Alaska [Mr. YOUNG] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

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

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

Mr. YOUNG of Alaska. Mr. Speaker, H.R. 3973 is legislation which I introduced in consultation with the Alaska Federation of Natives. This legislation will authorize a study to assist in the implementation of the recommendations of the Joint Federal/State Commission on Policies and Programs affecting Alaska Natives and is needed to begin to address the social and economic crisis of Alaska Natives.

The primary focus of the 1992 Commission study was to provide an in-depth analysis, with specific recommendations to Congress, the President of the United States, the Alaska Legislature, the Governor of the State of Alaska and the Native community on the social and economic conditions of Alaska Natives. The Commission completed 2 years of research, public hearings and task force discussion and submitted its report in May of 1994.

The Committee on Resources held a joint oversight hearing in November of 1995 with the Senate Energy and Natural Resources Committee and the Senate Indian Affairs Committee to hear testimony on the Alaska Native Commission report dated May 1994 from the Alaska Native Community, the Governor of the State of Alaska and from the administration. Their testimony focused on recommendations provided by the Commission report on how to address the extremely volatile social and economic conditions of Alaska Natives. This legislation is the outcome of the testimony accepted by all entities in the first step of addressing the crisis status of Alaska Natives.

The Administration has verbally stated no opposition to this legislation and has a letter forthcoming.

I urge my colleagues to vote for passage of H.R. 3973.

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

□ 1400

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise to support this legislation of my colleague from Alaska, the distinguished chairman of the committee and the chief sponsor of this bill.

We share the majority's concern, Mr. Speaker, about the need to do something to improve the economic and social conditions of Alaska Natives. We are proud of the work we have done on a bipartisan basis with the other side in the past. We hope that the chairman and the Alaskan Federation of Natives will continue to work with us on this issue.

Mr. Speaker, we agree with the thrust of the 1994 report on the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives. Both the Congress and the State must give Alaskan Native tribes greater opportunities for self-governance. One obvious form would be in terms of enhanced governmental powers, some that we have successfully fought for through passage of Self-Determination Act amendments of 1994, and the Self-Governance Act of 1994.

Another obvious form that would be the recognition and protection of Alaskan Native subsistence hunting and fishing rights, including those won recently by Natives in the 9th Circuit Court of Appeals decision in the ''Katie John'' decision, as well as congressional review of whether or not ''Indian Country'' exists in Alaska.

Mr. Speaker, we are all too aware of the fact that of the more than 200 Alaskan Native villages, two-thirds of them do not have piped water and sewer systems. Even health clinics do not have running water. In the Copper River Basin area, incidences of fetal alcohol syndrome in the late 1980's occurred at the astonishing rate of 350 per 1,000 live births. A recent CDC study shows Alaskan Natives are dying from tobacco-related illnesses at a higher rate than any other group in Alaska. Despite the fact Alaskan Natives have the highest medium income among all Native Americans, more than 25 percent still live below the poverty level.

Mr. Speaker, these statistics are, in a word, heartbreaking. There is no question we take our commitment to improving the lives of Native Americans seriously. We intend to do something about these conditions. We simply believe we can do something more quickly if we can work together as we have tried and are doing so on a bipartisan basis.

Mr. Speaker, I urge the adoption of this legislation.

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

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

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 3973, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on the bill just passed.

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

There was no objection.

HELIUM PRIVATIZATION ACT OF 1996

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4168) to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands, and for other purposes.

The Clerk read as follows:

H.R. 4168

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Helium Privatization Act of 1996''.

SEC. 2. AMENDMENT OF HELIUM ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Helium Act (50 U.S.C. 167 to 167n).

SEC. 3. AUTHORITY OF SECRETARY.

Sections 3, 4, and 5 are amended to read as follows:

''SEC. 3. AUTHORITY OF SECRETARY.

''(a) EXTRACTION AND DISPOSAL OF HELIUM ON FEDERAL LANDS.—

''(1) IN GENERAL.—The Secretary may enter into agreements with private parties for the recovery and disposal of helium on Federal lands upon such terms and conditions as the Secretary deems fair, reasonable, and necessary.

''(2) LEASEHOLD RIGHTS.—The Secretary may grant leasehold rights to any such helium.

''(3) LIMITATION.—The Secretary may not enter into any agreement by which the Secretary sells such helium other than to a private party with whom the Secretary has an agreement for recovery and disposal of helium.

''(4) REGULATIONS.—Agreements under paragraph (1) may be subject to such regulations as may be prescribed by the Secretary.

''(5) EXISTING RIGHTS.—An agreement under paragraph (1) shall be subject to any rights of any affected Federal oil and gas lessee that may be in existence prior to the date of the agreement.

''(6) TERMS AND CONDITIONS.—An agreement under paragraph (1) (and any extension or renewal of an agreement) shall contain such terms and conditions as the Secretary may consider appropriate.

