

change over time, leases longer than what is allowed in current law are often necessary to facilitate economic development on trust lands.

In closing, this legislation would advance tribal sovereignty, promote job growth, and speed up business deals. I want to commend our colleague, Representative ADAM SMITH, who has pressed for passage of S. 2906.

I reserve the balance of my time.

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

As a matter of policy, authorizing 99-year lease terms for tribes is a means of increasing tribal independence from the Bureau of Indian Affairs bureaucracy. Therefore, we have no objection to this bill.

Mr. FALOMAVAEGA. Mr. Speaker, I rise in support of S. 2906, legislation to amend certain provisions of the Long-Term Leasing Act of 1955 for the benefits of the three Washington State Indian tribes, the Kalispel Tribe and the Puyallup Tribe, and the Swinomish Tribal Community.

First I want to commend Senator MARIA CANTWELL for her leadership. I also want to thank Senator PAT MURRAY, Representative ADAM SMITH, and Representative NORMAN DICKS, for their support and advocacy on behalf of the Indian Tribes in the State of Washington.

Similar to S. 1448, this bill will amend the Long-Term Leasing Act of 1955, to add three more Indian Tribes from the State of Washington to the list of Indian Tribes that have been granted authority to enter into long-term leases of up to 99 years.

Conditions for economic development and business opportunities have significantly changed since Congress passed the Long-Term Leases Act in 1955. The current economic downturn has certainly exacerbated already deteriorating economic conditions for many of the Indian tribes. As such, extending the privileges of the Long-Term Leases Act is essential for economic development and business opportunities. It is the longstanding responsibility of our Federal Government to provide assistance to the Indian people in their efforts to improve their economic conditions and maximize business opportunities for the betterment of the Indian people.

I urge my colleagues to pass S. 2906.

Mr. SMITH of Washington. Mr. Speaker, I thank the gentleman for yielding and I rise in strong support of S. 2906, a bill introduced by Senator CANTWELL that is the companion to H.R. 4401, which I introduced in the House last year.

S. 2906 amends the Indian Long-Term Leasing Act for the benefit of three federally recognized Tribes in the State of Washington: the Swinomish Indian Tribal Community, the Kalispel Tribe of Indians, and the Puyallup Tribe of Indians, which is in my district.

Specifically, this legislation amends the leasing act to allow the Puyallup Tribe and the Kalispel Tribe to enter into 99 year business leases. Currently, these Tribes are limited to 25 year business leases.

Additionally, S. 2906 eliminates the requirement that the Puyallup Tribe, the Kalispel Tribe, and the Swinomish Indian Tribal Community seek the approval of the Secretary of the Interior for every business deal involving tribal lands.

Under S. 2906, the Tribes will adopt leasing regulations, to be approved by the Department of the Interior. Once the Department approves the Tribal regulations, the Department will be relieved of its obligations to approve the Tribes' leases of less than 75 years and the Tribe will then be required to follow its own leasing regulations for leases of its land. The Department will still retain the authority to review and approve leases of Tribal lands for more than 75 years.

This bill is tremendously important to the Puyallup Tribe in my district, as it will enable the Tribe to move forward with its plans to develop a marine terminal on its land in the Port of Tacoma.

The shipping terminal will be the largest economic development and job-creation project the Tribe has undertaken, and when fully constructed, will be the largest international container terminal facility in the Pacific Northwest. This project will provide tremendous benefits both to the Puyallup Tribe as well as the South Puget Sound economy.

Unfortunately, until now, the Tribe has found it difficult to engage and move forward with business partners in furthering the terminal project because of the burdensome and uncertain bureaucratic process of obtaining Interior approval for the deals.

Passage of S. 2906 will ensure that that the Tribe and its business partners will have certainty in moving forward with this and other business opportunities that will enhance the economy of the Puyallup Tribe and the Port of Tacoma, and will help to spur job creation in the South Puget Sound region.

