needing OCS sand, gravel, and shell can receive those resources and pay a price that reflects the public interest served. Enactment of H.R. 3972, however, would thus deny the American taxpayer a fair return for the use of this public resource, as well as fuel the demand for OCS sand, gravel, and shell and competitively disadvantage private onshore sand and gravel suppliers.

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

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

Mr. Speaker, I understood that there was a statement of administration policy, but we have not seen it and did not know whether it had been delivered or not.

I think one thing we have to consider here is are all states equal? When the Constitution was established, it was established that all states would be equal. Well, inland states get sand and gravel for government projects from the Federal Government for free. Only the sand would be free. Ninety-eight percent of the costs incurred in these projects would still have to be paid and they would be paid. Those costs are dredging and bulldozing. And all Corps of Engineers projects must pass cost-benefit analysis.

While I think that the gentleman from California does have a good point about this, and one which, frankly, I do not understand, which is why people will rebuild and rebuild in the same place that storms wash away, nonetheless, that is what is going on, and I do not think it is fair to treat coastal states differently than inland states as far as the Federal state of sand gravel and shell resources is concerned. So I continue to urge my colleagues to support this bill.

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

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. PICKETT), the sponsor of the legislation.

Mr. PICKETT. Mr. Speaker, I would like to thank the Committee on Resources chairman, the gentleman from Alaska (Mr. YOUNG), and the ranking member the gentleman from California (Mr. MILLER), as well as the gentlewoman from Wyoming (Mrs. CUBIN) the chairman of the Subcommittee on Energy and Mineral Resources and the ranking member, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), for their help and assistance in helping bring H.R. 3972 to the floor.

Mr. Speaker, I introduced this legislation last May because of a new policy initiative by the Minerals Management Service to assess a tax against state and local governments for the use of Outer Continental Shelf sand and gravel for public projects.

This law was enacted during the 103rd Congress to remove procedural obstacles and allow governmental agencies to negotiate and obtain OCS sand and gravel. The Federal Government was exempted from being assessed under this act. In October 1997, MMS formalized its guidelines regarding this charge for OCS sand and gravel when used in shore protection and beach restoration projects by state and local governments. Under this new policy, MMS decided to assess state and local governments a tax for sand and gravel used in these shore protection projects, even in those cases where the projects are authorized by Federal law. I do not believe it was the intent of Congress to impose an additional charge on state and local governments for costly, yet necessary, shore protection projects.

In 1947 Congress passed the Minerals Sales Act. This law allows localities to take mineral resources from public lands for public works projects, such as road construction, without the payment of any kind of a charge. Although localities pay money into an account to reclaim the land from which the sand and gravel is taken, there is no requirement to pay for the material, as in the case of coastal states that use offshore mineral resources for shore protection projects.

Sand and gravel mined from the OCS is reclaimed through a natural hydrodynamic process. Although the cost involved for OCS sand and gravel may not be significant when compared to the overall cost of a shore protection or beach restoration project, it is considerable enough to make such projects less attractive and more costly when undertaken by state and local governments.

An example occurred in my district where a local government recently paid MMS approximately $200,000 for about 1 million cubic yards of OCS sand for a federally authorized project that had already been planned, approved and funded.

Paying this tax caused the local government to reduce by about one-fourth the quantity of sand called for in the original plans and specifications. With a reduced volume of sand, the project will now have a shorter useful life and will require the local government to replace the project earlier than planned at an increased cost.

As the administration seeks to change the Nation's shore protection policy, the costs incurred by state and local governments for OCS sand and gravel will continue to rise dramatically unless this ill-advised tax law is changed.

Historically, the Federal Government has entered into 65–35 cost share agreements with local governments for federally authorized shore protection projects. A recent proposal by the administration, if adopted, will reverse this cost share ratio upon completion of the initial construction project, with the local sponsor paying almost double the share of the project maintenance costs. The typical MMS tax for the local government sponsor for OCS sand and gravel will also double as a result of this policy change.

This excessive and inequitable tax will become a serious and insurmountable burden for local governments. It is clearly another unfunded mandate on state and local government and should be eliminated here and now. I strongly urge the House to adopt H.R. 3972 to restore equity among Federal, state and local government projects by eliminating this unfair tax.

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

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

The SPEAKER pro tempore (Mr. BALLENGER). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the bill, H.R. 3972.

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.

REMOVING RESTRICTION ON DISTRIBUTION OF REVENUES TO CERTAIN MEMBERS OF AGUA CALIENTE BAND OF CAHUILLA INDIANS

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 700) to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Agua Caliente Indians.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. FINDINGS.

