

striped bass. It created the Federal enforcement mechanism for the plan, authorized studies of the causes of the decline, and provided for regular population assessments. This law assured that the States would adopt the tough regulations that were required to bring the species back.

Madam Speaker, the Stripped Bass Act has turned out to be a huge success. After a period of persistently low populations in the 1980's, the species has rebounded to its highest levels in the last 30 years. The sacrifices that fishermen coast-wide have made to bring the stripers back have paid off, and my constituents in New Jersey as well as all striped fishermen from North Carolina to Maine can once again count this fish among the abundant natural resources with which our region is blessed.

This bill reauthorizes the Striped Bass Act for the next 3 years. It authorizes continued funding for the population assessments and adds studies of stripers to related species. Although stripers are recovered, they are still at risk from the numerous natural and man-made factors. This bill will ensure that we remain vigilant so that we can protect the gains that we have made in recent years.

The House passed this bill on July 8; the Senate has now passed the legislation with several amendments. The amendments make small changes related to the Secretary of Interior's role in enforcement, authorize a socio-economic study on the benefits of Atlantic striped bass resource, and clarify provisions regarding striped bass regulation in Federal waters. These changes are not only acceptable, they actually enhance the bill. In fact, I wish I had thought of them myself.

Reauthorizing the Striped Bass Act has been a long process. Fortunately, as William Woods of the Massachusetts Bay Colony said in 1635, men are soon wearied with other fish, yet they never are with bass.

I strongly urge all of my colleagues to vote yes on H.R. 1658 with the improvements adopted by the other body.

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. First of all, Madam Speaker, I would like to commend the gentleman from New Jersey [Mr. SAXTON] for his diligent work in this area, and I rise in strong support of this legislation.

The remarkable recovery of the striped bass fishery a little more than a decade after the passage of the original Striped Bass Conservation Act is truly a success story, demonstrating that conservation can work, and, again, I think we all are grateful to Mr. SAXTON for his deep interest and diligence in pursuing this.

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

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

Madam Speaker, I thank the gentleman for his kind words. Madam Speaker, at this time I have, as far as I know, no additional speakers, and so with just one thought I am prepared to yield back the balance of my time.

I was made aware earlier today that there is a regulatory problem off the shores of Massachusetts that relates to Nantucket and the State waters there and the Federal waters through which fishermen must pass on their way back to the mainland.

I understand that there is a regulatory issue, and I have talked with the gentleman from Massachusetts [Mr. KENNEDY] about this issue, and we both have agreed that we will try our best in the first couple of months of 1998 to deal with the National Marine Fisheries Service relative to these issues.

Mr. PALLONE. Mr. Speaker, tonight I rise in strong support of H.R. 1658, the Atlantic Striped Bass Conservation Act Amendments. The remarkable recovery of the striped bass fishery, a little more than a decade after the passage of the original Striped Bass Conservation Act, is a success story, demonstrating that fish conservation can work.

For the last three decades, Atlantic striped bass stocks have been declining due to overfishing, pollution, habitat destruction and other factors. Recently, however, the Atlantic striped bass stocks have grown and are slowly returning to their previous abundance. Many Atlantic Coast states have recognized the significance of this growth and understand the pressure that commercial fishing interests may have on breeding stocks. In response, states such as New Jersey, Connecticut, Pennsylvania and Georgia, and several others, have passed gamefish laws or have prohibited the Atlantic striped bass commercial angling.

The management program established under this Act was, at the time of its inception in 1984, unique. It relies on the states to develop regulations for their waters that are consistent with the Atlantic States Marine Fisheries Commission's management plan for striped bass. If the state fails in its efforts, a federal moratorium is imposed. This plan was so successful, that last year the Commission declared the striped bass to be fully recovered. Today, the fish are being found in record numbers up and down the coast.

Mr. Speaker, as I previously stated, striped bass populations were placed in jeopardy due to severe over-harvesting. Support of this legislation would allow us to better understand striped bass stock and management plans that not only benefit the striped bass stock, but the striped bass fishing community as well. Furthermore, these amendments increase public participation in the preparation of striped bass management plans. This fishery is one of the most important fisheries for marine recreational anglers. In 1995, over a million anglers made almost seven million trips and nearly spent 160 million dollars in pursuit of this fish. We must support this legislation and ensure that over a decade striped bass conservation and restoration is not erased.

