

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. CUBIN. Mr. 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 H.R. 3113.

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

There was no objection.

CONSOLIDATING CERTAIN MINERAL INTERESTS IN NATIONAL GRASSLANDS IN BILLINGS COUNTY, NORTH DAKOTA

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 750) to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes.

The Clerk read as follows:

S. 750

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

SECTION 1. EXCHANGE OF CERTAIN MINERAL INTERESTS IN BILLINGS COUNTY, NORTH DAKOTA.

(a) PURPOSE.—The purpose of this Act is to direct the consolidation of certain mineral interests in the Little Missouri National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests in order to enhance land management capability and environmental and wildlife protection.

(b) EXCHANGE.—Notwithstanding any other provision of law—

(1) if, not later than 45 days after the date of enactment of this Act, Burlington Resources Oil & Gas Company (referred to in this Act as “Burlington” and formerly known as Meridian Oil Inc.), conveys title acceptable to the Secretary of Agriculture (referred to in this Act as the “Secretary”) to all oil and gas rights and interests on lands identified on the map entitled “Billings County, North Dakota, Consolidated Mineral Exchange—November 1995”, by quitclaim deed acceptable to the Secretary, the Secretary shall convey to Burlington, subject to valid existing rights, by quitclaim deed, all Federal oil and gas rights and interests on lands identified on that map; and

(2) if Burlington makes the conveyance under paragraph (1) and, not later than 180 days after the date of enactment of this Act, the owners of the remaining non-oil and gas mineral interests on lands identified on that map convey title acceptable to the Secretary to all rights, title, and interests in the interests held by them, by quitclaim deed acceptable to the Secretary, the Secretary shall convey to those owners, subject to valid existing rights, by exchange deed, all remaining Federal non-oil and gas mineral rights, title, and interests in National Forest System lands and National Grasslands identified on that map in the State of North Dakota as are agreed to by the Secretary and the owners of those interests.

(c) LEASEHOLD INTERESTS.—As a condition precedent to the conveyance of interests by

the Secretary to Burlington under this Act, all leasehold and contractual interests in the oil and gas interests to be conveyed by Burlington to the United States under this Act shall be released, to the satisfaction of the Secretary.

(d) EQUAL VALUATION OF OIL AND GAS RIGHTS EXCHANGE.—The values of the interests to be exchanged under subsection (b)(1) shall be deemed to be equal.

(e) APPROXIMATE EQUAL VALUE OF EXCHANGES WITH OTHER INTEREST OWNERS.—The values of the interests to be exchanged under subsection (b)(2) shall be approximately equal, as determined by the Secretary.

(f) LAND USE.—

(1) EXPLORATION AND DEVELOPMENT.—The Secretary shall grant to Burlington, and its successors and assigns, the use of Federally-owned surface lands to explore for and develop interests conveyed to Burlington under this Act, subject to applicable Federal and State laws.

(2) SURFACE OCCUPANCY AND USE.—Rights to surface occupancy and use that Burlington would have absent the exchange under this Act on its oil and gas rights and interests conveyed under this Act shall apply to the same extent on the federally owned surface estate overlying oil and gas rights and interests conveyed to Burlington under this Act.

(g) ENVIRONMENTAL PROTECTION FOR ENVIRONMENTALLY SENSITIVE LANDS.—All activities of Burlington, and its successors and assigns, relating to exploration and development on environmentally sensitive National Forest System lands, as described in the “Memorandum of Understanding Concerning Certain Severed Mineral Estates, Billings County, North Dakota”, executed by the Forest Service and Burlington and dated November 2, 1995, shall be subject to the terms of the memorandum.

(h) MAP.—The map referred to in subsection (b) shall be provided to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives, kept on file in the office of the Chief of the Forest Service, and made available for public inspection in the office of the Forest Supervisor of the Custer National Forest within 45 days after the date of enactment of this Act.

