World Heritage list somehow transfers U.S. sovereignty over our lands. It is just plain false. It is plain untrue. It is a scare tactic. It is going back to the Know-Nothing Party. Perhaps, as I said, even deliberately misconstrued.

The World Heritage program and the U.S. Man and the Biosphere Program in no way transfers any lands from the United States to the United Nations or any other sovereignty. These programs are simply voluntary vehicles for designated areas around the world as international treasures that must be preserved, and to protect the people of the world from the problems of pollution that, as we are well aware, knows no national boundaries.

The World Heritage list has no force of law. Rather, it is a statement of principles that acknowledges the value to the world of our national treasures. I do not know of anyone who does not agree that Yosemite National Park, or the Grand Canyon, or similar areas must be protected from overdevelopment and from pollution.

UNESCO program bashing, in my opinion, is a cover which attempts to remove the United States from any multilateral efforts to address the negative effects of pollution and development. This amendment attempts to continue this coverup. It is not honest in its goals of information, and it is viewed by our allies around the world as further proof that the U.S. legislative process is being dominated by a minority of people whose vision of the world, if enacted, would guarantee our children and their children with an environmental nightmare devoted only to exploitation and greed.

Mr. Chairman, this is a bad amendment. It caters to fear and misinformation. It is not worthy of enlightened people. It is not worthy of our Nation, and it deserves to be soundly defeated.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Oklahoma. While we all want to see our national parks preserved, I believe we have a responsibility in this body to have some oversight of a program such as this where we are designating huge areas of our country to be involved in an international program. This is not something that has been debated by an authorizing committee at all. We have no legal language on it.

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

Mr. WELDON of Florida. I yield to the gentleman from Minnesota.

Mr. VENTO. I appreciate the gentleman yielding. This is just the first misunderstanding, I guess, about whether or not there has been authorization action or oversight action on it. I would just suggest to the gentleman that each year that I chaired a subcommittee that, the ICOMOS which is one of the arms or organizations, did come before us and ask for and talked about funding for some of the programs. Furthermore, the World Heritage site is not only authorized under the Historic Preservation Act but has also been passed as a 1973 treaty.

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

Mr. WELDON of Florida. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I would point out again, there has been absolutely zero authorization in this body for this program or for the expenditure of any money associated with it. There is no question. Questions have been asked. This has nothing to do with the United Nations. I can give the gentleman a list of 100 other programs that this body is spending money on that we have no right spending money on because we have abandoned our own rules.

I would bring out an additional point. The gentleman from California [Mr. BROWN], the ranking member on the Committee on Science, is bringing forth legislation to authorize this, as it should be. The Congress ought to debate this issue in the appropriate committee, which is his committee. We ought to have the testimony of those people who are both for and against it come before Congress, a reasoned and thoughtful decision ought to be made, and once that decision is made, then that ought to be brought to the floor of this House. That has not happened. It violates the very principle of the democracy under which we operate and the rules under which we operate this House. When that in fact does come, then we should have the vote on it. In the meantime, we violate our principle of trust to the American people for spending money that has never been looked at by Congress and never been oversighted.

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

Mr. WELDON of Florida. I yield to the gentleman from Minnesota.

Mr. VENTO. I appreciate the gentleman yielding, getting between me and the gentleman from Oklahoma [Mr. COBURN].

Of course, I think he is speaking of the Man and the Biosphere Program, not the World Heritage Convention, which is, after all, a treaty which has been approved and which is authorized in the Historic Preservation Act. The Man and the Biosphere Program draws funds from a series of different research allocations from various agencies in the Federal Government, I think some 14 different agencies, if my memory is correct, all of which are authorized to expend such research funds.

The fact is that they have general authority to spend money on research. We do not design their projects. Congress appropriately permits some discretion. The issue is whether or not the MAB Program has general authority. If there is a contest about it, and the gentleman from California [Mr. BROWN], I respect him and the gentleman from California [Mr. MILLER] for submitting legislation on authorization, but it is sort of like the redundant reiteration of the self-evident. Someone is doing it because they want to take on that challenge, but meanwhile we should not stop the funding.

Mr. WELDON of Florida. Reclaiming my time, some serious concerns exist with this Member regarding the authorization of this in terms of serious concerns raised by a lot of my constituents in terms of what this actually involves. I think to ridicule the

opponents of this as though they are members of a flat earth society is wrong. I am on the Committee on Science along with the gentleman from California [Mr. BROWN] and the gentleman from Oklahoma [Mr. COBURN]. We really need to have a serious vetting of this issue, exactly what the program involves, what exact bearing it may have in the future in terms of our control as a body as the U.S. Congress of these national parks and these so-called biosphere areas and exactly what will be the United Nations involvement in them. After that process, it may be determined that this is certainly nothing that we need to be concerned about and it may garner the support of this body. On the other hand, I have yet to be convinced.

Therefore, I feel that the gentleman from Oklahoma's amendment is a good amendment, I support his amendment, and I have supported his amendment in the committee.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, first of all, I would like to just get a few facts out here on the table. I think this is important. Under the World Heritage Convention, each nation nominates its own most important natural and cultural sites and pledges to take the necessary steps to preserve and protect them under its own legal system. The treaty implementing legislation and program regulations mandate a process that is orderly, predictable, and exacting, requiring a minimum of more than 2 years between the proposal of a site for study and its consideration by the World Heritage Committee. The U.S. nomination process is clearly delineated in law and regulation, title IV of the Historic Preservation Act of 1980 and 36 CFR 73, the World Heritage Convention.

Under the regulation, the National Park Service staffs the Interagency Panel on World Heritage, which is advisory to and chaired by the Assistant Secretary for Fish and Wildlife and Parks. The panel meets in public sessions to consider proposed nominations and to review completed studies. Proposals to nominate have originated from private organizations and citizens and local governments as well as from park superintendents.

Every proposed nomination has a strictly defined boundary. The criteria and documentation requirements for nominations are highly selective. Many proposed properties have been turned down or deferred for cause. Relevant committees of the House and Senate are notified of all pending proposals and again informed when the department has decided to nominate a property. Over the years when Members have commented, they have commonly supported proposed nominations in their respective States. This whole thing started under the Nixon administration.

Since 1979, when Yellowstone and Mesa Verde were placed on the World Heritage list, 18 other U.S. sites have been added, for a total of 20. A handful of others have been nominated but not listed.

□ 1615

No new proposed nominations are being actively considered. The World Heritage Committee, composed of representatives-elect from 21 member countries, review all national nominations. At present 506 properties have been listed. The committee also places properties on the list of World Heritage in Danger. Only the committee can place properties on either list. Neither listing action imposes any legal requirement for U.S. sites beyond those already contained in U.S. law.

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

Mr. DICKS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I just want to say I think the gentleman is making a very good statement in pointing out the preparation and the information that is available to the public generally and to Members of Congress specifically, and I realize that many of us have not had the opportunity to learn all of this in detail, but the presumption, I think, should be on two decades of bipartisan support under both Republican and Democratic administrations.