Congress finds that—

(1) among its purposes, the Act entitled ''An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes'', approved September 21, 1959, commonly known as the ''Agua Caliente Equalization Act of 1959'' (25 U.S.C. 951 et seq.) (referred to in this section as the ''Act'') was intended to provide for a reasonable degree of equalization of the value of allotments made to members of the Agua Caliente Band of Cahuilla Indians;

(2) the Act was enacted in response to litigation in Federal courts in Segundo, et al. v. United States, 123 F. Supp. 554 (1954);

(3) the case referred to in paragraph (2) was appealed under the case name United States v. Pierce, 235 F. 2d 885 (1956) and that case affirmed the entitlement of certain members of the Band to allotments of approximately equal value to lands allotted to other members of the Band;

(4)(A) to achieve the equalization referred to in paragraph (3), section 3 of the Act (25 U.S.C. 953) provided for the allotment or sale of all remaining tribal lands, with the exception of several specifically designated parcels, including 2 parcels in the Mineral Springs area known as parcel A and parcel B;

(B) section 3 of the Act restricted the distribution of any net rents, profits, or other revenues derived from parcel B to members of the Band and their heirs entitled to equalization of the value of the allotments of those members;

(C) from 1959 through 1984, each annual budget of the Band, as approved by the Bureau

of Indian Affairs, provided for expenditure of all revenues derived from both parcel A and parcel B solely for tribal governmental purposes; and

(D) as a result of the annual budgets referred to in subparagraph (C), no net revenues from parcel B were available for distribution to tribal members entitled to equalization under section 3 of the Act referred to in paragraph (1);

(5) by letter of December 6, 1961, the Director of the Sacramento Area Office of the Bureau of Indian Affairs informed the regional solicitor of the Bureau of Indian Affairs that the equalization of allotments on the Agua Caliente Reservation with respect to those members of the Band who were eligible for equalization had been completed using all available excess tribal land in a manner consistent with—

(A) the decree of the court in the case referred to in paragraph (2); and

(B) the Act;

(6) in 1968, the files of the Department of the Interior with respect to the case referred to in paragraph (3), the closure of which was contingent upon completion of the equalization program, were retired to the Federal Record Center, where they were subsequently destroyed;

(7) on March 16, 1983, the Secretary of the Interior published notice in the Federal Register that full equalization had been achieved within the meaning of section 7 of the Act (25 U.S.C. 957);

(8) section 7 of the Act states that ''allotments in accordance with the provisions of this Act shall be deemed complete and full equalization of allotments on the Agua Caliente Reservation''; and

(9) the regulations governing the equalization of allotments under the Act referred to in paragraph (1) were rescinded by the Secretary, effective March 31, 1983.

SEC. 2. DEFINITIONS.

In this Act:

(1) BAND.—The term ''Band'' means the Agua Caliente Band.

(2) PARCEL B.—The term ''parcel B'' means the parcel of land in the Mineral Springs area referred to as ''parcel B'' in section 3(b) of the Act entitled ''An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes'', approved September 21, 1959, commonly known as the ''Agua Caliente Equalization Act of 1959'' (25 U.S.C. 953(b)).

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

SEC. 3. EQUALIZATION OF ALLOTMENTS.

(a) IN GENERAL.—The full equalization of allotments within the meaning of section 7 of the Act entitled ''An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes'', approved September 21, 1959, commonly known as the ''Agua Caliente Equalization Act of 1959'' (25 U.S.C. 957) is deemed to have been completed.

(b) EXPIRATION OF ENTITLEMENT.—By reason of the achievement of the full equalization of allotments described in subsection (a), the entitlement of holders of equalized allotments to distribution of net revenues from parcel B under section 3(b) of the Act entitled ''An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes'', approved September 21, 1959, commonly known as the ''Agua Caliente Equalization Act of 1959'' (25 U.S.C. 953(b)) shall be deemed to have expired.

SEC. 4. REMOVAL OF RESTRICTION.

(a) IN GENERAL.—The fourth undesignated paragraph in section 3(b) of the Act entitled ''An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes'', approved September 21, 1959, commonly known as the ''Agua Caliente Equalization Act of 1959'' (25 U.S.C. 953(b)), is amended by striking ''east: Provided,'' and all that follows through the end of the paragraph and inserting ''east.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply as if this section had been enacted on March 31, 1983.

(c) SUBSEQUENT DISTRIBUTIONS.—Any per capita distribution of tribal revenues of the Band made after the date of enactment of this Act shall be made to all members of the Band in equal amounts.