(i) CONTINUATION OF MULTIPLE USE.—Nothing in this Act shall limit, restrict, or otherwise affect the application of the principle of multiple use (including outdoor recreation, range, timber, watershed, and fish and wildlife purposes) in any area of the Little Missouri National Grasslands. Federal grazing permits or privileges in areas designated on the map entitled “Billings County, North Dakota, Consolidated Mineral Exchange—November 1995” or those lands described in the “Memorandum of Understanding Concerning Certain Severed Mineral Estates, Billings County, North Dakota”, shall not be curtailed or otherwise limited as a result of the exchanges directed by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from California (Mr. FARR) each will control 20 minutes.

The Chair recognizes the gentleman from Wyoming (Mrs. CUBIN).

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

(Mrs. CUBIN asked and was given permission to revise and extend her remarks.)

Mrs. CUBIN. Mr. Speaker, I rise in support of Senate 750, an act to consolidate certain mineral interests in the National Grasslands in Billings

County, North Dakota through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes.

Mr. Speaker, S. 750, introduced by the senior Senator from North Dakota, Mr. DORGAN, is identical to H.R. 2574, introduced by our House colleague, the gentleman from North Dakota (Mr. POMEROY). Indeed, it is the request of the gentleman from North Dakota (Mr. POMEROY) that the full House take up the Senate bill rather than his own in order to expedite passage of this legislation. The gentleman's bill was referred to the Committee on Resources and then to the Subcommittee on Energy and Mineral Resources, as well as the Subcommittee on Forests.

The legislation directs the Secretary of Agriculture to conclude an equal-value exchange of 9,582 of private oil and gas rights for 8,796 acres of Federal oil and gas rights beneath a national grassland within Billings County, North Dakota, managed by the U.S. Forest Service. The legislation also authorizes the exchange of any other private mineral rights in the same area. S. 750 passed the Senate by unanimous consent.

Mr. Speaker, our colleague from North Dakota has worked diligently to bring together differing interests to make this bill happen. The private mineral owner is the successor in interest to a land grant to the Northern Pacific Railroad. The land surface estate was acquired by the Secretary of Agriculture many decades ago, but the mineral estate was reserved by the railroad.

To have meaning, such reservations obviously must include the right to use the surface estate to the extent necessary to access one's own mineral rights. Such is the case here, but the oil and gas company that has these rights has patiently negotiated with Forest Service and the environmental community to avoid actions which would disturb the roadless character and solitude of the area in question.

Mr. Speaker, now is the time to ratify the exchange contemplated in the moratorium of understanding referenced by the bill. Although it may well be possible to administratively exchange the mineral estates in question, all parties seek the blessing of Congress in order to expedite the deal already struck.

Further delay is unwarranted. Without this exchange, the Boundary Butte area of the National Grassland, which the Forest Service and the environmental community wish to protect from intrusions such as oil and gas development, remains threatened by the exercise of legitimate private property rights.

If we do not act, the long delay to legally access the private mineral estate will be exacerbated further and could possibly lead to a successful takings claim against the United States.

Mr. Speaker, this legislation makes both economic and environmental sense by consolidating mineral ownership and by reducing any potential conflict between surface and subsurface management of the National Grasslands. I urge its adoption.

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

Mr. FARR of California. Mr. Speaker, I yield such time as he may consume to the gentleman from North Dakota, Mr. POMEROY.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to thank everyone involved with the Committee on Resources for allowing this bill to come to the floor today, specifically the gentlewoman from Wyoming (Mrs. CUBIN), the gentlewoman from Idaho (Mrs. CHENOWETH), the chairs of the subcommittees of the Committee on Resources, the gentleman from Alaska (Chairman YOUNG) and the ranking member, the gentleman from California (Mr. MILLER), for their participation.

Mr. Speaker, I am proud of this legislation. This bill to authorize a mineral exchange has been the result of extensive negotiations between Burlington Resources, an oil and gas development company, the U.S. Forest Service, the North Dakota chapters of the Sierra Club and Wildlife Society, the Governor of North Dakota and the Bureau of Land Management Resources Advisory Council.