I point out that the gentleman pointed out 16 of the sites are actually national parks and 4 are not, but that no private site would be listed without the consent of the owner.

Mr. DICKS. That is correct.

Mr. VENTO. And that this places no additional restrictions or interferes in any way with the sovereignty or the property rights of any individuals in terms of these World Heritage sites.

Is that the gentleman's understanding?

Mr. DICKS. That is correct, that is my understanding.

Mr. VENTO. I appreciate the gentleman's having yielded to me.

Mr. COBURN. Mr. Chairman, would the gentleman yield to me? He has given me so much data with which to look at, so for just a second?

Mr. DICKS. Yes; I am glad the author of the amendment wants to be informed. I think it is quite good, and I yield to him.

The CHAIRMAN pro tempore (Mr. LAHOOD). The time of the gentleman from Washington [Mr. DICKS] has expired.

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

Mr. DICKS. Mr. Chairman, I yield to the gentleman from Oklahoma.

Mr. COBURN. First of all, there have been no statements from me in putting forth this amendment that I objected to the World Heritage Reserve Program. Never said; no, I have never said that.

No, the point is, and authorizing language that the gentleman, the implementing language that the gentleman from Washington states, title IV of the Historic Preservation Act; could he please inform me the date in which we signed on to this treaty?

Mr. DICKS. 1973.

Mr. COBURN. And could the gentleman in fact tell me whether since that time this has come before the Committee on Science or the other authorizing committees to, in fact, implement this treaty and the language associated with same?

Mr. DICKS. The gentleman, I would refer him to the Constitution of the United States, under which the Senate of the United States has the responsibility for the ratification of treaties, giving its advice and consent.

Mr. COBURN. Mr. Chairman, would the gentleman continue to yield to me?

Mr. DICKS. Yes; I continue to yield.

Mr. COBURN. But the Senate can originate no spending, and therefore the House has to originate spending, and to do that it has to have authorized programs under which to do that, and I would just like a reference to where the authority comes for the House to spend money that has never been agreed to by the respective committees that have jurisdiction over that money.

Mr. DICKS. Mr. Chairman, as I understand it, and I quoted, and I will try to go back and find the section under the Historic Preservation Act, there is authorization for this program. That is my understanding.

So I guess the point I am trying to make here is I think we have a program that is working very effectively, and the idea of cutting off the money for it and saying no money shall be spent I think is unnecessary.

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

Mr. DICKS. I yield to the gentleman from Minnesota.

Mr. VENTO. Well, I mean it is authorized under title IV of the Historic Preservation Act, the amendments of 1980, the subsequent amendments of 1982, the reauthorization of it in 1988 for 25 years.

Mr. COBURN. Mr. Chairman, if the gentleman would continue to yield, how much money is authorized?

Mr. VENTO. There is not a specific amount autorized.

Mr. COBURN. Exactly my point.

Mr. VENTO. Mr. Chairman, that is not the gentleman's point. The point is that we do not always authorize a specific amount.

Now, the gentleman may object to the fact that there is not a specific amount authorized, but general authority exists within the rules of the House and the Constitution.

Mr. COBURN. Mr. Chairman, if the gentleman would continue to yield?

Mr. DICKS. Mr. Chairman, I am not going to yield any further. It is under the Historic Preservation Act. I think there is legal authority for this. Here it is.

Title IV of the Historic Preservation Act of 1980 and 36 CFR 73, the World Heritage Convention.

I would also point out that not only was this done under the Nixon administration, but finally the Reagan administration chose to highlight one of its most major initiatives in private sector fund raising for parks, the restoration of the Statue of Liberty, by nominating the statue to the World Heritage list in 1984.

The CHAIRMAN pro tempore. The time of the gentleman from Washington [Mr. DICKS] has again expired.

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

Mr. DICKS. Mr. Chairman, I would urge my colleagues to oppose this amendment. I think it is unnecessary. I think there has been a lot of fear mongering about this. My view is that it is a very solid, common sense oriented program that also has done a lot of good, but the World Heritage parks, sites that have been named have actually, we have seen an increase in tourism. More people want to go to those sites.

So I think it has been an advantage to the communities where there has been such a designation.

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

I rise today in support of the Coburn amendment. As my colleagues know, in these debates now and then we get off track. I think we have to go back and read what the amendment really says. So let me just refresh everyone's mind. It is not dealing with tourism, it is not dealing with talking about past accomplishments of different Government agencies or Government owned projects. It is basically dealing with the present funding of programs that originated in the U.N. These programs are being funded illegally.

The amendment reads ''none of the funds made available by this act may be obligated or expended for the Man and Biosphere Program or the World Heritage Program administered by the United Nations Educational, Scientific and Cultural Organization.''

Now I would remind all my colleagues that on June 11, 1997, in Rollcall 198 we had this same vote. It passed 222 to 202. So for the folks on that side of the aisle I think they should remember this has already been voted on by the House and was passed overwhelmingly.

Second, the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources, had a vote on what is called the American Land Sovereignty Act. That passed overwhelmingly, 246 to 178. That act would require specific congressional approval before any area within the United States is included in an international land reserve and require specific accounting of all funds used to support the Biosphere Program.

So we have on record two votes that clearly show that the majority of the Members here in Congress at least on the House side supported it.

Now the Biosphere Program and the World Heritage Sites Program have designated a combined total of 67 different U.S. sites and hundreds of thousands of dollars of taxpayers' contributions without any authorization from State and local governments or any Members of Congress, from either body. These two programs are under the jurisdiction of the United Nations Educational, Scientific and Cultural Organization which is UNESCO. UNESCO was so poorly run and physically mismanaged that the United States withdrew from this agency in 1984. I say again, we withdrew. The United States withdrawal from UNESCO included disallowing any U.S. funds from going to this agency.

Unfortunately, that is not the end of the story, and that is why we are here today, and that is why we have had the two previous votes on this matter. The State Department doesn't get it. Overwhelmingly, the House approved it. UNESCO and the Biosphere Program have been illegally funded by usurping U.S. tax dollars. This has been done by the creation of the U.S. Man and the Biosphere Program as a separate office within the State Department.

Now, there is no one here in this House who wants to have a separate program in the State Department funded without the approval of the duly elected Members of Congress. So our responsibility is to pass this amendment, and that is what we have done previously.

Mr. Chairman, the committing of U.S. lands to the terms of an international agreement, particularly without approval of the people in this body, is flagrantly violating constitutional responsibility and infringes on the most sacred and important individual property rights that we have. First and foremost, State and local governments should have the full authority to choose whether an area within their jurisdiction should be part of any international designation. Then and only then should Congress become involved by also approving and then by authorizing funds to be used in such programs; under the current status, neither of these cases is occurring. But frankly, we don't want our lands ever being controlled by anyone except the U.S.A.

This little simple amendment which has passed overwhelmingly twice this year is a correct and appropriate execution of our constitutional responsibilities to account for the expenditures of all public moneys. We need to do this amendment on every appropriations bill so that we stop the use of unauthorized funds.

