

Whereas Major McAllister piloted a 130,000 pound LC-130 Hercules cargo plane equipped with Teflon-coated skis to a safe landing on an icy runway with visibility barely above minimums established for safe operations;

Whereas less than 25 minutes later, following an emotional goodbye and brief medical evaluation, Dr. Nielsen and the crew headed back to McMurdo Station;

Whereas the mission lasted 9 days and covered 11,410 nautical miles; and

Whereas Major McAllister became the first person ever to land on a polar ice cap at this time of year: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes and honors the crew of the Air National Guard's 109th Airlift Wing for its heroic efforts in rescuing Dr. Jerri Nielsen from the South Pole.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record votes on a postponed question will be taken after debate has concluded on all motions to suspend the rules.

ELIM NATIVE CORPORATION LAND RESTORATION ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3090) to amend the Alaska Native Claims Settlement Act to restore certain lands to the Elim Native Corporation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3090

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

SECTION 1. ELIM NATIVE CORPORATION LAND RESTORATION.

Section 19 of the Alaska Native Claims Settlement Act (43 U.S.C. 1618) is amended by adding at the end the following new subsection:

“(c)(1) FINDINGS.—The Congress finds that—

“(A) approximately 350,000 acres of land were withdrawn by Executive Orders in 1917 for the use of the United States Bureau of Education and of the Natives of Indigenous Alaskan race;

“(B) these lands comprised the Norton Bay Reservation (later referred to as Norton Bay Native Reserve) and were set aside for the benefit of the Native inhabitants of the Eskimo Village of Elim, Alaska;

“(C) in 1929, 50,000 acres of land were deleted from the Norton Bay Reservation by Executive Order.

“(D) the lands were deleted from the Reservation for the benefit of others;

“(E) the deleted lands were not available to the Native inhabitants of Elim under subsection (b) of this section at the time of passage of this Act;

“(F) the deletion of these lands has been and continues to be a source of deep concern to the indigenous people of Elim; and

“(G) until this matter is dealt with, it will continue to be a source of great frustration and sense of loss among the shareholders of the Elim Native Corporation and their descendants.

“(2) WITHDRAWAL.—The lands depicted and designated ‘Withdrawal Area’ on the map dated October 19, 1999, along with their legal descriptions, on file with the Bureau of Land Management, and entitled ‘Land Withdrawal Elim Native Corporation’, are hereby withdrawn, subject to valid existing rights, from all forms of appropriation or disposition under the public land laws, including the mining and mineral leasing laws, for a period of 2 years from the date of enactment of this subsection, for selection by the Elim Native Corporation (hereinafter referred to as ‘Elim’).

“(3) AUTHORITY TO SELECT AND CONVEY.—Elim is authorized to select in accordance with the rules set out in this paragraph, 50,000 acres of land (hereinafter referred to as ‘Conveyance Lands’) within the boundary of the Withdrawal Area described in paragraph (2). The Secretary is authorized and directed to convey to Elim in fee the surface and subsurface estates to 50,000 acres of valid selections in the Withdrawal Area, subject to the covenants, reservations, terms and conditions and other provisions of this subsection.

“(A) Elim shall have 2 years from the date of the enactment of this subsection in which to file its selection of no more than 60,000 acres of land from the area described in paragraph (2). The selection application shall be filed with the Bureau of Land Management, Alaska State Office, shall describe a single tract adjacent to U.S. Survey No. 2548, Alaska, and shall be reasonably compact, contiguous, and in whole sections except when separated by unavailable land or when the remaining entitlement is less than a whole section. Elim shall prioritize its selections made pursuant to this subsection at the time such selections are filed, and such prioritization shall be irrevocable. Any lands selected shall remain withdrawn until conveyed or full entitlement has been achieved.

“(B) The selection filed by Elim pursuant to this subsection shall be subject to valid existing rights and may not supercede prior selections of the State of Alaska, any Native corporation, or valid entries of any private individual unless such selection or entry is relinquished, rejected, or abandoned prior to conveyance to Elim.

“(C) Upon receipt of the Conveyance Lands, Elim shall have all legal rights and privileges as landowner, subject only to the covenants, reservations, terms and conditions specified in this subsection.

