

I do not claim to have all the answers; but I do know that the answer will come only when we all stand up and face our responsibility, admit the mistakes, and work openly and honestly with Indian country.

I urge passage of the pending legislation.

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

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

Mr. RAHALL. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. KILDEE), a gentlemen, I might add, who has been very much on the forefront on this and other Indian issues, and a valued member of our Committee on Resources.

Mr. KILDEE. Mr. Speaker, as co-chairman of the congressional Native American Caucus, I rise today in strong support of S. 1857, a bill to encourage the negotiated settlement of tribal claims.

I introduced the House companion bill, H.R. 3851. I want to thank my colleagues, the gentleman from West Virginia (Mr. RAHALL), the gentleman from Utah (Mr. HANSEN), the gentleman from Arizona (Mr. HAYWORTH), and the gentleman from California (Mr. GALLEGLY), for agreeing to be original cosponsors.

Mr. Speaker, this bill has deep bipartisan support and the support of the administration. I want to commend my colleagues in the Senate for their swift action to address the issue of tolling the statute of limitations on legal claims Indian tribes may assert against the United States relating to the management of tribal trust funds.

This issue is certainly not new to Congress. Since 1991, Congress has approved language in the Department of the Interior's appropriations acts to toll the statute of limitations until the tribal account holders have been provided an accounting of such funds.

In addition, since 1987, Congress has required the Department of the Interior to reconcile tribal trust fund accounts. By providing an accounting of these funds, Indian tribes will have the opportunity to determine whether there has been a mismanagement of trust funds. These requirements were included in the President's budget request for fiscal year 2003.

The problem this bill seeks to address relates directly to the reconciliation reports that the Department of the Interior provided to tribal account holders in 1996. Several Indian tribes believe that the reconciliation reports do not constitute an accounting.

Since the statute of limitations for filing legal claims is 6 years, the tribe's concern is that the Department may claim that the 1996 reconciliation reports commence the running of a statute that would expire this year. In an attempt to preserve their legal claims against the United States, many tribes have already filed claims in Federal courts across the country.

This bill does not address the legal issues involved in those lawsuits. This bill, however, will facilitate the voluntary dismissal of these legal claims. Also, it provides the tribal account holders an opportunity to postpone the filing of claims from 2002 to 2005 and encourage negotiations for the settlement of tribal accounting or resource management claims.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE), another very valuable leader and friend of Indian country.

Mr. PALLONE. Mr. Speaker, I want to thank our chairman and our ranking member, and also the chairman of our Native American Caucus, the gentleman from Michigan (Mr. KILDEE), for their work on this legislation.

Mr. Speaker, I rise today in strong support of the bill, S. 1857. This bill gives tribal trust fund account holders the opportunity to postpone filing legal claims until 2005. Technically, the bill tolls the statute of limitations on legal claims that Indian tribes may assert against the U.S. relating to the management of tribal trust funds.

The bill is necessary, as I know my colleagues have already said, because many tribes believe their legal claims may be time-barred because the statute of limitations expires as early as this year.

I really wanted, though, to talk about the larger issue, that the BIA has grossly mismanaged the remaining tribal lands and has squandered billions of dollars worth of resources that should have gone to the benefit of often-impoorished American Indians.

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Today, the Secretary of the Interior is faced by a mandate of Congress to clean up the accounting and management of Indian trust funds, and by a lawsuit alleging a great failure of the Secretary's trust responsibility for Indian lands. In response, the Secretary has proposed a plan to create a new Bureau of Indian Trust Asset Management and remove the trust functions from the Bureau of Indian affairs.

I am very much opposed to this proposal. I am greatly concerned that this plan is repeating the failures of the many past trust reform efforts. Recently, 193 Indian tribes unanimously adopted a resolution opposing this reorganization and the transfer of the responsibilities to the BIA. I strongly believe that this reorganization effort cannot go forward until the Department consults with Indian tribes in the development of a business processes plan for trust reform, a clear plan for performing the basic trust functions of accounting, collections, record keeping, inspections, enforcement and resource management. The plan has to include policies, procedures and control.

I know the Secretary is now saying she is doing this, but she is consulting

with the tribes after the fact. The fact is many of them do not feel they are still being properly consulted even today. This criticism, as my colleagues know, came up at the hearing that we held on the issue in the Committee on Resources.

It is notable that this criticism, a lack of structural foundation, is exactly the same as has been leveled against the Department's development of the Trust Asset and Accounting Management System, TAAMS. All tribal leaders strongly support trust reform and want to work constructively with the Department and with Congress to ensure strong management of tribal assets. In fact, it is the tribes that have the greatest interest in ensuring that tribal assets and resources are properly managed.

Given such BIA and TAAMS mismanagement practices, the passage of this bill will give tribal trust fund account holders the opportunity to postpone filing legal claims until 2005. Such time is necessary in order for the tribal trust funds account holder to unravel the financial accounting mess that the BIA and TAAMS have put them in.

I think, obviously, this is the right thing to do. We have to support the bill, but I know we also have to look at the larger issue of trust reform and make sure it goes forward only with consultation with the tribes. I know my colleagues that are here all believe very strongly in that.

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

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1857.

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

A motion to reconsider was laid on the table.

FALLON RAIL FREIGHT LOADING FACILITY TRANSFER ACT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1870) to provide for the sale of certain real property within the Newlands Project in Nevada, to the city of Fallon, Nevada, as amended.

The Clerk read as follows:

H.R. 1870

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fallon Rail Freight Loading Facility Transfer Act".

SEC. 2. CONVEYANCE TO THE CITY OF FALLON, NEVADA.

