

Utah that should not be developed and allows the school children of Utah to fully appreciate the assets they own. We have wide spread support for this effort throughout the State, among the Congressional delegation, from the NEA, PTA, the Administration and members of the environmental community. Critics of the exchange have made completely contradictory claims. They have asserted that the federal lands being granted to the state have huge value, but then say that the lands won't generate significant revenue. In reality, the lands that the Utah school trust will acquire have potential to generate reasonable future income, which will provide additional income to each of Utah's public schools, in a state where every penny counts.

This bill has received prominent attention in the national press. Much of that attention has been focused on what Utah stands to gain from the exchange. It is important that we look at the other side of the exchange as well. Under H.R. 4968, the Federal Government will acquire over 100,000 acres of conservation lands in the San Rafael Swell, as well as the balanced of the Red Cliffs Desert Reserve in Washington County, in exchange for less sensitive federal lands that can generate revenue for Utah's schools.

This is the third land exchange in Utah in the last three Congresses. We are improving the process and we will do better next time. It is imperative that these exchanges be transparent and evenhanded. It is important that valuable resources are protected and that both parties be treated equitably. I am convinced this exchange meets those criteria.

I urge my colleagues to support H.R. 4968.

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

Mr. HANSEN. Mr. Speaker, 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 bill, H.R. 4968, 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.

COAL ACCOUNTABILITY AND RETIRED EMPLOYEE ACT FOR THE 21ST CENTURY

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3813) to modify requirements relating to allocation of interest that accrues to the Abandoned Mine Reclamation Fund, as amended.

The Clerk read as follows:

H.R. 3813

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 "Coal Accountability and Retired Employee Act for the 21st Century".

SEC. 2. TREATMENT OF ABANDONED MINE RECLAMATION FUND INTEREST.

(a) IN GENERAL.—Notwithstanding any other provision of law, any interest credited

to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) shall be transferred to the Combined Fund identified in section 402(h)(2) of such Act (30 U.S.C. 1232(h)(2)), up to such amount as is estimated by the trustees of such Combined Fund to offset the amount of any deficit in net assets in the Combined Fund.

(b) PROHIBITION ON OTHER TRANSFERS.—Except as provided in subsection (a), no principal amounts in or credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) may be transferred to the Combined Fund identified in section 402(h)(2) of such Act (30 U.S.C. 1232(h)(2)).

(c) LIMITATION.—This section shall cease to have any force and effect after September 30, 2004.

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

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

H.R. 3813 the Coal Accountability and Retired Employee Act for the 21st Century introduced by the gentleman from West Virginia (Mr. RAHALL) transfers any interest credited to the Abandoned Mine Reclamation Fund established under the Surface Mining Control and Reclamation Act of 1977 to the Combined Benefit Fund for 2 years.

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

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

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

Mr. RAHALL. Mr. Speaker, enactment this year of the pending legislation will stave off any potential reduction in health care coverage for 54,000 retired coal miners and their widows, whose average age is 78 years old. These miners bravely served their country through both war and peace, many of them working deep within the bowels of this Earth to produce the coal that powered this Nation through both the industrial and now the technological revolution. We owe them a debt of gratitude and as a society would be ill-served by not keeping the promise to them of lifetime health care.

In this regard I do want to express my sincere appreciation to the gentleman from Utah (Mr. HANSEN), chairman of the Committee on Resources, for his support of this legislation. He has not only been of tremendous help on this, but a great many other pieces of legislation that this committee has produced. I salute him for his leadership.

I also want to thank the gentleman from Ohio (Mr. NEY), who is an original cosponsor of this bill, who does care very deeply about our Nation's coal miners. I salute him for his work as well.

Finally, I want to say to the gentleman from Wyoming (Mrs. CUBIN), I

thank her for working with me on this bill and for helping to make it possible for this legislation to be considered on the floor today.

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

Mr. HANSEN. 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 Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3813, 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.

YANKTON SIOUX TRIBE AND SANTEE SIOUX TRIBE EQUITABLE COMPENSATION ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 434) to provide equitable compensation to the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands, as amended.

The Clerk read as follows:

S. 434

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

TITLE I—YANKTON SIOUX AND SANTEE SIOUX TRIBES EQUITABLE COMPENSATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Yankton Sioux Tribe and Santee Sioux Tribe Equitable Compensation Act".