“(D) Selection by Elim of lands under this subsection and final conveyance of those lands to Elim shall constitute full satisfaction of any claim of entitlement of Elim with respect to its land entitlement.

“(4) COVENANTS, RESERVATIONS, TERMS, AND CONDITIONS.—The covenants, reservations, terms and conditions set forth in this paragraph and in paragraphs (5) and (6) with respect to the Conveyance Lands shall run with the land and shall be incorporated into the interim conveyance, if any, and patent conveying the lands to Elim.

“(A) Consistent with paragraph (3)(C) and subject to the applicable covenants, reservations, terms, and conditions contained in this paragraph and paragraphs (5) and (6), Elim shall have all rights to the timber resources of the Conveyance Lands for any use including, but not limited to, construction of homes, cabins, for firewood and other domestic uses on any Elim lands: *Provided*, That cutting and removal of Merchantable Timber

from the Conveyance Lands for sale shall not be permitted: *Provided further*, That Elim shall not construct roads and related infrastructure for the support of such cutting and removal of timber for sale or permit others to do so. ‘Merchantable Timber’ means timber that can be harvested and marketed by a prudent operator.

“(B) Public Land Order 5563 of December 16, 1975, which made hot or medicinal springs available to other Native Corporations for selection and conveyance, is hereby modified to the extent necessary to permit the selection by Elim of the lands heretofore encompassed in any withdrawal of hot or medicinal springs and is withdrawn pursuant to this subsection. The Secretary is authorized and directed to convey such selections of hot or medicinal springs (hereinafter referred to as ‘hot springs’) subject to applicable covenants, reservations, terms and conditions contained in paragraphs (5) and (6).

“(C) Should Elim select and have conveyed to it lands encompassing portions of the Tubutulik River or Clear Creek, or both, Elim shall not permit surface occupancy or knowingly permit any other activity on those portions of land lying within the bed of or within 300 feet of the ordinary high waterline of either or both of these water courses for purposes associated with mineral or other development or activity if they would cause or are likely to cause erosion or siltation of either water course to an extent that would significantly adversely impact water quality or fish habitat.

“(5) RIGHTS RETAINED BY THE U.S.—With respect to conveyances authorized in paragraph (3), the following rights are retained by the United States:

“(A) To enter upon the conveyance lands, after providing reasonable advance notice in writing to Elim and after providing Elim with an opportunity to have a representative present upon such entry, in order to achieve the purpose and enforce the terms of this paragraph and paragraphs (4) and (6).

“(B) To have, in addition to such rights held by Elim, all rights and remedies available against persons, jointly or severally, who cut or remove Merchantable Timber for sale.

“(C) In cooperation with Elim, the right, but not the obligation, to reforest in the event previously existing Merchantable Timber is destroyed by fire, wind, insects, disease, or other similar manmade or natural occurrence (excluding manmade occurrences resulting from the exercise by Elim of its lawful rights to use the Conveyance Lands).

“(D) The right of ingress and egress over easements under section 17(b) for the public to visit, for noncommercial purposes, hot springs located on the Conveyance Lands and to use any part of the hot springs that is not commercially developed.

“(E) The right to enter upon the lands containing hot springs for the purpose of conducting scientific research on such hot springs and to use the results of such research without compensation to Elim. Elim shall have an equal right to conduct research on the hot springs and to use the results of such research without compensation to the United States.

“(F) A covenant that commercial development of the hot springs by Elim or its successors, assigns, or grantees shall include the right to develop only a maximum of 15 percent of the hot springs and any land within 1/4 mile of the hot springs. Such commercial development shall not alter the natural hydrologic or thermal system associated with the hot springs. Not less than 85 percent of the lands within 1/4 mile of the hot springs shall be left in their natural state.

“(G) The right to exercise prosecutorial discretion in the enforcement of any covenant, reservation, term or condition shall not waive the right to enforce any covenant, reservation, term or condition.

“(6) GENERAL.—

“(A) MEMORANDUM OF UNDERSTANDING.—The Secretary and Elim shall, acting in good faith, enter into a Memorandum of Understanding (hereinafter referred to as the ‘MOU’) to implement the provisions of this subsection. The MOU shall include among its provisions reasonable measures to protect plants and animals in the hot springs on the Conveyance Lands and on the land within ¼ mile of the hot springs. The parties shall agree to meet periodically to review the matters contained in the MOU and to exercise their right to amend, replace, or extend the MOU. Such reviews shall include the authority to relocate any of the easements set forth in subparagraph (D) if the parties deem it advisable.