I strongly support this measure and urge my colleagues to do the same, and I would conclude by citing an article from the Jacksonville, FL, Times Union reported in May of this year that the Man and Biosphere Program and the American Heritage Program, agreed to pay for food, lodging and other expenses for a hundred experts to travel and to attend a conference in Maine dealing with the repair of the Everglades in Florida. They went up to Maine. Right? Maine is where they have their meeting, and the Everglades is in the southern tip of Florida. I am certain many taxpayers would question the use of Federal funds to pay for individuals in Florida to attend a conference in Maine to discuss solutions occurring in Florida.

Mr. Chairman, we cannot let this continue. So I urge my colleagues to pass this amendment. And remember we have passed it overwhelmingly before.

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

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Chairman, I rise in opposition to the amendment before us. I would not normally take the floor on something like this, but I need to point out that the Man and the Biosphere Program is essentially a research program within the jurisdiction of the Committee on Science, and I am constrained to speak on the matter because of that.

Now, it seems to me that there is a number of different motivations or reasons behind the opposition of the proponents of this amendment, and most of these have been stated: that it does not have an authorization, that it is under the control of the UN and that it deprives State and local government of certain prerogatives to which they are entitled. I think that a review of all of these matters would indicate that the proponents of the amendment are stretching things just a little bit.

There is, in fact, no specific authorization for the Man and the Biosphere Program. On the Heritage Program, there apparently is authorization contained in both treaty and authorizing legislation.

With regard to authorization for the Man and the Biosphere Program, as my good friend, the gentleman from Minnesota [Mr. VENTO] has pointed out, funding for this program comes from 14 different agencies, which is more than I recognized, and in each case the agency is authorized to conduct the kind of research which it supports in the Man and the Biosphere Program. So within the general authority to do the research in each of these 14 agencies they are supporting research in the Man and the Biosphere Program.

Now I will admit, and it is a good point that the proponents of this amendment make, that there is no specific line item authorization for this in any legislation, but I would point out that that is not an unusual situation in this great Congress of ours. There are many programs which have gone on for years, which do not have specific line item authorization. The most vivid that I can point to right now is this

wonderful Mars Pathfinder Program, a multi-hundreds of millions of dollars program, far more expensive than Man and the Biosphere, and there is nowhere an authorization for this program, which is continuing for the next couple of decades.

Now I might regret this, I might like to have a specific line item authorization for the Mars program because it would provide more control and oversight and attention and be very desirable. The Congress has to make judgments about what detail it goes to in the authorizing process. In the case of the Man and the Biosphere Program, I think it should be authorized. I concur with the proponents of this amendment that it would be helpful to conduct oversight, to have an authorizing committee with the responsibility to make sure that there was no hanky-panky going on here, in case there is any allegations that there is, and to specify the policy direction of the program, the degree of State and local interventions and the amount of money that should be spent. And I hope that the gentleman will join with me in attempting to pass such an authorization bill.

□ 1630

Because of the ambiguity of congressional committee jurisdictions, I think the Committee on Resources will have some claim to jurisdiction here. The ranking member of the Committee on Resources and I have jointly sponsored this amendment, and we welcome sponsorship from the majority side of both of these committees as well.

Most of the arguments that I have heard with regard to the merits of the Man in the Biosphere Program I do not agree with. I think this is a meritorious research program. It is one which, as has been indicated, is extremely important to develop comparative scientific data about conditions that exist all around the world.

There is no other way to get this comparative analysis without having research sites, sites that have been identified as being unique, that can be studied in various different parts of the world, where they represent different ecological conditions and other factors.

I think that the only thing some can say against it is that it was conceived by UNESCO, which my good friend, the gentleman from California [Mr. TORRES] used to serve as ambassador from the United States. He is not responsible for the program, though. However, the international scientific community is heartily in support of this program.

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

Mr. Chairman, I rise on this issue. I was not intending to speak here, but I was monitoring this in my office. I just heard some statements I could not believe. I think the authors of this amendment have not done their homework and they are leaping before they are looking.

This program, as the gentleman from Washington [Mr. DICKS] has said, has been around since 1971. We have 15 Federal agencies that participate in it voluntarily. The total amount they spend is $115,000 of contributing money. That is about $10,000 per agency that they contribute. In my State of California we have 25 sites that have been designated. I might add that they have been designated out of the initiative of the local community to do it.

What they are suggesting here is that Federal agencies should not participate in this, and essentially that we ought to be the micromanager, the mother of every kind of interest in our local communities, because it has some kind of United Nations attached to it. We will get to a Congress that will want to screen every tourist that comes to our district from out of State, we will want to make sure that every type of weather satellite going over our country is monitored, and so on.

Mr. Chairman, the point is that this program is absolutely harmless. There are 15 State parks in California that have applied for this and have been designated, including some public water districts, like Marin Municipal Water District, a private ranch owned by the Audubon Society, and in fact, I am up here speaking about it because property that my family and other families own, private land, eagerly sought this designation because we want to be part of this international monitoring station.

Mr. Chairman, I want to make the point here, that it was stated that there was no local knowledge of it, that it was some kind of umbrella brought out of some kind of international community. You do not participate in getting these nominations; it is a competitive nomination. You do not get any junk land in here, you do not get any land in here that does not have any scientific interest in it, that there is not an ongoing monitoring by the scientific community. All of these people want to be in this. They want to be part of this.

This is a biosphere all over the world. How are we going to learn about global warming, how are we going to learn about the impacts of air quality, how are we going to learn about migratory birds that do not know that they have to fly under United States rules? These are the kinds of things that biostations give us information for.

We cannot be here in Congress and say because we are participating in this in an international community that we have to strike the money and we cannot do anything with this program. Do not be so ignorant about this globe. It needs international monitoring and these biospheres do it, and the properties that are in it have been eagerly sought after to get into the program. It is tough to become nominated for a biosphere. It is an honor. I am proud that my land, our land, is in that.

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

Mr. FARR of California. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, the question I have is one or two, really. No. 1, the gentleman desires to be part of the boundary area around this biosphere reserve program, and the gentleman did of course check with everybody else that was going to be involved in that?

Mr. FARR of California. I did not check with the U.S. Congress.

Mr. COBURN. I am talking about local property rights, to make sure everybody that was included in it had their individual rights as property owners checked as well. That is one of the real complaints. We can ignore it and say everybody is fanatics, flatlanders, and the know-nothings. But the fact is there are some genuine concerns about property rights associated with this issue. The gentleman can step on it, ignore it, and say they are just goofballs and ignorant.

Mr. FARR of California. Name one single property right issue that is violated by naming this as a biosphere.

Mr. COBURN. There are three States that have already issued through the State legislatures a requirement that they not have this U.S. Man and the Biosphere: Kentucky, Colorado, and the third is Alaska.

Mr. FARR of California. What is the restriction? What is the point of the gentleman's question?

Mr. COBURN. They have had impact on the lands.

Mr. FARR of California. What impact? Name one.

Mr. COBURN. Use. Use of their lands; land value, changing land value.

Mr. FARR of California. What? There is a restrictive use because you might measure the weather, because you might measure the rainfall?

