

unconstitutional. The Supreme Court has consistently held that public funds cannot pay, either directly or indirectly, for the religious education or the religious mission of parochial schools. Although public funds may be used for secular purposes in religious schools, regular everyday instruction at a religious elementary or high school would not qualify because such schools are seen as mainly sectarian in nature.

The Supreme Court ruled this year that public funding of certain instruction in parochial schools is severely limited. In the June 23 decision, the Court ruled 5 to 4 in *Agostini versus Felton* that title I services—remedial math and reading instruction provided to disadvantaged children—are permissible in private religious schools because the instruction offered is secular in nature and overseen by public school personnel. Rather than pave the way for vouchers, Justice Sandra Day O'Connor emphasized that under title I no Government funds "ever reach the coffers of religious schools." She further stated that this aid does not "relieve sectarian schools of costs they would otherwise have borne in educating their students."

Proponents of these scholarships or vouchers might argue there is no underlying agenda to fund religious schools. Then why include section 348, subsection (a) in the bill which reads:

Nothing in this Act shall be construed to bar any eligible institution which is operated, supervised, or controlled by, or in connection with, a religious organization from limiting employment, or admission to, or giving preference to persons of the same religion as is determined by such institution to promote the religious purpose for which it is established or maintained.

Educational choice is held up by voucher supporters as the main reason that Members should embrace this bill. Choice for whom? We agree that the D.C. schools are not doing the job we want in providing a high-quality education to all D.C. students. How do we solve that problem by providing an opportunity for 2,000 to 3,000 students to attend private schools, leaving behind the remaining 75,000, or 97 percent, of students in the D.C. schools.

D.C. residents did not ask for this. The GOP's argument that D.C. religious leaders wholeheartedly endorse vouchers has been refuted by the ministers themselves. The Washington Post of October 6, 1997 reported that the ministers feel that the program was misrepresented to them by proponents.

The process by which this provision found its way in the bill is faulty—no hearings were held—and the structure of the program is faulty. It creates another bureaucracy for the District to contend with—a scholarship corporation with a board of directors and staff. This board is to be paid a stipend of up to \$5,000 a year. Not even the financial management authority, appointed by the President 2 years ago to improve the operations of the District, receives payment for their thankless efforts.

The application and participation requirements for eligible schools are laughable. To apply, a school must show that it had more than 25 students in the preceding 3 years; submit an annual budget; and describe the proposed instructional program. To remain eligible, a school only has to provide the corporation with an annual budget statement, and

certify that it has not charged a voucher student more than the cost of tuition, fees, and transportation to attend the school.

Such lax requirements could give rise to fly-by-night schools which open just to receive voucher money. In Milwaukee, two voucher schools closed last year as a result of criminal fraud charges. At least four other Milwaukee voucher schools closed during the first 4 years of the program, three of them in the middle of the school year. We need accountability, not soft reporting requirements.

Finally, voucher supporters argue that since the D.C. schools are withering on the vine already, why not give a few parents a chance to offer their child a better education? We need a vote of confidence for General Becton, who has faced a host of problems during his brief tenure, but is making progress. We need to assist the public schools by holding administrators and teachers accountable while ensuring that infrastructure and instruction needs are met. We need a comprehensive review of the best practices in the D.C. schools and apply those models to schools that are not performing. We do not need this ill-advised voucher experiment.

I strongly urge my colleagues to vote for the Moran substitute and move D.C. reforms forward in a manner which accrues to the benefit of all its citizens and all its children.

## H.R. 901, THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT

SPEECH OF

**HON. DON YOUNG**

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 8, 1997*

Mr. YOUNG of Alaska. Mr. Chairman, presently there is no formal international agreement defining a biosphere reserve—no treaty, no convention, no compact, no protocol—no one. Nor is there any domestic legislation authorizing and implementing the biosphere reserve program—none whatsoever. A biosphere reserve is an ambiguous concept in the field of international relations and lacks any legal definition in U.S. law.