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

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

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

Mr. Speaker, H.R. 700 would remove a revenue distribution restriction created in Public Law 86–339, a 1959 statute which related in part to the distribution of certain revenues to certain members of the Agua Caliente Band of Cahuilla Indians.

This bill is an amended version of H.R. 700 which we passed last year. Since we passed H.R. 700 last year, the Bureau of Indian Affairs and the Agua Caliente Band have discovered that a different piece of legislation is needed.

H.R. 700, as amended, reflects the changes which the Senate Committee on Indian Affairs has made to the bill which we passed last year. I agree with those amendments.

H.R. 700, as amended, finds that equalization allotments on the Agua Caliente Reservation have been completed and that the regulations governing the equalization allotments under the 1959 Agua Caliente Equalization Act were rescinded in 1983.

H.R. 700, as amended, provides that the special entitlements of certain members of the Band have expired and, thus, that any per capita distribution of tribal revenues of the Band shall be made to all members of the Band in equal amounts.

This is a fair and equitable bill. It will have no impact on the Federal budget, contains no intergovernmental or private sector mandates, and would impose no costs on state, local or tribal governments. I recommend that H.R. 700 be adopted by this body.

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

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

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I am supporting this bill. We passed it out of the House last year. Basically the bill removes a restriction on a piece of property owned by the Agua Caliente Tribe in downtown Palm Springs, California. The restriction, part of the 1959 law, provides that revenues from this property would first go to the 85 Members of the Tribe who lost lands in the use to create tribal property. This asks Congress to remove the restriction so it can distribute the revenues general rated from the Spa Casino, which sits on the property, to all members of the Tribe.

The House-passed bill would have compensated 85 members with a cash payment of $22,000 each. The Senate determined that the 85 Members have already been compensated and the property restriction was not intended to last indefinitely.

I want to once again, however, state for the record my objection to per capita payments to tribal members from any gambling casino. I think that ultimately, this is unwise, and if we are ever to amend the Indian gaming act, this is one of the issues that Congress will have to reexamine. The administration supports this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentleman from California (Mr. MILLER) for yielding me this time.

Mr. Speaker, I am proud to join the gentlewoman from California (Mrs. BONO) in supporting H.R. 700. As Chairman Richard Milanovich indicated to the members of the Committee on Resources, this bill will resolve a dilemma which has been hanging over the Agua Caliente tribe for almost 50 years.

This legislation reflects the solution to a long-standing problem that the tribe has addressed within their governmental process and structure. The only reason Congress must consider this issue is because back in 1959, we imposed restrictions on how the tribe was to resolve an internal issue. I want to point out that both the Justice Department and the Department of the Interior have reviewed this legislation and the tribe's proposed solution to their problem as embodied in H.R. 700, as amended by the Senate.

The amendments added by the Senate improve the bill and recognize the fact that full equalization to all members of the tribe was achieved in 1961.

Mr. Speaker, this bill enjoys the overwhelming support of the tribe and the 85 affected allottees. In fact, over 60 percent of the voting-age members of the tribe have taken the time to write to this committee expressing their support for this legislation.

Mr. Speaker, I urge my colleagues to support this bill that should have been adopted nearly 40 years ago.

Ms. BONO. Mr. Speaker, I rise today in support of H.R. 700.

The Agua Caliente Band of Indians, located in California's 44th Congressional District, have suffered a dilemma for nearly 50 years. This legislation addresses this problem by seeking to remove the restriction on the distribution of certain revenues from the mineral springs parcel to certain members of the Agua Caliente tribe.

H.R. 4699 recognizes that full equalization under the law was provided to all members of the tribe in 1961. Regrettably, the 1959 act that outlined the equalization procedures, failed to contain a critical provision that removed the distribution restrictions once full

equalization was attained. That mistake is rectified today by this legislation.

Through the passage of this bill, the tribal council has informed me that they intend to provide health insurance and decent housing as well as educational and employment opportunities for its members. This bill will provide the necessary mechanisms for the tribe to make these goals a reality.

This bill enjoys a tremendous amount of support. The House of Representatives passed by voice vote similar legislation introduced by my late husband, Congressman Sonny Bono, and Congressman DALE KILDEE last year. In addition, this legislation has been reviewed by, and enjoys the support of, both the Justice Department and the Department of the Interior.

Finally, this bill reflects an agreement that the tribe and the allottees have reached themselves. As such, it reaffirms our commitment to furthering the Federal policy of self-determination and self-governance.

I urge my colleagues to support this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 700.

