

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, Washington, 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 fee 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 LEASING 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,