Forty-seven biosphere reserves have been created in the United States with virtually no congressional oversight, no hearings, and no legislative authority. Congress is not notified when a biosphere reserve nomination is under consideration—nor is there any requirement to do so.

At a hearing held in March 1995 by the Subcommittee on Interior Appropriations, Congressman Nethercutt asked witnesses from the National Park Service, "Are there any more biosphere reserves to be designated at this time that you know of?" Mr. Kennedy, then Director of the Park Service replied, "No sir."

Yet, we now know that: Plans were well underway to designate the Ozark Highlands Biosphere Reserve and that the National Park Service was a prime force behind this effort.

The National Park Service applied for a grant in late 1994 or early 1995 from the U.S. Man and Biosphere Program—approved the following May—for "Elevation of Isle Royale Biosphere Reserve to Fully Functional Status." According to the grant description, the project would develop a Lake Superior protected

areas directory, and this would be the first U.S. step toward designation of additional protected areas and community partnerships in the Lake Superior binational region. In other words, this grant was for a study to expand the Isle Royale Biosphere Reserve.

Expansion of the Southern Appalachian Biosphere Reserve to include 11 counties in West Virginia was—and still is—under consideration.

The current system for implementing these programs has eaten away at the power and sovereignty of the Congress to exercise its constitutional power to make the laws that govern lands belonging to the United States.

The public and local governments are never consulted about creating biosphere reserves. On October 7, 1997, during debate on H.R. 901, "The American Land Sovereignty Protection Act," opponents kept saying that biosphere reserves were designated at the request of local communities. They seem to believe that if they keep repeating the mantra that "biosphere reserves are created at the request of local communities" often enough, then somehow it will prove to be true. The Committee on Resources has now held three hearings on this issue and has yet to find one example where a biosphere reserve designation was requested by a broad-based cross-section of either the public or local officials. On the contrary, the committee has found that biosphere reserve designation efforts are almost always driven by Federal agencies and often face strong local opposition whether in New York, Arkansas, New Mexico, or Alaska.

Once again, biosphere reserves are designated with little or no input from the public or local government. They are very unpopular. In the few cases where the local citizenry has become aware of a pending biosphere reserve designation, the designation has been strongly opposed. Proposed biosphere reserve nominations for the Catskill Mountains in New York, the Ozark Mountains in Arkansas and Missouri, and for Voyageurs National Park and Boundary Waters Wilderness in Minnesota were defeated by an aroused local citizenry. The Alaska and Colorado State Legislatures have passed resolutions supporting H.R. 901, and the Kentucky senate passed a resolution opposing the biosphere reserve program, particularly in Kentucky. I would like to include these resolutions in the RECORD.

I also wish to include in the RECORD a recent column, entitled "Protected Global Soil?," which appeared recently in the Washington Times. I urge my colleagues to read the resolutions and this important commentary.

### A RESOLUTION—IN THE LEGISLATURE OF THE STATE OF ALASKA

Relating to supporting the "American Land Sovereignty Protection Act."

Be it resolved by the legislature of the State of Alaska:

Whereas, the United Nations has designated 67 sites in the United States as "World Heritage Sites" or "Biosphere Reserves," which altogether are about equal in size to the State of Colorado, the eighth largest state; and

Whereas, art. IV, sec. 3, United States Constitution, provides that the United States Congress shall make all needed regulations governing lands belonging to the United States; and

Whereas, many of the United Nations' designations include private property inholdings and contemplate "buffer zones" of adjacent land; and

Whereas, some international land designations such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Scientific, Educational, and Culture Organization operate under independent national committees such as the United States National Man and Biosphere Committee that have no legislative directives or authorization from the Congress, and

Whereas, these international designations as presently handled are an open invitation to the international community to interfere in domestic economies and land use decisions; and