Mr. COBURN. Would the gentleman from California continue to yield to me and let me give him an answer?

Mr. FARR of California. I am trying to get an intelligent answer.

Mr. COBURN. Having been unintelligent and ignorant, what I would put forth and focus on is there are people who do not have the right to do what they had the right to do before the Man and the Biosphere Program came into their own land.

The gentleman can say that does not exist, but there was testimony in the Committee on Resources about the State of New York, the Adirondacks, and I would refer the gentleman to that testimony, where local landowners and officials referred to that.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. FARR] has expired.

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

Mr. FARR of California. Mr. Chairman, I will give a very clear answer to the gentleman's question. The U.S. Constitution protects us on a takings issue, and most constitutions, including that of the State of California, protect us on a takings issue. There is absolutely no taking by nominating and

being accepted as a biosphere property. It is simply——

Mr. COBURN. If that is the case, then let us authorize it and do it right, rather than do it in an unauthorized fashion.

Mr. FARR of California. It has been done by treaty.

Mr. COBURN. The U.S. Man and the Biosphere Program has never been authorized, never. The gentleman's side does not dispute that fact. It has never been authorized. So let us authorize it, if that is the case.

Mr. FARR of California. When we sign a treaty that authorizes it.

Mr. COBURN. No, that is the World Heritage preserves. All treaties, all treaties have to have implementing language and also appropriations that come from authorizing; that is, if we would look at the Camp David accords, we do not just automatically let the State Department spend what they want to spend on it.

Mr. FARR of California. In closing, Mr. Chairman, there is absolutely no violation on property rights; I am talking about biosphere, that applies to property. I know it, I own it, I participate in it, and there is no violation. Therefore, there is no need for this amendment.

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

Mr. Chairman, I am sorry I missed part of this debate, but let me talk about a specific example of a Man and the Biosphere reserve program that had been set up in my district in Missouri. It was called the Ozark Highlands Man in the Biosphere Preserve.

Mr. Chairman, we would have had two-thirds of my district and probably the northern third of the Arkansas district that borders mine, a little bit of the district of the gentleman from Arkansas, Mr. MARION BERRY, and a little bit of the district of the gentleman from Arkansas, Mr. ASA HUTCHINSON, tied up as a Man and the Biosphere Reserve Program. Let me just talk to the gentleman about how this came about.

First of all, if you do designate a Man and the Biosphere preserve area, local citizens and local presiding commissioners and county officials need to be involved in the process. This did not happen in my district.

All of a sudden the Park Service and all of the other land management departments decided that this would be created. There was no local input whatsoever. We were not told about it. We were not told about it. Then finally our folks heard about it through the grapevine, if you will, and, consequently, with the outrage and an outcry from thousands of residents within our district.

That was not because necessarily of the core area. The core area was on public lands. But the surrounding buffer zone would have tied up two-thirds of my district, and limited land use and economic development and other things in an already very poor part of my district, with no local input whatsoever. That is not right.

Mr. FARR of California. Mr. Chairman, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentleman from California.

Mr. FARR of California. First of all, Mr. Chairman, the local planning is done by zoning that is under control of local government and cannot be violated by a biosphere agreement.

Second, it was on public lands, as the gentlewoman indicated, not private land. The management plan for that biosphere is done by those agencies that govern that land.

Mrs. EMERSON. However, Mr. Chairman, first of all, the buffer zone, which was much larger than the core area which would be designated by the Park Service and other land management people, is private land for the most part. I can assure the gentleman that not one local official, and there are no zoning Commissions in my particular part of Missouri, but the presiding commissioners of the counties involved, as well as local citizens, were not alerted, not asked for their opinion whatsoever.

Mr. FARR of California. What was exactly proposed in the biosphere that made it so controversial?

Mrs. EMERSON. The fact that private property management would be restricted.

Mr. FARR of California. That cannot be done.

Mrs. EMERSON. I know that it cannot technically be done, but let me tell the gentleman, I will share with the gentleman all of the proposals as they existed before they were pulled back by the Park Service and others, because there was such an outcry. I will show them to the gentleman, and they indicate very emphatically that there were limitations, restrictions put on it.

Mr. FARR of California. I would say to the gentlewoman, it is my experience that you cannot create anything greater than what has already been created by the local planning process. In the gentlewoman's State, she may have less of a degree of planning process than our State does. That is why in our State when we have quality areas, they want to become biospheres, because it is almost bragging rights that says, as the gentleman from Washington [Mr. DICKS] says, it becomes a tourist attraction for the area, like a national marine sanctuary does or a national park does. Those are much more restrictive because we actually write rules and regulations.

The biosphere is a bottoms-up, applied-for process.

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

Mrs. EMERSON. I yield to the gentleman from Oklahoma.

Mr. COBURN. I just think the point needs to be made, Mr. Chairman, the core area of the biosphere, I do not have any objection to it at all. The fact is, it has a tremendous impact on other people, without a good representative walk through our body.

If Members will look, this is an exact diagram of what they all look like in terms of their impact. There is a core area that is designated. Then there is a managed use area that limits—and these are all private lands that the gentleman has agreed to, himself, that in his land he wants it managed in a certain way, but it has to be agreed to. But a third area is a zone of cooperation which impacts people's ability to do with they want with their land.

Mr. FARR of California. If the gentlewoman will continue to yield, it does not, Mr. Chairman, I would say to the gentleman. Nothing changes by a biosphere.

Mr. COBURN. It does not in the gentleman's area, but it does so in many other areas in this country. That is the difference.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would appreciate it if Members would not speak until they have been yielded to or control the time.

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

Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, I think it is abundantly clear that the sponsor of the amendment and others first of all have tried to portray this as not being authorized. That did not sell, because of course there has been authorization, and while Man and the Biosphere receives funding from 14 different agencies and departments, all of which are authorized with some discretion to spend such research money, there is no such clear-cut case. If that were the case, Members could get up on this floor during an appropriation bill and strike it from the bill because it is not authorized.

I might say, the lack of authorization process in this House has never received such attention as it has in this particular case, suggesting ironically in error that there is not authorization. If that were the case, Members could have struck this on a point of order, but Members cannot because that is not the case.

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

Mr. VENTO. I yield to the gentleman from Oklahoma.

Mr. COBURN. We would be happy to strike it on a point of order, but they would not specify putting the money out on a line item, so we cannot.

Mr. VENTO. Reclaiming my time, Mr. Chairman, that is not the issue, I would say to the gentleman. Now we are getting to some theory about how biospheres are functioning and how they may limit activities.

The fact is, Members cannot come up with a single example, a single example, of anyone that has had any limitation placed on their private or on public property that is due to these listings. When the gentleman is asked to do that, he will not do that.

Mr. COBURN. Mr. Chairman, if the gentleman will continue to yield, I will give the example, in upper New York

State, the Adirondacks. In the district of the gentleman from New York, Mr. JERRY SOLOMON, there was testimony before the Committee on Resources in his district. I would be happy if the gentleman would read that.