SEC. 102. FINDINGS.

Congress finds that—

(1) by enacting the Act of December 22, 1944, commonly known as the "Flood Control Act of 1944" (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.) Congress approved the Pick-Sloan Missouri River Basin program (referred to in this section as the "Pick-Sloan program")—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the waters impounded for the Fort Randall and Gavins Point projects of the Pick-Sloan program have inundated the fertile, wooded bottom lands along the Missouri River that constituted the most productive agricultural and pastoral lands of, and the homeland of, the members of the Yankton Sioux Tribe and the Santee Sioux Tribe;

(3) the Fort Randall project (including the Fort Randall Dam and Reservoir) overlies the western boundary of the Yankton Sioux Tribe Indian Reservation;

(4) the Gavins Point project (including the Gavins Point Dam and Reservoir) overlies the eastern boundary of the Santee Sioux Tribe;

(5) although the Fort Randall and Gavins Point projects are major components of the Pick-Sloan program, and contribute to the economy of the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water, the reservations of the Yankton Sioux Tribe

and the Santee Sioux Tribe remain undeveloped;

(6) the United States Army Corps of Engineers took the Indian lands used for the Fort Randall and Gavins Point projects by condemnation proceedings;

(7) the Federal Government did not give the Yankton Sioux Tribe and the Santee Sioux Tribe an opportunity to receive compensation for direct damages from the Pick-Sloan program, even though the Federal Government gave 5 Indian reservations upstream from the reservations of those Indian tribes such an opportunity;

(8) the Yankton Sioux Tribe and the Santee Sioux Tribe did not receive just compensation for the taking of productive agricultural Indian lands through the condemnation referred to in paragraph (6);

(9) the settlement agreement that the United States entered into with the Yankton Sioux Tribe and the Santee Sioux Tribe to provide compensation for the taking by condemnation referred to in paragraph (6) did not take into account the increase in property values over the years between the date of taking and the date of settlement; and

(10) in addition to the financial compensation provided under the settlement agreements referred to in paragraph (9)—

(A) the Yankton Sioux Tribe should receive an aggregate amount equal to \$23,023,743 for the loss value of 2,851.40 acres of Indian land taken for the Fort Randall Dam and Reservoir of the Pick-Sloan program; and

(B) the Santee Sioux Tribe should receive an aggregate amount equal to \$4,789,010 for the loss value of 593.10 acres of Indian land located near the Santee village.

SEC. 103. DEFINITIONS.

In this title:

(1) INDIAN TRIBE.—The term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) SANTEE SIOUX TRIBE.—The term “Santee Sioux Tribe” means the Santee Sioux Tribe of Nebraska.

(3) YANKTON SIOUX TRIBE.—The term “Yankton Sioux Tribe” means the Yankton Sioux Tribe of South Dakota.

SEC. 104. YANKTON SIOUX TRIBE DEVELOPMENT TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “Yankton Sioux Tribe Development Trust Fund” (referred to in this section as the “Fund”). The Fund shall consist of any amounts deposited in the Fund under this title.

(b) FUNDING.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—

(1) \$23,023,743; and

(2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury’s judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The

Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) PAYMENTS TO YANKTON SIOUX TRIBE.—

(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Yankton Sioux Tribe, as such payments are requested by that Indian tribe pursuant to tribal resolution.

(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Yankton Sioux Tribe has adopted a tribal plan under section 106.

(C) USE OF PAYMENTS BY YANKTON SIOUX TRIBE.—The Yankton Sioux Tribe shall use the payments made under subparagraph (A) only for carrying out projects and programs under the tribal plan prepared under section 106.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 105. SANTEE SIOUX TRIBE DEVELOPMENT TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “Santee Sioux Tribe Development Trust Fund” (referred to in this section as the “Fund”). The Fund shall consist of any amounts deposited in the Fund under this title.

(b) FUNDING.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—

(1) \$4,789,010; and

(2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury’s judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) PAYMENTS TO SANTEE SIOUX TRIBE.—

(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Santee Sioux Tribe, as such payments are requested by that Indian tribe pursuant to tribal resolution.

(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Santee Sioux Tribe has adopted a tribal plan under section 106.

