

Mr. CASTLE. Mr. Speaker, I rise today in strong support of House Resolution 173, recognizing the important achievements and contributions of the National Wildlife Refuge System. The National Wildlife Refuge System has been a national treasure for one hundred years thanks to the efforts of the U.S. Fish and Wildlife Service. Since its creation in 1903, the National Wildlife Refuge System has successfully protected numerous plant and animal species in each of the fifty states. In my great State of Delaware, the Bombay Hook and Prime Hook National Wildlife Refuges have protected and encouraged growth of migratory bird populations so that future generations can benefit from their existence just as we and our ancestors have marveled at their presence.

The Bombay Hook National Wildlife Refuge has provided a safe habitat for eagles, deer, and migratory waterfowl and shorebirds since its creation in 1937. During that period, the refuge has maintained an eagle population and has seen 28 eaglets fledged. The refuge currently has one active bald eagle nest. I am thankful that, through the efforts of taxpayers, volunteers, and refuge employees, future generations of Delawareans will not miss the splendor of a soaring bald eagle, a national icon. Bombay Hook National Wildlife Refuge has also successfully protected the tidal salt marsh so that waterfowl populations including the snow geese continue to migrate to the Delaware shore. Recently, ten years of horse-shoe crab surveying have led to the implementation of tighter restrictions on the harvesting of the species. All of these achievements have benefited nature lovers and birders across the nation and enriched the education of generations of children.

The Prime Hook National Wildlife Refuge, since its establishment in 1963, also has provided protection for numerous migratory bird and other populations. The refuge has expanded recently from a satellite of the Bombay Hook National Wildlife Refuge to become an independent refuge with an active bald eagle nest and one of the largest freshwater marshes on the East Coast. I have been proud to work with Delawareans to improve Prime Hook through the voluntary purchase of new properties in and adjacent to the refuge. These land purchases will provide a valuable buffer between the refuge and fast growing development in the county.

It gives me great pleasure, Mr. Speaker, to recognize these achievements and to ensure that these refuges receive the continued support of Congress. In reaffirming our commitment to the conservation of our nation's rich natural heritage, we allow our future generations to witness the same natural wonders we have the privilege of seeing today.

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

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and agree to the resolution, H. Res. 173.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### GILA RIVER INDIAN COMMUNITY JUDGMENT FUND DISTRIBUTION ACT OF 2003

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 162) to provide for the use and distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, and for other purposes.

The Clerk read as follows:

S. 162

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Gila River Indian Community Judgment Fund Distribution Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

#### TITLE I—GILA RIVER JUDGMENT FUND DISTRIBUTION

Sec. 101. Distribution of judgment funds.

Sec. 102. Responsibility of Secretary; applicable law.

#### TITLE II—CONDITIONS RELATING TO COMMUNITY JUDGMENT FUND PLANS

Sec. 201. Plan for use and distribution of judgment funds awarded in Docket No. 228.

Sec. 202. Plan for use and distribution of judgment funds awarded in Docket No. 236-N.

#### TITLE III—EXPERT ASSISTANCE LOANS

Sec. 301. Waiver of repayment of expert assistance loans to Gila River Indian Community.

#### SEC. 2. FINDINGS.

Congress finds that—

(1) on August 8, 1951, the Gila River Indian Community filed a complaint before the Indian Claims Commission in *Gila River Pima-Maricopa Indian Community v. United States*, Docket No. 236, for the failure of the United States to carry out its obligation to protect the use by the Community of water from the Gila River and the Salt River in the State of Arizona;

(2) except for Docket Nos. 236-C and 236-D, which remain undistributed, all 14 original dockets under Docket No. 236 have been resolved and distributed;

(3) in *Gila River Pima-Maricopa Indian Community v. United States*, 29 Ind. Cl. Comm. 144 (1972), the Indian Claims Commission held that the United States, as trustee, was liable to the Community with respect to the claims made in Docket No. 236-C;

