

Federal Lands exists which can inventory critical biological species and communities at the local level and suggest solutions to land managers for conservation of these resources. Additionally, Federal trust resources such as migratory birds and endangered species, common to all Federal lands are coming under additional pressure through degradation of wildlife habitats; more emphasis on science support for adaptive management recommendations for system management in aquatic resources, and integrate biological information with geologic, hydrologic, and demographic databases.

General

Particularly where the BLM and Forest Service are concerned, there are any number of environmentally beneficial cost savings and budget offsets that could be achieved by increasing revenues for extractive uses (mining, grazing) and by eliminating costly subsidies. In addition, the Fee Demonstration Program, commercial user fees, and concession fees are also potential sources of revenue and cost offsets.

While it is clear that substantial savings and budgetary offsets can be achieved through these types of reforms, the purpose here is not to develop a comprehensive package of recommended budget cuts and offsets, but to identify the unfunded and underfunded spending priorities that are being targeted by the public lands community.

ALEXIS HERMAN, SECRETARY OF
LABOR NOMINEE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today I rise to support a friend, and a confidant in Alexis Herman in her nomination for Secretary of Labor. Alexis Herman is no stranger to hard work. She has always worked hard to find practical solutions to the issues and challenges that American workers face. As Director of the White House Office of Public Liaison, Alexis Herman was known for her handling of delicate relations with diverse groups. President Clinton has given Alexis Herman a chance to put those skills to test again when he nominated her as Labor Secretary against the wishes of key labor constituencies. Mr. Speaker, Alexis Herman understands work and she understands workers.

Mr. Speaker, Alexis Herman has a proven track record. She is not only a longtime advocate for women and minorities but she is a product of a politically active home. Upon her graduation from Xavier University in New Orleans, she returned to her hometown of Mobile, AL, to help desegregate her old high school.

Mr. Speaker, I hope my colleagues here in the House and in the other Chamber look pass Alexis Herman being a woman and a Clinton supporter and realize her potential to be one of the best Secretaries of Labor this country can ever have. In my opinion, Alexis Herman is a wonderful choice for Secretary of Labor. She knows and understands working families' concerns, and I look forward to working closely with her.

I yield back the balance of my time.

THE PARTNERSHIP FOR REBUILD-
ING AMERICA'S SCHOOLS ACT OF
1997

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mrs. LOWEY. Mr. Speaker, I am very pleased to introduce the Partnership for Rebuilding America's Schools Act of 1997.

This is an exciting day for me. I began working on this issue with Senator CAROL MOSELEY-BRAUN nearly 2 years ago. Now, thanks to the leadership of President Clinton, we are finally beginning to tackle this problem.

Today, all over America, our schools are inadequate, overcrowded, and literally falling down. In Miami, students learn to read and write in temporary trailers. Here in our Nation's Capital, schools are closed for violating the fire code. In New York City, students dodge falling plaster and attend class in hallways and bathrooms.

A GAO report released last summer confirmed the worst. Record numbers of school buildings across America are in disrepair. One-third of all schools—serving 14 million students—need extensive repairs. About 60 percent of schools need to have roofs, walls, or floors fixed.

With school enrollment skyrocketing, this problem will only get worse.

It's time for the Federal Government to act. The bill we are introducing today will provide \$5 billion in Federal funding for school construction across the Nation. Funds will be distributed to the 50 States and the 100 largest school districts based on the numbers of school children in poverty.

This bill won't completely solve the problem, but it will make a crucial difference. For the first time the Federal Government will enter into a partnership with our local communities to rebuild our schools.

We know that America is only as good as our schools—and we know that this is a local problem that deserves a national response.

The situation in New York City is dire. A survey conducted by my office revealed 25 percent of New York City public schools hold classes in bathrooms, locker rooms, hallways, cafeterias, and storage areas. Almost half of school buildings have roofs, floors, and walls in need of repair.

A report by the New York City Commission on School Facilities revealed the following: Nearly half of New York City's school children are taught in severely overcrowded classrooms; 270 schools need new roofs; over half of the city's schools are over 55 years old; and approximately one-fourth still have coal-burning boilers.

We simply cannot prepare America's children for the 21st century in 19th century schools. Students cannot learn when the walls of their classrooms are crumbling down around them. We can't teach computer technology next to coal-burning boilers.

I expect that there will be opposition to this bill. We know that not everyone believes the Federal Government should address this problem. I join today with the 41 original cosponsors of the Partnership for Rebuilding America's Schools Act to state that the Federal Government can no longer afford to ignore this ticking timebomb. Government at all levels

must work together to solve this national crisis.