(C) USE OF PAYMENTS BY SANTEE SIOUX TRIBE.—The Santee Sioux Tribe shall use the payments made under subparagraph (A) only for carrying out projects and programs under the tribal plan prepared under section 106.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 106. TRIBAL PLANS.

(a) IN GENERAL.—Not later than 24 months after the date of enactment of this Act, the tribal council of each of the Yankton Sioux and Santee Sioux Tribes shall prepare a plan for the use of the payments to the tribe under section 104(d) or 105(d) (referred to in this subsection as a “tribal plan”).

(b) CONTENTS OF TRIBAL PLAN.—Each tribal plan shall provide for the manner in which the tribe covered under the tribal plan shall expend payments to the tribe under section 104(d) or 105(d) to promote—

(1) economic development;

(2) infrastructure development;

(3) the educational, health, recreational, and social welfare objectives of the tribe and its members; or

(4) any combination of the activities described in paragraphs (1), (2), and (3).

(c) TRIBAL PLAN REVIEW AND REVISION.—

(1) IN GENERAL.—Each tribal council referred to in subsection (a) shall make available for review and comment by the members of the tribe a copy of the tribal plan for the Indian tribe before the tribal plan becomes final, in accordance with procedures established by the tribal council.

(2) UPDATING OF TRIBAL PLAN.—Each tribal council referred to in subsection (a) may, on an annual basis, revise the tribal plan prepared by that tribal council to update the tribal plan. In revising the tribal plan under this paragraph, the tribal council shall provide the members of the tribe opportunity to review and comment on any proposed revision to the tribal plan.

(3) CONSULTATION.—In preparing the tribal plan and any revisions to update the plan, each tribal council shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(4) ANNUAL REPORTS.—Each tribe shall submit an annual report to the Secretary describing any expenditures of funds withdrawn by that tribe under this title.

(d) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this title may be distributed to any member of the Yankton Sioux Tribe or the Santee Sioux Tribe of Nebraska on a per capita basis.

SEC. 107. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

(a) IN GENERAL.—No payment made to the Yankton Sioux Tribe or Santee Sioux Tribe pursuant to this title shall result in the reduction or denial of any service or program to which, pursuant to Federal law—

(1) the Yankton Sioux Tribe or Santee Sioux Tribe is otherwise entitled because of the status of the tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of a tribe under paragraph (1) is entitled because

of the status of the individual as a member of the tribe.

(b) EXEMPTIONS FROM TAXATION.—No payment made pursuant to this title shall be subject to any Federal or State income tax.

(c) POWER RATES.—No payment made pursuant to this title shall affect Pick-Sloan Missouri River Basin power rates.

SEC. 108. STATUTORY CONSTRUCTION.

Nothing in this title may be construed as diminishing or affecting any water right of an Indian tribe, except as specifically provided in another provision of this title, any treaty right that is in effect on the date of enactment of this Act, or any authority of the Secretary of the Interior or the head of any other Federal agency under a law in effect on the date of enactment of this Act.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title, including such sums as may be necessary for the administration of the Yankton Sioux Tribe Development Trust Fund under section 104 and the Santee Sioux Tribe Development Trust Fund under section 105.

SEC. 110. EXTINGUISHMENT OF CLAIMS.

Upon the deposit of funds under sections 104(b) and 105(b), all monetary claims that the Yankton Sioux Tribe or the Santee Sioux Tribe of Nebraska has or may have against the United States for loss of value or use of land related to lands described in section 102(a)(10) resulting from the Fort Randall and Gavins Point projects of the Pick-Sloan Missouri River Basin program shall be extinguished.

TITLE II—MARTIN'S COVE LAND TRANSFER

SEC. 201. SHORT TITLE.

This title may be cited as the "Martin's Cove Land Transfer Act".

SEC. 202. CONVEYANCE TO THE CORPORATION OF THE PRESIDING BISHOP.

(a) CONVEYANCE REQUIRED.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Secretary of the Interior (hereafter in this section referred to as the "Secretary") shall offer to convey to the Corporation of the Presiding Bishop, all right, title, and interest of the United States in and to the public lands identified for disposition on the map entitled "Martin's Cove Land Transfer Act" numbered MC/0002, and dated May 17, 2002, for the purpose of public education, historic preservation, and the enhanced recreational enjoyment of the public. Such map shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management and the Lander District of the Bureau of Land Management.

