

part of our history that we can never erase, but it is important that we learn from it.

□ 1315

I have learned that we must respect the sovereignty of the Indian Nations and that we must treat them with respect on a government-to-government relationship. The legislation we are about to pass respects that sovereignty and upholds our treaty obligations.

I want to thank the gentleman from Alaska [Mr. YOUNG], the gentleman from California [Mr. MILLER], the gentleman from Maryland [Mr. GILCHREST] and the gentleman from New Jersey [Mr. SAXTON] for helping getting this bill passed. I also want to thank Senators INOUE, CAMPBELL, ABRAHAM, and LEVIN for all their work as well. This is a great day for the U.S. Congress and the great Chippewa and Ottawa Indian Nations of Michigan. I urge my colleagues to support this bill.

Madam Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Madam Speaker, I thank the gentleman for yielding me time. I thank the gentleman for his work on this legislation.

Madam Speaker, I rise today in strong support of H.R. 1604, a bill to distribute judgment funds to the Ottawa and Chippewa Indians. Over 25 years ago, the Federal Government agreed to pay \$10 million as settlement for underpaying American Indians for the land which makes up most of northern Michigan, the majority of which is in my district.

After years of disagreement on how the money is to be distributed, a negotiated compromise has been reached. H.R. 1604 codifies this agreement and distributes the long-overdue money. The money that will be distributed by this bill has already been appropriated by Congress way back in 1971, so this is not a new appropriation. Instead, the bill merely releases money that has remained in an account with the Bureau of Indian Affairs for the past 25 years.

Madam Speaker, the passage of H.R. 1604 will close this chapter of what is a long record of mistreatment of American Indians by the Federal Government. This justice is long overdue, and this bill is long overdue. I urge my colleagues to pass this important legislation.

Madam Speaker, let me thank the leadership on both sides for working so closely with us, and the gentleman from Michigan [Mr. KILDEE] for his leadership in bringing this bill to the floor. It has been to the Senate, and we have reached compromise. Let us finally do this and get this over with after 25 years.

Mr. MILLER of California. Mr. Speaker, this is the second time that the House has been asked to consider this bill. This time we are being asked to pass this bill because the Senate has made three amendments to what was already a good bill.

The underlying bill, which was sponsored by Congressman KILDEE, authorizes the distribu-

tion of judgment funds awarded to several Ottawa and Chippewa tribes in Michigan. This bill was necessary as congressional action is required and these tribes have been awaiting this award ever since 1971. There was some question of the fairness of the distribution scheme between the recognized and nonrecognized tribes but that situation has been amicably resolved and made part of the underlying legislation.

The Senate, however, has made three additional changes. The first changes a reference in the bill from the word "tribe" to "band". The second adds a reference to 25 U.S.C. 1407 which states that Indian judgment fund awards are not taxable. We are deleting this amendment as it falls within the jurisdiction of the Ways and Means Committee.

But it is the third amendment that is troubling. The third amendment will prevent the Indian Health Service from entering into a separate Indian Self-Determination Act contract—a 638 contract—with the Ketchikan Indian Corp. at the same time that it also has a regional 638 contract with the Southeast Alaska Regional Health Corporation, a consortium of Southeast tribes that KIC once belonged to.

The purpose of this amendment is to prevent the waste of limited IHS funds through duplicative services at a nearby clinic run by KIC. While the IHS should not waste its limited resources, I am concerned that this provision further undercuts the Indian Self-Determination Act.

Unfortunately the rights of Alaska Native villages have already been affected by the fiscal year 1998 Interior appropriations bill. Specifically, section 326 of that bill prohibited the IHS from entering into a separate 638 contract with an individual Alaska Native village when that village is located in a region already served by a regional 638 contractor.

But this provision takes away the specific right of a Native entity under the Indian Self-Determination Act, namely, the right of KIC to decide for itself whether it wants to provide health care services to its members on its own pursuant to a 638 contract. Some choose to continue to receive health care services directly from IHS, others choose to execute their own 638 contracts, and yet others still join with neighboring tribes and villages into a regional consortium that has its own 638 contract with the IHS.

I believe that there are already safeguards in the Indian Self-Determination Act that protect against wasteful or duplicative 638 contracts. The act clearly gives the Secretary of Health and Human Services the right to decline a contract request when that is the case.

In my view, Congress should not excise or restrict parts of the Indian Self-Determination Act simply because some Members do not agree with the administration on one contract. The act, which may be the most important piece of Indian legislation this Congress has passed in a generation, is simply too important to be changed in this manner. If there is a problem with the act, then let's hold hearings and respect the rights of the affected parties.

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

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the mo-

tion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and concur in Senate amendments 1 through 60, 62 and 63, and disagree to Senate amendment 61 to the bill, H.R. 1604.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and Senate amendments 1 through 60, 62 and 63 were concurred in, and Senate amendment 61 was disagreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1604.

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

There was no objection.

NATIONAL PEACE GARDEN MEMORIAL

Mr. JONES. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 731) to extend the legislative authority for construction of the National Peace Garden Memorial, and for other purposes, as amended.

The Clerk read as follows:

S. 731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 10(b) of Public Law 99-652 and section 1(a) of Public Law 103-321, the legislative authority for the National Peace Garden shall extend through June 30, 2002.

SEC. 2. MAINTENANCE OF WILD HORSES IN CAPE LOOKOUT NATIONAL SEASHORE.

Section 5 of the Act entitled "An Act to provide for the establishment of the Cape Lookout National Seashore in the State of North Carolina, and for other purposes", approved March 10, 1966 (Public Law 89-366; 16 U.S.C. 459g-4), is amended by inserting "(a)" after "SEC. 5.", and by adding at the end the following new subsection:

"(b)(1) The Secretary, in accordance with this subsection, shall allow a herd of 100 free roaming horses in Cape Lookout National Seashore (hereinafter referred to as the "seashore"): *Provided,* That nothing in this section shall be construed to preclude the Secretary from implementing or enforcing the provisions of paragraph (3).