I thank the Chairman and Ranking Member for their help in advancing this legislation, and I ask for my colleagues' support for the passage of S. 2906.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of S. 2906, which allows the Kalispel Tribe of Indians and the Puyallup Tribe of Indians to lease land placed in trust for a term greater than 25 years. This legislation further allows the Puyallup Tribe of Indians, the Swinomish Indian Tribal Community, and the Kalispel Tribe of Indians to lease restricted lands under certain conditions without requiring the Secretary of the Interior's approval.

I thank Senator CANTWELL for introducing this legislation, and I also thank Chairman RAHALL for bringing this bill to the floor today.

As a member of the Native American Caucus, I have worked with my colleagues in Congress to address the needs of all Native Americans. While the legislation before us today affects three tribes in Washington State, I will continue to work on behalf of the nearly 100 federally recognized tribes in California and all tribes across the country.

Mr. Speaker, I urge my colleagues to join me in supporting S. 2906.

Mr. CHAFFETZ. Mr. Speaker, I yield back the balance of our time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, S. 2906.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### HOH INDIAN TRIBE SAFE HOMELANDS ACT

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1061) to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

On page 4, lines 13 through 15, strike "upon compliance with the National Environmental Policy Act of 1969" and insert "in accordance with the regulations of the Department of the Interior for implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that are applicable to trust land acquisitions for Indian tribes that are mandated by Federal legislation."

On page 8, strike lines 17 through 22 and insert the following:

#### SEC. 5. GAMING PROHIBITION.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

#### GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 1061, as amended, would transfer certain Federal and non-Federal land in the State of Washington to the Hoh Tribe to be held in trust by the United States for the benefit of the tribe.

The Hoh Indian Tribe is located on the coast of Washington. Its coastline is situated such that it is subject to frequent flooding, preventing the sustainable use of this land by the tribe.

Due to this situation, the tribe has acquired approximately 420 acres of land from private sources to relocate its government offices and tribal members. The bill would place this newly acquired 420 acres of land into trust for the tribe and as well transfer approximately 37 acres of Federal land into trust for the tribe in order to connect the tribe's newly acquired lands to its current lands.

On June 28, 2010, the House passed this legislation under suspension of the rules by a vote of 347-0. The Senate made technical amendments to the bill to clarify that the land would be placed into trust in accordance with the Department of the Interior's regulations

for mandatory trust land acquisitions. The Senate then passed the legislation before us today by unanimous consent on September 29, 2010.

In closing, I would commend our colleague and my fellow classmate, Representative NORM DICKS of Washington, for his hard work and dedication to this legislation, and I ask my colleagues to support its passage.

I reserve the balance of my time.

Mr. CHAFFETZ. I yield myself such time as I may consume.

Mr. Speaker, the case for adding a small amount of land to the Hoh Reservation is compelling. Because the tribe's reservation receives about 140 inches of rain per year and is located within a tsunami zone, the tribe must expand its eastern border inland from the coast so they can construct safe housing and other facilities outside of the tsunami zone.

To accomplish this, H.R. 1061 places in trust several tracts of land for the tribe, most of which are currently owned by the tribe. These additions to the reservation are separated from the existing reservation by a 37-acre parcel of Federal land that is part of the Olympic National Park.

H.R. 1061 transfers ownership of this 37-acre parcel of Olympic National Park land to the tribe without consideration. This transfer creates a contiguous, intact reservation with full access across the reservation assured in the form of a road to Highway 101.

This bill also sets an important and needed precedent by transferring these 37 acres without extorting either a land exchange or payment to the Federal Government.

There are many instances when fairness and necessity justify the transfer of Federal lands to States, localities, tribes, or other American citizens. There are also instances when roads that are vital to park neighbors and park visitors should be repaired and rebuilt even though they may be located in otherwise protected areas.

It is worth noting that the National Park Service supports transferring the land from Olympic National Park to the tribe without the need for a land exchange or compensation. I also note the absolute silence and, hence, implied support from advocacy groups to give away this 37 acres of national park lands.

I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, as I mentioned in my opening remarks, I commend the gentleman from Washington (Mr. DICKS), the incoming ranking minority member of the House Appropriations Committee and my fellow classmate, a gentleman who has worked very hard on this legislation, and I now yield him such time as he may consume.