“(B) INCORPORATION OF TERMS.—Elim shall incorporate the covenants, reservations, terms and conditions, in this subsection in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Conveyance Lands, including without limitation, a leasehold interest.

“(C) SECTION 17(b) EASEMENTS.—The Bureau of Land Management, in consultation with Elim, shall reserve in the conveyance to Elim easements to the United States pursuant to subsection 17(b) that are not in conflict with other easements specified in this paragraph.

“(D) OTHER EASEMENTS.—The Bureau of Land Management, in consultation with Elim, shall reserve easements which shall include the right of the public to enter upon and travel along the Tubutulik River and Clear Creek within the Conveyance Lands. Such easements shall also include easements for trails confined to foot travel along, and which may be established along each bank of, the Tubutulik River and Clear Creek. Such trails shall be 25 feet wide and upland of the ordinary high waterline of the water courses. The trails may deviate from the banks as necessary to go around man-made or natural obstructions or to portage around hazardous stretches of water. The easements shall also include one-acre sites along the water courses at reasonable intervals, selected in consultation with Elim, which may be used to launch or take out water craft from the water courses and to camp in non-permanent structures for a period not to exceed 24 hours without the consent of Elim.

“(E) INHOLDERS.—The owners of lands held within the exterior boundaries of lands conveyed to Elim shall have all rights of ingress and egress to be vested in the inholder and the inholder’s agents, employees, co-venturers, licensees, subsequent grantees, or invitees, and such easements shall be reserved in the conveyance to Elim. The inholder may not exercise the right of ingress and egress in a manner that may result in substantial damage to the surface of the lands or make any permanent improvements on Conveyance Lands without the prior consent of Elim.

“(F) IDITAROD TRAIL.—The Bureau of Land Management may reserve an easement for the Iditarod National Historic Trail in the conveyance to Elim.

“(7) IMPLEMENTATION.—There are authorized to be appropriated such sums as may be necessary to implement this subsection.”

SEC. 2. COMMON STOCK TO ADOPTED-OUT DESCENDANTS.

Section 7(h)(1)(C)(iii) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(h)(1)(C)(iii)) is amended by inserting before the period at the end the following: “, notwithstanding an adoption, relinquish-

ment, or termination of parental rights that may have altered or severed the legal relationship between the gift donor and recipient”.

SEC. 3. DEFINITION OF SETTLEMENT TRUST.

Section 3(t)(2) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(t)(2)) is amended by striking “sole” and all that follows through “Stock” and inserting “benefit of shareholders, Natives, and descendants of Natives.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3090.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3090 is a bill that I introduced in consultation with the Alaska Federation of Natives and ongoing negotiations and redrafts with the Department of the Interior and the Elim Native Corporation.

Considerable time has been spent to resolve the Elim land provision, and I want to especially thank Cindy Alona, Marilyn Heiman, Paul Kirton, Kim Harb, and Chip Markell of the Department of the Interior, Roy Jones and Jeff Petrich, minority chief counsel and committee staff, for their commitment to resolve this important land issue for the Elim Native Corporation.

H.R. 3090 will authorize the Elim Native Corporation, a village corporation established under section 19(b) of the Alaska Native Claims Settlement Act, to select and have conveyed to it 50,000 acres of Federal land in an area north of the former Norton Bay Reservation.

This acreage will replace 50,000 acres deleted from the reservation in 1929 by executive order from the reservation established for the benefit and use of the people whose descendants are today the shareholders of the Native Village Corporation. This bill would also amend ANCSA to permit shareholder common stock to be transferred to adopted-out native children and descendants.

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The last provision of the bill would amend the definition of “settlement trust” under ANCSA to permit Native Corporations to establish settlement trusts in which potential beneficiaries include shareholders, Natives and the descendants of Natives. Because ANCSA was enacted to benefit all Natives, this amendment is in keeping with that original intent of that legislation.

At the same time, the interests of the Alaska Native Corporation share-

holders are protected because this option is available only to those corporations whose shareholders vote, by a majority of all outstanding voting shares, to benefit nonshareholders.