"(2) Within 180 days after enactment of this subsection, the Secretary shall enter into an agreement with the Foundation for Shackelford Horses (a nonprofit corporation established under the laws of the State of North Carolina), or another qualified nonprofit entity, to provide for management of free roaming horses in the seashore. The agreement shall—

"(A) provide for cost-effective management of the horses while ensuring that natural resources within the seashore are not adversely impacted; and

"(B) allow the authorized entity to adopt any of those horses that the Secretary removes from the seashore.

"(3) The Secretary shall not remove, assist in, or permit the removal of any free roaming horses from Federal lands within the boundaries of the seashore—

“(A) unless the entity with whom the Secretary has entered into the agreement under paragraph (2), following notice and a 90-day response period, fails to meet the terms and conditions of the agreement; or

“(B) unless the number of free roaming horses on Federal lands within Cape Lookout National Seashore exceeds 110; or

“(C) except in the case of an emergency, or to protect public health and safety.

“(4) The Secretary shall annually monitor, assess, and make available to the public findings regarding the population, structure, and health of the free roaming horses in the national seashore.

“(5) Nothing in this subsection shall be construed to require the Secretary to replace horses or otherwise increase the number of horses within the boundaries of the seashore where the herd numbers fall below 100 as a result of natural causes, including, but not limited to, disease or natural disasters.

“(6) Nothing in this subsection shall be construed as creating liability for the United States for any damages caused by the free roaming horses to property located inside or outside the boundaries of the seashore.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. JONES] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

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

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

Mr. JONES. Madam Speaker, I rise in support of S. 731 and urge its adoption. The bill grants a 5-year extension to the legislative authority for the construction of the National Peace Garden Memorial on Federal lands within the District of Columbia.

Madam Speaker, section 10(b) of the Commemorative Works Act of 1986 provides that the legislative authority to construct a memorial expires 7 years after the date the memorial was authorized by Congress. In 1994, Congress extended the legislative authority for the National Peace Garden Memorial through June 30, 1997. S. 731 would extend the legislative authority for the National Peace Garden Memorial until June 30, 2002.

Madam Speaker, S. 731 has been amended to incorporate H.R. 765, a bill I introduced to protect the Shackelford Banks Wild Horses at Cape Lookout National Seashore in North Carolina. The House passed H.R. 765 on July 22, 1997, by a vote of 416 to 6.

Since that time, the Senate has amended the House-passed bill to clarify several management issues of concern to the National Park Service. The amendment to S. 731 offered today reflects the amendments agreed to by the majority and minority members of the Senate Committee on Energy and Natural Resources.

Madam Speaker, S. 713 will assure that a healthy survival herd of wild roaming horses will remain on the Cape Lookout National Seashore, and their 400-year history will continue as a major legacy of the culture and heritage of the Outer Banks of North Carolina.

Madam Speaker, I strongly urge my colleagues to support S. 731 as amended.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. KILDEE. Madam Speaker, S. 731 as passed by the Senate is an uncontroversial measure to extend the authority of the National Peace Garden Foundation to establish a commemorative work in honor of our Nation's commitment to peace. The majority has sent S. 731 to the desk with an amendment that includes the modified text of another bill, H.R. 765, that the House passed in July.

The language of H.R. 765, which deals with the wild horses at Cape Lookout National Seashore, has been worked out in the Senate, and that bill is currently pending before the full Senate.

Madam Speaker, I urge the adoption of this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the Senate bill, S. 731, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 731, as amended.

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

There was no objection.

AMENDING COMMUNICATIONS ACT OF 1934

Mr. BLILEY. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1354) to amend the Communications Act of 1934 to provide for the designation of common carriers not subject to the jurisdiction of a State commission as eligible telecommunications carriers.

The Clerk read as follows:

S. 1354

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

SECTION 1. AMENDMENT OF COMMUNICATIONS ACT OF 1934.

Section 214(e) of the Communications Act of 1934 (47 U.S.C. 214(e)) is amended—

(1) by striking “(2) or (3)” in paragraph (1) and inserting “(2), (3), or (6)”;

(2) by striking “interstate services,” in paragraph (3) and inserting “interstate services or an area served by a common carrier to which paragraph (6) applies.”;

(3) by inserting “(or the Commission in the case of a common carrier designated under paragraph (6))” in paragraph (4) after “State commission” each place such term appears;

(4) by inserting “(or the Commission under paragraph (6))” in paragraph (5) after “State commission”; and

(5) by inserting after paragraph (5) the following:

“(6) COMMON CARRIERS NOT SUBJECT TO STATE COMMISSION JURISDICTION.—In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission consistent with applicable federal and State law. Upon request and consistent with the public interest, convenience and necessity, the Commission may, with respect to an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated under this paragraph, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the Commission shall find that the designation is in the public interest.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Massachusetts [Mr. MARKEY] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

GENERAL LEAVE

Mr. BLILEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1354.

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

There was no objection.

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

Madam Speaker, I rise in support of S. 1354. S. 1354 was brought to the Committee on Commerce's attention by the gentleman from Arizona [Mr. HAYWORTH]. He informed the committee that a technical amendment to the Communications Act was necessary to avoid local telephone rate increases in certain parts of the Nation. The committee has reviewed the bill and agrees that action by the House is necessary at this time.

Under the current universal service provisions of the Communications Act, only common carriers designated by the States are eligible to receive Federal universal service support. Unfortunately, this policy ignores the fact that some common carriers providing service today are not subject to the jurisdiction of a State commission; most