Mr. VENTO. The gentleman had better have it for the RECORD. When we get out here, we are not dealing on testimony itself. Sometimes it is erroneous. Individuals can say anything, but what are the facts.

□ 1645

I understand one aspect and that is that some have fears and concerns. I think that you are representing those fears and concerns. I regret that. But that is the case, that there are those type of concerns, but I think there is not a basis for this fear and accusations about these two programs.

I would think that each of us that brought a serious amendment, as this is a serious amendment, that we would back that up. The fact is that this amendment does great harm in terms of what would occur, and the message sent if it is enacted. We are the leader, basically, the United States. These programs were initiated by the United States, both the World Heritage Convention and the Man and The Biosphere Program. To date, nearly 150 nations have joined with us on the World Heritage Convention, 125 in terms of Man and The Biosphere.

What this amendment has the effect of doing is relegating us to a cultural and environmental isolationism which suggests that we are no longer going to cooperate, in an era when we look at the international and national boundaries of our Nation and recognize the inherent logic in terms of working and collaborating and cooperating with other nations in terms of dealing with, as in the case of Man and The Biosphere, which the gentleman from California [Mr. BROWN] rightly said is a research program.

Where are these research dollars being spent? I found it interesting that so many of my colleagues from Florida had opposition to this, because I found that the University of Miami is one of the sources of a couple of the different grants, of some half million dollars of research grants. They receive a significant amount; the University of Alaska, the University of Boston. Of course they did find that the Danish polar center in Copenhagen received $6,000. I guess that is with regard to polar bear migration.

The purpose is clear with these programs, to try to come together and intelligently do research. There is no sovereignty loss. There is no property rights affected by these two voluntary programs.

I think the true nature of this particular amendment is reflected when we get somebody up here with a map of the United States with a black hole in the middle of it, the fact that they are attempting to try to portray these programs as something that they are not. I think that is the reason, because of the misunderstandings and misconceptions that persist, that any amendment like this has ever passed. There is no basis for the enactment or passage of this type of amendment or other negative amendments that deal with the Man and The Biosphere or the World Heritage Convention.

These two programs are important steps where the United States has actually led the world in, and attempted through voluntary means to gain cooperation and recognition by listing those sites that are important to ecosystems, for research or preservation on a collaborative basis, or those sites that have special cultural or environmental significance.

It defies me that the opposition here has tried to, first on a technical basis and then on a substantive basis, but with no facts, there are certainly fears, there is emotion, but there is not the type of substantive criticism that would justify any type of retreat from these two programs. In fact we ought to be doing more of this type of work as we look into the next century. We ought to do much more of this type of work. I think these are important programs. I urge my colleagues to oppose this amendment as the poorly conceived amendment that it is.

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

Mr. VENTO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, one example is the Mammoth Cave Area Biosphere Reserve.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

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

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, the Mammoth Cave Area Biosphere Reserve, with the national park as its core protected area, has therefore utilized its stature to better address local conservation and development issues, including securing additional financial resources not previously available. Landowners and communities have derived tangible benefits, received recognition for working together to resolve complex conservation and development issues and protect resource values.

A survey of biosphere reserve managers in 1995 suggests that in cases where their cooperative activities identify explicitly with biosphere reserve concepts, there are more cooperating parties and more participation of local organizations than in cases where such cooperation was merely consistent with these concepts.

The point here I think is that these have worked to the benefit of the local community. I have got two in my State, the Olympic national biosphere reserve and Mt. Rainier. Both of those have been very popular. We are in the heart of marbled murrelet, spotted owl country out there, where disputes rage over Federal involvement. But in this case the biosphere reserve has had the local support and, therefore, I think is a good deal.

What I worry about here is by putting in this amendment, this kind of a meat-ax approach saying no money shall be spent, that means we just cut off this program. We have not had any hearings to cut off this program. It has been in existence.

Mr. VENTO. Mr. Chairman, the gentleman is exactly right.

Mr. DICKS. Mr. Chairman, we ought to stay with this. If the gentleman and the Committee on Resources want to have hearings, have hearings until the cows come home. Then bring some legislation out here.

Mr. VENTO. Mr. Chairman, this is an entirely voluntary program on the part of the Nation and on the part of private landowners. We have provided the impetus, the United States has, to provide encouragement, the education, the preservation of these sites on a voluntary basis. It defies logic to have an amendment like this which would completely arbitrarily withdraw us for no good reason other than to satisfy some conspiracy theories which have cropped up in recent years. Let us be led by reason not emotional falsehoods.

Mrs. EMERSON. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. EMERSON. Mr. Chairman, I would like to ask my good colleagues the gentleman from Minnesota [Mr. VENTO] and the gentleman from Washington [Mr. DICKS] if they all have proposed in their districts, their specific districts, a Man and The Biosphere Program?

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

Mrs. EMERSON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, yes, I have on the Olympic Peninsula, and it is in the Olympic National Park.

Mrs. EMERSON. Mr. Chairman, were the gentleman's local citizens included in the process? Which of his local constituents were?

Mr. DICKS. Mr. Chairman, if the gentlewoman will continue to yield, I think it was Olympic National Park. We have an active advisory group that nominated it to be part of this.

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

Mrs. EMERSON. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I represent a largely urban area, but there is a 2-year notice provision that is given prior to the Man and The Biosphere listing. These voluntary listings that do not affect sovereignty. That is the intention. I regret that it engendered great controversy in the area of

the gentlewoman because of what I believe are misunderstandings. But it must have worked. When that did occur, there was a withdrawal.

But they have interspacial centers in Kentucky. They have the coho salmon program in my colleague's district in Washington. This is a wonderful program in terms of research, and the fact that you are attempting to hang this up and crucify it on the cross of process with regard to some trumped-up issue with regard to reauthorization, I think, is not worthy of this House.

Mrs. EMERSON. Mr. Chairman, reclaiming my time, I guess I just look at it from the point of view of my constituents. The counties, the several counties that would be tied up in my district are those of the poorest part of my district where there is a great deal of unemployment and a great deal of poverty. The buffer zone where they live is limited in land use for the future, or that is how the proposal was. Consequently, we could not economically develop that area so we could not get more jobs there. The only few jobs we have are tourism-related jobs. We cannot bring in big trucks. We cannot build better highways in that kind of a situation.

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

Mrs. EMERSON. I yield to the gentleman from Washington.

The CHAIRMAN. The time of the gentlewoman from Missouri [Mrs. EMERSON] has expired.

(On request of Mr. DICKS, and by unanimous consent, Mrs. EMERSON was allowed to proceed for 1 additional minute.)

Mr. DICKS. Mr. Chairman, it seems to me that in the situation where there is not local unanimity that we, as a local representative, have a responsibility either to try to help create it or to tell the department we should not go forward with this. If we do not have the unanimity locally, I do not think we should do it.

Mrs. EMERSON. Mr. Chairman, that is true. We did not, and we were able to keep our land from being used for this purpose. But the problem is, the problem that I have is that there was no community involvement whatsoever during the 2-year process that they were trying to make this designation, I suppose because there is really no authorization for it.