(4) in *Gila River Pima-Maricopa Indian Community v. United States*, 684 F.2d 852 (1982), the United States Claims Court held that the United States, as trustee, was liable to the Community with respect to the claims made in Docket No. 236-D;

(5) with the approval of the Community under Community Resolution GR-98-98, the Community entered into a settlement with the United States on April 27, 1999, for claims made under Dockets Nos. 236-C and 236-D for an aggregate total of \$7,000,000;

(6) on May 3, 1999, the United States Court of Federal Claims ordered that a final judgment be entered in consolidated Dockets Nos. 236-C and 236-D for \$7,000,000 in favor of the Community and against the United States;

(7) (A) on October 6, 1999, the Department of the Treasury certified the payment of \$7,000,000, less attorney fees, to be deposited in a trust account on behalf of the Community; and

(B) that payment was deposited in a trust account managed by the Office of Trust Funds Management of the Department of the Interior; and

(8) in accordance with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), the Secretary is required to submit an Indian judgment fund use or distribution plan to Congress for approval.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) ADULT.—The term "adult" means an individual who—

(A) is 18 years of age or older as of the date on which the payment roll is approved by the Community; or

(B) will reach 18 years of age not later than 30 days after the date on which the payment roll is approved by the Community.

(2) COMMUNITY.—The term "Community" means the Gila River Indian Community.

(3) COMMUNITY-OWNED FUNDS.—The term "Community-owned funds" means—

(A) funds held in trust by the Secretary as of the date of enactment of this Act that may be made available to make payments under section 101; or

(B) revenues held by the Community that—

(i) are derived from trust resources; and

(ii) qualify for an exemption under section 7 or 8 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407, 1408).

(4) IIM ACCOUNT.—The term "IIM account" means an individual Indian money account.

(5) JUDGMENT FUNDS.—The term "judgment funds" means the aggregate amount awarded to the Community by the Court of Federal Claims in Dockets Nos. 236-C and 236-D.

(6) LEGALLY INCOMPETENT INDIVIDUAL.—The term "legally incompetent individual" means an individual who has been determined to be incapable of managing his or her own affairs by a court of competent jurisdiction.

(7) MINOR.—The term "minor" means an individual who is not an adult.

(8) PAYMENT ROLL.—The term "payment roll" means the list of eligible, enrolled members of the Community who are eligible to receive a payment under section 101(a), as prepared by the Community under section 101(b).

(9) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

#### TITLE I—GILA RIVER JUDGMENT FUND DISTRIBUTION

##### SEC. 101. DISTRIBUTION OF JUDGMENT FUNDS.

(a) PER CAPITA PAYMENTS.—Notwithstanding the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) or any other provision of law (including any regulation promulgated or plan developed under such a law), the amounts paid in satisfaction of an award granted to the Gila River Indian Community in Dockets Nos. 236-C and 236-D before the United States Court of Federal Claims, less attorney fees and litigation expenses and including all accrued interest, shall be distributed in the form of per capita payments (in amounts as equal as practicable) to all eligible enrolled members of the Community.

(b) PREPARATION OF PAYMENT ROLL.—

(1) IN GENERAL.—The Community shall prepare a payment roll of eligible, enrolled members of the Community that are eligible to receive payments under this section in accordance with the criteria described in paragraph (2).

(2) CRITERIA.—

(A) INDIVIDUALS ELIGIBLE TO RECEIVE PAYMENTS.—Subject to subparagraph (B), the

following individuals shall be eligible to be listed on the payment roll and eligible to receive a per capita payment under subsection (a):

(i) All enrolled Community members who are eligible to be listed on the per capita payment roll that was approved by the Secretary for the distribution of the funds awarded to the Community in Docket No. 236-N (including any individual who was inadvertently omitted from that roll).

(ii) All enrolled Community members who are living on the date of enactment of this Act.

(iii) All enrolled Community members who died—

(I) after the effective date of the payment plan for Docket No. 236-N; but

(II) on or before the date of enactment of this Act.