Mr. Speaker, I also wanted to voice the support of the State of Alaska for this bill. The State of Alaska could not submit anything in writing; however, have verbally supported this important bill for the people of Alaska.

The Coastal Coalition, a conservation group in Alaska, and Donald C. Mitchell, a noted ANCSA attorney, have both submitted letters in support of the bill. As my colleagues can see, we have a wide range of support for passage of this bill.

Mr. Speaker, I urge my colleagues to support the passage of this legislation.

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

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

Mr. Speaker, I rise in support of this important legislation. It is long past time to right a wrong done 70 years ago. I am particularly pleased that we in this Congress can act to do that.

I have a longer statement which I would like entered in the RECORD, and I would just reflect in closing that it is always a good day when we can act to undo the wrongs done by a Republican President.

Mr. Speaker, I rise in support of this bill. While Congress generally should be very cautious when amending the 1971 Alaska Native Claims Settlement Act to change land allocations, in the case of Elim Native Corporation there are unique circumstances and special equities which justify this legislation.

Without the knowledge or consent of the Eskimo village of Elim, President Hoover deleted 50,000 acres from the Norton Bay Reservation in 1929. Although the 1971 Alaska Native Claims Settlement Act provided for the conveyance of 300,000 acres to Elim Native Corporation, reflecting the boundaries of the Norton Bay Reservation as it existed at that time, the residents of Elim have long been seeking to have the deleted lands restored.

While the Department of the Interior has maintained that Elim does not have a legal entitlement to the additional 50,000 acres, it is my understanding that they, along with the State of Alaska, are now prepared to support this legislation as a matter of equity.

And there does appear to be substantial equities in this case. According to Don Mitchell, a historian and former counsel to the Alaska Federation of Natives, the deletion of 50,000 acres from the Norton Bay Reservation is “one of the most grievous cases of social and economic injustice” in Alaska history.

Because the original reservation lands are no longer available for selection, the bill provides for an alternative conveyance of 50,000 acres which are adjacent to the corporation’s existing lands. As amended, the bill incorporates language which has been negotiated with the Department of the Interior and includes important conservation safeguards such as easements for public access, restrictions on commercial timber harvest, and non-development buffers on river corridors.

Mr. Speaker, I would be remiss without recognizing the crucial role of Representative

DON YOUNG in developing this legislation. The villagers of Elim have a strong champion as the Chairman of the Committee on Resources and without his dedication to their cause we would not be here on the House floor today.

I urge that my colleagues support the bill.

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

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HOBSON). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 3090, as amended.

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

A motion to reconsider was laid on the table.

AQUATIC RESOURCES RESTORATION IN THE NORTHWEST AND CALIFORNIA

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1444) to authorize the Secretary of the Army to develop and implement projects for fish screens, fish passage devices, and other similar measures to mitigate adverse impacts associated with irrigation system water diversions by local governmental entities in the States of Oregon, Washington, Montana, and Idaho, as amended.

The Clerk read as follows:

H.R. 1444

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

SECTION 1. AQUATIC RESOURCES RESTORATION IN THE NORTHWEST AND IN CALIFORNIA.

(a) IN GENERAL.—In cooperation with other Federal agencies, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and in consultation with the Bureau of Reclamation, may develop and implement projects for fish screens, fish passage devices, and related features agreed to by non-Federal interests, relevant Federal agencies, and affected States to mitigate adverse impacts to fisheries resulting from the construction and operation of water diversions by local governmental entities in the States of Oregon, Washington, Montana, Idaho, and California. Priority shall be given to any project that has a total cost of less than \$2,500,000.

(b) GOALS.—The goals of the program under subsection (a) shall be—

(1) to decrease the incidence of juvenile and adult fish entering water supply systems; and

(2) to decrease fish mortality associated with the withdrawal of water for irrigation and other purposes without impairing the continued withdrawal of water for that purpose.

(c) PARTICIPATION BY NON-FEDERAL ENTITIES.—Non-Federal participation in the program under subsection (a) shall be voluntary. The Secretary shall take no action that would result in any non-Federal entity being held financially responsible for any action unless the entity applies to participate in the program.