''(7) PRIOR AGREEMENTS.—This subsection shall not in any manner affect or diminish the rights and obligations of the Secretary and private parties under agreements to dispose of helium produced from Federal lands in existence on the date of enactment of the Helium Privatization Act of 1996 except to the extent that such agreements are renewed or extended after that date.

''(b) STORAGE, TRANSPORTATION, AND SALE.—The Secretary may store, transport, and sell helium only in accordance with this Act.

"SEC. 4. STORAGE, TRANSPORTATION, AND WITHDRAWAL OF CRUDE HELIUM.

''(a) STORAGE, TRANSPORTATION, AND WITHDRAWAL.—The Secretary may store, transport, and withdraw crude helium and maintain and operate crude helium storage facilities, in existence on the date of enactment of the Helium Privatization Act of 1996 at the Bureau of Mines Cliffside Field, and related helium transportation and withdrawal facilities.

''(b) CESSATION OF PRODUCTION, REFINING, AND MARKETING.—Not later than 18 months after the date of enactment of the Helium Privatization Act of 1996, the Secretary shall cease producing, refining, and marketing refined helium and shall cease carrying out all other activities relating to helium which the Secretary was authorized to carry out under this Act before the date of enactment of the Helium Privatization Act of 1996, except activities described in subsection (a).

''(c) DISPOSAL OF FACILITIES.—

''(1) IN GENERAL.—Subject to paragraph (5), not later than 24 months after the cessation of activities referred to in subsection (b) of this section, the Secretary shall designate as excess property and dispose of all facilities, equipment, and other real and personal property, and all interests therein, held by the United States for the purpose of producing, refining and marketing refined helium.

''(2) APPLICABLE LAW.—The disposal of such property shall be in accordance with the Federal Property and Administrative Services Act of 1949.

''(3) PROCEEDS.—All proceeds accruing to the United States by reason of the sale or other disposal of such property shall be treated as moneys received under this chapter for purposes of section 6(f).

''(4) COSTS.—All costs associated with such sale and disposal (including costs associated with termination of personnel) and with the cessation of activities under subsection (b) shall be paid from amounts available in the helium production fund established under section 6(f).

''(5) EXCEPTION.—Paragraph (1) shall not apply to any facilities, equipment, or other real or personal property, or any interest therein, necessary for the storage, transportation, and withdrawal of crude helium or any equipment, facilities, or other real or personal property, required to maintain the purity, quality control, and quality assurance of crude helium in the Bureau of Mines Cliffside Field.

''(d) EXISTING CONTRACTS.—

''(1) IN GENERAL.—All contracts that were entered into by any person with the Secretary for the purchase by the person from the Secretary of refined helium and that are in effect on the date of the enactment of the Helium Privatization Act of 1996 shall remain in force and effect until the date on which the refining operations cease, as described in subsection (b).

''(2) COSTS.—Any costs associated with the termination of contracts described in paragraph (1) shall be paid from the helium production fund established under section 6(f).

"SEC. 5. FEES FOR STORAGE, TRANSPORTATION AND WITHDRAWAL.

''(a) IN GENERAL.—Whenever the Secretary provides helium storage withdrawal or transportation services to any person, the Secretary shall impose a fee on the person to reimburse the Secretary for the full costs of providing such storage, transportation, and withdrawal.

''(b) TREATMENT.—All fees received by the Secretary under subsection (a) shall be treated as moneys received under this Act for purposes of section 6(f).''.

SEC. 4. SALE OF CRUDE HELIUM.

(a) Subsection 6(a) is amended by striking ''from the Secretary'' and inserting ''from persons who have entered into enforceable contracts to purchase an equivalent amount of crude helium from the Secretary''.

(b) Subsection 6(b) is amended—

(1) by inserting ''crude'' before ''helium''; and

(2) by adding the following at the end: ''Except as may be required by reason of subsection (a), sales of crude helium under this section shall be in amounts as the Secretary determines, in consultation with the helium industry, necessary to carry out this subsection with minimum market disruption.''.

(c) Subsection 6(c) is amended—

(1) by inserting ''crude'' after ''Sales of''; and

(2) by striking ''together with interest as provided in this subsection'' and all that follows through the end of the subsection and inserting ''all funds required to be repaid to the United States as of October 1, 1995 under this section (referred to in this subsection as 'repayable amounts'). The price at which crude helium is sold by the Secretary shall not be less than the amount determined by the Secretary by—

''(1) dividing the outstanding amount of such repayable amounts by the volume (in million cubic feet) of crude helium owned by the United States and stored in the Bureau of Mines Cliffside Field at the time of the sale concerned, and

''(2) adjusting the amount determined under paragraph (1) by the Consumer Price Index for years beginning after December 31, 1995.''.

(d) Subsection 6(d) is amended to read as follows:

''(d) EXTRACTION OF HELIUM FROM DEPOSITS ON FEDERAL LANDS.—All moneys received by the Secretary from the sale or disposition of helium on Federal lands shall be paid to the Treasury and credited against the amounts required to be repaid to the Treasury under subsection (c).''.