(B) INDIVIDUALS INELIGIBLE TO RECEIVE PAYMENTS.—The following individuals shall be ineligible to be listed on the payment roll and ineligible to receive a per capita payment under subsection (a):

(i) Any individual who, before the date on which the Community approves the payment roll, relinquished membership in the Community.

(ii) Any minor who relinquishes membership in the Community, or whose parent or legal guardian relinquishes membership on behalf of the minor, before the date on which the minor reaches 18 years of age.

(iii) Any individual who is disenrolled by the Community for just cause (such as dual enrollment or failure to meet the eligibility requirements for enrollment).

(iv) Any individual who is determined or certified by the Secretary to be eligible to receive a per capita payment of funds relating to a judgment—

(I) awarded to another community, Indian tribe, or tribal entity; and

(II) appropriated on or before the date of enactment of this Act.

(v) Any individual who is not enrolled as a member of the Community on or before the date that is 90 days after the date of enactment of this Act.

(c) NOTICE TO SECRETARY.—On approval by the Community of the payment roll, the Community shall submit to the Secretary a notice that indicates the total number of individuals eligible to share in the per capita distribution under subsection (a), as expressed in subdivisions that reflect—

(1) the number of shares that are attributable to eligible living adult Community members; and

(2) the number of shares that are attributable to deceased individuals, legally incompetent individuals, and minors.

(d) INFORMATION PROVIDED TO SECRETARY.—The Community shall provide to the Secretary enrollment information necessary to allow the Secretary to establish—

(1) estate accounts for deceased individuals described in subsection (c)(2); and

(2) IIM accounts for legally incompetent individuals and minors described in subsection (c)(2).

(e) DISBURSEMENT OF FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date on which the payment roll is approved by the Community and the Community has reconciled the number of shares that belong in each payment subdivision described in subsection (c), the Secretary shall disburse to the Community the funds necessary to make the per capita distribution under subsection (a) to eligible living adult members of the Community described in subsection (c)(1).

(2) ADMINISTRATION AND DISTRIBUTION.—On disbursement of the funds under paragraph (1), the Community shall bear sole responsi-

bility for administration and distribution of the funds.

(f) SHARES OF DECEASED INDIVIDUALS.—

(1) IN GENERAL.—The Secretary, in accordance with regulations promulgated by the Secretary and in effect as of the date of enactment of this Act, shall distribute to the appropriate heirs and legatees of deceased individuals described in subsection (c)(2) the per capita shares of those deceased individuals.

(2) ABSENCE OF HEIRS AND LEGATEES.—If the Secretary and the Community make a final determination that a deceased individual described in subsection (c)(2) has no heirs or legatees, the per capita share of the deceased individual and the interest earned on that share shall—

(A) revert to the Community; and

(B) be deposited into the general fund of the Community.

(g) SHARES OF LEGALLY INCOMPETENT INDIVIDUALS.—

(1) IN GENERAL.—The Secretary shall deposit the shares of legally incompetent individuals described in subsection (c)(2) in supervised IIM accounts.

(2) ADMINISTRATION.—The IIM accounts described in paragraph (1) shall be administered in accordance with regulations and procedures established by the Secretary and in effect as of the date of enactment of this Act.

(h) SHARES OF MINORS.—

(1) IN GENERAL.—The Secretary shall deposit the shares of minors described in subsection (c)(2) in supervised IIM accounts.

(2) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall hold the per capita share of a minor described in subsection (c)(2) in trust until such date as the minor reaches 18 years of age.

(B) NONAPPLICABLE LAW.—Section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)) shall not apply to any per capita share of a minor that is held by the Secretary under this Act.

(C) DISBURSEMENT.—No judgment funds, nor any interest earned on judgment funds, shall be disbursed from the account of a minor described in subsection (c)(2) until such date as the minor reaches 18 years of age.

(i) PAYMENT OF ELIGIBLE INDIVIDUALS NOT LISTED ON PAYMENT ROLL.—

(1) IN GENERAL.—An individual who is not listed on the payment roll, but is eligible to receive a payment under this Act, as determined by the Community, may be paid from any remaining judgment funds after the date on which—

(A) the Community makes the per capita distribution under subsection (a); and

(B) all appropriate IIM accounts are established under subsections (g) and (h).