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

Mr. DICKS. Mr. Chairman, I appreciate very much your yielding to me, and I really appreciate the leadership

that you have provided and the committee has provided.

I rise to urge final passage of H.R. 1061, the Hoh Indian Tribe Safe Homelands Act, which I sponsored. The Hoh Tribe lives right on the Pacific Coast in the Sixth District, which I represent. Their reservation is in a spectacularly beautiful area, but the location leaves the Hohs in constant danger of tsunamis. This legislation would allow the Hoh Tribe to move many structures out of the tsunami impact zone.

This legislation passed the House in June. In September the bill was amended then passed in the Senate. This amended version, which is supported by all parties, is what the House is considering today. I urge that we again pass this legislation and allow for the Hoh Tribe to build a safer future uphill from the tsunami danger.

H.R. 1061 accomplishes this goal by transferring a small parcel of land in Olympic National Park to the tribe. In addition, the legislation will place into trust this transferred Park Service land, along with other lands recently acquired by the tribe.

I really cannot overemphasize the necessity of this legislation for the safety of the Hoh Tribe. The reservation is located where the Hoh River dramatically empties into the Pacific Ocean. As I said earlier, real danger comes with its spectacular beauty. The Pacific Ocean has many extremely active seismic zones, including in Washington State. Earthquakes in the eastern Pacific always cause concern along the Washington coast, as folks are forced to monitor the tsunami situation.

The Hoh Tribe is also menaced by severe flooding nearly every year. We have very long winters in the Pacific Northwest, and throughout that season, the Hoh Tribe can experience flooding. These floods have destroyed buildings. A few years ago my office had to call the Washington State National Guard in order to help the tribe place sandbags during a flood emergency. This situation is intensifying as the Pacific and Hoh River erode the very limited land on the 1 square mile reservation.

With all of the reservation within a tsunami zone and nearly all of it in a floodplain, the Hoh Tribe has trouble qualifying for assistance. The BIA, FEMA, and HUD are precluded from providing assistance to the tribe due to the reservation's location and its vulnerability to natural disasters.

Although the threat always has existed, the desire to move the tribe to safety intensified after the 2004 Indian Ocean earthquake and resulting tsunami which killed more than 200,000 people. The Hoh Tribe developed its own strategy, which I wholeheartedly champion. With its own resources, the tribe bought several nearby parcels of land suitable for development away from the area of most danger. The Washington State Department of Natural Resources also has given the tribe

a parcel of logged land in the same area.

H.R. 1061 will transfer to the tribe a 37-acre parcel of land currently part of the Olympic National Park.

This small parcel would make all of these lands mentioned above contiguous to the existing Reservation. Also, the main road linking the Tribe to U.S. Highway 101 runs through this Park Service parcel. Through years of negotiation, the Tribe, Olympic National Park, and others within the Park Service have come together in support of this legislation, which does include certain restrictions on development, including a ban on gaming.

The Park Service also benefits from this legislation. The land is not of great value from an ecological point of view because it has been logged repeatedly. The Park Service has difficulties managing the 37-acre parcel because it is surrounded by non-Federal land. It also allows Olympic National Park to be a "good neighbor" and meet its responsibility to respect their non-Federal neighbors and be a positive presence in the area.

The neighbors of the Hoh Tribe also support this legislation, including the surrounding local landowners, the Hoh River Trust, and numerous environmental organizations. Elected officials who support this legislation include Governor Gregoire, the local State Senator and Representatives and the Jefferson County Commissioners.

It is time for the House to pass H.R. 1061 and send the bill to the President to be signed into law.

I want to thank Chairman RAHALL and Ranking Member HASTINGS for their help with this legislation. I also want to thank Janet Ericson, Staff Director of the Office of Indian Affairs, and Todd Young and Chris Fluhr who work for my home State colleague, DOC HASTINGS.

I also want to commend the Hoh Tribe and Tribal Council, Chairwoman Maria Lopez, and Alexis Berry, the executive director for the hard work. This legislation is a tremendous down payment on a safer future for the Hoh Tribe.