(e) Subsection 6(e) is repealed.

(f) Subsection 6(f) is amended—

(1) by striking ''(f)'' and inserting ''(e)(1)''; and

(2) by adding the following at the end:

''(2)(A) Within 7 days after the commencement of each fiscal year after the disposal of the facilities referred to in section 4(c), all amounts in such fund in excess of $2,000,000 (or such lesser sum as the Secretary deems necessary to carry out this Act during such fiscal year) shall be paid to the Treasury and credited as provided in paragraph (1).

''(B) On repayment of all amounts referred to in subsection (c), the fund established under this section shall be terminated and all moneys received under this Act shall be deposited in the general fund of the Treasury.''.

SEC. 5. ELIMINATION OF STOCKPILE.

Section 8 is amended to read as follows:

"SEC. 8. ELIMINATION OF STOCKPILE.

''(a) STOCKPILE SALES.—

''(1) COMMENCEMENT.—Not later than January 1, 2005, the Secretary shall commence offering for sale crude helium from helium reserves owned by the United States in such amounts as would be necessary to dispose of all such helium reserves in excess of 600,000,000 cubic feet on a straight-line basis between such date and January 1, 2015.

''(2) TIMES OF SALE.—The sales shall be at such times during each year and in such lots as the Secretary determines, in consultation with the helium industry, to be necessary to carry out this subsection with minimum market disruption.

''(3) PRICE.—The price for all sales under paragraph (1), as determined by the Secretary in consultation with the helium industry, shall be such price as will ensure repayment of the amounts required to be repaid to the Treasury under section 6(c).

''(b) DISCOVERY OF ADDITIONAL RESERVES.—The discovery of additional helium reserves shall not affect the duty of the Secretary to make sales of helium under subsection (a).''.

SEC. 6. LAND CONVEYANCE IN POTTER COUNTY, TEXAS.

Section 12 is amended to read as follows:

"SEC. 12. LAND CONVEYANCE IN POTTER COUNTY, TEXAS.

''(a) IN GENERAL.—The Secretary of the Interior shall transfer all right, title, and interest of the United States in and to the parcel of land described in subsection (b) to the Texas Plains Girl Scout Council for consideration of $1, reserving to the United States such easements as may be necessary for pipeline rights-of-way.

''(b) LAND DESCRIPTION.—The parcel of land referred to in subsection (a) is all those certain lots, tracts or parcels of land lying and being situated in the County of Potter and State of Texas, and being the East Three Hundred Thirty-One (E331) acres out of Section Seventy-eight (78) in Block Nine (9), B.S. & F. Survey, (some times known as the G.D. Landis pasture) Potter County, Texas, located by certificate No. 1/39 and evidenced by letters patents Nos. 411 and 412 issued by the State of Texas under date of November 23, 1937, and of record in Vol. 66A of the Patent Records of the State of Texas. The metes and bounds description of such lands is as follows:

''(1) FIRST TRACT.—One Hundred Seventy-one (171) acres of land known as the North part of the East part of said survey Seventy-eight (78) aforesaid, described by metes and bounds as follows:

''Beginning at a stone 20 x 12 x 3 inches marked X, set by W.D. Twichell in 1905, for the Northeast corner of this survey and the Northwest corner of Section 59;

''Thence, South 0 degrees 12 minutes East with the West line of said Section 59, 999.4 varas to the Northeast corner of the South 160 acres of East half of Section 78;

''Thence, North 89 degrees 47 minutes West with the North line of the South 150 acres of the East half, 956.8 varas to a point in the East line of the West half Section 78;

''Thence, North 0 degrees 10 minutes West with the East line of the West half 999.4 varas to a stone 18 x 14 x 3 inches in the middle of the South line of Section 79;

''Thence, South 89 degrees 47 minutes East 965 varas to the place of beginning.

''(2) SECOND TRACT.—One Hundred Sixty (160) acres of land known as the South part of the East part of said survey No. Seventy-eight (78) described by metes and bounds as follows:

''Beginning at the Southwest corner of Section 59, a stone marked X and a pile of stones; Thence, North 89 degrees 47 minutes West with the North line of Section 77, 966.5 varas to the Southeast corner of the West half of Section 78; Thence, North 0 degrees 10 minutes West with the East line of the West half of Section 78;

''Thence, South 89 degrees 47 minutes East 965.8 varas to a point in the East line of Section 78;

''Thence, South 0 degrees 12 minutes East 934.6 varas to the place of beginning.

''Containing an area of 331 acres, more or less.''.

SEC. 7. REPORT ON HELIUM.

Section 15 is amended to read as follows:

"SEC. 15. REPORT ON HELIUM.