Mr. DICKS. Mr. Chairman, I would not say that. What I would say is, let us work with the people in the executive branch who are involved in this and insist that there be local involvement. That is something we all can agree on. None of us on this side of the aisle that I know of are objecting to the local people being involved in how this is structured and the nomination process, et cetera. But to cut off the money when we have really no example of anything damaging being done is just not fair.

Mrs. EMERSON. Mr. Chairman, how can the gentleman say there is no example if, in fact, two-thirds of my district was going to be tied up?

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this amendment that we are debating right now divides into two parts. One part deals with the Man and The Biosphere Program. The other deals with the World Heritage sites. That basically designates areas of countries that the countries are really quite proud of, in our country, Yellowstone, the Grand Canyon, and it goes on a list. The list is one that kind of makes the whole country feel proud.

If a travel magazine was listing the top 10 sites to visit in the United States, any one of these places would be thrilled to have their names on the list, but because the United Nations is participating in this process, there is some kind of threat that there is an international conspiracy to somehow or other take over the local rights of citizens in the United States, when in fact there is absolutely no infringement upon the local or the State or the national laws of the United States by having either one of these designations made, either the Biosphere or the World Heritage sites.

I think that what might be going on here is that we might in fact be engaging in a bit of, I think there is a term for it but essentially it is an anniversary syndrome, because 50 years ago this month something landed in the desert near Roswell, New Mexico, and early reports indicated that the wreckage consisted of the remains of a flying disk but those reports were quickly changed to identify the flying object which had crashed to be a mere weather balloon.

Those are only reports which suggested the only recorded statement by the U.S. military that ET might exist, now form the basis for one of the most convoluted conspiracy theories in history, in this solar system anyway. Eighty percent of Americans believe that the U.S. Government has covered up what it knows about aliens from outer space.

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

Mr. MARKEY. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I thought we were talking about the U.S. Man and The Biosphere Program.

Mr. MARKEY. Mr. Chairman, we are.

Mr. COBURN. And the gentleman is talking about supposed UFO's.

Mr. MARKEY. Mr. Chairman, I am Irish and my points are made by parables. So my colleagues have to sit back. If they just wait a little bit, there is a point to the story.

So the book entitled ''The Day After Roswell'' purportedly documents the U.S. Government's real cold war against the extraterrestrial biological entities. To my great relief, the book does say that the deployment of our space-based advanced particle beam weapon has scared the aliens away for now.

So I think it is a particularly auspicious month, this 50th anniversary, for us to be debating this issue out on the floor, because clearly it is going to take its rightful place at the center of paranoid conspiratorial theories. There is no infringement on State or local or national laws in any way. These are just designations that the country itself embraces.

Now, for reasons that make about as much sense as that we are communicating with little green men telepathically into outer space, we now have a discussion over this subject. What is the plan? What is the plot?

The plot is that Secretary Bruce Babbitt of the Department of the Interior is playing a role, coordinated with the U.N., UNESCO continues to be mentioned out here, to coordinate the subordination of American land to international authorities, compromising the local zoning, the State zoning laws all across our country, and Bruce Babbitt is part of this conspiracy. Who does he work with? He clearly works with Bill Richardson, our Ambassador in the U.N. What State is he from? New Mexico. Think about it. Where is Roswell? Is Richardson a Hispanic name? I do not think so. Where did he come from? And why is he participating in this conspiracy at the U.N. to subordinate the local and State zoning laws of our country.

We do not have any evidence, of course, as yet of a single local or State zoning law having been changed, despite the many years that this process has taken place, but yet we are supposed to believe that this theory, along with other theories of black helicopters with U.N. troops flying over public lands in the United States, continuing to operate without the detection of ordinary Americans.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MARKEY] has expired.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

Mr. WELDON of Florida. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Massachusetts [Mr. MARKEY].

□ 1700

Mr. MARKEY. Mr. Chairman, I thank the gentlewoman for yielding to me, and I ask the Members of the other side if they would please not have this amendment pass. These are two great programs, the Man and the Biosphere and the World Heritage Recognition Program are both wonderful programs that make America proud without restricting our laws in any manner, shape, or form.

Please, anyone who is listening to this debate, we must reject this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I want to thank the chairman of this Committee on Appropriations for this opportunity to speak in a colloquy. I also thank the gentleman from Washington [Mr. DICKS] for his kindness in this very important issue.

Mr. Chairman, I rise today to join my colleague, who has been detained, the gentlewoman from California [Ms. MILLENDER-MCDONALD] and the gentleman from Ohio [Mr. REGULA], chairman of the Subcommittee on Interior of the Committee on Appropriations, in this colloquy about the need to recognize the contributions of a great American, Sojourner Truth, to the American suffrage movement.

I thank my colleague, the gentleman from Ohio [Mr. REGULA], for his participation in this colloquy, for his sensitivity to this issue, and for his consistent dialog on matters that promote communication and understanding on both sides of the aisle.

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, it is a pleasure to join the gentlewoman from Texas [Ms. JACKSON-LEE] and the gentlewoman from California [Ms. MILLENDER-MCDONALD] to discuss the important contributions of Sojourner Truth to the American woman's suffrage movement.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I understand I was putting too much emphasis on the ''u'' in the gentleman's name.

Mr. REGULA. If the gentlewoman will continue to yield, it is not the first time someone has made that mistake.

Ms. JACKSON-LEE of Texas. Well, the gentleman is a ''regula'' gentleman, and I appreciate that very much.

Mr. Chairman, we are working with others of my colleagues, including the gentlewoman from Georgia [Ms. MCKINNEY], the gentleman from Florida [Mr. HASTINGS], who is on floor today, and the gentleman from New York [Mr. OWENS], and over 100 organizations, including the NPCBW, to appeal to the committee for help in identifying sources of funding for the erection of a statue honoring Sojourner Truth in the Nation's Capitol.

We feel strongly that the African-American woman's role in the suffrage movement should be recognized and Sojourner Truth should be recognized along with her white suffragette sisters.

Mr. REGULA. If the gentlewoman will continue to yield.

Sojourner Truth was a very powerful vocal voice in the suffrage movement. She was a renaissance woman who played a pivotal role in ensuring American women and African-American women the right to vote.

As a nonviolent peaceful force for change in our history, Sojourner Truth proved that an equal society would make a better America.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time once again, born Isabella Baumfree, a slave in upstate New York in approximately 1797, Sojourner Truth labored for a succession of five masters until July 4, 1827, when slavery was finally abolished in New York State.

After prevailing in a courageous court action demanding the return of her youngest son, who had been illegally sold away from her to a slave owner in Alabama, Isabella moved to New York City. She then changed her name to Sojourner Truth, which means ''itinerant teacher.'' She became deeply involved in religion. She had always been very spiritual and, soon after being emancipated, had a vision which affected her profoundly, leading her, as she described it, to develop a perfect trust in God and prayer.

After 15 years in New York, Isabella felt a call to become a traveling preacher. She took her name, Sojourner Truth, and with little more than the clothes on her back, began walking through Long Island and Connecticut, speaking to people in the countryside about her life and her relationship with God. She was a powerful speaker and singer. When she rose to speak, wrote one observer, ''her commanding figure and dignified manner hushed every trifler to silence.'' Audiences were, and I quote, melted into tears by her touching stories.