Whereas, local citizens and public officials concerned about job creation and resource based economies usually have no say in the designation of land near their homes for inclusion in an international land use program; and

Whereas, former Assistant Secretary of the Interior George T. Frampton, Jr., and the President used the fact that Yellowstone National Park had been designated as a "World Heritage Site" as justification for intervening in the environmental impact statement process and blocking possible development of an underground mine on private land in Montana outside of the park; and

Whereas, a recent designation of a portion of Kamchatka as a "World Heritage Site" was followed immediately by efforts from environmental groups to block investment insurance for development projects on Kamchatka that are supported by the local communities; and

Whereas, environmental groups and the National Park Service have been working to establish an International Park, a World Heritage Site, and a marine Biosphere Reserve covering parts of western Alaska, eastern Russia, and the Bering Sea; and

Whereas, as occurred in Montana, such designations could be used to block development projects on state and private land in western Alaska; and

Whereas, foreign companies and countries could use such international designations in western Alaska to block economic development that they perceive as competition; and

Whereas, animal rights activists could use such international designations to generate pressure to harass or block harvesting of marine mammals by Alaska Natives; and

Whereas, such international designations could be used to harass or block any commercial activity, including pipelines, railroads, and power transmission lines; and

Whereas, the President and the executive branch of the United States have, by Executive Order and other agreements, implemented these designations without approval by the Congress, and

Whereas, actions by the President in applying international agreements to lands owned by the United States may circumvent the Congress; and

Whereas, Congressman Don Young introduced House Resolution No. 901 in the 105th Congress entitled the "American Lands Sovereignty Protection Act of 1997" that required the explicit approval of the Congress prior to restricting any use of United States land under international agreements; be it

Resolved, that the Alaska State Legislature supports the "American Lands Sovereignty Protection Act" that reaffirms the constitutional authority of the Congress as the elected representatives of the people over the federally owned land of the United States.

#### MEMORIAL 0111—HOUSE OF REPRESENTATIVES

Under clause 4 of Rule XXII, a memorial of the following title was presented, as follows:

By the Speaker: A memorial of the General Assembly of the State of Colorado, relative

to House Joint Resolution 97-1032 showing that the State of Colorado supports the legislation, which reaffirms the Constitutional Authority of Congress as the elected representatives of the people, and urges the "American Land Sovereignty Protection Act" be introduced and passed by both the House of Representatives and the Senate, as soon as possible during the 105th Congressional session.

Referred to the Committee on Resources. June 3, 1997.

HOUSE JOINT RESOLUTION 97-1032—COLORADO  
By representatives Entz, Arrington, Epps, Pankey, Paschall, and Young; also senators Duke, Arnold, Congrove, Mutzebaugh, and Powers.

Whereas, The United Nations has designated sixty-seven sites in the United States as "World Heritage Sites" or "Biosphere Reserves", which altogether are about equal in size to the State of Colorado, the eighth largest state; and

Whereas, Section 3 of Article IV of the United States Constitution provides that the United States Congress shall make all needed rules and regulations governing lands belonging to the United States; and

Whereas, Many of the United Nations designations include private property inholdings and contemplate "buffer zones" of adjacent land; and

Whereas, Some international land designations, such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Scientific, Educational, and Cultural Organization, operate under independent national committees, such as the United States National Man and Biosphere Committee, which have no legislative directives or authorization from Congress; and

Whereas, These international designations, as presently handled, are an open invitation to the international community to interfere in domestic land use decisions; and

Whereas, Local citizens and public officials usually have no say in the designation of land near their homes for inclusion in an international land use program; and

Whereas, The President and Executive Branch of the United States have, by Executive Order and other agreements, and implemented these designations without the approval of Congress; and

Whereas, Actions by the President in applying international agreements to lands owned by the United States may circumvent Congress; and

Whereas, In the 105th Congress, Congressman Don Young introduced HR-901, entitled the "American Land Sovereignty Act", to protect American public and private lands from jurisdictional encroachments by certain United Nations programs, and such resolution has been referred to the Resource Committee with 77 cosponsors; now, therefore,

*Be It Resolved by the House of Representatives of the Sixty-first General Assembly of the State of Colorado, the Senate concurring herein:*

That the State of Colorado supports this legislation, which reaffirms the Constitutional Authority of Congress as the elected representatives of the people, and urges the "American Land Sovereignty Protection Act" be introduced and passed by both the House of Representatives and the Senate as soon as possible during the 105th Congressional session.

*Be It Further Resolved,* That copies of this Resolution be sent to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to each member of the Congressional delegation from Colorado.

CHARLES E. BERRY,

Speaker of the House of Representatives.

TOM NORTON,  
President of the Senate.

JUDITH RODRIGUE,  
Chief Clerk of the House of Representatives.

JOAN M. ALBI,  
Secretary of the Senate.

IN SENATE—1997 EXTRAORDINARY SESSION,  
SENATE RESOLUTION NO. 35, THURSDAY, MAY 29, 1997

Sponsors: Senators Moore, Bailey, Blevins, Borders, Freeman, Kelly, McGaha, Metcalf, Nunnelley, Philpot, Robinson, Roeding, Julie Rose, Sanders, Seum, Stivers, Tori, Westwood, D. Williams, and G. Williams introduced the following resolution which was ordered to be printed.

Introduced and adopted (voice vote) May 29, 1997.

A resolution opposing the Biosphere Reserves designation of the Man and the Biosphere Program and urging that the proposed Biodiversity Treaty not be ratified by the United States.

Whereas, the United Nations has promoted a Biosphere Program throughout the world; and

Whereas, the Biosphere Program threatens to place millions of acres of land under the control of United Nations via agreements and/or executive orders; and

Whereas, the United Nations Cultural, Educational, and Scientific Organization (UNESCO) has created a worldwide system of 328 Biosphere Reserves in 82 nations; and

Whereas, 47 United Nations-designated Biosphere Reserves are within the sovereign borders of the United States, and two United Nations-designated Biosphere Reserves are within the Commonwealth of Kentucky; and

Whereas, neither the legislature of the Commonwealth of Kentucky nor the Congress of the United States has considered, debated, or approved such designations; and

Whereas, such designations require strict land use management procedures as are set forth in the 1994 Strategic Plan for the United States man and the Biosphere Program, as published by the United States State Department, and further described in the Global Biodiversity Assessment, published by the United Nations Environment Program, expressly for the Conferences of the Parties to the Convention on Biological Diversity; and

Whereas, Biosphere Reserves are, by definition, designed to continually expand each of the three zones: core protected zone, buffer zone, and zone of cooperation; and

Whereas, Biosphere Reserves are expected to be the nucleus of the system of protected areas required by Article 8 of the Convention on Biological Diversity as expressed in the minutes of the first meeting of the Conference of the Parties; and

Whereas, no land owner within reach or potential reach of the Biosphere Reserves has input or recourse to land use management policies of UNESCO or the Conference of the Parties to the Convention on Biological Diversity; and

Whereas, no body of elected officials, whether local, state, or federal, has input, recourse, or veto power over such land use management policies that may be prescribed by either UNESCO or the Conference of the Parties to the Convention on Biological Diversity; and

Whereas, even though the Convention on Biological Diversity has not been ratified by the United States Senate, the very presence of United Nations Biosphere Reserves on

American soil demonstrates the compliance with an international treaty that has not been ratified; and

Whereas, the use of land in biosphere areas for ordinary commercial or agriculture purposes may be severely restricted or eliminated; and

Whereas, the Mammoth Cave area and the Land Between the Lakes area have already been designated as Biosphere Reserves; and

Whereas, none of the current areas included within the Biosphere Program in Kentucky have been included at the request of or with the consent of the General Assembly of the Commonwealth of Kentucky; and

Whereas, the General Assembly does not believe that a request from the National Park Service or a tourist and convention service should be adequate to subject land in Kentucky to the control of the United Nations or any other foreign parties; and

Whereas, the areas encompassed by these reserves included not only public, but private, lands; and

Whereas, the placing of environmental or other restrictions upon the use of private lands has been held by a number of recent United States Supreme Court decisions to constitute a taking of the land for public purposes; and

Whereas, the proposed Biodiversity Treaty, if ratified by the United States, would ultimately lead to the reality that Kentuckians could not use their private and public lands in the manner to which they have been accustomed; and

Whereas, there are no proposals either to purchase the private lands by the United States or the United Nations; and

Whereas, the restrictions contemplated together with the outside control of the land encompassed by a Biosphere Reserve constitutes an unlawful taking of that land in violation of the Constitution of the United States, to wit:

Article I, Section 8, Clause 17, before any state lands can be purchased, the consent of the state legislature and not the state executive branch, must be obtained.

Article IV, Section 3, Clause 2, we note that, "[N]othing in this Constitution shall be construed as to Prejudice any Claims of the United States, or of any particular state."

Article IV, Section 4, we note that, "The United States shall guarantee to every State in this union a Republican Form of Government."

Amendment V of the Constitution of the United States, "nor [shall any person] be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use, without just compensation"; and

Whereas, the virtual ceding of these lands to the United Nations leaves the residents who own the land, local governments, and the Commonwealth of Kentucky without any legitimate form for redress of grievances for input into any decision-making process relating to the Biosphere Reserve; and

Whereas, under Article VI of the Constitution of the United States, this treaty would be given equal footing with the Constitution of the United States, thus effectively precluding any legal means of redress; and

Whereas, the General Assembly of the Commonwealth of Kentucky does not wish to have portions of its land area controlled by foreign minions over which it has no control and who are not subject to its laws;

Now, Therefore; *Be it*

*Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:*

Section 1. The General Assembly of the Commonwealth of Kentucky is unalterably

opposed to the inclusion of any land within the borders of the Commonwealth within the purview of the Biodiversity Treaty or any biodiversity program without the express consent of the General Assembly of the Commonwealth of Kentucky, as provided by the Constitution of the United States and the Constitution of Kentucky.

Section 2. The General Assembly urges the members of the Congress of the United States, and especially the Kentucky delegation to the Congress of the United States, to oppose ratification of this treaty and the inclusion of any land within the Commonwealth of Kentucky in any biosphere program of the United Nations.

Section 3. The Clerk of the Senate is hereby directed to transmit copies of this Resolution to the Honorable Bill Clinton, President, 1600 Pennsylvania Avenue, Washington, D.C. 20500; the Honorable Madeleine K. Albright, 2201 "C" Street, N.W., Washington, D.C. 20520; the Honorable Wendell H. Ford, 173A Russell Senate Office Building, Washington, D.C. 20510; the Honorable Mitch McConnell, 361A Russell Senate Office Building, Washington, D.C. 20510; the Honorable Ed Whitfield, 236 Cannon House Office Building, Washington, D.C. 20515; the Honorable Ron Lewis, 412 Cannon House Office Building, Washington, D.C. 20515; the Honorable Anne Northup, 1004 Longworth Office Building, Washington, D.C. 20515; the Honorable Jim Bunning, 2437 Rayburn House Office Building, Washington, D.C. 20515; the Honorable Harold Rogers, 2468 Rayburn Office Building, Washington, D.C. 20515; and the Honorable Scotty Baesler, 113 Cannon House Office Building, Washington, D.C. 20515.

[From the Washington Times, Oct. 12, 1997]

#### PROTECTED GLOBAL SOIL?

(By David Rothbard/Craig Rucker)

Whether it be the Grand Canyon, Statue of Liberty, or Taj Mahal, there are many places of natural and cultural interest on the Earth. Of this, there can be no doubt. The question of how to preserve these treasures, however, is very much open to debate.

The United Nations, through its Man and the Biosphere (MAB) and World Heritage Sites (WHS) programs, believes international cooperation—or a collectivist approach—is the best solution. But among a growing number of skeptics, these programs are not only unnecessary, but may actually be a way for Green utopians and international bureaucrats to chip away at national sovereignty and shut down any important natural resource developments they may oppose. And despite House passage last Wednesday of the American Land Sovereignty Act proposed by Rep. Don Young, Alaska Republican, this is not a controversy that's likely to be put to rest any time soon.

The first major concern surrounding these global patches of protected soil is the issue of sovereignty. The United Nations, in its publications and official statements, strains its vocal cords trying to tell the world that national sovereignty is not at risk. But while this may be true on paper, many observers see the process as the proverbial camel's nose under the tent by which the U.N. can get sites established now and worry about expanding the scope of its authority later.

And even in establishing these sites, there is serious question about the openness of the process, since over the last decade the story of biospheres and WHS's, at least in the United States, is not one of local involvement and input from elected representatives, but rather, secrecy, deception, and political

maneuvering of agencies within the executive branch of our own government.

When hearings were recently held on Capitol Hill concerning the bill introduced by Mr. Young, witness after witness came forth to testify to this very fact. From Arkansas, citizens like Betty Beaver lambasted efforts to establish 55,000 square miles of the Ozark Highlands as a biosphere reserve, claiming it was all done "under cover of darkness" and pointing to actual MAB documents stating that citizens "were not to be introduced to the MAB by name" and that "there should be no press conference or large public meetings because they encourage polarized views before the story can be told in an objective, nonthreatening manner."

And in perhaps the most infamous of these controversies to date, involving Yellowstone National Park, witnesses spoke about how without precedent, Green bigwigs within our own Interior department invited U.N. bureaucrats to come out and "inspect" Yellowstone at taxpayer expense, urged them to declare the park a WHS "in danger," and thus effectively put the kibosh on a proposed gold mine that was to be sited three miles outside the area.

As seen at Yellowstone, the other major concern swirling around this global debate is the way biospheres and WHSs are being used by environmental extremists as a convenient way to attack what raises their blood pressure most—namely, industrial and economic development.

The situation playing out in Kamchatka, Russia, where the collapse of the old Soviet system has left many of the area's residents hungry and unemployed, is one such example. Here, the prospect of major gold and mineral mining in the region was met with understandable enthusiasm.

But environmentalists, led by the Environmental Defense Fund and the Sierra Club, opposed any development of the region from the get-go, and pushed the U.N. to establish a WHS around the volcanoes of Kamchatka. Over the pleas of the people, they did this in December of 1996, seriously jeopardizing the project's future and prompting one Russian official to say, "the attitude of the pro-environmentalists shows criminal disrespect for human life. . . . Our children have to starve and freeze. . . [while] environmentalists resort to falsification of facts and distortion of information."

In the Bering Strait off Alaska, efforts are under way to establish the Bering Land WHS, which would not only threaten nearly one-quarter of all U.S. coal reserves, but also the world's largest zinc mine. Near the Taj Mahal in India, some 292 industrial plants may have to shut down for allegedly harming that WHS. And in Australia, the push is on to create the Lake Eyre Basin WHS that would severely restrict grazing and threaten property values over an astounding 35 percent of the entire nation.

So are biospheres and WHS's really something to fret about? Well it's true that no national sovereignty has yet been officially abridged, but environmentalists are already able to exert undue influence simply through the public-relations angle of this whole business. And it's not that much of a stretch of the imagination to see how the Greens could very soon argue on behalf of more sharp-toothed international regulations, like they successfully did on ozone depletion and are currently attempting on global warming.

Clearly, this is one issue on which the American people, and the people of the whole world for that matter, ought to keep a keen eye.