''(a) NAS STUDY AND REPORT.—Not later than 3 years before the date on which the Secretary commences offering for sale crude helium under section 8, the Secretary shall enter into appropriate arrangements with the National Academy of Sciences to study and report on whether such disposal of helium reserves will have a substantial adverse

effect on United States scientific, technical, biomedical, or national security interests.

''(b) TRANSMISSION TO CONGRESS.—Not later than 18 months before the date on which the Secretary commences offering for sale crude helium under section 8, the Secretary shall transmit to the Congress—

''(1) the report of the National Academy under subsection (a);

''(2) the findings of the Secretary, after consideration of the conclusions of the National Academy under subsection (a) and after consultation with the United States helium industry and with heads of affected Federal agencies, as to whether the disposal of the helium reserve under section 8 will have a substantial adverse effect on the United States helium industry, United States helium market or United States scientific, technological, biomedical, or national security interests; and

''(3) if the Secretary determines that selling the crude helium reserves under the formula established in section 8 will have a substantial adverse effect on the United States helium industry, the United States helium market or United States scientific, technological, biomedical, or national security interest, the Secretary shall make recommendations, including recommendations for proposed legislation, as may be necessary to avoid such adverse effects.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from New Mexico [Mr. RICHARDSON] each will control 20 minutes.

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

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

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

Mr. YOUNG of Alaska. Mr. Speaker, I rise today in support of H.R. 4168. This bill is similar to previous passed legislation, H.R. 3008, which sailed through this body earlier this year with bipartisan support by a vote of 411 to 10. This legislation includes language negotiated in the Senate Energy and Natural Resources Committee to provide a National Academy of Sciences study on how to dispose of the helium reserve.

We bring this measure before the House again today because of the limited amount of time remaining in the 104th Congress. By passing this version of the bill, the Senate can act on the same measure and the bill can go directly to the President for signature.

This bill demonstrates our commitment to put an end to bloated Government programs by shutting down an inefficient facility which has outlived its need and can't compete with the private sector. I thank my colleague, Mr. COX, for his tireless efforts to bring this important bill to the floor. I also want to thank my colleague on the Committee on Resources, MAC THORNBERRY, in whose district the helium reserve is located and whose constituents are affected by the loss of jobs at the facility. Mr. THORNBERRY worked diligently through the committee process to find the best solution for his constituents, offered privatization alternatives to the plan closure, and pushed for reconsideration of how to conduct the sale of the helium reserve.

Specifically this bill will:

Get the Federal Government out of the helium business, including sale of the stockpile, and shut down an inefficient helium refinery.

Ensure repayment of the helium debt.

And, protect our domestic helium industry from undue disruption by the Federal Government.

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

Mr. RICHARDSON. Mr. Speaker, I yield 5 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

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

Mr. ABERCROMBIE. Mr. Speaker, before I begin I want to say that I had the opportunity, in fact the privilege, of being in the Committee on Ways and Means the other day when the portrait of Mr. YOUNG was unveiled. I want to take this opportunity to publicly thank him for his untiring efforts on behalf of the causes associated with the Committee on Resources. Regardless, Mr. Speaker, of what one's views might or might not be on any given issue, one can always count on the fact that in dealing with Chairman YOUNG we are dealing with a man of unquestioned integrity, whose commitment to this Nation and to the Committee on Resources has been unfailing. I want to say to him, Mr. YOUNG, that one of the singular privileges of my political life has been to serve with you.

Mr. Speaker, I rise, with certain regrets, in support of H.R. 4168, a bill to close the Federal Helium Program. In these days of downsizing, it seems the time has come to terminate programs which appear to have outlived their usefulness, like the Federal Helium Program.

Since 1925, when the Defense Department believed that dirigibles, or blimps, would be an integral part of our national defense, the Federal Government has managed a helium program. Today, the Federal Helium Program continues to serve the needs of major Federal users of helium, such as NASA and DOE laboratories.

The Federal Government got involved in helium production at a time when there was no private helium production. Today, however, the private sector manufactures 90 percent of the world's helium production. For this reason, groups such as the National Taxpayers Union, the 20/20 TV program, the Interior Department inspector general, and the Heritage Foundation have called for its elimination.

H.R. 4168, like its predecessor H.R. 3008 in this Congress and H.R. 3967 in the 103d Congress, enjoys bipartisan support. While I did not support termination of the program, I recognize that, after several years of consideration, Congress is poised to resolve the question of the helium program by terminating it. But, I remain concerned that we have not done enough to aid the 200-plus employees in Amarillo, TX, who will lose their livelihood as a consequence of our decision.

During committee consideration of this bill, I offered an amendment to provide employee benefits in addition to those authorized under existing law, so that the 200-plus employees in Amarillo—many of whom have built their careers on this program—would get the same kind of additional education and job placement assistance that we gave defense employees working at bases that were closed. These are people—men and women—who through no fault of their own find themselves working for a Federal program targeted for downsizing. My amendment would have given these people help in addition to what the Secretary is already authorized to provide. The same kind of help that we have provided to many of the defense employees working at military bases scheduled for closure—job placement assistance, extended life and health insurance coverage and the option to take an early retirement without penalty.