Mr. REGULA. Mr. Chairman, I am well aware of her contributions to the suffrage movement. In her most famous speech at a woman's rights conference in Akron, OH, which is, of course, quite near my district, in 1851, she coined the phrase which continues to embrace the concerns of many women today: ''Ain't I A Woman.'' This powerful speech catapulted her to the forefront of the woman suffrage movement.

It is my understanding that as a political activist, Sojourner Truth campaigned for Ulysses S. Grant in the Presidential election in 1868. She demanded that the board of registration place her name on the list of voters but was denied this right. Then in 1872, she went to Michigan, where she repeated her demand to vote and again was denied.

Undaunted, she sat in President Abraham Lincoln's office until he personally heard her suggestion for dealing with freed and unemployed slaves. The President told her that he had heard her speeches long before.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would not be here in this body with the gentleman today, speaking on this Interior bill, if it was not for Sojourner Truth. Her leadership and dedication more than a century ago paved the way for literally millions of women, and I might add that I historically supported President Grant as well.

The CHAIRMAN. The time of the gentleman from Texas [Ms. JACKSON-LEE) has expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 2 additional minutes.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, she was passionate and determined, even when others told her to sit back and hold tight. Her booming voice of reason could not be silenced throughout her 84 years of life. She devoted her life to educating and preaching on women's rights and abolitionism, knowing that everyone would benefit from this equality.

Mr. Chairman, a statue would memorialize the image as well as the real accomplishments of those courageous and uniquely nonconformist individuals who have had a profound and lasting impact on the United States.

The women's suffrage movement forever changed the role of women in American society. It was the catalyst for lifting the status of women from one of disenfranchisement to free and equal partners in our Nation's political, social, and economic systems.

As beneficiaries of the women's suffrage movement in the United States, the gentlewoman from California [Ms. MILLENDER-MCDONALD] and myself are both appreciative of all the contributions of the women of the historic movement.

This body must work to acknowledge the contributions to our Nation's history of all Americans, whether they were born male or female, free or slave, Native American or immigrant.

Sojourner Truth was without equal. She must not be forgotten. She embodied a special human spirit which sought to promote justice and to improve society.

A Sojourner Truth statue is necessary to honor both the women and the larger vision which inspired her. A tangible memorial is important to keeping her story alive for our children and for future generations.

Acknowledging the presence of an African-American suffragette will provide a role model in history for African-American girls today and other girls across the Nation who are learning the importance of speaking in the face of wrong.

Mr. REGULA. Mr. Chairman, I assure both gentlewomen that I will assist their efforts to identify appropriate means of recognizing these many accomplishments of Sojourner Truth, including identifying the appropriate source of funding and a location for a statue in the Nation's Capitol.

I also thank the gentlewoman for giving us a great history lesson today.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his commitment as well on the Commission on Martin Luther King. We know of the gentleman's history, and we thank him very much for this commitment and we look forward to working with him.

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

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

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

Mr. COBURN. Mr. Chairman, I just want to finish up our debate on this amendment and make a couple of points.

We have heard about UFO's, we have heard about black helicopters, we have heard about flatlanders, we have heard about Know-nothings, but what we have not heard about is the Congress doing its job. And this is about authorizing. This is about the Congress being responsible for the money they spend.

There is no doubt in my mind that some of these biosphere programs are excellent; that they have been great for their communities; they have been great for the heritage sites that they surround. But the fact is that we are, as officers of this body and representatives of our constituents, responsible to make sure how we spend the money.

I thought I might just give a short notice of the money and where it came from and who supplied it and where it has been spent because it is rather interesting. We heard today that it is not much money and it is under control. We spent $23,000 in Russia, of our money, for biodiversity, unauthorized. We spent money in Denmark, unauthorized, for biodiversity and the biosphere program. We spent $12,000 on the continent of Europe. We spent over $12,000 in Mexico. All of this money has been unauthorized, money with no chance for oversight.

I do not believe in flying saucers, I do not even believe in black helicopters, but I believe in following the oath of my office. If this is a good program, then take it through the right committees, authorize it, appropriate the money and then let us do it together. But let us not violate the trust that the country has given us in terms of what we do and how we do it.

I want to thank the chairman for being patient on this amendment. I appreciate his input. And I would say to those that oppose this amendment that they can oppose it on technical grounds because they support the U.S. Man and Biosphere and they support the U.S. World Heritage reserves, but if they oppose it on that basis, then they have an obligation to have those programs authorized and then funded individually, not hidden in other budgets, like the Air Force spending $70,000 last year, the State Department spending $50,000, EPA spending $50,000.

Let us talk about the money, where it comes from and make sure it is under the oversight.

Mr. HASTINGS of Washington. Mr. Chairman, I rise today in support of the amendment offered by Congressman COBURN and Congressman STEARNS to prohibit any Federal funds from being used to support the U.S. Man and the Biosphere Program or the World Heritage Program. This same amendment has also been included in the National Science Foundation authorization, the foreign affairs authorization and the defense authorization.

It is hard to believe, but over 68 percent of the lands within our national parks, preserves, and monuments have now been designated as United Nations World Heritage Sites or Biosphere Reserves. As a result, these areas and the land areas surrounding them may be subject to international land management rules ignoring the rights of private property owners in the area. State and local governments are left out of the decision making process when lands are designated as a part of these programs. In my own State of Washington, citizens and local officials have expressed the desire to have input into land use decisions. This is an opportunity they do not have when the United Nations makes land use policy.

In 1996, the National Park Service, the Forest Service, the Smithsonian, and the Bureau of Land Management contributed a total of $170,000 to the Biosphere Program, which has operated for the last 30 years, without authorization or oversight. It is time to eliminate this waste of taxpayer dollars and exercise our constitutional responsibility to account for the expenditures of all public money. This amendment will protect the rights of private property owners, and the integrity of our national park system.

As a result, I urge you to support the Coburn-Stearns amendment.

Mr. BONO. Mr. Chairman, today I rise in support of the supremacy of the U.S. Constitution over the organization known as the United Nations. Through the text of our constitution, the greatest legal document in governmental history, the Founders of our government spoke with both common sense and comprehensible language. If we would simply follow the genius of that document, we would eliminate so many of the arguments and disputes that arise. Therefore, in respect of the Constitution, I urge my colleagues to support the amendment to the Interior Appropriations bill that protects our Nation's land and America's heritage from the United Nations' sovereignty grab.

This important amendment to the Interior bill accomplishes several important goals: (1) it protects the sovereignty of the states; (2) it protects the constitutionally protected rights of U.S. citizens; and (3) it safeguards the private property rights of landowners. It also sends a message for the one-worlders to keep their hands off.

In my view, the best form of government, especially the federal government, should be a limited government. The Constitution spells out the functions of the respective branches, and based on this equation, something is very wrong with the Executive branch's interpretation of their legitimate authority. Of course, just as the key Founders of our Republic advocated limited federal powers, it is clearly appropriate for Congress to exercise its oversight duty when necessary to prevent an abuse.