PARK OVERGRAZED BY
EXCESSIVE NUMBERS OF ANIMALS

HON. RICK HILL

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. HILL. Mr. Speaker, Yellowstone National Park faces an environmental crisis. For the past 30 years, the pseudoscience of natural regulation has guided park management. Scientists recently testified before the Parks Subcommittee that natural regulation is foolish, misguided, and not an appropriate nor a practical management philosophy for wildlife management. Robert Ross, a retired Soil Conservation Service officer for range conservation, has been a close observer of changing range conditions and wildlife use in Yellowstone National Park. His comments urging hands-on, appropriate management of habitat are well made and I commend them to my colleagues. I submit his recent article into the RECORD.

[From the Gazette, Mar. 16, 1997]

CONTROLS ON HABITAT URGED

PARK OVERGRAZED BY EXCESSIVE NUMBERS OF
ANIMALS

(By Robert L. Ross)

"A business that had been fascinating to me before suddenly became distasteful. I wanted no more of it. I never wanted to own again an animal I could not feed and shelter."

This remark was made by Granville Stuart, an early day Montana rancher, legislator and statesman. The remark was made in the spring of 1887 following a winter of severe cold and deep snow—a winter much the same as 1996-97.

One wonders if Yellowstone National Park officials have nightmares over the thousands of starving elk and bison in the park. Starving because there are five to six times more elk and bison in the park than the winter forage will support. Actually, park people are probably hoping for more of the critters to starve. That would help solve some of their overpopulation problems. However, it must be a terrible way to die. Shooting is more humane.

The park personnel try to cover their mismanagement by saying elk and bison are "naturally migrating animals." Cattle, horses and sheep are also naturally migratory. However, ranchers curtail their instinct to migrate by building and maintaining fences to keep them in the confines of the pastures and off their neighbor's land.

Ranchers also: (1) control their numbers to the available forage by selling excess animals for slaughter; (2) provide for adequate feed in adverse weather conditions; (3) control disease such as brucellosis, etc.; (4) encourage hunting on their private lands to control wildlife numbers.

In 1963-64 the Soil Conservation Service, at the park's request, conducted a range site and condition inventory of the Northern Winter Range. It was determined the range would safely carry about 350 bison and 5,000 elk plus smaller numbers of deer, moose, antelope and bighorn sheep. At this suggested animal population, the Northern Winter Range could be maintained in good condition.

When the elk and bison population was reduced to the available forage (in the 1950s

and 1960s), there was very little migration of animals outside the park. Consequently there was very little threat of them transmitting brucellosis to cattle and horses and undulant fever to humans.

Excess of elk and buffalo in Yellowstone National Park have destroyed woody species such as willow, aspen, cottonwood, alder, serviceberry, etc. along the streams and rivers. This ecological change in vegetation has almost eliminated beaver, deer, moose and many species of waterfowl in the park.

Beaver ponds are critically important to the fishing streams and riparian areas. Beavers, needing cover and forage, are almost nonexistent. Streams no longer meander through lush meadows with woody shrubs providing shade and cover for fish, but are increasingly becoming one wide shallow gravel bar after another. Destruction of the natural woody species has caused the Lamar River, Gardiner River and other streams to erode their banks and create sterile gravel bars. This not only causes soil erosion but creates very poor fishing habitat and is a sorry sight to look at.

The animals rights groups and other so-called environmental organizations such as Sierra Club, Wilderness Society, Greater Yellowstone Coalition, etc. should focus their attention on the land abuse being done to Yellowstone Park resources. However, shouting about bison being shot brings more money into their coffers from people who do not understand the whole problem. If pressure were brought to bear on Yellowstone National Park to take care of its own problem, the situation could be solved.

It is time for Yellowstone Park personnel to accept their responsibility and face up to their problem of too many animals and decimated rangeland resources.

It is time they were honest with themselves and the public. It is time Yellowstone Park becomes a good neighbor to Montana, Wyoming and Idaho and stop jeopardizing the brucellosis-free livestock industry. After many, many years of mismanagement it is time for Yellowstone National Park to start managing its 21 million acres of natural resources with integrity and professionalism.

STATE OCCUPANCY STANDARDS AFFIRMATION ACT OF 1997

HON. BILL McCOLLUM

OF FLORIDA

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. McCOLLUM. Mr. Speaker, today my colleague from Texas, Mr. BENTSEN, and I are introducing a bill, the State Occupancy Standards Affirmation Act of 1997 to assert the rights of States in establishing occupancy standards for housing providers. Currently, there is no Federal law to establish the number of people permitted to live in a housing unit. It is imperative that we ensure that States retain the right to set reasonable occupancy standards; our bill does just this.