Now, why so much time and attention put on such an issue? As you can see, this is some of the most beautiful scenic area in western North Dakota. It is of a unique historical nature as well. General Custer and his troops rolled through this area looking for gold. Teddy Roosevelt ranched and hunted bison and grizzly in this region. There are unique geological formations which have caused the area to be considered sacred by the native Mandan and Hidatsa Indian tribes.

In this area alone, 26 archeological, 8 historical and 27 isolated artifact sites are known to exist. By passing this legislation, you will help us protect this region.

The bill is a win-win, because both the environmental and mineral exploration in western North Dakota are advanced by this legislation. Because of the fragmented land ownership pattern in this area, this exchange is going to have the effect of better protecting big-horn sheep habitat and lambing areas, and the viewshed of the Little Missouri River, indicated by this picture. For the mineral company, the exchange facilitates exploration in a way that is compatible with the unique features of the area.

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The bill accomplishes the following:

Swaps mineral interests of the Federal Forest Service for mineral interests of the Burlington resources area; it authorizes the exchange of any other

private mineral rights for the Federal mineral rights within 180 days of enactment subject to the Secretary's approval; it requires Burlington Resources, as a condition of exchange, to secure the release of any contractual property rights that may exist; assures no provision of the legislation can be interpreted to limit, restrict, or otherwise affect the application of the principle of multiple use in the national grasslands.

Also, the bill does not change the amount of surface ownership of the Federal Forest Service; decrease the Federal land available for oil and gas development; decrease the revenue to the county, State, or Federal governments. It does not provide Burlington Resources or the Forest Service with mineral rights of a greater value than those they now hold, and it does not change or address the ongoing issue of wilderness designation in this area.

In conclusion, this is simply positive legislation that allows for optimal preservation and optimal development in western North Dakota.

There is a specific issue raised by the Committee on Commerce which I want to speak to in the concluding portion of my remarks.

After the Committee on Resources reported out H.R. 2574, an identical version of the bill before us today, S. 750, a question was raised by the Committee on Commerce regarding the applicability of section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act, known as CERCLA, or Superfund, to the exchange involved in this legislation.

Section 120(h) imposes certain requirements on the Federal agencies concerning hazardous substances whenever the agencies dispose of real property, particularly when any hazardous substance was stored for 1 year or more, known to have been released, or disposed of there, and when the Federal Government plans to terminate the Federal Government operations there. CERCLA does not define "real property".

This legislation involves the exchange of only private and Federal undeveloped oil and gas rights, all of which will remain under federally-owned surface in the National Grasslands. We understand no hazardous substance was stored for 1 year or more, known to have been released, or disposed of on this Federal surface. Furthermore, the United States does not plan to terminate the Federal Government operations on this Federal surface.

For all these reasons, we believe that section 120(h) of CERCLA is not applicable to the transaction authorized by this legislation. It is, therefore, not the sponsor's intention nor the committee's intention that the legislation affect in any way the responsibilities and obligations of the parties to the transaction directed by the legislation under any applicable provisions of CERCLA.

That said for the RECORD, Mr. Speaker, I again want to thank really very sincerely the leadership of the Committee on Natural Resources and the ranking minority member for their assistance. This is important to us in North Dakota. I thank the Members for their help.

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

Mr. Speaker, it has been a pleasure to work with the gentleman from North Dakota (Mr. POMEROY) on behalf of his constituents.

Mr. FARR of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have not had the privilege of visiting this area, but I understand that President Theodore Roosevelt was among one of many Americans who appreciated the stark beauty of the North Dakota lands. In this bill we are really providing an opportunity for what he noticed generations ago to be saved for generations to come; and I applaud the work of our colleague, the gentleman from North Dakota (Mr. POMEROY), on this.

I do want to point out, Mr. Speaker, that the administration supports the objectives of this exchange; but they did raise some concerns in the hearing testimony about the procedural language in the bill.