(d) EVALUATION AND PRIORITIZATION OF PROJECTS.—Evaluation and prioritization of

projects for development and implementation under this section shall be conducted on the basis of—

(1) assisting entities in their compliance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) cost effectiveness;

(3) size of diversion;

(4) availability of other funding sources; and

(5) opportunity for biological benefit to be achieved with improved conditions.

(e) REQUIREMENTS.—A fish screen, fish passage device, or related feature shall not be eligible for funding under subsection (a) unless—

(1) it meets the requirements of the United States Fish and Wildlife Service or the National Marine Fisheries Service, as applicable, and any State requirements; and

(2) it is agreed to by all interested Federal and non-Federal entities.

(f) COST SHARING.—

(1) IN GENERAL.—(A) Development and implementation of projects under this section on lands owned by the United States shall be at full Federal expense.

(B) The non-Federal share of the cost of development and implementation of any project under this section on lands that are not owned by the United States shall be 35 percent.

(2) IN-KIND CONTRIBUTIONS.—(A) For any project under this section on lands that are not owned by the United States, the non-Federal participants shall provide any lands, easements, rights-of-way, dredged material disposal areas, and relocations that are necessary for the project.

(B) The value of lands, easements, rights-of-way, dredged material disposal areas, and relocations provided under this paragraph for a project shall be credited toward the non-Federal share of the costs of the project under paragraph (1).

(3) OMR&R.—(A) The non-Federal interests shall be responsible for all costs associated with operating, maintaining, repairing, rehabilitating, and replacing all projects carried out under this section on lands that are not owned by the United States.

(B) Costs associated with operating, maintaining, repairing, rehabilitating, and replacing all projects carried out under this section on lands owned by the United States shall be a Federal expense.

(g) CONSULTATION AND USE OF EXISTING DATA AND STUDIES.—In carrying out this section, the Secretary shall consult with other Federal, State, and local agencies and make maximum use of data and studies in existence on the date of enactment of this Act.

(h) LIMITATION ON ELIGIBILITY FOR FUNDING.—No project applicant pursuant to this section may obtain funds under this section if they are also receiving funds from another federally funded program for the same purpose.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2001 through 2005.

(2) LIMITATIONS.—(A) Not more than 1/3 of the total amount of funds appropriated under this section may be used for projects in any single State.

(B) Not more than 6 percent of the amount of funds appropriated under this section for a fiscal year may be used for administration of this section.

(3) INTERIM REPORT.—Upon the expiration of the 3d fiscal year for which amounts are available to carry out this section, the Secretary of the Interior shall report to the Congress describing the accomplishments to date under this section and the projects that will be completed with amounts provided

under this section for the 4th and 5th fiscal years for which such amounts are available.

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

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

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1444, and to include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

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

Mr. Speaker, H.R. 1444, as amended by the Committee on Resources, will authorize the Secretary of Interior, working through the Fish and Wildlife Service and in consultation with the Bureau of Reclamation, to implement projects to construct fish screens, fish passage devices and other related measures to mitigate the effects of water diversions caused by irrigation systems.

The bill was introduced by my good friend, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Oregon (Mr. WALDEN), both of whom are going to speak and explain the legislation. But I would like to commend them both for the hard work that they have put into this effort. Without them, surely the bill would not be here on the floor today.

Mr. Speaker, State and Federal law currently require the installation of fish screens on many irrigation diversions for agriculture to protect migrating juvenile salmon. While the Federal and State agencies responsible for managing the Columbia River system have worked diligently to install fish screens and fish passage devices, more work is urgently needed.

H.R. 1444 would allow State and Federal agencies to continue installing fish screens and fish passage devices. Furthermore, the Secretary will be required to consult with other Federal, State, and local agencies to make maximum use of data and studies in existence on the date of enactment of this act.

I believe this bill will help protect the salmon resources of the Pacific Northwest while allowing the agriculture industry to continue its operations. This is a noncontroversial bill and I hope everyone will support it.

Mr. Speaker, before I reserve the balance of my time, let me just make note that Marcia Stewart, who is here with us today, legislative assistant to the chief counsel, has done yeoman's work on this bill and has been a great help to all of us over the last several years since she has been with us. She came to us 6 years ago in 1993, and has been extremely successful. As a matter of fact,