(2) INSUFFICIENT FUNDS.—If insufficient judgment funds remain to cover the cost of a payment described in paragraph (1), the Community may use Community-owned funds to make the payment.

(3) MINORS, LEGALLY INCOMPETENT INDIVIDUALS, AND DECEASED INDIVIDUALS.—In a case in which a payment described in paragraph (2) is to be made to a minor, a legally incompetent individual, or a deceased individual, the Secretary—

(A) is authorized to accept and deposit funds from the payment in an IIM account or estate account established for the minor, legally incompetent individual, or deceased individual; and

(B) shall invest those funds in accordance with applicable law.

(j) USE OF RESIDUAL FUNDS.—On request by the governing body of the Community to the Secretary, and after passage by the governing body of the Community of a tribal council resolution affirming the intention of

the governing body to have judgment funds disbursed to, and deposited in the general fund of, the Community, any judgment funds remaining after the date on which the Community completes the per capita distribution under subsection (a) and makes any appropriate payments under subsection (i) shall be disbursed to, and deposited in the general fund of, the Community.

(k) REVERSION OF PER-CAPITA SHARES TO TRIBAL OWNERSHIP.—

(1) IN GENERAL.—In accordance with the first section of Public Law 87-283 (25 U.S.C. 164), the share for an individual eligible to receive a per-capita share under subsection (a) that is held in trust by the Secretary, and any interest earned on that share, shall be restored to Community ownership if, for any reason—

(A) subject to subsection (i), the share cannot be paid to the individual entitled to receive the share; and

(B) the share remains unclaimed for the 6-year period beginning on the date on which the individual became eligible to receive the share.

(2) REQUEST BY COMMUNITY.—In accordance with subsection (j), the Community may request that unclaimed funds described in paragraph (1)(B) be disbursed to, and deposited in the general fund of, the Community.

#### SEC. 102. RESPONSIBILITY OF SECRETARY; APPLICABLE LAW.

(a) RESPONSIBILITY FOR FUNDS.—After the date on which funds are disbursed to the Community under section 101(e)(1), the United States and the Secretary shall have no trust responsibility for the investment, supervision, administration, or expenditure of the funds disbursed.

(b) DECEASED AND LEGALLY INCOMPETENT INDIVIDUALS.—Funds subject to subsections (f) and (g) of section 101 shall continue to be held in trust by the Secretary until the date on which those funds are disbursed under this Act.

(c) APPLICABILITY OF OTHER LAW.—Except as otherwise provided in this Act, all funds distributed under this Act shall be subject to sections 7 and 8 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407, 1408).

#### TITLE II—CONDITIONS RELATING TO COMMUNITY JUDGMENT FUND PLANS

##### SEC. 201. PLAN FOR USE AND DISTRIBUTION OF JUDGMENT FUNDS AWARDED IN DOCKET NO. 228.

(a) DEFINITION OF PLAN.—In this section, the term “plan” means the plan for the use and distribution of judgment funds awarded to the Community in Docket No. 228 of the United States Claims Court (52 Fed. Reg. 6887 (March 5, 1987)), as modified in accordance with Public Law 99-493 (100 Stat. 1241).

(b) CONDITIONS.—Notwithstanding any other provision of law, the Community shall modify the plan to include the following conditions with respect to funds distributed under the plan:

(1) APPLICABILITY OF OTHER LAW RELATING TO MINORS.—Section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)) shall not apply to any per capita share of a minor that is held, as of the date of enactment of this Act, by the Secretary.

(2) SHARE OF MINORS IN TRUST.—The Secretary shall hold a per capita share of a minor described in paragraph (1) in trust until such date as the minor reaches 18 years of age.

(3) DISBURSAL OF FUNDS FOR MINORS.—No judgment funds, nor any interest earned on judgment funds, shall be disbursed from the account of a minor described in paragraph (1) until such date as the minor reaches 18 years of age.