We, too, would have preferred it had the Forest Service prepared a legislative environmental impact statement for Congress to consider ratifying; and we urge the Forest Service to do so in the future. But in this case the Forest Service has engaged in a thorough process of extensive public outreach in negotiating this exchange. The major stakeholders in North Dakota, including environmental groups, support the exchange in the bill; and there appears to be nothing to be gained by undue delay in its implementation.

Therefore, Mr. Speaker, I compliment the gentleman from North Dakota for his dedication and work on this important legislation. I urge my colleagues to support this bill.

Mr. Speaker, I rise in support of S. 750. This bill is identical to H.R. 2574, sponsored by our Democratic colleague Representative EARL POMEROY. The gentleman from North Dakota is a strong advocate for the interests of his constituents and has worked very hard on this legislation.

The purpose of this bill is to ratify an exchange of mineral assets between the U.S. Forest Service and Burlington Resources in order to consolidate federal land holdings in the National Grasslands of North Dakota. The exchange is deemed desirable because the land and mineral ownership pattern in this area is fragmented, with the Forest Service managing the surface estate of the lands while Burlington Resources owns subsurface mineral rights.

The Forest Service supports the objectives of the exchange in order to protect significant resources values in the National Grasslands, including the Kinley Plateau roadless area which provides critical habitat for bighorn

sheep. The exchange will also have the benefit of protecting view-shed lands along the scenic Little Missouri River. A Memorandum of Understanding between the Forest Service and Burlington Resources concerning exploration and development of Burlington's mineral rights is also intended to provide additional protection to sensitive lands.

I have not had the privilege of visiting this area, but it is my understanding that President Theodore Roosevelt is among the many Americans who have appreciated the stark beauty of these North Dakota lands. In this bill, we are providing the opportunity for future generations to use and enjoy these lands as well.

Mr. Speaker, the Administration supports the objectives of this exchange but did raise concerns in hearing testimony about procedural language in the bill. We, too, would have preferred it had the Forest Service prepared a legislative environmental impact statement for Congress to consider and ratify. And we urge the Forest Service to do so in the future.

But in this case, the Forest Service has engaged in a thorough process with extensive public outreach in negotiating this exchange. Major stakeholders in North Dakota, including environmental groups, support the exchange and the bill. There appears nothing to be gained by undue delay in its implementation.

Again, I compliment the gentleman from North Dakota for his dedication and work on this important legislation. I urge my colleagues to support the bill.

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

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

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the Senate bill, S. 750.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. CUBIN. Mr. 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. 750, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wyoming?

There was no objection.

URGING THE PRESIDENT TO PROVIDE HELICOPTERS TO THE COLOMBIAN NATIONAL POLICE

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H.Res. 398) urging the President to expeditiously procure and provide three UH-60L Blackhawk utility helicopters to the Colombian National Police solely for the purpose of assisting the Colombian National Police to per-

form their responsibilities to reduce and eliminate the production of illicit drugs in Colombia and the trafficking of such illicit drugs, including the trafficking of drugs such as heroin and cocaine to the United States, as amended.

The Clerk read as follows:

H. RES. 398

Whereas Colombia is the leading illicit drug producing country in the Western Hemisphere;

Whereas 80 percent of the world's cocaine originates in Colombia;

Whereas based on the most recent data of the Drug Enforcement Administration (DEA), more than 60 percent of the heroin seized in the United States originates in Colombia;

Whereas the Colombian National Police is led by the legendary and incorruptible Director General Jose Serrano, who has dedicated his life to fighting drugs;

Whereas the elite anti-narcotics unit of the Colombian National Police ("DANTI"), under the direction of Colonel Leonardo Gallego, is one of the best and most effective anti-narcotics police forces in the region and the world;

Whereas in the last 10 years more than 4,000 officers of the Colombian National Police have died fighting the scourge of drugs;

Whereas in one recent year alone, according to data of the United States Government, the United States had 141,000 new heroin users and the United States faces historic levels of heroin use among teenagers between the ages of 12 and 17;

Whereas once Colombian heroin is in the stream of commerce it is nearly impossible to interdict because it is concealed and trafficked in very small quantities;