Sadly, my Republican colleagues could not be persuaded to provide this type of much-needed aid. During committee debate, my colleague, Representative CALVERT argued that the Secretary already has the authority to provide these benefits. This is simply incorrect. My amendment would have added authority necessary to enable the Secretary to extend health and life insurance coverage for 3 years beyond an employee's termination; the Secretary does not have the ability to provide this assistance under current law. My amendment would have allowed Federal helium employees access to the enhanced early retirement option; current law does not provide for this protection. My amendment would have given Federal helium employees hiring preference governmentwide—not just in the Amarillo area as is provided for under existing law.

So, my amendment failed. And even though I agreed with my colleague, Representative MAC THORNBERRY, that we don't need to terminate this program, I could see that the bill would pass. So I tried to lessen the blow so that the helium workers might be able to find another Federal job, or if they had served 20 years, take an early out and retire from civil service. But, this was not to be.

These activities would have been paid from the existing helium account, and would have cost relatively pennies especially in comparison to the costs of unemployment payments. The CBO said that my amendment would have no budgetary effect.

It seemed only fair to offer this assistance to the innocent victims of our downsizing zeal. So that the employees—who had nothing to do with the difficulties facing the program—would not be left stranded by their Government. But, my Republican colleagues could not see their war clear to help their fellow public servants.

And so, today, we will pass H.R. 4168 under suspension of the rules so we can praise ourselves for making Government smaller. I just wish we could have done so in a more humane and compassionate manner. I am somewhat consoled by the information that provision for unemployment benefits has been included in the Interior appropriations conference report.

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

Mr. Speaker, H.R. 4168, the Helium Act of 1966, is very similar to a bill that I, along with former Representative Richard Lehman and Representative VUCANOVICH supported during the 103d Congress. H.R. 4168 is almost indistinguishable to the bill the House passed earlier this year, with our support. H.R. 4168, as I understand it, is identical to the bill recently favorably reported by the Senate Energy Committee, with several inconsequential changes. By passing this bill today, we will make it possible for the Senate to finish action on this bill should the House adjourn prior to completion of business in the other Chamber.

H.R. 4168, like its predecessors in this Congress and the 103d Congress, is a bipartisan good Government bill to get the Federal Government out of the helium business.

While many people don't realize that helium is used in the Space Shuttle Program, in Star Wars research, for cryogenics and magnetic resonance imaging, there is still no overriding need for the Federal Government to continue its role in the helium business. The now defunct Bureau of Mines began its helium program during World War I as an effort to assure the Government of an adequate supply of helium at a time when there was no private helium production.

Currently, 32 billion cubic feet of helium are stockpiled in an underground dome northwest of Amarillo, TX. Estimates suggest that this amount will safely cover Federal needs for over a century.

Today, the private sector produces over 90 percent of the helium supplies in the United States. But, because Federal agencies are required to purchase helium from the Bureau, the Government continues top operate the helium recovery and purification facility in Amarillo, TX. Unfortunately, these facilities are outmoded, in need of constant repair, and are not nearly as efficient as private facilities. The General Accounting Office, the inspector general of the Department of Interior, the Taxpayers Union and the Helium Advisory Council have called for reform of the helium program.

In recognition of these factors, we have supported legislation which would get the Federal Government out of the helium business without creating a fire sale of the crude helium in the stockpile. The bill before us eliminates the Federal Government helium refining and production enterprise. Federal agencies would be allowed to purchase helium from the lowest bidder. The stockpile would be maintained until no later than 2014 to allow other reserves to be depleted and to ensure that Federal helium will receive the optimum price when sold and that such sales will not disrupt the private market.

I am saddened that the bill was not amended to provide adequate assistance for those employees that, through no fault of their own, will find themselves unemployed with the closing of this program. However, I understand that the fiscal year 1997 Interior appropriations conference report contains provision for unemployment benefits for these employees.

At a time of shrinking resources and rising costs, it only makes sense to eliminate this unnecessary Government function. We have no objections to passage of H.R. 4168 under suspension of the rules.

□ 1415

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. COX], sponsor of the legislation.

Mr. COX of California. Mr. Speaker, I thank the chairman for yielding me the time.

I am sorry that we are back on the floor with this bill. This is the third time that the House of Representatives will vote to pass this bill. The last time we did so with 411 votes. There are only 435 Members that work here and some of them could not make the vote.

There is no question but that the people's House wishes to see this legislation enacted into law. Quite frankly, there is not really any objection to it from the other body. But for 2 years now, we have waited and waited and waited, and at the present time there are two of our colleagues in the other body who have a hold on this bill. It has been taken hostage for other reasons and so on.

The SPEAKER pro tempore (Mr. EWING). The gentleman will refrain from characterizing action or inaction of the Senate.