(4) USE OF REMAINING JUDGMENT FUNDS.—On request by the governing body of the Community, as manifested by the appropriate tribal council resolution, any judgment funds remaining after the date of completion of the per capita distribution under section 101(a) shall be disbursed to, and deposited in the general fund of, the Community.

**SEC. 202. PLAN FOR USE AND DISTRIBUTION OF JUDGMENT FUNDS AWARDED IN DOCKET NO. 236-N.**

(a) DEFINITION OF PLAN.—In this section, the term “plan” means the plan for the use and distribution of judgment funds awarded to the Community in Docket No. 236-N of the United States Court of Federal Claims (59 Fed. Reg. 31092 (June 16, 1994)).

(b) CONDITIONS.—

(1) PER CAPITA ASPECT.—Notwithstanding any other provision of law, the Community shall modify the last sentence of the paragraph under the heading “Per Capita Aspect” in the plan to read as follows: “Upon request from the Community, any residual principal and interest funds remaining after the Community has declared the per capita distribution complete shall be disbursed to, and deposited in the general fund of, the Community.”

(2) GENERAL PROVISIONS.—Notwithstanding any other provision of law, the Community shall—

(A) modify the third sentence of the first paragraph under the heading “General Provisions” of the plan to strike the word “minors”; and

(B) insert between the first and second paragraphs under that heading the following: “Section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)) shall not apply to any per capita share of a minor that is held, as of the date of enactment of the Gila River Indian Community Judgment Fund Distribution Act of 2003, by the Secretary. The Secretary shall hold a per capita share of a minor in trust until such date as the minor reaches 18 years of age. No judgment funds, or any interest earned on judgment funds, shall be disbursed from the account of a minor until such date as the minor reaches 18 years of age.”

**TITLE III—EXPERT ASSISTANCE LOANS**

**SEC. 301. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO GILA RIVER INDIAN COMMUNITY.**

Notwithstanding any other provision of law—

(1) the balance of all outstanding expert assistance loans made to the Community under Public Law 88-168 (77 Stat. 301) and relating to Gila River Indian Community v. United States (United States Court of Federal Claims Docket Nos. 228 and 236 and associated subdockets) are canceled; and

(2) the Secretary shall take such action as is necessary—

(A) to document the cancellation of loans under paragraph (1); and

(B) to release the Community from any liability associated with those loans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

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

Mr. Speaker, S. 162 authorizes a plan for the distribution of a \$7 million dollar final judgment award to eligible

members of the Gila River Indian community. Pursuant to the Indian Tribal Judgment Funds Use or Distribution Act, the Secretary of the Interior must submit to Congress for approval a plan for the use and distribution of such judgment awards.

In 1951 the community filed a complaint before the Indian Claims Commission claiming failure of the United States to protect the community's use of water from the Gila and Salt Rivers. After the Commission and the Court of Claims found the United States liable to the community, the community agreed to a monetary settlement in the amount of \$7 million. Final judgment was entered against the United States in that amount. This legislation represents the final step in resolving the litigation and is a product of close consultation between the community and the Bureau of Indian Affairs. I urge its adoption.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, this piece of legislation, I can just simply say, is long overdue and I cannot thank enough my good friend from Arizona (Mr. HAYWORTH) and his leadership in bringing this piece of legislation, and also Senator MCCAIN of the other body for bringing this to fruition.

Mr. Speaker, I am proud to support S. 162, which is before us this afternoon, and pleased that we are dispensing with this bill early in the session. This bill will provide the authority needed to distribute judgment awards funds to members of the Gila River Pima-Maricopa Indian community in the State of Arizona. This action will finally bring to closure litigation which started in 1951, Mr. Speaker. That is 42 years surrounding the failure of our government, the United States Government, to adequately protect the use of water from the Gila River and the Salt River on behalf of the tribal community.

In 1972 the Indian Claims Commission found the United States liable to the community with regard to the underlying complaint, and in 1982 the U.S. Court of Claims agreed with that finding. A monetary settlement in the amount of \$7 million has been agreed to, and today we will ratify the distribution of those funds according to the wishes of the community.