(a) CONVEYANCE.—

(1) IN GENERAL.—Subject to subsections (b) and (c), the Secretary of the Interior shall convey to the city of Fallon, Nevada, all right, title,

and interest of the United States in and to approximately 6.3 acres of real property in the Newlands Reclamation Project, Nevada, generally known as "380 North Taylor Street, Fallon, Nevada", and identified for disposition on the map entitled "Fallon Rail Freight Loading Facility".

(2) *MAP*.—The map referred to in paragraph (1) shall be on file and available for public inspection in—

(A) the offices of the Commissioner of the Bureau of Reclamation; and

(B) the offices of the Area Manager of the Bureau of Reclamation, Carson City, Nevada.

(b) *CONSIDERATION*.—

(1) *IN GENERAL*.—The Secretary shall require that, as consideration for the conveyance under subsection (a), the city of Fallon, Nevada, shall pay to the United States an amount equal to the fair market value of the real property, as determined—

(A) by an appraisal of the real property, conducted not later than 60 days after the date of enactment of this Act by an independent appraiser approved by the Commissioner of Reclamation and paid for by the city of Fallon, Nevada; and

(B) without taking into consideration the value of any structures or improvements on the property.

(2) *CREDIT OF PROCEEDS*.—The amount paid to the United States under paragraph (1) shall be credited, in accordance with section 204(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(c)), to the appropriate fund in the Treasury relating to the Newlands Reclamation Project, Nevada.

(c) *LIABILITY*.—The conveyance under subsection (a) shall not occur until such data as the Commissioner of Reclamation certifies that all liability issues relating to the property (including issues of environmental liability) have been resolved.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

(Mr. GIBBONS asked and was given permission to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I rise today to express strong support for H.R. 1870, the Fallon Rail Freight Loading Facility Transfer Act; and I want to thank the gentleman from Utah (Mr. HANSEN) and my good friend, the gentleman from Guam (Mr. UNDERWOOD), and the Committee on Resources for moving this bill expeditiously to the floor for a vote.

H.R. 1870 will privilege the city of Fallon, Nevada, the exclusive right to purchase approximately 6.3 acres of public land located in the downtown area of the city.

The Fallon Rail Freight Loading Facility Transfer Act will enable the city of Fallon to make the necessary long-term investments and capital improvements to the property to ensure the future viability of this important municipal asset is maintained.

Fallon is a rural agricultural community of approximately 8,700 residents located in northern Nevada approximately 70 miles east of the city of Reno. Since 1984, the city of Fallon has leased approximately 6.3 acres of prop-

erty from the U.S. Bureau of Reclamation that it utilizes as a rail freight yard and loading facility. The city, the State of Nevada, the U.S. Department of Transportation, and the Southern Pacific Railroad have collectively invested a significant amount of money in this rail facility, providing more than 400 jobs in the community.

On January 1 of 2000, the long-term lease between the city of Fallon and the Bureau of Reclamation expired. As negotiations began for a new long-term lease, the city of Fallon and the bureau came to the common conclusion that it would be in the best interest of both parties to have ownership of this property transferred to the city of Fallon. The city would be able to make long-term investments to a facility that it owned without having to worry about renegotiating new leases and the possibility of losing access to the property. The Bureau of Reclamation would be able to divest itself from an asset that no longer serves a purpose to its core mission, allowing more of its scarce resources to be focused on the traditional roles of the bureau.

Of course, Mr. Speaker, this transfer will be contingent upon the satisfactory conclusion of all necessary and environmental reviews, and it will be purchased by the city at fair market value.

Finally, Mr. Speaker, H.R. 1870 has strong support from Nevada's bipartisan congressional delegation. On behalf of the city of Fallon, I urge my colleagues to pass the Fallon Rail Freight Loading Facility Transfer Act, a bill which will create a win-win situation for everyone involved.

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

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

Mr. Speaker, H.R. 1870 would direct the Secretary of the Interior to convey to the city of Fallon, Nevada, all right, title and interest in approximately 6.3 acres of property within the Newlands project. The city would like to use the property for a planned truck-to-railroad transfer structure. The bill reflects changes recommended by the Interior Department. It would require the city to pay fair market value without regard to the value of structures or improvements in the property. I urge adoption of the bill, and I congratulate my colleague, the gentleman from Nevada (Mr. GIBBONS).

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

Mr. GIBBONS. Mr. Speaker, I urge everyone to support this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 1870, 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.

BURNT, MALHEUR, OWYHEE, AND POWDER RIVER BASIN WATER OPTIMIZATION FEASIBILITY STUDY ACT OF 2001

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1883) to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon.

The Clerk read as follows:

H.R. 1883

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Burnt, Malheur, Owyhee, and Powder River Basin Water Optimization Feasibility Study Act of 2001".

SEC. 2. STUDY.

The Secretary of the Interior may conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank you for the opportunity to speak in favor of H.R. 1883.

This legislation would authorize the Secretary of the Interior to engage in a feasibility investigation for the Burnt, Malheur, Owyhee River basins in eastern Oregon. It is the next step in the United States Bureau of Reclamation process now that their initial study has been completed. The United States Bureau of Reclamation's earlier studies examined problems associated with such issues as excess nutrients in surface water, sedimentation, high-water temperatures, degraded fish habitat, low-stream flows and lack of adequate stream-side vegetation.

The feasibility study that H.R. 1883 authorizes would help find the most logical approaches to address these issues.

Mr. Speaker, the farmers and ranchers are the driving force behind this legislation. As they have proven over and over again, it is the farmers and ranchers who are some of our strongest environmentalists. They care deeply about the land and water that they use