

help guide me in the right direction as a public servant and make the right decision for those who put their trust in me.

Father Hesburgh was always challenging those he met to be a better person, and the Hesburgh Center for Peace studies is a lasting and continuing tribute to his good work. In addition, his accomplishments from 15 Presidential appointments have contributed greatly to our progress as a nation which strives to provide justice and equality for its people and those throughout the world.

Mr. Speaker, it is my honor to salute Father Hesburgh and to commend the House of Representatives for passing H.R. 1932, which authorizes the President of the United States to award him with a gold medal on behalf of Congress. I can think of none more deserving of this most prestigious honor.

HONORING GEORGE BROWN AND  
LINUS PAULING

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1999*

Mr. LEWIS of California. Mr. Speaker, I would like today to call your attention to an exhibition that has recently opened at the National Museum of Health and Medicine: "Linus Pauling and the Twentieth Century." This exhibition, which was viewed by more than 20,000 school children at the California Institute of Technology, was brought to Washington largely through the efforts of our late friend and colleague, George E. Brown, Jr.

Congressman Brown, as we all know, held a passionate belief that there is a special relationship between excellence in education, pushing back the frontiers of scientific knowledge, and the pursuit of peace. These themes are celebrated by the exhibition on the life, work and times of Linus Pauling.

Dr. Pauling is the only person ever to win two unshared Nobel prizes. In 1954 he was given the Nobel Prize in Chemistry for the discovery of the nature of the chemical bond, and in 1962 he won the Nobel Peace Prize for his efforts to end atmospheric testing of nuclear weapons. Congressman Brown believed that Pauling's commitment to science and to an unwavering idealism make the exhibition on his life especially instructive to today's young people.

Mr. Speaker, I ask you and my colleagues to join me in honoring Congressman Brown for his efforts to bring this exhibition to the Nation's Capital, and to express our appreciation to the organizing committee for making the exhibit possible: Oregon State University, the Linus Pauling family, and the Soka Gakkai International and its founder, Daisaku Ikeda, whose friendship with Pauling inspired the exhibit.

EXTENSIONS OF REMARKS

RECOGNIZING THE ARKANSAS  
BANKERS ASSOCIATION'S SUP-  
PORT FOR FINANCIAL MOD-  
ERNIZATION

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1999*

Mr. HUTCHINSON. Mr. Speaker, on behalf of the Arkansas Bankers Association, I would like to submit their remarks regarding a specific section of S. 900, the Financial Modernization bill, which has particular interest and importance to Arkansas. This section is titled "Interest Rates and Other Charges at Interstate Branches."

With the passage of the Riegle-Neal Interstate Banking and Branching Act several years ago, the question arose as to which state law concerning interest rates on loans would apply to branches of the interstate banks operating in a "host state". Would those branches be governed by the interest rate ceiling of the charter location or that of their physical location? The office of the Comptroller of the Currency and the Federal Deposit Insurance Corporation addressed this issue with options that basically give branches of interstate banks the option of being governed by either their home or host state requirements concerning interest rates by structuring the loan process to meet certain requirements.

In Arkansas this has had a profound effect upon our local banking community. Arkansas has a usury ceiling that places the maximum rate that can be charged for many classes of loans at 5% above the Federal Reserve Discount Rate. However, over 40% of our banking locations in the state, those that are branches of non-Arkansas based interstate banks, are in effect no longer governed by this law. The out of state banks are free to price according to risk, and thus charge lower rates for the better credits and higher rates for the lower quality credits. However, local Arkansas banks cannot price according to risk and are thus placed at a significant competitive disadvantage.

In recognition of this inequity and the fact that if not corrected our state may lose virtually all of its local community banks, the Arkansas delegation supports language that provides our local banks with the loan pricing parity in all regards with non-Arkansas interstate banks operating branches in Arkansas. Indeed, this is the intent of the section concerning Interest Rates at Interstate Branching.

The entire Arkansas Delegation is on record supporting this section as well as Governor Mike Huckabee, and Bank Commissioner Frank White. Further, a joint meeting of the state house unanimously passed a resolution requesting the Arkansas Congressional Delegation to address this important issue.

Very simply, the situation of placing local Arkansas banks at a severe competitive disadvantage is a result of the comptroller-general's interpretation of the Riegle-Neal Interstate Banking and Branching Act.

