

a good and important measure that deserves the approval of the House, and I urge its passage.

HOUSE OF REPRESENTATIVES,  
Washington, DC, August 12, 1999.

Hon. BRUCE BABBITT,  
Secretary, Department of the Interior, Wash-  
ington, DC.

DEAR SECRETARY BABBITT: I am writing to urge you to act to avert a serious threat to the integrity of the Black Canyon of the Gunnison National Monument.

As you know, Congress is currently considering legislation to elevate this monument to the status of a national park. On July 21, the House Resources Committee considered a bill (S. 323) to do that. I support this change in status, have been working to resolve some technical questions, and have voted to favorably report the bill to the full House.

Just before the Committee's consideration of the bill, it was learned that a tract of about 120 acres within the present boundaries of the monument has been acquired by a developer and is now being offered for sale for residential or commercial development. This property is bisected by a main road into the Monument and is in close proximity to the canyon rim. If houses or other structures were to be developed on these parcels, it would seriously affect the visual and environmental integrity of this National Park System unit and would seriously diminish the experience of visitors to this strikingly beautiful canyon.

In response, I sought to offer an amendment to authorize and direct you, as Secretary of the Interior, to acquire any and all interests in these lands that you might determine should be acquired in order to protect the resources and values of the Black Canyon.

As you know, under current law, the United States can acquire full title to these lands only with the agreement of the landowner, although lesser interests can be acquired in the absence of such agreement. In other words, full title can be acquired only upon the terms set by the developer. My amendment would have provided the National Park Service with full authority to acquire any and all interests in the land—for fair market value but not for whatever extortionate price might be demanded. While the Committee did not adopt this amendment, I stand ready to take further steps to protect the Black Canyon as may be appropriate. However, the bill has not yet reached the floor and, as you know, the House now has adjourned until September.

Under these circumstances, I think it is imperative for you to act promptly to address this serious situation, using authority currently available to the Department of the Interior if possible or by indicating what additional authority is required or would be desirable.

The Black Canyon of the Gunnison is one of the Colorado's crown jewels, and a national treasure as well. I feel sure you share my view that its protection is a matter of highest priority, and I look forward to your response to this urgent request.

Sincerely,

MARK UDALL.

DEPARTMENT OF THE INTERIOR,  
NATIONAL PARK SERVICE,  
Washington, DC, September 14, 1999.

Hon. MARK UDALL,  
House of Representatives,  
Washington, DC.

DEAR MR. UDALL: Thank you for your letter of August 12, 1999, to Secretary Babbitt.

I agree with you that we need to take quick action to protect a tract of land within the boundary of Black Canyon of the Gunnison National Monument that is now being offered for sale by TDX, Inc. for residential or commercial development. As the National Park Trust recently identified, inholdings in many national park areas pose a variety of threats to the purposes for which the units were established.

The authorities available to the National Park Service to resolve land issues at Black Canyon of the Gunnison National Monument are constrained by existing law that requires us to purchase fee title only from willing sellers. Therefore our first approach to protect this 120 acres would be to file a complaint in condemnation for full free interest with consent from TDX, Inc. The National Park Service would put forth every effort to come to an agreement on the purchasing cost with TDX, Inc. However if TDX, Inc. is unwilling to sell in fee at the appraised price, an alternative would be to seek legislation to give the park the additional authority to settle this matter. Finally, if neither of the two previous actions work we would attempt to acquire a conservation easement for less than fee simple through the complaint in condemnation process. This last action would most likely require the National Park Service to pay approximately 90 percent of full fee value without gaining public access or use. While it would prevent incompatible development, TDX, Inc. would still own an inholding within the park.

We do not believe amending the legislation currently before Congress, S. 323, is the most effective solution. The sooner the present legislation passes, the more quickly we will be able to protect lands that are part of the proposed new boundary and prevent additional threats from developing. There are three tracts of private land, totaling 2,500 acres, within the proposed expansion area, each with a willing seller. Any delay to S. 323 could result in a change in ownership to an "unwilling" seller similar to TDX, Inc.