I urge passage of the Hoh Indian Tribe Safe Homelands Act.

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Mr. CHAFFETZ. Mr. Speaker, this is a reasonable and needed piece of legislation. I commend the bill's sponsors and all those that have worked on it.

I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I am very honored now to yield 5 minutes to a very valued member of our Committee on Natural Resources and a colleague of ours who is no stranger to the effects of tsunamis among his people, the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. I want to thank the gentleman from West Virginia, our distinguished chairman of our Committee on Natural Resources, and I do also thank my good friend, the gentleman from Utah, and their management of this proposed legislation.

Mr. Speaker, having personally experienced what it means to go through an earthquake and a tsunami, I rise in

strong support of this proposed legislation for the Hoh Indian Tribe Safe Homelands Act, a bill that transfers certain Federal lands in the State of Washington to be held in Federal trust for the Hoh Indian Tribe.

I want to thank, especially, the gentleman from Washington, Mr. NORM DICKS, for sponsoring this important bill, and I would also like to thank the chairman of our committee and the members of our committee for their support.

While this bill serves primarily to transfer the acreage to the Hoh Indian Reservation, it also carries out a greater purpose and message: to support the welfare of the tribal members while reinforcing our longstanding responsibility to the first Americans.

Established by an Executive order in 1893, with only a square mile of land, the Hoh Indian Reservation is home to a tribe of nearly 300 members whose livelihood depends primarily on fishing. Located 28 miles south of Forks and 80 miles north of Aberdeen, the reservation presently consists of 443 acres of land surrounding the Hoh River, after which the tribe is named.

Recently, however, the reservation has been overwhelmed by river flooding caused by torrential rain and storm surges from the Pacific Ocean. Living, also, in one of the rainiest places in the contiguous United States, many of the tribal members' homes are encircled by sandbags to hold back the water, and most of the usable land is within the 100-year floodplain of the river, exacerbating what is already a tough economic development situation. Now, more than ever, floods are more frequent and more aggressive, also due to hardened riverbanks for erosion control and the influence of timber companies in the uplands.

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

Ms. RICHARDSON. Mr. Speaker, I rise today in support of the Senate amendment to the Hoh Indian Tribe Safe Homelands Act and also the underlying bill.

I thank my colleague, Congressman NORMAN DICKS for introducing H.R. 1061 and I support this legislation with the Senate amendment.

Mr. Speaker, this legislation truly embraces a collaborative effort between the Hoh Indian Tribe and the Government. The Hoh Indian Tribe currently lives in a flood-prone area. In fact, over 90 percent of their current reservation lies in a flood zone. Year after year more of their homes and tribal buildings are washed away by flood waters. This legislation allows land to be taken into trust so the Hoh Indian Tribe can relocate to higher, safer lands.

This legislation permits the tribe to conduct a land survey of federal land for relocation and submit it to the Director of the National Park Service for approval. Certain activities such as logging, hunting, and gaming will be prohibited on federal lands. It also directs the Secretary of the Interior and the tribe to make collaborative agreements for mutual emergency fire aid and for the development of a non-motorized trail from Highway 101 to the Pacific Ocean. This trail will maintain the strong fishing culture of the Hoh Indian Tribe.

Mr. Speaker, as a Member of the Native American Caucus I urge my colleagues to join me in supporting the Senate amendment to the Hoh Indian Tribe Safe Homelands Act.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1061.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

#### LOGLINE CATCHER PROCESSOR SUBSECTOR SINGLE FISHERY COOPERATIVE ACT

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1609) to authorize a single fisheries cooperative for the Bering Sea Aleutian Islands longline catcher processor subsector, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1609

*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 "Longline Catcher Processor Subsector Single Fishery Cooperative Act".

#### SEC. 2. AUTHORITY TO APPROVE AND IMPLEMENT A SINGLE FISHERY COOPERATIVE FOR THE LOGLINE CATCHER PROCESSOR SUBSECTOR IN THE BSAI.

(a) IN GENERAL.—Upon the request of eligible members of the longline catcher processor subsector holding at least 80 percent of the licenses issued for that subsector, the Secretary is authorized to approve a single fishery cooperative for the longline catcher processor subsector in the BSAI.

