

To underscore the cultural importance of the Delaware, I would like to read a passage from the frontispiece of the book on the Delaware by Bruce Stutz, a piece by Walt Whitman:

"As I was crossing the Delaware today, saw a large flock of wild geese, right overhead, not very high up, ranging in V-shape, in relief against the noon clouds of light smoke-color. Had a capital, though momentary view of them, and then of their course on and on southeast, till gradually fading . . . the waters below—the rapid flight of the birds, appearing just for a minute—flashing to me such a hint of the whole spread of Nature with her eternal unsophisticated freshness, her never-visited recesses of sea, sky, shore—and then disappearing into the distance."

What Walt Whitman described I think highlights the importance of this area; but unmanaged development and inappropriate use of the river's resources threaten its health, the quality of its waters, natural habitats, scenic beauty, and historical sites. This legislation will protect the river from dangerous and unplanned development and from federally licensed dams, diversion projects, and channelization that could destroy the nature of the watershed and threaten the populations that depend on it.

In addition, the bill, S. 1296, encourages local control through a management plan that will, one, protect riparian landowner rights; two, maintain and improve water quality; three, preserve natural and historical resources; four, encourage recreational use and eco-tourism; five, preserve open space; six, minimize the adverse effects of development; and, seven, involve the public in educational programs that recognize the value of this resource and ways to protect it.

Our citizens along the river who are environmentally wise can use this designation as a scenic river to carry further the improvements that have been made. By the mid-1950s, the popular fish, the shad, had disappeared. Now the shad are back in large numbers, and Lambertville's Shad Fest is a grand occasion every year.

The quality of water has a direct relationship to the Nation's economy, including the number of tourists, shoppers, and recreation enthusiasts who visit the area. The river has provided a vital link to neighboring communities in Pennsylvania, New York, and Delaware.

S. 1296 is needed to ensure that this sense of community that had developed around the river continues to be nurtured. S. 1296 is needed to ensure that the future environment and the economic benefits of the Lower Delaware River are protected.

The Wild and Scenic River designation would encourage natural and historic resource preservation and would help preserve the future of ecologically sensitive recreation areas.

This legislation has garnered the support of a wide variety of groups and citizens. Over 100 community and advisory groups have worked on this campaign, including the Heritage Conser-

vancy, the Delaware Greenway Commission, the Nature Conservancy, the Delaware River Keeper, the Delaware River Basin Commission, State parks, chambers of commerce, power and water companies, and other local businesses. In addition, 24 of the 30 municipalities along the eligible section of the river have passed resolutions supporting its designation.

In 1992, Congress authorized a study of the Lower Delaware for potential inclusion in the Wild and Scenic River Systems. The National Park Service studies have been completed, and local municipalities have reviewed and supported the draft legislation and the management plan. It is incumbent on us to do our part to support the affected communities by passing this legislation before concluding this session of Congress. In fact, the legislation is overdue.

Quite simply, the communities in the Delaware River watershed understand the importance of the river and the need to protect it. S. 1296 would further aid these communities by providing comprehensive planning and financial and technical assistance to allow local municipalities to sustain the protection of the river.

Referring back to Walt Whitman, Langston Hughes wrote:

Old Walt Whitman  
Went finding and seeking,  
Finding less than sought  
Seeking more than found,  
Every detail minding  
Of the seeking or the finding.  
Pleasured equally  
In seeking as in finding,  
Each detail minding,  
Old Walt went seeking  
And finding.

Langston Hughes also talks about the historical cultural importance of this important river, the longest free-flowing river in the eastern United States. I hope my colleagues will recognize the importance of protecting this valuable natural resource, and I strongly urge all Members to support S. 1296, the Lower Delaware Wild and Scenic Rivers Act.

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

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

Madam Speaker, all I can say after listening to the great passages of our former literary giants, is I ask the House to pass this legislation.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the Senate bill, S. 1296.

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.

ALLOWING LEASE OR TRANSFER OF LAND OWNED BY COUSHATTA TRIBE OF LOUISIANA

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5398) to provide that land which is owned by the Coushatta Tribe of Louisiana but which is not held in trust by the United States for the Tribe may be leased or transferred by the Tribe without further approval by the United States.

The Clerk read as follows:

H.R. 5398

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

**SECTION 1. APPROVAL NOT REQUIRED TO VALIDATE LAND TRANSACTIONS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, without further approval, ratification, or authorization by the United States, the Coushatta Tribe of Louisiana, may lease, sell, convey, warrant, or otherwise transfer all or any part of the Tribe's interest in any real property that is not held in trust by the United States for the benefit of the Tribe.

(b) TRUST LAND NOT AFFECTED.—Nothing in this section is intended or shall be construed to—

(1) authorize the Coushatta Tribe of Louisiana to lease, sell, convey, warrant, or otherwise transfer all or any part of an interest in any real property that is held in trust by the United States for the benefit of the Tribe; or

(2) affect the operation of any law governing leasing, selling, conveying, warranting, or otherwise transferring any interest in such trust land.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

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

Madam Speaker, I rise today in support of H.R. 5398, legislation which will allow the Coushatta Tribe of Louisiana to sell, lease, or otherwise transfer its interest in any real property which is not held in trust by the United States. This bill is necessary because Federal law limits a tribe's authority to sell land which it owns, even though that land is not held in trust.