An independent appraisal for the TDX, Inc. parcel has been requested and we should have the results in the next 30 to 60 days. The fair market value of the property most likely will not meet the current asking price that may result in this action ending up in the courts for a final decision. Current appropriations most likely will not cover the cost of the TDX, Inc. acquisition. There are no funds appropriated for other available parcels called for in this legislation.

We are fully committed to the passage of S. 323 in this session, and to the protection of all resource values in Black Canyon of the Gunnison National Monument. It may take different methods to accomplish our goals. We are willing to work with you, as well as the rest of the Colorado delegation in order to do this in the best and most efficient way possible.

Sincerely,

ROBERT STANTON,  
Acting Director.

HOUSE OF REPRESENTATIVES,  
Washington, DC, September 24, 1999.

Mr. ROBERT G. STANTON,  
Director, National Park Service,  
Washington, DC.

DEAR DIRECTOR STANTON: Thank you for Acting Director Galvin's response to my letter to Secretary Babbitt about the need to protect the integrity of the Black Canyon National Monument.

I am glad that the National Park Service and the Department of the Interior agree

that quick action is needed to protect the TDX tract within the Monument, and that act toward that end is now underway. I also agree that acquisition of the full fee to the land pursuant to an agreement with TDX would be the optimal outcome.

At the same time, as your letter indicates, it's essential that the National Park Service be prepared to act to protect this unit of the National Park System even in the absence of such an agreement. I have been and remain prepared to seek adoption of legislation to provide the Service additional authority with respect to acquisition of these lands. However, it would be unrealistic to assume that such legislation could be enacted before Congress adjourns this fall. Therefore, it's imperative that the National Park Service continue all necessary preparations to use its existing authority to acquire a conservation easement on the TDX tract through the condemnation process in the event that the Service does not reach an agreement for acquisition of the full title. You can be sure that I will do all I can to assist in that undertaking, including seeking appropriation of the necessary funds.

I look forward to continue working with you and the other members of Colorado's delegation in the Congress to protect the Black Canyon of the Gunnison and to complete action on the legislation that will establish it as a National Park.

Sincerely,

MARK UDALL.

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

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 323, as amended.

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

A motion to reconsider was laid on the table.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1637. An act to extend through the end of the current fiscal year certain expiring Federal Aviation Administration authorizations.

#### PROVIDING FOR MINERAL LEAS- ING OF CERTAIN INDIAN LANDS IN OKLAHOMA

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 944) to amend Public Law 105-188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

The Clerk read as follows:

S. 944

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

**SECTION 1. MINERAL LEASING OF CERTAIN INDIAN LANDS IN OKLAHOMA.**

Public Law 105-188 (112 Stat. 620 and 621) is amended—

(1) in the title, by inserting “and certain former Indian reservations in Oklahoma” after “Fort Berthold Indian Reservation”; and

(2) in section 1—

(A) by striking the section heading and inserting the following:

**“SECTION 1. LEASES OF CERTAIN ALLOTTED LANDS.”;**

and

(B) in subsection (a)(1)(A), by striking clause (i) and inserting the following:

“(i) is located within—

“(I) the Fort Berthold Indian Reservation in North Dakota; or

“(II) a former Indian reservation located in Oklahoma of—

“(aa) the Comanche Indian Tribe;

“(bb) the Kiowa Indian Tribe;

“(cc) the Apache Tribe;

“(dd) the Fort Sill Apache Tribe of Oklahoma;

“(ee) the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, and Tawakonie) located in Oklahoma;

“(ff) the Delaware Tribe of Western Oklahoma; or

“(gg) the Caddo Indian Tribe; and”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

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

Mr. Speaker, I rise in support of S. 944, legislation that would amend Public Law 105-188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

Public Law 105-188 authorizes the Secretary of Interior to approve any mineral lease which affects an individually owned Indian tract of land within the Fort Berthold Indian Reservation in North Dakota if the majority of the Indian owners of the land consent and if the Secretary determines that the lease is in the best interest of the Indian owners. The lease would be binding on all owners of the leased tract, and all owners would share proportionally in the proceeds from the lease.