There is a national consensus that the appropriate level for most apartment properties is two people per bedroom. Most States have adopted a two-per-bedroom policy, and HUD's own guidelines state that this is an appropriate level to maintain public housing and section 8 housing. Our bill goes one step farther to include infants. The reasonable standard, in the case that States don't have a standard, is two

persons plus an infant per bedroom. Beyond this level, the negative effects of overcrowding can be triggered, including decreasing the stock of affordable housing.

However, HUD's Fair Housing Office has initiated legal actions over the past 3 years. And then in July 1995, HUD issued a memorandum, without any consultation, that would pressure housing providers to rent to substantially more than two per bedroom or be potentially subject to lawsuits charging discrimination against families.

All types of housing providers, including managers of seniors housing and public housing, were dismayed with HUD's proposal. If this change were permitted to stand, it would adversely impact all involved in housing, from tenants who could be crowded into inadequate housing, to housing providers who would have to provide services for more residents than they may be equipped for, and whose property would deteriorate.

In the fiscal year 1996 omnibus appropriations bill, Congress disallowed HUD from implementing its July memorandum. But we need to go one step farther.

The bill we are introducing is a simple clarification of existing law and practice. It says that States, not HUD, will set occupancy standards and that a two-per-bedroom plus an infant standard is reasonable in the absence of a State law. American taxpayers have spent billions of dollars on HUD programs designed to reduce crowding. It is time to ensure that overcrowding will not be a possibility.

INTRODUCTION OF H.R. 1095

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1997

Mr. ARCHER. Mr. Speaker, today I rise on behalf of the Honorable CHARLES B. RANGEL and myself to introduce H.R. 1095, a bill that would correct a technical error originally contained in the Omnibus Budget Reconciliation Act of 1993. Specifically, the bill would correct the definition of the term "Indian reservation" under section 168(j)(6) of the Internal Revenue Code. This definition of the term "Indian reservation" applies for purposes of determining the geographic areas within which businesses are eligible for special accelerated depreciation (sec. 168(j)) and the so-called Indian employment tax credit (sec. 45A) enacted in 1993. As I explain in further detail below, the bill corrects the definition of Indian reservation for purposes of these special tax incentives so that, as Congress originally intended, the incentives are available only to businesses that operate on Indian reservations and similar lands that continue to be held in trust for Indian tribes and their members. It is my intent to incorporate the provisions of this bill into to a larger bill, which I plan to introduce later this session, containing technical corrections to other recently enacted tax legislation.

Section 168(j)(6) of the Internal Revenue Code provides that the term "Indian reservation" means a reservation as defined in either (a) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)), or (b) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)). The cross-reference to sec-

tion 3(d) of the Indian Financing Act of 1974 includes not only officially designated Indian reservations and public domain Indian allotments, but also all "former Indian reservations in Oklahoma" and all land held by incorporated native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act. Thus, contrary to Congress' intent in enacting the special tax incentives for Indian lands in 1993, the reference to "former Indian reservations in Oklahoma" in the Indian Financing Act of 1974 results in most of the State of Oklahoma being eligible for the special tax incentives, even though parts of such "former Indian reservations" no longer have a significant nexus to any Indian tribe. For instance, it is my understanding that the entire city of Tulsa may be located within a former Indian reservation, such that any business operating in Tulsa qualifies for accelerated depreciation under present-law section 168(j). Providing such a tax benefit to commercial activities with no nexus to a tribal community would frustrate Congress' intent to target special tax incentives to official reservations and similar lands that continue to be held in trust for Indians. Businesses located on official reservations and similar lands held in trust for Indians were provided special business tax incentives in order to counter the disadvantages historically associated with conducting commercial operations in such areas, which were expressly excluded from eligibility as empowerment zones or enterprise communities under the 1993 act legislation (see Internal Revenue Code sec. 1393(a)(4)).

The bill I am introducing today would modify the definition of Indian reservation under section 168(j)(6) of the Internal Revenue Code by deleting the reference to section 3(d) of the Indian Financing Act of 1974. Consequently, the term "Indian reservation" would be defined under section 168(j)(6) solely by reference to section 4(10) of the Indian Child Welfare Act of 1978, which provides that the term "reservation" means "Indian country as defined in section 1151 of title 18 and any lands, not covered under [section 1151], title to which is either held by the United States in trust for the benefit of any Indian tribe or individual or held by an Indian tribe or individual subject to a restriction by the United States against alienation" (25 U.S.C. 1903(10)). Section 1151 of title 18, in turn, defines the term "Indian country" as meaning "(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same" (18 U.S.C. 1151).

Accordingly, amending section 168(j)(6) of the Internal Revenue Code to define the term "Indian reservation" solely by reference to the Indian Child Welfare Act of 1978 would carry out Congress' original intent in enacting the special Indian tax incentives in 1993 by eliminating from eligibility those areas in Oklahoma which formerly were reservations but no