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

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and concur in the Senate amendments to H.R. 1658.

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1658.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

#### PROVIDING FOR DIVISION, USE, AND DISTRIBUTION OF JUDGMENT FUNDS OF THE OTTAWA AND CHIPPEWA INDIANS

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments numbered 1 through 60, 62 and 63, and disagree to the Senate amendment numbered 61 to the bill (H.R. 1604) to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18-E, 58, 364 and 18-R before the Indian Claims Commission.

The Clerk read as follows:

Senate amendments:

Page 2, before line 1 insert:

#### TITLE I—DIVISION, USE, AND DISTRIBUTION OF JUDGMENT FUNDS OF THE OTTAWA AND CHIPPEWA INDIANS OF MICHIGAN

Page 2, line 1, strike out "SECTION 1" and insert "SEC. 101".

Page 2, line 2, strike out "Act" and insert "title".

Page 2, line 3, strike out "2" and insert "102".

Page 2, line 9, strike out "Tribe" and insert "Band".

Page 3, line 9, strike out "Act" and insert "title".

Page 3, line 14, strike out "3" and insert "103".

Page 3, line 15, strike out "Act" and insert "title".

Page 4, line 13, strike out "6" and insert "106".

Page 4, line 16, strike out "4" and insert "104".

Page 4, line 23, strike out "10" and insert "110".

Page 6, line 13, strike out "10" and insert "110".

Page 7, line 23, strike out "Act" and insert "title".

Page 7, line 24, strike out "10" and insert "110".

Page 8, line 3, strike out "5" and insert "105".

Page 8, line 9, strike out "4" and insert "104".

Page 8, line 13, strike out "7" and insert "107".

Page 8, line 15, strike out "4" and insert "104".

Page 8, line 20, strike out "7" and insert "107".

Page 8, line 21, strike out "8" and insert "108".

Page 8, line 23, strike out "4" and insert "104".

Page 9, line 4, strike out "8" and insert "108".

Page 9, line 5, strike out "9" and insert "109".

Page 9, line 7, strike out "4" and insert "104".

Page 9, line 12, strike out "9" and insert "109".

Page 9, line 14, strike out "Act" and insert "title".

Page 10, line 4, strike out "3(b)" and insert "103(b)".

Page 10, line 8, strike out "3(b)" and insert "103(b)".

Page 10, line 21, strike out "3(b)" and insert "103(b)".

Page 11, line 2, strike out "3(b)" and insert "103(b)".

Page 11, line 8, strike out "3(b)" and insert "103(b)".

Page 11, line 11, strike out "Act" and insert "title".

Page 11, line 13, strike out "5" and insert "105".

Page 11, line 17, strike out "3" and insert "103".

Page 11, line 17, strike out "4" and insert "104".

Page 11, line 23, strike out "Act" and insert "title".

Page 11, line 23, strike out "4" and insert "104".

Page 12, line 1, strike out "6" and insert "106".

Page 12, line 16, strike out "4" and insert "104".

Page 13, line 7, strike out "10" and insert "110".

Page 15, line 5, strike out "10" and insert "110".

Page 15, line 10, strike out "4" and insert "104".

Page 15, line 14, strike out "Act" and insert "title".

Page 15, line 17, strike out "Act" and insert "title".

Page 15, line 23, strike out "Act" and insert "title".

Page 16, line 3, strike out "7" and insert "107".

Page 16, line 10, strike out "Act" and insert "title".

Page 17, line 25, strike out "Act" and insert "title".

Page 22, line 12, strike out "8" and insert "108".

Page 25, line 14, strike out "4" and insert "104".

Page 26, line 3, strike out "9" and insert "109".

Page 26, line 10, strike out "4" and insert "104".

Page 30, line 19, strike out "10" and insert "110".

Page 31, line 21, strike out "4(a)(1)" and insert "104(a)(1)".

Page 31, line 23, strike out "4(a)(1)" and insert "104(a)(1)".

Page 32, line 7, strike out "6" and insert "106".

Page 32, line 15, strike out "Act" and insert "title".

Page 33, line 15, strike out "6" and insert "106".

Page 33, line 19, strike out "6" and insert "106".

Page 34, line 14, strike out "6" and insert "106".

Page 34, strike out all after line 14 down to and including "eligibility" in line 17 and insert:

**SEC. 111. TREATMENT OF FUNDS IN RELATION TO OTHER LAWS.**

(A) APPLICABILITY OF PUBLIC LAW 93-134.—All funds distributed under this Act or any

plan approved in accordance with this Act, including interest and investment income that accrues on those funds before or while those funds are held in trust, shall be subject to section 7 of Public Law 93-134 (87 Stat. 468).

(b) TREATMENT OF FUNDS WITH RESPECT TO CERTAIN FEDERAL ASSISTANCE.—The eligibility

Page 35, line 4, strike out "12" and insert "112".

Page 35, after line 9 insert:

**TITLE II—LIMITATION ON HEALTH CARE CONTRACTS AND COMPACTS FOR THE KETCHIKAN GATEWAY BOROUGH**

**SEC. 201. FINDINGS.**

Congress finds that—

(1) the execution of more than 1 contract or compact between an Alaska native village or regional or village corporation in the Ketchikan Gateway borough and the Secretary to provide for health care services in an area with a small population leads to duplicative and wasteful administrative costs; and

(2) incurring the wasteful costs referred to in paragraph (1) leads to decrease in the quality of health care that is provided to Alaska Natives in an affected area.

**SEC. 202. DEFINITIONS.**

In this title:

(1) ALASKA NATIVE.—The term "Alaska Native" has the meaning given the term "Native" in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

(2) ALASKA NATIVE VILLAGE OR REGIONAL OR VILLAGE CORPORATION.—The term "Alaska native village or regional or village corporation" means an Alaska native village or regional or village corporation defined in, or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)

(3) CONTRACT; COMPACT.—The terms "contract" and "compact" mean a self-determination contract and a self-governance compact as these terms are defined in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

**SEC. 203. LIMITATION.**

(a) IN GENERAL.—The Secretary shall take such action as may be necessary to ensure that, in considering a renewal of a contract or compact, or signing of a new contract or compact for the provision of health care services in the Ketchikan Gateway Borough, there will be only one contract or compact in effect.

(b) CONSIDERATION.—In any case in which the Secretary, acting through the Director of the Indian Health Service, is required to select from more than 1 application for a contract or compact described in subsection (a), in awarding the contract or compact, the Secretary shall take into consideration—

(1) the ability and experience of the applicant;

(2) the potential for the applicant to acquire and develop the necessary ability; and

(3) the potential for growth in the health care needs of the covered borough.

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

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

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

Madam Speaker, H.R. 1604 by my colleague on the Committee on Resources,

the gentleman from Michigan [Mr. KILDEE], would provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to the four Indian Claims Commission dockets. These funds were appropriated by Congress years ago and have been held by the Department of the Interior for the beneficiaries.

The funds would be divided according to a formula included in H.R. 1604 which the gentleman from Michigan [Mr. KILDEE] helped work out over the course of many years, and I am very grateful to him for doing that. I am sure the native Americans are very grateful to him for doing that. The funds would be divided according to a formula included in H.R. 1604 between individuals on a judgment distribution roll of descendants, to be created by the Secretary of Interior, and five Michigan tribes.

Madam Speaker, the House passed H.R. 1604 on November 4. Since then, the other body has amended our bill and has sent it back to us for another vote. The amendments will solve a problem relative to providing certain Federal services to Alaskan Natives. The added language would limit the number of contracts and compacts for providing certain Indian services to not more than one native entity in any bureau where there are less than 50,000 people.

The intent is to ensure that there is only one Alaskan Native provider in those areas of Alaska which do not require more than one provider. It would save taxpayers money, and it makes sense from an administrative point of view.

One amendment to the bill is unacceptable and will be stricken from the bill and returned to the other body for concurrence.

I support H.R. 1604, I highly recommend its passage, and I also thank the gentleman from Michigan [Mr. KILDEE] for his diligent work over the years on this issue.

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, I appreciate the kind words of the gentleman from Maryland [Mr. GILCHREST].

Madam Speaker, today the U.S. Congress will take a historic step in bringing about long awaited justice for the Chippewa and Ottawa Nations of Michigan. The legislation before us now will provide a monetary compensation for 12 million acres of land ceded by these tribes over 160 years ago.

My father taught me long ago about the tremendous injustice done to the Indian tribes in Michigan. For so many years, Madam Speaker, our Government ignored and broke its many treaties with the native Americans. It is

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

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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—