Mr. COX of California. I do not mean to characterize the action, Mr. Speaker, only to describe it.

The reason that we are here is that we want to make sure that this bill has every chance of passage during the 104th Congress, and so the bill that we are taking up is only slightly different than the one that we passed last time. The difference is the change that has been made in the other body. The bill that we are bringing up here is thus identical to the bill that has already been reported out of the committee completely favorably in the other body. If, therefore, we vote to pass this legislation, it remains only for the other body to take a vote and the bill will go directly to the President.

This is a serious subject. Helium is, of course, a scarce resource. It occurs naturally as a byproduct of natural gas. We know that at least in that form it occurs in finite quantities. We have to, therefore, make sure that we conserve it. Currently under Federal Government management, we are losing to the atmosphere a great deal of helium. Each year it escapes because we do not store and transport it properly. Furthermore, the Federal Government is in the business still of marketing helium. What this bill will do is get the Federal Government out of the marketing and refining business and leave that to the private sector where, incidentally, 90 percent of the world's helium supply already comes from.

The Federal Government is no longer needed for this purpose. I say no longer because there was a time, back in the 1920's, when we first came up with the idea for the Federal Government to be in this business. When there was a legitimate purpose for national security reasons, the Federal Government got into the helium business to make sure we had a captive and constant source of supply to field a fleet of blimps in time of war. That time has passed. We do not any longer need helium to field blimps in time of war. Instead, we need helium for magnetic resonance imaging, we need helium for undersea welding and untold other uses that science, not Government, is best equipped to deal with.

Instead of relying on the Federal Government to operate a commercial industry of this source, we should rely on the private sector on which we rely for all other minerals, strategic or otherwise, in our commerce and in our national defense.

There is a legitimate question about how best to conserve helium in the future and one of the changes, the only change from our House bill that made its way into this bill in the Senate, is that we will have the National Academy of Science conduct a formal inquiry into this aspect of the helium question. But it is no longer, as my colleague on the other side of the aisle just pointed out, it is no longer a partisan question whether we should have the national helium reserve. We ought not to. Incidentally, it loses money. It is wasteful. Its debt to the taxpayers is now $1.4 billion. It has been unable to pay back the debt to the taxpayers on a constant basis as was contemplated in 1960, when the taxpayers loaned the Government commercial enterprise a whole lot of money. By turning ownership and management of this over to the private sector, we can recapture the taxpayers' investment.

One final point. That is that some are concerned that because helium is important, we should not in any way change the way we presently are doing business in the Federal Government. Physicists in particular understand the fundamental law of conservation of matter. When title to this helium changes from government to private sector, the helium will not go away. It will still be there. In fact, it will be

there for many, many, decades, in fact well into the next century to come.

I think it is vitally important that we end this poster child of Government waste once and for all. I congratulate my colleagues for their patience and tolerance for bringing this bill up for what will probably be another unanimous vote for the third time this session. It is what our form of government is all about.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. EHLERS].

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

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Alaska for yielding me this time.

Mr. Speaker, it was with some surprise that I saw this bill suddenly up on the agenda again, without committee action, and I am sorry I did not have more time to prepare and discuss it with the bill's sponsor. This bill did go through the House several months ago and I was tangentially involved in the discussion. At that time I was also surprised because it had popped up on the floor without having, to the best of my knowledge, gone through committee.

At that time I was told that the scientific societies' concerns and scientists' concerns had been taken care of. I found out later they were not, and I regret that I voted for the bill on false information I was given.

But I did want to point out that, even though this bill is certainly better than the one that passed this body a few months ago, now that the Senate amendment is included, I still have a serious reservation about the entire topic.

As has been mentioned here, helium has tremendous uses in the scientific world. We continue to find more all along. The difficulty is, it is a very limited resource. It is found in economically feasible quantities only in certain gas fields in this country. If we do not recover it at the time that the gas is pumped out of the ground, that helium is lost because it is simply pumped out with the gas. When the gas is burned, the helium goes into the atmosphere.

Helium is used in medicine. It is used in scientific research. It is used in transmission power lines in certain special instances. It is used in large superconducting magnets for many research facilities. It is used in the space program. Most recently it has been used in the discovery of the fifth state of matter. Most of us, when we were in school, learned about the three states of matter: solid, liquid, gaseous. Later we discovered that there is a fourth state: plasma. We know have a fifth state of matter, which was postulated by Bose and Einstein nearly a century ago, and was finally just discovered within the past year, at micro-degrees Kelvin temperature, a temperature which can only be achieved with liquid helium under a pumped condition.

This will lead to a whole new frontier of science, and there are many other unknown frontiers which are yet to be discovered using helium, particularly in the liquid form. So it is a very, very special material; and in particular once it is used, it is lost to the atmosphere. It cannot be recovered economically. Furthermore, because of its lightness and the speed of motion of its atoms within the atmosphere, it is lost into space more readily than the other gases in the atmosphere.