Mr. Speaker, from these words it is clear that the legislation is intended to assist community banks in Arkansas and allow Arkansans to receive loans and invest funds in their home state. With the passage of S. 900, I want to congratulate my colleagues on a job well done. This legislation will enable our fi-

*November 19, 1999*

ancial industry to move into the next century. This bill not only helps states like Arkansas, but the nation as a whole.

PASSAGE OF H.R. 3090

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 1999*

Mr. YOUNG of Alaska. Mr. Speaker, I would like to provide additional explanatory information regarding the provisions in H.R. 3090.

At the time of passage of H.R. 3090 by the Committee on Resources, the Committee Members on both sides of the aisle agreed that there were likely to be additional changes to this bill prior to its being taken to the floor of the House. Such changes were ones that the Committee anticipated would be developed between the Department of Interior and Elim as well as with the concurrence of the majority and the minority of the Committee. Those changes were worked out. A number of improvements were made to the bill in addition to some reorganization of the sections to assist in providing clarity to the bill. What follows is a brief explanation and a section-by-section analysis of the bill as it is brought before the House.

As I had indicated in my earlier remarks, this legislation is long overdue. It is a matter of equity and fairness that, in furtherance of the underlying goals of the Alaska Native Claims Settlement Act (ANCSA), replacement lands should be conveyed to the Elim Native Corporation under Section 19 of ANCSA. The Committee's intent is that such conveyances authorized in this legislation be treated as other conveyances to Elim were treated in the past with respect to other applicable sections of ANCSA, except that the conveyances under the bill will additionally have certain covenants, reservations, terms, and conditions that are applicable.

It is recognized that the watersheds that are likely to be selected under this provision (Clear Creek, Tubutulik River, and the Qwik River) are ones which provide a vital source of food in the form of fish as well as sustenance for wildlife and plants on which the people of Elim are, in part, dependent.

The Committee considered utilizing the lands on the eastern edge of the original Norton Bay Reservation as replacement lands to Elim for the 50,000 acres which were deleted in 1929. However, because—(1) there have been a number of acres of those lands (in particular along the coastline) which had been conveyed to the Village of Koyuk or which were subject to allotments; (2) of the sensitivity of that area to Koyuk; (3) with the knowledge today that, the rivers to the north of the original Norton Bay Reservation are of substantial significance to the long-term viability of the Elim Native Corporation in to the future, the Committee concluded that the area to the north of the current of boundary of Elim land holdings was a more appropriate place from which Elim should select replacement lands than the original area deleted in 1929.

In addition, provisions were negotiated with Elim which represent a good faith effort by all

sides to remedy the injustice to Elim from many years past as well as to protect the resources of this area with several unique natural features. As a result of those negotiations, Elim will have full access to the use of the timber on the lands to be conveyed for building of homes, cabins, lodges, firewood, and other domestic uses on Elim lands, but agreed not to cut or remove Merchantable Timber for sale. This will permit Elim to make beneficial, developmental, and economic use of lands while conserving most of the forested lands for their wildlife habitat benefits.

As a part of the balancing of interests, the Committee agreed to language that would provide a 300 foot buffer area around Clear Creek and the Tubutulik River should they be selected by and conveyed to Elim. In that area, there would be no support structures or development or activities permitted unless they would not or are not likely to cause erosion or siltation that would significantly adversely impact the water quality or fish habitat of these two water courses.

The Committee believes that the bill as reported along with the amendments as brought before the House represents a reasonable and responsible approach to dealing with and resolving this issue. It will remedy an injustice to Elim of many years and do so in a way that is appropriate given the circumstances as they are in 1999.

Provisions of the legislature are further explained in the section-by-section analysis that follows:

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Elim Native Corporation Land Restoration.*

This section amends the Alaska Native Claims Settlement Act by amending Section 19 by adding a new subsection (c).

Subsection (c)(1) sets out findings regarding the background and need for the legislation.

Subsection (c)(2) describes the lands to be withdrawn ("Withdrawal Area") by reference to a map dated October 19, 1999, and withdraws the lands from all forms of appropriation or disposition under the public land laws for a two-year period.

Subsection (c)(3) authorizes Elim to select and ultimately receive title to 50,000 acres of lands from the lands inside the Withdrawal Area. The Secretary of the Interior is authorized and directed to convey to Elim the fee to the surface and subsurface estate in 50,000 acres of valid selections, subject to the covenants, reservations, terms and conditions in subsection (c).

Subsection (c)(3)(A) provides two years after the date of enactment for Elim to make its selections. To ensure that it receives the 50,000 acres, under this subparagraph Elim may select up to 60,000 acres and must prioritize its selections at the time it makes the selections. Elim may not revoke or change its priorities. Elim must select a single tract of land adjacent to U.S. Survey No. 2548, Alaska, that is reasonably compact, contiguous, and in whole sections except for two situations. The withdrawn lands remain withdrawn until the Department has conveyed all the lands that Elim Native Corporation is entitled to under subsection (c).

Subsection (c)(3)(B) provides that, in addition to being subject to valid existing rights, Elim's selections may not supercede prior selections by the State of Alaska or other Native corporations, or valid entries by private

individuals unless the State, Native Corporation, or individual relinquishes the selection entry prior to conveyance to Elim.

Subsection (c)(3)(C) provides that, on receipt of the Conveyance Lands, Elim will have all the legal rights and benefits as landowner of land conveyed under this Act subject to the covenants, reservations, terms and conditions in subsection (c). All other provisions of this Act that were applicable to conveyances under subsection (b) are applicable to conveyances under subsection (c).

Subsection (c)(3)(D) makes clear that selection by and conveyance to Elim Native Corporation of these lands is in full satisfaction of any claim by Elim Native Corporation of entitlement to lands under section 19 of this Act.

Subsection (c)(4) provides that the covenants, terms and conditions in this paragraph and in paragraphs (5) and (6) will run with the land and be incorporated into any interim conveyance or patent conveying the lands to Elim.

Subsection (c)(4)(A) provides that Elim has all the rights of landowner to, and to utilize, the timber resources of the Conveyance Lands including construction of homes, cabins, for firewood and other domestic uses on any Elim lands, except for cutting and removing Merchantable Timber for sale and constructing roads and related infrastructure for the support of such cutting and removing timber for sale.

Subsection (c)(4)(B) modifies P.L.O. 5563 to permit selection by Elim of lands encompassing prior withdrawals of hot or medicinal springs subject to the applicable covenants, reservations, terms and conditions in paragraphs (5) and (6).

Subsection (c)(4)(C) provides that if Elim receives conveyance to lands encompassing the Tubutulik River of Clear Creek, or both, Elim will not allow activities in the bed or within 300 feet of these water courses which would cause or would likely cause erosion or siltation so as to significantly adversely impact water quality or fish habitat.

Subsection (c)(5)(A) sets forth the first of a series of rights to be retained by the United States in the conveyances in paragraph (3). Subparagraph (A) is a retained right to enter the conveyance lands for purposes outlined after providing notice to Elim and an opportunity to have a representative present.

Subsection (c)(5)(B) provides for retaining rights and remedies against persons who cut or remove Merchantable Timber.

Subsection (c)(5)(C) provides for the retention of the right to reforest if Merchantable Timber is destroyed by fire, insects, disease or other man-made or natural occurrence, except for such occurrences that occur from Elim's exercise of its rights to use the conveyance lands as landowner.

Subsection (c)(5)(D) provides for the retention of the right of ingress and egress to the public under section 17(b) of ANCSA to allow the public to visit, for non-commercial purposes, the hot springs located on the conveyance lands and to use any part of the hot springs that is not commercially developed.

Subsection (c)(5)(E) provides for retaining the right to the United States to enter the conveyance lands containing hot springs in order to conduct scientific research. It also ensures that such research can be conducted and that the results of such research can be used without any compensation to Elim. This subparagraph also provides an equal right to Elim to conduct such research on the hot springs and to use the results of the research without compensation to the United States.

Subsection (c)(5)(F) provides for the retention of a covenant that restricts commercial development of the hot springs by Elim to a maximum of 15% of the hot springs and 15% of the land within ¼ mile of the hot springs. This subparagraph also provides that any commercial development of those hot springs will not alter the natural hydrologic or thermal system associated with the hot springs. The provision makes clear that at least 85% of the lands within ¼ mile of the hot springs should be left in their natural state.

Subsection (c)(5)(G) provides that retaining the right to exercise prosecutorial discretion in the enforcement of any covenant, reservation, term or condition does not waive the right to enforce such covenant, reservation, term or condition.

Subsection (c)(6)(A) provides for the Secretary and Elim, acting in good faith, to enter into a Memorandum of Understanding (MOU) to implement Subsection (c). The subparagraph requires that the MOU include reasonable measures to protect plants and animals in the hot springs and within ¼ mile of the hot springs. This subparagraph requires that the parties agree to meet periodically to review the MOU and to amend/replace are extended.

Subsection (c)(6)(B) provides for Elim to incorporate the covenants, reservations, terms and conditions set forth in subsection (c) in any deed or other instrument by which Elim divests itself of any interest in all or portion of the Conveyance Lands.

Subsection (c)(6)(C) requires that the BLM, in consultation with Elim, will reserve easements under subsection 17(b) of this Act.

Subsection (c)(6)(D) provides for the retention of other easements by the BLM, in consultation with Elim, including the right of the public to enter upon and travel along the Tubutulik River and Clear Creek within the Conveyance Lands. This subparagraph provides that the easements shall include trails confined to foot travel along each bank of the Tubutulik River and Clear Creek. This subparagraph requires also that trails be twenty-five feet wide and upland of the ordinary high water mark. It also provides for including one-acre sites along the two water courses referenced, that the sites be selected in consultation with Elim and that they be utilized for launching and taking out water craft as well as for short term (twenty-four hours) camping, unless Elim consents to a longer period.

Subsection (c)(6)(E) provides that the inholders within the boundaries of the Conveyance Lands have rights of ingress and egress. It provides also that the inholder may not exercise these rights in a manner that might result in substantial damage to the surface of the lands and may not make any permanent improvements to the conveyance lands without the consent of Elim.

Subsection (c)(6)(F) provides that the Bureau of Land Management may reserve an easement for the Iditarod National Historic Trail in the land conveyance to Elim.

Subsection (c)(7) authorizes appropriations as may be necessary to implement subsection (c).

Section two. Common Stock to Adopted-  
Out Descendants.

Section 7(h) of the Alaska Native Claims Settlement Act sets forth the general rules pertaining to the issuance and transfer of common stock in an Alaska Native Corporation, which stock is referred to as Settlement Common Stock. Generally, the holder of Settlement Common Stock is not permitted to sell, pledge or otherwise alienate

this stock. However, Section 7(h)(1)(C) of ANCSA provides certain exceptions to the general prohibition on the alienation of Settlement Common Stock. Under Section 7(h)(1)(C)(iii), the holder of Settlement Common Stock may transfer some or all of the Settlement Common Stock to a close family member by inter vivos gift. Gifts of Settlement Common Stock are permitted to, among others, a child, grandchild or great-grandchild.

Alaska state law has been interpreted to sever, for all purposes, the relationship between a family and a child who has been adopted out, or for whom parental rights have been relinquished or terminated. Thus, under existing law, a holder of Settlement Common Stock may not inter vivos gift transfer Settlement Common Stock to a child who has been adopted by another family. The proposed amendment in Section 2 will permit the biological family of an Alaska Native child to make an inter vivos gift to that child of Settlement Common Stock, regardless of the child's adoption into a non-Native family, or the relinquishment or termination of parental rights. The enactment of the provisions of Section 2 will resolve the problem currently faced by some Alaska Native children who are unable to receive shares in an Alaska Native Corporation because the relationship with their biological family has been legally severed under Alaska State law.

Section three. Definition of Settlement Trust.

Congress enacted the settlement trust option in ANCSA to allow Alaska Native Corporations to establish trusts to hold assets for the benefit of Alaska Native Shareholders. As the law currently stands, these trusts may only benefit holders of Settlement Common Stock. The amendments contained in Section three will permit Native Corporation shareholders, by the vote of a majority of shares, to extend this benefit of ANCSA to all of the Native people in their community, including the children and grandchildren of the original stockholders, regardless of whether they yet own stock in the Native Corporation. This amendment redefines "settlement trust" to permit Native Corporations to establish settlement trusts in which potential beneficiaries include shareholders, Natives and descendants of Natives. Because ANCSA was enacted to benefit all Natives, this amendment is in keeping with the original intent of that legislation. At the same time, the interests of Alaska Native Corporation shareholders are protected because this option is available only to those Corporations whose shareholders vote, by a majority of all outstanding voting shares, to benefit non-shareholders

TRIBUTE TO THE PEOPLE OF  
WAMU

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. NORTON. Mr. Speaker, I rise today to ask the House to join me in honoring WAMU 88.5 FM's regional public affairs program, Metro Connection, which recently won not one but two Achievement in Radio Awards in the 13th annual competition sponsored by the March of Dimes to recognize excellence in Washington area radio. Washington area resi-

dents are especially proud that this is the fourth consecutive year that Metro Connection is being honored as the best locally produced public affairs long-form program. Washingtonians have long admired the professionalism and wonderfully interesting programming of those sharing in the honors, including News Director Kathy Merritt, line producer David Furst, and reporters Annie Wu, Lakshmi Singh, Julianne Welby, and Lex Gillespie. Metro Connection also won the best news series award for its "20th Century Washington" series, a review of the city of Washington as it has evolved during this century. Kathy Merritt, David Furst, Annie Wu, Lex Gillespie and Andrew Pergam, who received this award, take us on a fascinating journey in a 10 part series, one story for each decade of the century, with special features each month. This is radio at its substantive and interesting best. Those of us fortunate enough to live within listening range of WAMU's Metro Connection value its focus on us, on where we live, and on what we do. Metro Connection is an especially welcome visitor in Washington area homes on Saturday mornings at 11 a.m.

Mr. Speaker, many Members of the House and Senate count themselves among WAMU's 454,000 avid listeners in the Washington area. Congressional Members of every political stripe listen with appreciation to WAMU's variety of news and public affairs programming, to its celebrated and elegant talk show host Diane Rehm, to Public Interest with Kojo Nnamdi, and to its bluegrass and other music. Now Metro Connection and its creators have brought honor to their medium and their hometown station. WAMU is a beacon of broadcasting excellence. I ask my colleagues to join me in honoring the people who have made WAMU an award winning resource for the residents of the Washington area.

HONORING THE LATE JOE SERNA

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Ms. PELOSI. Mr. Speaker, Joe Serna was a good man and an outstanding Mayor. I was honored to join my colleagues this week and support House Resolution 363, recognizing and honoring Sacramento, California, Mayor Joe Serna, Jr., and expressing the condolences of the House of Representatives to his family and the people of Sacramento on his death.

As a son of an immigrant farm worker, he learned the values of hard work which exemplified his career. Eager to help others, Joe entered the Peace Corps in 1966. When he returned to California, he joined the faculty at California State University, Sacramento, in 1969 becoming a professor of Government. He was so good at energizing and inspiring his students that in 1991 he received the Distinguished Faculty Award.

Joe Serna decided to continue serving his community by being first elected to the Sacramento City Council in 1981 and reelected in 1985 and 1989. He was then elected mayor of Sacramento in 1992 and again in 1996.

Joe Botz of Sacramento wrote a Letter-to-Editor in the Sacramento Bee last week, which I believe embodies Joe Serna's legacy as a political role model and as a leader. Botz wrote, "Most citizens look at the day when citizen-politicians governed us. Serna was a living and working embodiment of those days. He was brash and arrogant as he looked after Sacramento and its citizens' best interests in the larger political level. But on an interpersonal level, he expressed deep concern and intense compassion of all River City citizens, particularly the poor and disadvantaged."

Joe Serna possessed an unparalleled commitment to helping others. He fought for the underdog and befriended those who needed him the most. For that Mr. Speaker, I will always look up to Joe Serna.

H.R. 2668, STREAMLINING FEC

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 1999

Mr. HOYER. Mr. Speaker, let's lift FEC reform out of legislative limbo where it has been for twenty years. Before we leave for the year let's pass H.R. 2668, a bill to streamline FEC procedures and improve FEC reporting.

The bill is not controversial—it has broad support on both sides of the aisle and it is needed. There is simply no reason not to pass this bill today.

In September I wrote to Speaker HASTERT requesting that this bill be placed on the suspension calendar. It is a good bill—sponsored by House Administration Chair BILL THOMAS—and voted unanimously out of the House Administration Committee earlier this year.

The bill contains most of the provisions in the bill introduced earlier this year. It was prepared with the support and assistance of the six Republican and Democratic FEC Commissioners. In addition to the support of the Commission, H.R. 2668 is supported by Members on both sides of the aisle.

It would: Improve disclosure of State activity; make it easier for contributors to comply with the law; remove obsolete provisions; and broaden candidate's commercial lending options.

Earlier this year, we voted on this bill on the floor of the House. Like almost every one of my Democratic colleagues and a broad group of Republicans, I voted against the bill. I voted against FEC reform because it would have blocked a vote on the bi-partisan campaign finance reform bill sponsored by Reps. SHAYS and MEEHAN. FEC reform deserves our support on its own merits. It should not continue to be used as a pawn in the larger debate.

In my opinion, FEC reform should not have been a part of that debate. That is because—as Chairman THOMAS has repeatedly stressed, H.R. 2668 is not about campaign finance reform—H.R. 2668 is about making the routine procedural reforms that are needed over the course of time by all agencies.

Unlike other Executive branch agencies that request and receive noncontroversial legislative changes to aid in the efficient and effective operation of the agency—changes requested by the FEC simply don't happen.