Whereas heroin does not require the traditional large quantities of precursor chemicals and large laboratories to produce and therefore there are fewer opportunities to disrupt its production and distribution;

Whereas the best and most cost efficient method of preventing Colombian heroin from entering the United States is to destroy the opium poppies in the high Andes mountains where Colombian heroin is produced;

Whereas the elite anti-narcotics unit of the Colombian National Police has the responsibility to eradicate both coca and opium in Colombia, including the reduction and elimination of cocaine and heroin production, and they have done a remarkably effective job with the limited and outdated equipment at their disposal;

Whereas more than 40 percent of the anti-narcotics operations of the Colombian National Police involve hostile ground fire from narco-terrorists and 90 percent of such operations involve the use of helicopters;

Whereas the need for better high performance helicopters by the Colombian National Police, especially for use in the high Andes mountains, is essential for more effective eradication of opium in Colombia;

Whereas on December 23, 1997, one of the antiquated Vietnam-era UH-1H Huey helicopters used by the Colombian National Police in an opium eradication mission crashed in the high Andes mountains due to high winds and because it was flying above the safety level recommended by the original manufacturer;

Whereas in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105-118), amounts were appropriated for the procurement by the United States for the Colombian National Police of three UH-60L Blackhawk utility helicopters that can operate safely and more effectively at the high altitudes of

the Andes mountains where Colombian opium grows at altitudes as high as 12,000 feet;

Whereas the Blackhawk helicopter is a high performance utility helicopter that can perform at the high altitudes of the Andes mountains, as well as survive crashes and sustain ground fire, much better than any other utility helicopter now available to the Colombian National Police in the war on drugs;

Whereas because the Vietnam-era Huey helicopters that the United States has provided the Colombian National Police are outdated and have been developing numerous stress cracks, a sufficient number should be upgraded to Huey IIs, and the remainder should be phased-out as soon as possible;

Whereas these Huey helicopters are much older than most of the pilots who fly them, do not have the range due to limited fuel capacity to reach many of the expanding locations of the coca fields or cocaine labs in southern Colombia, nor do they have the lift capacity to carry enough armed officers to reach and secure the opium fields in the high Andes mountains prior to eradication;

Whereas the elite anti-narcotics unit of the Colombian National Police has a stellar record in promoting respect for human rights and has received the seal of approval of a leading international human rights group in their operations to reduce and eradicate illicit drugs in Colombia;

Whereas the Congress also would support assistance to the Colombian military if the military demonstrates the will to fight effectively while respecting civilian non-combatants in the same way the anti-narcotics unit of the Colombian National Police has;

Whereas the narco-terrorists of Colombia have announced that they will now target United States citizens, particularly those United States citizens working with their Colombian counterparts in the fight against illicit drugs in Colombia;

Whereas a leading commander of the Revolutionary Armed Forces of Colombia ("FARC") announced recently that the objective of these narco-terrorists, in light of recent successes, will be "to defeat the Americans";

Whereas United States Government personnel in Colombia occasionally fly in these helicopters with the Colombian National Police on their missions are now at even greater risk from these narco-terrorists and their drug trafficking allies;

Whereas in the last six months four anti-narcotics helicopters of the Colombian National Police have been downed in operations;

Whereas the Congress intends to provide the necessary support and assistance to wage an effective war on illicit drugs in Colombia and provide the equipment and assistance needed to protect all of the men and women of the Colombian National Police as well as those Americans who work side by side with the Colombian National Police in this common struggle against illicit drugs; and

Whereas the Administration, in a letter to the Miami Herald from the Office of National Drug Control Policy (ONDCP) concerning the issue of anti-narcotics assistance to Colombia, stated that the strategy of the "source country", such as the strategy of Colombia, is the best and most effective methods to fight the war on illicit drugs;

Whereas the new Government of Bolivia has made a commitment to eradicate coca/cocaine production in that country within 5 years;

Whereas the United States should support any country that is interested in removing the scourge of drugs from its citizens;