The economics that make this issue so difficult at this time occur because there is still relative abundant supply, and it is not economically feasible to recover all that we could recover. Furthermore, we have to recover it from the natural gases which possess the largest quantities of helium, because other natural gases do not have as much and it would be more expensive to recover from those. This is why the Government got in the business in the first place.

I am certainly in sympathy with the intents of the sponsor and others who want to get the Government out of the business, but the economics are such at this time that if we are not careful we will lose vast quantities of helium, not from our use but from the use of the next generation and generations beyond. And that would be extremely tragic because it is absolutely irreplaceable.

I hope no one in the House of Representatives hopes that somehow there will be a new technological invention of some sort that will replace helium. It simply cannot happen. Helium is a distinct entity of matter. There is only a certain amount of helium on this planet. We have to make sure it is used wisely, and we should not use it for blimps. We should not even use it for helium-filled balloons. We should try to conserve it for the future. What concerns me is that I have no assurance under this bill that this will be taken into account.

I do welcome the amendment that calls for the study by the National Academy of Sciences. I believe that is a good step to take. However, the decision is still finally going to be made by the Secretary of the Interior. We have no idea who the Secretary of the Interior might be at that time and whether or not that person will have an adequate knowledge and understanding of the scientific aspects of helium use to make a wise and intelligent decision.

I would feel much better, frankly, if we simply commissioned the National Academy study, and then had the issue come back to the House once again for debate and review.

Having said that, the dilemma we face now is that the bill is before us. We have to make a decision. I urge all Members of the House to consider these factors very carefully, very thoughtfully, and vote accordingly. I have great reservations about this bill and I hope that we look at the issue very carefully before passing it.

Mr. THORNBERRY. Mr. Speaker, I rise today in opposition to H.R. 4168, which would authorize the Secretary of the Interior to enter into agreements with private parties for the recovery and disposal of helium on Federal lands.

As we all know, the House approved similar legislation earlier this year with the passage of H.R. 3008. H.R. 4168 is the same bill as H.R. 3008 with one exception—it includes a provision directing the National Academy of Science to study and report on whether such disposal of helium reserves will have a substantial adverse effect on the scientific, technical, biomedical, or national interests of the United States.

While I agree in principle with the goal of this provision and, in fact, have my own concerns about the effect selling the Federal helium reserves will have on the private market and our national security, I think the legislation in which it is included is fundamentally flawed and should be defeated.

Even if one believes that the Federal Government ought to get out of the helium business, this is the wrong way to do it. In many areas over the past few months and years, this Congress and, to a lesser extent, the administration through its Reinventing Government efforts, have tried to get the Government out of certain activities. In doing so, they have both tried to turn those activities over to the private sector.

Unfortunately, H.R. 4168 would create a situation in which privatization is not a feasible economic alternative. This bill effectively prevents an individual or company from buying the Government assets and operating the helium refinery which the Government has operated all these years. As a result, what could have been a revenue generator for the Federal Government will actually continue to drain treasury coffers for the benefit of those companies already involved in the business of helium sales.

I would remind my colleagues that while NASA currently requires several railroad cars of helium for each shuttle launch, it can only take it in gaseous form. No private company can supply it in gaseous form. Consequently, if H.R. 4168 passes, we're going to have to spend a lot of money to modify facilities to accept the helium as a liquid and then convert it to a gas.

Common sense would be to allow a private company to buy the refinery and some helium from the stockpile to supply NASA and others. Unfortunately, this cannot happen under this bill.

I have had several people from my district express an interest in either buying the refinery and some helium and trying to operate the plant, or buying some of the helium and building a new, modern refinery that is much smaller. But there is no realistic opportunity of either of those things happening because of the formula used by this bill to sell helium.

Virtually everyone agrees that we have more helium in the ground than we need. This bill requires the excess helium to be sold according to a formula that is designed to pay back the debt and interest that one part of the Government owes another part of the Government. The difficulty is that none of the helium will be sold because the formula prices it far higher than the market price.

As a matter of fact, this bill will price crude helium about $8 to $13 million cubic feet more

than the current market price. Mr. COX may say there is no specific language which prohibits sales from the stockpile, but when it is priced 25 to 48 percent above the market price, I doubt there will be much sold. So not only can we not privatize the helium operation, but the taxpayers will not see the deficit go down because none of the helium will be sold.

The substitute which I offered in the House Resources Committee would still get the Government out of the helium business. But it would also allow some helium to be sold according to the market price at the time it was sold, as long as it did not disrupt the market. It would have also canceled the debt, which consists mainly of compound interest which one part of the Government owes another part of the Government. And it would have delayed closure of the plant for 3 years, not 18 months, which would have provided additional time not only for NASA to transition to private sources of helium, but for the plant's workers to transition to new jobs and careers. This plan was similar to the proposal suggested by the Clinton administration, and makes a lot more sense than the proposal we are considering today.