I strongly urge my colleagues to support this piece of legislation. Mr. Speaker, again, I thank my colleague from Arizona (Mr. HAYWORTH) for bringing this to the attention of the Members of this institution; and, again, I thank the gentleman from Arizona (Mr. RENZI) for management of this bill.

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

Mr. RENZI. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. HAYWORTH), the author of the House companion bill.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Arizona who is proving to represent so capably the new first congressional district and thank him again for his management of this legislation. I also thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his remarks on this legislation, pointing out the history of what has transpired here and the challenge that at long last we will redress in this Chamber today.

Mr. Speaker, it bears repeating that S. 162 provides for the distribution of certain funds awarded to the Gila River Pima-Maricopa Indian community.

□ 1615

This bill is the Senate companion version to the legislation that I introduced, that my colleague from the First District of Arizona alluded to, the companion legislation designated as H.R. 458. Since this legislation has already been approved by the other body, I am grateful to the leadership of this House and to my colleagues on both sides of the aisle for taking up the bill from the other body in such an expeditious manner.

Mr. Speaker, it was my honor to represent the Gila River Indian community in the Congress of the United States for my first 8 years of service in this institution. And although redistricting in my home State has shifted the boundaries of the Congressional District I now represent, I continue to enjoy a very productive working relationship with and on behalf of the Gila River community.

Mr. Speaker, I would urge my colleagues to support this very important legislation. My friend from American Samoa cited dates, and let us understand what is at stake here in this Chamber this afternoon. An agreement of some was decided upon in 1951. Mr. Speaker, to put this in perspective, that is some 7 years before the date of my birth. Over a half century has passed, and we need to get this done. Fifty years of litigation and consultation between the Gila River Tribe and the government of the United States now, today. We say from time to time that this is a deliberative body. Mr. Speaker, I daresay those of us on both sides of the aisle welcome the fact that this deliberation will at long last draw to a close.

Mr. Speaker, this points out a challenge we have faced time and again with the first Americans, because in too many instances, our government has come up short in its stewardship of Native American monies. The Gila River community has faced considerable delays in dealing with the Office of Trust Funds Management and the Bureau of Indian Affairs in finalizing the distribution plan. Members of the Gila River Indian community, in fact,

have waited an additional half a decade for final resolution of these legal claims and for distribution of these judgment funds to eligible tribal members.

Mr. Speaker, the dominant media culture in this town, so fond of playing up differences that may exist among us, may little note nor long remember what transpires with this legislation today. But it is very profound, because it lifts a burden of uncertainty from members of the Gila River community.

The time is now for Congress to pass this legislation so that the community members' judgment funds may finally, finally be released to them. This is a chance where we come together as men and women of goodwill, as constitutional officers, to do the right thing for the right reasons, even though the timing has been somewhat delayed.

Mr. Speaker, I therefore urge my colleagues once again to support this important legislation, and once again thanking my friend from American Samoa and my new colleague from the First District of Arizona.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume to commend my good friend from Arizona not only for his eloquence, as always, but for the outstanding leadership that he has demonstrated as a member of our congressional caucus, as cochairman of the Native American Caucus, my good friend, the gentleman from Arizona (Mr. HAYWORTH) for his appreciation and understanding of the needs of the first Americans in our community.

I also would like to give recognition to the fact that we have two other Members who, unfortunately, because of schedules, just are not here but would have loved to testify in support of this legislation. So in a bipartisan fashion, I will just mention that my colleagues, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Arizona (Mr. PASTOR), I know, would have loved to be here to lend their support to this legislation.

Just a little sense of history, Mr. Speaker. As I stated earlier, in 1951, the Gila River Pima-Maricopa Indian Community sued the United States before the Indian Claims Commission seeking damages for failure of the United States to protect the community's historic use of the Salt River water during the period from 1880 to 1936. In 1999, in order to end continuing litigation between the community and the United States regarding the nature of the community's water rights under section 2 of the ICCA, and for this period, the United States, and that is the Department of Justice and the community, jointly moved the Federal Court of Claims to enter a final judgment against the United States in the amount of \$7 million in favor of the community. The final judgment entered into by the Court of Federal Claims finally disposed of all the community's claims and demands under section 2 of the ICCA.