(b) LIMITATION.—A single fishery cooperative approved under this section shall include a limitation prohibiting any eligible member from harvesting a total of more than 20 percent of the Pacific cod available to be harvested in the longline catcher processor subsector, the violation of which is subject to the penalties, sanctions, and forfeitures under section 308 of the Magnuson-Stevens Act (16 U.S.C. 1858), except that such limitation shall not apply to harvest amounts from quota assigned explicitly to a CDQ group as part of a CDQ allocation to an entity established by section 305(i) of the Magnuson-Stevens Act (16 U.S.C. 1855(i)).

(c) CONTRACT SUBMISSION AND REVIEW.—The longline catcher processor subsector shall submit to the Secretary—

(1) not later than November 1 of each year, a contract to implement a single fishery cooperative approved under this section for the following calendar year; and

(2) not later than 60 days prior to the commencement of fishing under the single fishery cooperative, any interim modifications to the contract submitted under paragraph (1).

(d) DEPARTMENT OF JUSTICE REVIEW.—Not later than November 1 before the first year

of fishing under a single fishery cooperative approved under this section, the longline catcher processor sector shall submit to the Secretary a copy of a letter from a party to the contract under subsection (c)(1) requesting a business review letter from the Attorney General and any response to such request.

(e) IMPLEMENTATION.—The Secretary shall implement a single fishery cooperative approved under this section not later than 2 years after receiving a request under subsection (a).

(f) STATUS QUO FISHERY.—If the longline catcher processor subsector does not submit a contract to the Secretary under subsection (c) then the longline catcher processor subsector in the BSAI shall operate as a limited access fishery for the following year subject to the license limitation program in effect for the longline catcher processor subsector on the date of enactment of this Act or any subsequent modifications to the license limitation program recommended by the Council and approved by the Secretary.

#### SEC. 3. HARVEST AND PROHIBITED SPECIES ALLOCATIONS TO A SINGLE FISHERY COOPERATIVE FOR THE LOGLINE CATCHER PROCESSOR SUBSECTOR IN THE BSAI.

A single fishery cooperative approved under section 2 may, on an annual basis, collectively—

(1) harvest the total amount of BSAI Pacific cod total allowable catch, less any amount allocated to the longline catcher processor subsector non-cooperative limited access fishery;

(2) utilize the total amount of BSAI Pacific cod prohibited species catch allocation, less any amount allocated to a longline catcher processor subsector non-cooperative limited access fishery; and

(3) harvest any reallocation of Pacific cod to the longline catcher processor subsector during a fishing year by the Secretary.

#### SEC. 4. LOGLINE CATCHER PROCESSOR SUBSECTOR NON-COOPERATIVE LIMITED ACCESS FISHERY.

(a) IN GENERAL.—An eligible member that elects not to participate in a single fishery cooperative approved under section 2 shall operate in a non-cooperative limited access fishery subject to the license limitation program in effect for the longline catcher processor subsector on the date of enactment of this Act or any subsequent modifications to the license limitation program recommended by the Council and approved by the Secretary.

(b) HARVEST AND PROHIBITED SPECIES ALLOCATIONS.—Eligible members operating in a non-cooperative limited access fishery under this section may collectively—

(1) harvest the percentage of BSAI Pacific cod total allowable catch equal to the combined average percentage of the BSAI Pacific cod harvest allocated to the longline catcher processor sector and retained by the vessel or vessels designated on the eligible members license limitation program license or licenses for 2006, 2007, and 2008, according to the catch accounting system data used to establish total catch; and

(2) utilize the percentage of BSAI Pacific cod prohibited species catch allocation equal to the percentage calculated under paragraph (1).

#### SEC. 5. AUTHORITY OF THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL.

(a) IN GENERAL.—Nothing in this Act shall supersede the authority of the Council to recommend for approval by the Secretary such conservation and management measures, in accordance with the Magnuson-Stevens Act (16 U.S.C. 1801 et seq.) as it considers necessary to ensure that this Act does not diminish the effectiveness of fishery