S. 944 would expand this law to include Indian lands within the former reservations of the Comanche, Kiowa, Apache, Fort Sill Apache, Wichita, Keechi, Waco, and Tawakonie Indian Tribes in Oklahoma.

S. 944 supersedes a 1909 law which requires unanimous consent before these individually owned Indian lands can be leased for oil or gas development. This is an almost impossible standard to meet because ownership of these lands has become very fractionalized over time. In one proposed project in Oklahoma, over 619 Indian owners have been identified, with more yet to come.

The resultant economic loss to individual Indian owners as well as to In-

dian tribes has been significant. S. 944 would facilitate oil and gas exploration on these individual Indian-owned lands, which will provide much needed funds for the Indian owners of these tracts.

Unanimous consent is not required for leases of other natural resources on Indian lands such as timber and hard rock minerals. The administration supports S. 944 as do all the Indian tribes specified in the bill.

I urge my colleagues to support passage of this legislation.

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

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

Mr. Speaker, S. 944 would permit the execution of mineral extraction leases on individual Indian trust lands when more than 50 percent of owners agree to the lease. This bill will only affect about 8 tribes in the State of Oklahoma.

Under current law, more than 50 percent of owners need to approve a lease for agriculture or forestry purposes; however, 100 percent of owners need to approve a lease for mineral exploration. Due to the century-old Federal allotment policy, Indian-owned parcels of land can have dozens or, as we have heard, even more than that of owners. In many cases, not all owners can be found, while others may be tied up in a lengthy probate process.

This bill was passed by the Senate in August of this year and is supported by the Department of Interior. The gentleman from California (Mr. GEORGE MILLER), the senior Democratic member of the Committee on Resources, collected letters of support from each of the tribes whose members are included in this bill.

Similar legislation was passed last Congress with respect to mineral leases on the Fort Berthold Indian Reservation in North Dakota, and I ask my colleagues to support passage of this bill.

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

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS of Oklahoma. Mr. Speaker, as the House sponsor of this legislation, I rise in strong support of its passage. Simply put, this legislation will allow native American landowners to fully realize the benefits of their land.

Under current law, Indian lands possessed by more than one person will require the consent of 100 percent of the owners before mineral development can go forward. In many cases, this fractionated property is owned by more than 100 people. This makes it difficult, if not impossible, to locate all of the owners. Once found, potential developers must obtain their unanimous consent. As my colleagues can imagine,

this has the effect of driving off development.

Last year, Congress lowered this requirement for the Three Affiliated Tribes of Fort Berthold Indian reservation for 50 percent. This brings the requirement in line with the regulations for non-Indian lands. Because of this, these tribes have seen development of many properties that were lying unused. This has been a great economic benefit to the reservation.

This bill will extend last year's legislation to seven Oklahoma tribes: the Comanche, Kiowa, Apache, Fort Sill Apache, Delaware, and the Wichita and Affiliated Tribes.

In Oklahoma, oil and gas development provides a significant part of the income that many Indian landowners receive. This legislation will have an immediate impact to the tribal members that are affected by making their allotted lands more competitive for oil and gas leasing. This will give a huge boost to the economies of this area of southwest Oklahoma and provide a tremendous economic benefit to the various tribes.

This legislation will not only provide an economic benefit to those tribes, it will allow them to use the land and resources that are rightfully theirs.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. SAXTON. Mr. 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 pass the Senate bill, S. 944.

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

A motion to reconsider was laid on the table.

**GRANTING THE VIRGIN ISLANDS GREATER FISCAL AUTONOMY**

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2841) to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2841

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

**SECTION 1. GREATER FISCAL AUTONOMY.**

(a) ISSUANCE.—Section 8(b)(ii)(A) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1574(b)(ii)(A)) is amended—

(1) in the first sentence, by inserting after “other evidence of indebtedness” the following: “, including but not limited to notes in anticipation of the collection of taxes or revenues, ”;

(2) by striking “to construct, improve, extend” and all that follows through “Provided,