(b) CONSIDERATION.—

(1) IN GENERAL.—The Corporation of the Presiding Bishop shall pay to the United States an amount equal to the historic fair market value of the property conveyed under this section, including any improvements to that property.

(2) DETERMINATION OF FAIR MARKET VALUE.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall determine the historic fair market value of the property conveyed under this section, including any improvements to the property.

(c) ACCESS AGREEMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary and the Corporation of the Presiding Bishop shall enter into an agreement, binding on any successor or assignee, that ensures that the property conveyed shall, consistent with the historic purposes of the site—

(1) be available in perpetuity for public education and historic preservation; and

(2) provide to the public, in perpetuity and without charge, access to the property conveyed.

(d) RIGHT OF FIRST REFUSAL.—As a condition of any conveyance under this section, the Secretary shall require that the Church of Jesus Christ of Latter Day Saints and its current or future affiliated corporations grant the United States a right of first refusal to acquire all right, title, and interest in and to the property conveyed under this section, at historic fair market value, if the Church of Jesus Christ of Latter Day Saints or any of its current or future affiliated corporations seeks to dispose of any right, title, or interest in or to the property.

(e) DISPOSITION OF PROCEEDS.—Proceeds of this conveyance shall be used exclusively by the National Historic Trails Interpretive Center Foundation, Inc., a nonprofit corporation located in Casper, Wyoming, for the sole purpose of advancing the public understanding and enjoyment of the National Historic Trails System in accordance with subsection (f).

(f) USE OF PROCEEDS.—Funds shall be used by the Foundation only for the following purposes and according to the following priority:

(1) To complete the construction of the exhibits connected with the opening of the National Historic Trails Center scheduled for August 2002.

(2) To maintain, acquire, and further enhance the exhibits, artistic representations, historic artifacts, and grounds of the Center.

(g) NO PRECEDENT SET.—This title does not set a precedent for the resolution of land sales between or among private entities and the United States.

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

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

S. 434 would provide compensation for the Yankton Sioux and Santee Sioux Indian tribes for tribal lands condemned for the Pick-Sloan Missouri River Basin program project.

The second title of this bill is the text of my bill, H.R. 4103, which has already passed the House. It would direct the Secretary of the Interior to offer to sell 940 acres of BLM land in the Natrona County, Wyoming, to the LDS Church for the purpose of its historic preservation, public education and enjoyment of the public. Funds from the sale would be directed for the sole purpose of public understanding and enjoyment of the National Historic Trail System at the National Historic Trails Interpretive Center in Casper, Wyoming.

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

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume. The minority has reviewed the legislation and has no problem with it.

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

Mr. HANSEN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I rise very reluctantly today to oppose this bill.

First of all, this is occurring in my State. We tried to get through to the chairman's staff, to his chief of staff, all day today. We could not find out that this Martin's Cove bill was on the Senate bill, S. 434, until late this afternoon, at which time we had to call the Democrat side to find out that it was hooked on to this bill.

I have agreed that I would work with the chairman on finding a way to get a vote on this bill in the Senate because it did pass the House. However, Mr. Speaker, we all know the backlog of House bills, over 60, that are sitting at the floor of the Senate, and for us to attach a piece of legislation in a Member's district without the Member having any knowledge whatsoever of this until late this afternoon on a Tom Daschle bill, Mr. Speaker, this is just wrong.

There has to be another way for the chairman to deal with the Martin's Cove bill. I am willing to work with him, but I have to speak against this right now because we were totally left out of the loop. I believe that the chairman's chief of staff deliberately would not call us back and let us know. He e-mailed us finally late in the afternoon after many attempts to find out. We certainly thank the gentleman from West Virginia and his staff for letting us know what happened, or what was going to happen before this came up.

At any rate, Mr. Speaker, I am opposed for that reason. I think we need to look at these things separately. I will be calling for a vote, and very regretfully so.

Mr. THUNE. Mr. Speaker, I would like to thank you for bringing this bill to the floor, which would provide compensation to the Yankton and Santee Sioux Tribes for the land they sacrificed in the construction of the Pick-Sloan water project on the Missouri River. I would also like to thank Congressman OSBORNE for introducing H.R. 2408, the House version of this important piece of legislation, of which I am proud to be a cosponsor.