Mr. Speaker, I don't know if we're serious about doing this the right way or just interested in a press release. I don't know if the President was serious about doing this the right way when he mentioned helium in his State of the Union speech in 1995. But I do know that there is a right way and a wrong way to end this Federal program, and this bill is the wrong way.

The House registered its clear opposition to continued Federal funding of the helium program when it approved H.R. 3008 by a vote of 411–10 on April 30 of this year. I do not plan to request a vote on H.R. 4168.

But I do urge my colleagues to remember that in considering the future of other programs, we ought to strive to make the Federal Government not just smaller—but smarter, as well.

This bill is not a smart way to reform the helium program, and for that reason, I oppose it.

Mr. YOUNG of Alaska. Mr. Speaker, I have no 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 Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 4168.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill just passed.

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

There was no objection.

AMERICAN LAND SOVEREIGNTY PROTECTION ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3752) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands, as amended.

The Clerk read as follows:

H.R. 3752

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Land Sovereignty Protection Act of 1996''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The power to dispose of and make all needful rules and regulations governing lands belonging to the United States is vested in the Congress under article IV, section 3, of the Constitution.

(2) Some Federal land designations made pursuant to international agreements concern land use policies and regulations for lands belonging to the United States which under article IV, section 3, of the Constitution can only be implemented through laws enacted by the Congress.

(3) Some international land designations, such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Scientific, Educational, and Cultural Organization, operate under independent national committees, such as the United States National Man and Biosphere Committee, which have no legislative directives or authorization from the Congress.

(4) Actions by the United States in making such designations may affect the use and value of nearby or intermixed non-Federal lands.

(5) The sovereignty of the States is a critical component of our Federal system of government and a bulwark against the unwise concentration of power.

(6) Private property rights are essential for the protection of freedom.

(7) Actions by the United States to designate lands belonging to the United States pursuant to international agreements in some cases conflict with congressional constitutional responsibilities and State sovereign capabilities.

(8) Actions by the President in applying certain international agreements to lands owned by the United States diminishes the authority of the Congress to make rules and regulations respecting these lands.

(b) PURPOSE.—The purposes of this Act are the following:

(1) To reaffirm the power of the Congress under article IV, section 3, of the Constitution over international agreements which concern disposal, management, and use of lands belonging to the United States.

(2) To protect State powers not reserved to the Federal Government under the Constitution from Federal actions designating lands pursuant to international agreements.

(3) To ensure that no United States citizen suffers any diminishment or loss of individual rights as a result of Federal actions designating lands pursuant to international agreements for purposes of imposing restrictions on use of those lands.

(4) To protect private interests in real property from diminishment as a result of Federal actions designating lands pursuant to international agreements.

(5) To provide a process under which the United States may, when desirable, designate lands pursuant to international agreements.

SEC. 3. CLARIFICATION OF CONGRESSIONAL ROLE IN WORLD HERITAGE SITE LISTING.

Section 401 of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a—1) is amended—

(1) in subsection (a) in the first sentence, by—

(A) inserting ''(in this section referred to as the 'Convention')'' after ''1973''; and

(B) inserting ''and subject to subsections (b), (c), (d), (e), and (f)'' before the period at the end;

(2) in subsection (b) in the first sentence, by inserting ''; subject to subsection (d),'' after ''shall''; and

(3) adding at the end the following new subsections:

''(d) The Secretary of the Interior shall not nominate any lands owned by the United States for inclusion on the World Heritage List pursuant to the Convention unless such nomination is specifically authorized by a law enacted after the date of enactment of the American Land Sovereignty Protection Act of 1996. The Secretary may from time to time submit to the Speaker of the House and the President of the Senate proposals for legislation authorizing such a nomination.

''(e) The Secretary of the Interior shall object to the inclusion of any property in the United States on the list of World Heritage in Danger established under Article 11.4 of the Convention unless—

''(1) the Secretary has submitted to the Speaker of the House and the President of the Senate a report describing the necessity for including that property on the list; and

''(2) the Secretary is specifically authorized to assent to the inclusion of the property on the list, by a joint resolution of the Congress enacted after the date that report is submitted.

''(f) The Secretary of the Interior shall submit an annual report on each World Heritage Site within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains the following information for each site:

''(1) An accounting of all money expended to manage the site.

''(2) A summary of Federal full time equivalent hours related to management of the site.

''(3) A list and explanation of all nongovernmental organizations contributing to the management of the site.

''(4) A summary and account of the disposition of complaints received by the Secretary related to management of the site.''.

SEC. 4. PROHIBITION AND TERMINATION OF UNITED NATIONS BIOSPHERE RESERVES.

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is amended by adding at the end the following new section:

''SEC. 403. (a) No Federal official may nominate any lands in the United States for designation as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization.

''(b) Any designation of an area in the United States as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization shall not have, and shall not be given, any force or effect, unless the Biosphere Reserve—