As noted in the 1999 stipulation and joint motion for entry of final judgment, and because such claims are beyond the jurisdiction of the Indian Claims Commission, as conferred by section 2 of the Indian Claims Commission Act, the final judgment entered into by the Court of Federal Claims, pursuant to the stipulated settlement, does not dispose of claims that could be brought by the community with regard to the applicability of the Winters Doctrine or the full extent of other water rights.

The bottom line, Mr. Speaker, as stated by my good friend from the State of Arizona earlier, I think we have committed a tremendous injustice to this tribe. For the 42 years it has taken them to seek redress on this grievance, it has taken over 42 years, I think is a tremendous injustice and it is about time that we do something about this. I sincerely hope that my colleagues will support this legislation.

Again, I thank my good friend from Arizona for his support and his leadership.

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

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from American Samoa, and like no other, the gentleman from Arizona (Mr. HAYWORTH), with his eloquence and articulation, has provided us not just the historical data here but the emotional data that goes with the Gila River judgment settlement.

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S.162.

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.

#### BLACKWATER NATIONAL WILDLIFE REFUGE EXPANSION ACT

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 274) to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge.

The Clerk read as follows:

H.R. 274

*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 "Blackwater National Wildlife Refuge Expansion Act".

##### SEC. 2. FINDINGS.

The Congress finds the following:

(1) Garrett Island, located at the mouth of the Susquehanna River in Cecil County,

Maryland, is a microcosm of the geology and geography of the region, including hard rock piedmont, coastal plain, and volcanic formations.

(2) Garrett Island is the only rocky island in the tidal waters of the Chesapeake.

(3) Garrett Island and adjacent waters provide high-quality habitat for bird and fish species.

(4) Garrett Island contains significant archeological sites reflecting human history and prehistory of the region.

##### SEC. 3. AUTHORITY TO ACQUIRE PROPERTY FOR INCLUSION IN THE BLACKWATER NATIONAL WILDLIFE REFUGE.

(a) ACQUISITION.—The Secretary of the Interior may use otherwise available amounts to acquire the area known as Garrett Island, consisting of approximately 198 acres located at the mouth of the Susquehanna River in Cecil County, Maryland.

(b) ADMINISTRATION.—Lands and interests acquired by the United States under this section shall be managed by the Secretary as the Garrett Island Unit of the Blackwater National Wildlife Refuge.

(c) PURPOSES.—The purposes for which the Garrett Island Unit is established and shall be managed are the following:

(1) To support the Delmarva Conservation Corridor Demonstration Program.

(2) To conserve, restore, and manage habitats as necessary to contribute to the migratory bird populations prevalent in the Atlantic Flyway.

(3) To conserve, restore, and manage the significant aquatic resource values associated with submerged land adjacent to the unit and to achieve the habitat objectives of the agreement known as the Chesapeake 2000 Agreement.

(4) To conserve the archeological resources on the unit.

(5) To provide public access to the unit in a manner that does not adversely impact natural resources on and around the unit.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

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

Mr. Speaker, H.R. 274 has been introduced by the chairman of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans the gentleman from Maryland (Mr. GILCREST). It has been the subject of two congressional hearings and extensive site visits by the U.S. Fish and Wildlife Service to Garrett Island, Maryland.

While there is a dispute over who should hold title to the 180 acres that comprise Garrett Island, there is no debate over the fact the island contains valuable resources that should be protected in the future and that the cost of acquiring the property is less than one-half million dollars. I have been assured the two private landowners who currently hold title to about 120 acres of Garrett Island, which is uninhabited, are willing to sell their property to the Federal Government in a voluntary manner.

The gentleman from Maryland (Mr. GILCREST) has made a compelling case for incorporating this land within the existing Blackwater National Wildlife