The Pick-Sloan Missouri River program authorized in 1944 was implemented to ease downstream funding of the Missouri River, offer irrigation water for farmers and ranchers, and produce hydroelectric power.

While the intentions of these projects proved to be fruitful for some, it is fair to say that the Pick-Sloan program has certain negative impacts on the Yankton and Santee Sioux Tribes. Much of the land taken and destroyed to create the Ft. Randall and Gavins Point Dams and reservoirs belonged to these tribes.

H.R. 2408 and S. 434 would offer monetary compensation to these tribes for their lost and destroyed land along the Missouri River. These funds will be held in trust by the Department of Interior and will be released contingent upon a Tribal plan. The Tribal plan will be designed to promote economic development, infrastructure, education, health care and social welfare for the Yankton and Santee Sioux Tribes.

These funds will be of great benefit to the Yankton and Santee Sioux tribes as they work

to improve the standard of living for the members of their tribe. These tribes, like many others, face significant challenges such as meeting important health care and education needs.

This legislation is not the first time tribes will have been compensated for destroyed and lost land as a result of the Pick Sloan project. In my state alone, the Standing Rock, Lower Brule, Cheyenne River and Crow Creek Sioux Tribes have received compensation for land taken by the Pick-Sloan project. It is now time for the Yankton and Santee Sioux tribes to be compensated.

It is now time for action on this bill. I urge all of my colleagues to support this legislation, so these tribes may receive the much-needed compensation they truly deserve.

Mr. OSBORNE. Mr. Speaker, I am pleased that today the House is taking up S. 434, the Yankton and Santee Sioux Compensation Act. Today's mark-up is the culmination of many years of work on the part of the Santee Sioux tribe, which I represent, and the Yankton Sioux Tribe. I want to thank Chairman HANSEN for bringing this legislation forward. I also want to thank Chairman HANSEN's Chief Counsel, Lisa Pittman, as well as Mike Olsen and former staffer Renee Howell in the Committee's Office of Native American and Insular Affairs, who were instrumental in its drafting.

S. 434 would provide long overdue compensation by establishing two trust funds to be used by the Santee Sioux and Yankton Sioux tribes. Specifically, this bill directs the U.S. Treasury to deposit about \$23 million into a special trust fund account for the Yankton Sioux and approximately \$4.7 million for the Santee Sioux. The tribes would then be allowed to draw on the interest earned from the trust funds for economic and infrastructure development and other activities. The tribes would also be required to adopt economic development plans to account for the way in which these funds will be spent.

This legislation is necessary because when the Federal Government built the dams on the upper reaches of the Missouri River under the Pick-Sloan Missouri River Basin program, the Yankton Sioux and Santee Sioux were not provided compensation for the taking of their land. While the dams were designed to promote general economic development in the region, provide for irrigation, and protect from flooding, their construction inundated productive agricultural and pastoral lands and the traditional homeland of the tribes. In the case of the Santee Sioux, the Gavins Point Dam permanently flooded about 600 acres of the tribe's land.

S. 434 is not without precedent. Over the past decade, Congress has passed three laws providing compensation to other tribes affected by the Pick-Sloan projects. Additional tribes were compensated in 1992, 1996, and 1997. I believe it is only fair that we work to find a way to compensate the Yankton Sioux and Santee Sioux tribes.

I am so pleased that the House is taking up this legislation today. This bill will provide the necessary resources to compensate for a longstanding debt owed to these tribes. Perhaps just as important, the compensation provided in this bill has the potential to change the lives of members of these tribes who face numerous challenges. On behalf of the Santee Sioux tribe in particular, I am so grateful that this bill has been brought forward. I strongly urge its passage.

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

The SPEAKER pro tempore (Mr. GOODLATTE). 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. 434, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. CUBIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECLAMATION RECREATION MANAGEMENT ACT OF 2002

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5460) to reauthorize and amend the Federal Water Project Recreation Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5460

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 "Reclamation Recreation Management Act of 2002".

SEC. 2. AMENDMENTS TO THE FEDERAL WATER PROJECT RECREATION ACT.

(a) CONGRESSIONAL POLICY.—The first section of the Federal Water Project Recreation Act (16 U.S.C. 4601–12) is amended by striking "public bodies" and inserting "entities".