The proposals for the U.S. Man and the Biosphere program (USMAB) and the World Heritage Program are not endeavors that I support. As many of my constituents in the 44th District know, these sites are under the jurisdiction of the United Nations Educational, Scientific and Cultural Organization, better known as UNESCO. Further, I do not believe that the Executive Branch, the part of our federal government that our federal Constitution charges with enforcing the law, has the ability to make the law binding our citizens and land-owners regarding our participation in this agenda.

Some may wish to capture the majesty and assets of our country through the bloated U.N. bureaucracy. As a member of Congress, I must strenuously object to these efforts. Through our vote this afternoon, the position of the House of Representatives is made clear. Tax payer dollars must not go to fund these ill-advised U.N. projects. I wish to thank my colleague, the gentleman from Oklahoma, Dr. TOM COBURN, for his attention to this matter over the years. He can trust that he has my support in safeguarding the rights of all citizens against the influence of foreign agents.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. COBURN].

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

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

The CHAIRMAN. Pursuant to House Resolution 181, further proceedings on the amendment offered by the gentleman from Oklahoma [Mr. COBURN] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 105–174 offered by Mr. Weldon of Florida:

Page 89, after line 15, insert the following new section:

SEC. 325. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard Country, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordnance.

The CHAIRMAN. Pursuant to House Resolution 181, the gentleman from Florida [Mr. WELDON] and a Member opposed each will be recognized for 5 minutes.

Mr. YATES. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. Pursuant to House Resolution 181, all points of order against this amendment are waived.

The Chair recognizes the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have a beach in my district, Canaveral National Seashore. It is a beautiful beach, a pristine beach, considered by many to be one of the most beautiful on the entire East Coast of the United States. Several years ago this beach began to be taken over by nudists and other people who engage in lewd and lascivious activity. I have with me today a binder containing more than 250 police reports indicating the nature of this lewd and lascivious behavior.

This amendment is not about simply prohibiting people from sunbathing in the nude or swimming in the nude. This amendment is about sexual harassment of a form and nature that pales in comparison to what we see on the job sites in many of our places today. Indeed, if I were to describe some of the content of what is going on on this beach in my district, we would need a rating system for C-SPAN.

I repeat, this is not just about nude sunbathers. This is about a lot of behavior that I would rather not even describe here on the floor of the House.

Now, I approached the National Park Service and asked them to deal with Canaveral National Seashore like they dealt with Cape Cod in 1991 under the Bush administration, where they designated that nudity would not be allowed, and the National Park Service refused.

In response to that, the county commission in Brevard County, FL, where the beach is located, passed an ordinance designating no nudity. And then, against my recommendations, the National Park Service chose to post signs designating a portion of the beach as ''clothing optional.'' What happened subsequent to that was that there were people arrested for violating the county's nudity ordinance, and then they used the existence of those signs in their defense and the charges were dropped.

Now, in the defense of the National Park Service, they have now since removed those signs designating a portion of the beach as ''clothing optional.'' However, people in my community remain concerned that the National Park Service will not respect local authority on this issue and may choose to redesignate an area of the beach as clothing optional.

My amendment is very simple. It basically states that the Park Service cannot designate a portion of the beach as clothing optional in the future. Additionally, my amendment states that this will not be in effect if the county should repeal its county ordinance.

I therefore encourage all my colleagues to support the amendment. My amendment is very simple. It basically states it is limited to Canaveral National Seashore. Its also states that if the local ordinance is repealed, that this amendment is no longer in effect.

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

Mr. YATES. Mr. Speaker, I yield myself such time as I may consume to say that I originally rose in opposition because I was not sure of what the facts were in this case.

□ 1715

As explained by the gentleman, a question comes to my mind, and that is this: The gentleman stated that the Park Service had removed its signs, if I understood the gentleman correctly. If that be true, why then is the amendment needed?

Mr. WELDON of Florida. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Florida.

Mr. WELDON of Florida. We asked the Park Service to designate Canaveral National Seashore as ''no nudity,'' like they had at Cape Cod in Massachusetts, and they have refused, for reasons that I do not understand, and we continue to have a serious ongoing problem. And then when they posted those signs, there were a lot of constituents in my district who were very disturbed about that. And there is concern amongst my constituents, because of their unwillingness to designate this beach as no nudity, that they may in the future again try to set aside a portion of the beach.

So I am responding to my constituents, putting into law language that prohibits the Park Service from doing this again. And frankly, I think it was very inappropriate for the Park Service to do that in the first place.

Mr. YATES. Mr. Chairman, reclaiming my time, based on the explanation of the gentleman from Florida [Mr. Weldon], perhaps I may be inclined to support his amendment.

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

Mr. WELDON of Florida. Mr. Chairman, I yield myself the balance of my time.

In closing, I would like to thank the gentleman from Illinois [Mr. YATES] for supporting my amendment. I would encourage all of my colleagues to support this amendment. This is about whether moms can go to the beach with their kids and enjoy themselves.

I have lots of case reports that I can share with any of my colleagues here of how the enjoyment of those families on the beach was very, very much intruded upon.

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

Mr. WELDON of Florida. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I ask if the gentleman would put some of those in the RECORD to support his position?

Mr. WELDON of Florida. Reclaiming my time, I would be happy to do that.

Mr. Chairman, I yield to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, we have no objection to the amendment. I join with my colleague from Illinois [Mr. YATES] in accepting it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. WELDON].

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

Mr. WELDON of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 181, further proceedings on the amendment offered by the gentleman from Florida [Mr. WELDON] will be postponed.

The Clerk will read the final lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Department of the Interior and Related Agencies Appropriations Act, 1998''.

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. GIBBONS], 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. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained, followed by the question de novo on approval of the Journal.

Votes will be taken in the following order: H.R. 1818 by the yeas and nays; H.R. 2035 by the yeas and nays; and on the approval of the Journal de novo.

The Chair may reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1818, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. RIGGS] that the House suspend the rules and pass the bill, H.R. 1818, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 14, not voting 7, as follows:

[Roll No. 267]

YEAS—413

Abercrombie	Berman	Burton
Ackerman	Berry	Buyer
Aderholt	Bilbray	Callahan
Allen	Bilirakis	Calvert
Andrews	Bishop	Camp
Archer	Blagojevich	Campbell
Armey	Bliley	Canady
Bachus	Blumenauer	Cannon
Baesler	Boehlert	Capps
Baker	Boehner	Cardin
Baldacci	Bonilla	Carson
Ballenger	Bonior	Castle
Barcia	Bono	Chabot
Barr	Borski	Chambliss
Barrett (NE)	Boswell	Christensen
Barrett (WI)	Boucher	Clay
Bartlett	Boyd	Clayton
Barton	Brady	Clement
Bass	Brown (CA)	Clyburn
Bateman	Brown (OH)	Coburn
Becerra	Bryant	Collins
Bentsen	Bunning	Combest
Bereuter	Burr	Condit