The question was taken.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1215

AUTHORIZING LAND TRANSFER FOR CONSTRUCTION OF VISITOR CENTER FOR HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4829) to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center, and for other purposes.

The Clerk read as follows:

H.R. 4829

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

SECTION 1. VISITOR CENTER FOR HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—The Secretary of the Interior may transfer to the Archivist of the United States administrative jurisdiction over land located in the Home of Franklin D. Roosevelt National Historic Site, for use by the Archivist for the construction of a visitor center facility to jointly serve the Home of Franklin D. Roosevelt National Historic Site and the Franklin D. Roosevelt Presidential Library, located in Hyde Park, New York.

(b) CONDITIONS OF TRANSFER.—

(1) PROTECTION OF THE SITE.—The transfer authorized in subsection (a) shall be subject to an agreement between the Secretary and the Archivist that shall include such provisions for the protection of the Home of Franklin D. Roosevelt National Historic Site and the joint use of the facility to be constructed as the Secretary and the Archivist may consider necessary.

(2) CONSIDERATION.—A transfer made pursuant to subsection (a) shall be made without consideration or reimbursement.

(3) TERMINATION.—If use by the Archivist of the land referred to in subsection (a) is terminated by the Archivist at any time, administrative jurisdiction over the land shall automatically revert to the Department of the Interior.

(c) DESCRIPTION OF LAND.—The land referred to in subsection (a) shall consist of not more than 1 acre of land as may be mutually agreed to by the Secretary and the Archivist and more particularly described in the agreement required under subsection (b)(1).

The SPEAKER pro tempore (Mr. BALLENGER). Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) will each control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 4829 is a bill introduced by my colleague, the gentleman from New York (Mr. JERRY SOLOMON). The gentleman from New York (Mr. SOLOMON) deserves a great amount of credit for working out a bill which responds to a need for improving the management of a site honoring one of our country's great leaders, Franklin D. Roosevelt.

I also want to say the bill's sponsor, the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules, has been a great leader here. He will be remembered as a distinguished colleague and friend, and we all wish him well in his future pursuits.

Mr. Speaker, H.R. 4829 authorized the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the home of Franklin D. Roosevelt National Historic Site from the North Carolina Park Service to the Archivist of the United States.

The land transfer is needed so the Archivist can construct a joint library and visitors' center on one acre of land, which will be mutually agreed upon. The transfer of jurisdiction and subsequent construction of the facility will help visitors enjoy the life and story of one of our great presidents. I urge my colleagues to support H.R. 4829.

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

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

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, this bill was introduced yesterday by the gentleman from New York (Mr. SOLOMON) and the National Park Service to transfer not one more than one acre of land within the Franklin D. Roosevelt memorial site to the Archivist of the United States to build a joint archival/visitor center.

The NPS supports this initiative. However, there also is a Senate-passed bill here in the House which also deals with the FDR Historic Site. This bill, which the National Park Service wants, simply would allow the National Park Service to acquire lands within the boundaries of the Historic Site using appropriated funds. Currently the NPS can only acquire by donation. We would urge that that bill be put up for consideration.

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

Mr. HANSEN. Mr. Speaker, I am happy to yield such time as he may consume to my colleague, the gentleman from New York (Mr. SOLOMON), the sponsor of the bill.

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman from Utah (Mr. HANSEN), as well as the gentleman from California (Mr. MILLER), for their help in bringing this bill to the floor on perhaps the last day, the next-to-the-last, or the next-to-the-next-to-the-last-day, but certainly it will be one of those days.

Mr. Speaker, this bill, which I introduced just yesterday, was inadvertently left out of the Interior appropriation bill. That is why it was introduced as late as yesterday.

The bill, authorizing the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the home of Franklin Delano Roosevelt National Historic Site in Hyde Park, New York, transfers jurisdiction to the Archivist of the United States for the construction of a visitors' center and library.

In the past few years I have made it my personal challenge to return the home of our 32nd president to a place of honor in the national park system. As part of meeting this goal, I was pleased to help the FDR Library, with the help of the gentleman from Ohio (Mr. RALPH REGULA), the gentleman in well. It received $4 million in Federal funds in last year's Treasury-Postal appropriations for the construction of a new library/visitors' center.

This money, along with the private funds, will build a new center that will provide a comprehensive orientation to this site, as well as contribute to the economic growth of the Hudson Valley.

Mr. Speaker, in creating this visitors' center and library, we can significantly upgrade visitors' services at the FDR site, and welcome visitors to spend a moment in this important period of American history.

Following this appropriation, the National Park Service and the National