(b) ALLOCATION OF COSTS.—Section 2 of the Federal Water Project Recreation Act (16 U.S.C. 4601–13) is amended—

(1) in subsection (a) by striking "before authorization of a project,";

(2) in subsection (a), by striking "public bodies" and inserting "entities" and by striking "Projects authorized during the calendar year" and all that follows to the end of the subsection;

(3) in subsection (b) by striking "non-Federal interests" each place it appears and inserting "non-Federal entities";

(4) in subsection (b)(2)—

(A) by striking "": *Provided*, That the source of repayment may be limited to" and inserting "": The source of repayment may include"; and

(B) by inserting "and retained" after "collected"; and

(5) in subsection (b)(2) by adding at the end the following: "Fees and charges may be collected, retained and used by the non-Federal entities for operation, maintenance, and replacement of recreation facilities on project lands and waters being managed by the non-Federal entities. As established by the Secretary, any excess revenues will be credited to the Reclamation Fund to remain available, without further Act of appropriation, to support recreation development and management of Bureau of Reclamation land and water areas."

(c) RECREATION AND FISH AND WILDLIFE ENHANCEMENT.—Section 3 of the Federal Water Project Recreation Act (16 U.S.C. 4601–14) is amended—

(1) by striking subsection (a), redesignating subsection (b) as subsection (a), and inserting after subsection (a) (as so redesignated) the following:

"(b) In the absence of a non-Federal managing partner, the Secretary of the Interior, acting through the Commissioner of Reclamation, is authorized, as a part of any water resource development project under the Secretary's control heretofore or hereafter authorized or reauthorized, to investigate, plan, construct, replace, manage, operate and maintain or otherwise provide for public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes; the costs of which are nonreimbursable.";

(2) in subsection (a) (as so redesignated)—

(A) by inserting "or enhance" after "project construction to preserve";

(B) by striking "enhancement potential" each place it appears and inserting "resources";

(C) by striking "public bodies" each place it appears and inserting "entities";

(D) by striking "public body" and inserting "entity"; and

(E) by striking "or, in the absence thereof, will not detract from that potential";

(3) in subsection (c)(1)(B) by striking "public body" each place it appears and inserting "entity"; and

(4) by adding at the end of subsection (c) the following:

"(3) In the absence of a non-Federal managing partner, the Secretary of the Interior, acting through the Commissioner of Reclamation, may modify or expand existing facilities, the costs of which are nonreimbursable."

(d) LEASE OF FACILITIES.—

(1) REPEAL.—Section 4 of the Federal Water Project Recreation Act (16 U.S.C. 4601–15) is repealed, and sections 5 through 12 of such Act are redesignated as sections 4 through 11, respectively.

(2) CONFORMING AMENDMENT.—Section 6(e) of the Federal Water Project Recreation Act (16 U.S.C. 4601–17(e)) is amended by striking "4, and 5" and inserting "4, and 4".

(e) POST AUTHORIZATION DEVELOPMENT.—Section 5 of the Federal Water Project Recreation Act (16 U.S.C. 4601–16) is amended by striking "public bodies" and inserting "entities".

(f) PROVISION OF FACILITIES.—Section 7 of the Federal Water Project Recreation Act (16 U.S.C. 4601–18) is amended—

(1) in subsection (e) by striking "and 5" and inserting "and between 3 and 4";

(2) in subsection (g) by striking "3(b)" and inserting "3(a)"; and

(3) in subsection (h) by striking "public bodies" and inserting "entities"; and by striking "3(b)" and inserting "3(a)".

(g) MISCELLANEOUS REPORTS.—Section 6 of the Federal Water Project Recreation Act (16 U.S.C. 4601–17) is amended by adding at the end the following:

"(i) Amounts collected under section 2805 of Public Law 102–575 for admission to or recreation use of project land and waters shall be deposited in a special account in the Reclamation Fund and remain available to the Commissioner of Reclamation without further appropriation until expended. Such funds may be used for the development, reconstruction, replacement, management, and operation of recreation resources on project lands and waters with not less than 60 percent being used at the site from which the fees were collected."

(h) MANAGEMENT FOR RECREATION, FISH AND WILDLIFE, AND OTHER RESOURCES.—Section 7 of the Federal Water Project Recreation Act (16 U.S.C. 4601–18) is amended—

(1) by amending subsection (a) to read as follows: