GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3830, the bill just passed.

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

There was no objection.

MINERAL LEASING IN FORT BERTHOLD INDIAN RESERVATION

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2069) to permit the mineral leasing of Indian land located within the Fort Berthold Indian Reservation in any case in which there is consent from a majority interest in the parcel of land under consideration for lease, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. FALEOMAVAEGA. Mr. Speaker, reserving the right to object, I yield to the gentleman from Utah (Mr. HANSEN) to explain the legislation.

Mr. HANSEN. Mr. Speaker, I appreciate my friend, the gentleman from American Samoa, yielding to me.

Mr. Speaker, S. 2069 would permit the leasing of mineral rights in any case in which the Indian owners of an allotment that is located within the boundaries of the Fort Berthold Indian Reservation and held in trust of the United States have executed leases to more than 50 percent of the mineral estate of that allotment.

S. 2069 would facilitate oil and gas exploration on the Fort Berthold Indian reservation by allowing the Secretary of Interior to approve mineral leases affecting individually owned Indian land if a majority of the owners of the undivided mineral interest consent to that mineral lease.

S. 2069 would supersede a 1909 law which provides that the Secretary may not approve a mineral lease affecting individually owned Indian land unless every single person who has an undivided mineral interest in that land consents.

Approximately 70 percent of the individually owned tracts of land in the Fort Berthold Indian Reservation are owned by groups of 20 or more individuals. Some tracts are owned by 200 individuals. In many instances these individuals have not been identified, nor can they be located.

The requirements of the 1909 law have proven to be so difficult to meet that very little oil production has taken place on individually owned Indian land within a geological basin which has produced over one billion barrels of oil.

The Mandan Indian Nation and Hidatsa Indian Nation and the Arikara Indian Nation all support S. 2069. The administration supports S. 2069.

The House, on November 12, 1997 passed legislation which contained the language which is now S. 2069. In effect, we will be passing for a second time a bill which can go directly to the White House for the President's signature.

This is a good piece of legislation. It solves a big problem created by an out-of-date law, and I recommend its passage. I appreciate the gentleman yielding to me.

Mr. FALEOMAVAEGA. Further reserving the right to object, Mr. Speaker, this important and bipartisan bill has as its single goal the promotion of economic development on the Fort Berthold Indian Reservation in North Dakota, home to the Mandan, Hidatsa, and Arikara Indian tribes.

Their reservation sits on the oil-rich Williston Basin, and the tribes seek to gain much-needed revenues through a development agreement with the Alberta Energy Company. The lands surrounding the reservation have been the subject of much exploratory activity. That agreement would allow these tribes to develop oil and gas reserves on tribal lands as well as lands allotted to tribal members.

But congressional approval of mineral leasing rights is required in this instance in order to overcome the problem of fractionated heirship, a problem that is widespread throughout Indian country. Basically, fractionated heirship is the result of Federal and Indian policy which provides that lands held in trust for Indians are passed down from generation to generation so that each successive generation of heirs owns an undivided interest in the original lands.

Thus, parcels of lands such as those allotted in Fort Berthold have as many as 200 owners. Seventy percent of the Fort Berthold allotments have 20 owners. So in order to execute a lease, every individual with an ownership interest in a parcel of land has to agree to the lease. If one person objects, the lease will fail. The same thing will happen if one owner cannot be found.

□ 1045

This arrangement simply creates too much of a headache for interested developers to make it worth their while to bring their activities to allotted Indian lands.

What the Fort Berthold bill does is allow a leasing agreement to go forward when less than 100 percent of the owners of a particular allotment agree to the lease. In this case, the bill requires that at least as many owners as own 50 percent of the ownership interest in an allotment must agree to the lease. Furthermore, the Secretary of the Interior must still approve the leasing arrangements, thus continuing to exercise the United States' trust responsibility. Of course, the bill only applies to the Fort Berthold Reservation.

In a certain sense, Mr. Speaker, there will be a lot of tribes watching this situation. Fractionated heirship is a widespread problem, and it is a major source of the trust funds problem that also plagues the tribes and the administration. The administration has already sent Congress legislation to consolidate allotment ownership. But if the Fort Berthold situation works out well, I believe other tribes may well look to this legislation for ideas as well.

Mr. Speaker, again I thank the gentleman from Utah, the chairman of the Subcommittee on National Parks and Public Lands, for his leadership and management of this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2069

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

SECTION 1. LEASES OF ALLOTTED LANDS OF THE FORT BERTHOLD INDIAN RESERVATION.

(a) IN GENERAL.—

(1) DEFINITIONS.—In this section:

(A) INDIAN LAND.—The term ''Indian land'' means an undivided interest in a single parcel of land that—

(i) is located within the Fort Berthold Indian Reservation in North Dakota; and

(ii) is held in trust or restricted status by the United States.

(B) INDIVIDUALLY OWNED INDIAN LAND.—The term ''individually owned Indian land'' means Indian land that is owned by 1 or more individuals.

(C) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) EFFECT OF APPROVAL BY SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—The Secretary may approve any mineral lease or agreement that affects individually owned Indian land, if—

(i) the owners of a majority of the undivided interest in the Indian land that is the subject of the mineral lease or agreement (including any interest covered by a lease or agreement executed by the Secretary under paragraph (3)) consent to the lease or agreement; and

(ii) the Secretary determines that approving the lease or agreement is in the best interest of the Indian owners of the Indian land.

(B) EFFECT OF APPROVAL.—Upon the approval by the Secretary under subparagraph (A), the lease or agreement shall be binding, to the same extent as if all of the Indian owners of the Indian land involved had consented to the lease or agreement, upon—

(i) all owners of the undivided interest in the Indian land subject to the lease or agreement (including any interest owned by an Indian tribe); and

(ii) all other parties to the lease or agreement.

(C) DISTRIBUTION OF PROCEEDS.—The proceeds derived from a lease or agreement that is approved by the Secretary under subparagraph (A) shall be distributed to all owners of the Indian land that is subject to the lease or agreement in accordance with the interest owned by each such owner.

(3) EXECUTION OF LEASE OR AGREEMENT BY SECRETARY.—The Secretary may execute a

mineral lease or agreement that affects individually owned Indian land on behalf of an Indian owner if—

(A) that owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

(B) the heirs or devisees referred to in subparagraph (A) have been determined, but 1 or more of the heirs or devisees cannot be located.

(4) PUBLIC AUCTION OR ADVERTISED SALE NOT REQUIRED.—It shall not be a requirement for the approval or execution of a lease or agreement under this subsection that the lease or agreement be offered for sale through a public auction or advertised sale.

(b) RULE OF CONSTRUCTION.—This Act supersedes the Act of March 3, 1909 (35 Stat. 783, chapter 263; 25 U.S.C. 396) only to the extent provided in subsection (a).

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill just passed.

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

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 482 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4101.

□ 1045

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4101) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, June 23, 1998, amendment No. 2 offered by the gentleman from New Hampshire (Mr. BASS) had been disposed of and section 738 had been read.

Are there further amendments to this portion of the bill?

AMENDMENT OFFERED BY MR. MILLER OF FLORIDA

Mr. MILLER of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Florida:

Add after the final section the following new section:

SEC. ____. None of the funds made available in this Act may be used to make available or administer, or to pay the salaries of personnel of the Department of Agriculture who make available or administer, a loan to a processor of sugarcane or sugar beets during fiscal year 1999 under section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272) at a loan rate in excess of 17 cents per pound for raw cane sugar and 21.9 cents per pound for refined beet sugar.

The CHAIRMAN. Pursuant to the order of the Committee of Tuesday, June 23, 1998, the gentleman from Florida (Mr. MILLER) will control 30 minutes, and the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) or her designee each will control 15 minutes.

The Chair recognizes the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume. This amendment is a modest change in the sugar program in this country, a one-cent change in sugar prices in this country.

Most of my colleagues do not realize that the sugar program is one of those old-fashioned programs where the Federal Government here in Washington has the bureaucracy that set a high price on sugar. This is not part of the free enterprise system that most people think we have. We have a price of sugar that the government sets that is over twice what the price is around the world. In Canada the price of sugar is about 9 cents a pound. In the United States it is about 22, 23 cents a pound. This makes zero economic sense.

In 1996 we passed Freedom to Farm, a very significant and historic piece of legislation for agriculture, because it really had a lot of reforms that were very important and good for this country and good for farmers. Our farmers are very effective and productive farmers and can compete with farmers around the world. We are huge exporters of agricultural products. But while we reformed lots of the grain programs and other programs, we did not reform sugar. Sugar was one product that basically escaped reform in the 1996 farm reform bill. The price of sugar back before we had reform was about 22, 23 cents a pound, and it is staying at that price because the government program continues to exist to force the price up high while world prices have dropped down to about 9 cents a pound.

One of the things I would point out, I remember reading right after the passage of the Freedom to Farm bill what the historic change was. In Time magazine there was an article not focusing on the good things in that bill but about the sugar sweet deal that the sugar farmers got by not reforming sugar and whether it was ABC News who did a story earlier this year about ''It's Your Money'', or Readers Digest had a story earlier this year, or the New York Times, they all referred to the fact that sugar was not reformed. So as much as my opponents might say, ''Oh, we reformed it,'' the bottom line is sugar prices are the same basically as they were before we reformed it.

Let me describe briefly how the program works. The program works, that we cannot grow enough sugar in this country so we must import sugar. So what the government does is it controls the amount of sugar allowed into this country and by basic supply and demand forces prices up high. So while the world price is about 9 cents right now, in fact, if you look at the Wall Street Journal, you look at commodity prices, you have two prices for sugar, the price we pay in the United States and the price around the world.

What is crazy about this, for example, Australia, one of the largest exporters of sugar in the world, and it is not a subsidized program in Australia, they will sell their sugar to anyone for 9 cents a pound, but the United States, what do they sell it to us for? Twenty-two cents a pound or so. It is crazy. That is foreign aid. That is corporate subsidy of Australian sugar farmers. Whether we import it from the Dominican Republic or Brazil or wherever, we are subsidizing foreign sugar growers in this program.

This program of sugar that we have in this country is bad for consumers, it is bad for jobs, and it is certainly bad for the environment. For the consumers, they pay a higher price for sugar, not just the sugar we buy off the shelves in the store but so many different items of food contain sugar, whether it is the candy, whether it is cough drops, whether it is ice cream or baked goods, sugar is part of that and it is part of the total cost of the production. We all know basic economics will tell you that cost and prices are related.

It is bad for the environment. I come from Florida. A great treasure of the State of Florida is the Florida Everglades. Sadly it has been damaged over the past 50 years for a variety of reasons, not just because of agriculture certainly. We are in the process now of trying to restore the Everglades. We have lost 50 percent of the Florida Everglades for a variety of reasons, for agriculture and development and more people in the State of Florida. But we found out this week that it is going to cost us $7.5 billion over the next 20 years to restore the Everglades as best as we can. A large part of the problem is the amount of acreage going for sugar production, 500,000 acres. And part of the solution is to buy a lot of that sugar land and also to build retention ponds to filter the water that flows off the sugar fields. How much is sugar paying in this plan? Less than 5 percent of the cost. They are not even carrying their full load. But in addition to that, because we have this crazy sugar program, we are having to pay inflated prices for the land we are buying from the sugar farmers. We create a program that makes the land more valuable and creates incentives to