I urge support for this bill.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Madam Speaker, first let me thank the gentleman from Louisiana (Mr. JOHN) for his dedication and leadership on this legislation.

This legislation would enable the Coushatta Tribe of Louisiana to transfer, sell, or lease fee lands without further approval of the United States. In addition to trust land held by the

United States for the benefit of the tribe, the tribe also owns land outside the reservation system. This land, owned in fee status, is subject to State and local laws and taxes. Recently, however, there has been confusion with regard to the authority of the Coushatta Tribe in using these fee lands.

H.R. 5398 would help by alleviating this confusion over the tribe's authority regarding fee lands. This bill would not apply to lands held in trust by the United States, but would allow the tribe to pursue future economic development activities as it determines.

This legislation is good, just policy; and I urge my colleagues to support it.

Mr. JOHN. Madam Speaker, I rise today in support of H.R. 5398, which would provide that land, which is owned in fee by the Coushatta Indian Community in Louisiana and not held in trust by the United States, may be leased or transferred without further approval by the United States.

Existing federal law provides that Indian tribes may not lease, sell or otherwise convey land which they may have title to unless the conveyances are approved by Congress. This prohibition, enacted into law in 1834 to prevent the unfair or improper disposition of Indian-owned land, has been interpreted by the courts to apply even though the land was purchased by the tribes with their own money and even though the land is not held in trust by the federal government.

In 1834, this process made perfect sense. Today, however, this process has proven to be a major detriment to economic development for the Coushatta Tribe. It puts the tribe at a distinct disadvantage, because the tribe finds that it cannot develop or use land which it has acquired to its full advantage. H.R. 5398 will allow the Coushatta Tribe to use the fee land it has purchased just like any other landowner, without having to come to Congress any time it wants to sell, lease, or even mortgage that land.

In addition to the land owned by the tribe and held in trust by the U.S. Department of Interior, the Coushatta Tribe owns the fee land which is not held in trust. This fee land, while owned by the tribe, is subject to state and local laws and the tribe does not have the authority to conduct gaming activities on this land. As the Coushatta Tribe continues to work toward establishing long-term financial security for its members, they are finding it necessary to have the ability to establish business agreements with non-Indian partners using the fee land to pursue future economic development activities, including the development of golf courses, business parks, and recreation and convention centers.

On February 29 of this year, this body granted the Lower Sioux Indian Community in Minnesota these same rights that I am seeking for the Coushatta Indian Community. Companion legislation, S. 2792, has been introduced in the U.S. Senate by Senator JOHN BREAUX of Louisiana. Locally, this legislation is supported by the Town of Elton and the Allen Parish Assessor.

The Coushatta Tribe has made significant progress in recent years to eliminate poverty and reduce reliance on government programs. By passing H.R. 5398, this Congress will further empower the Coushatta Tribe to empower themselves.

Madam Speaker, I thank the leadership for bringing this legislation to the floor today, and I encourage my colleagues to support H.R. 5398.

Mr. UDALL of New Mexico. Madam Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 5398.

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

A motion to reconsider was laid on the table.

#### PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 1444, FISHERIES RESTORATION AND IRRIGATION MITIGATION ACT OF 2000

Mr. CALVERT. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 630) providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 1444.

The Clerk read as follows:

H. RES. 630

*Resolved*, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill, H.R. 1444, with the Senate amendments thereto, and to have concurred in the Senate amendment with the following amendments:

(1) Amend the title so as to read: "A bill to authorize the Secretary of the Interior to establish a program to plan, design, and construct fish screens, fish passage devices, and related features to mitigate impacts on fisheries associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho."

(2) In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Fisheries Restoration and Irrigation Mitigation Act of 2000".

##### SEC. 2. DEFINITIONS.

In this Act:

(1) PACIFIC OCEAN DRAINAGE AREA.—The term "Pacific Ocean drainage area" means the area comprised of portions of the States of Oregon, Washington, Montana, and Idaho from which water drains into the Pacific Ocean.

(2) PROGRAM.—The term "Program" means the Fisheries Restoration and Irrigation Mitigation Program established by section 3(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

##### SEC. 3. ESTABLISHMENT OF THE PROGRAM.

(a) ESTABLISHMENT.—There is established the Fisheries Restoration and Irrigation Mitigation Program within the Department of the Interior.

(b) GOALS.—The goals of the Program are—

(1) to decrease fish mortality associated with the withdrawal of water for irrigation

and other purposes without impairing the continued withdrawal of water for those purposes; and

(2) to decrease the incidence of juvenile and adult fish entering water supply systems.

##### (c) IMPACTS ON FISHERIES.—

(1) IN GENERAL.—Under the Program, the Secretary, in consultation with the heads of other appropriate agencies, shall develop and implement projects to mitigate impacts to fisheries resulting from the construction and operation of water diversions by local governmental entities (including soil and water conservation districts) in the Pacific Ocean drainage area.

(2) TYPES OF PROJECTS.—Projects eligible under the Program may include—

(A) the development, improvement, or installation of—

(i) fish screens;  
(ii) fish passage devices; and  
(iii) other related features agreed to by non-Federal interests, relevant Federal and tribal agencies, and affected States; and

(B) inventories by the States on the need and priority for projects described in clauses (i) through (iii).

(3) PRIORITY.—The Secretary shall give priority to any project that has a total cost of less than \$5,000,000.

##### SEC. 4. PARTICIPATION IN THE PROGRAM.

###### (a) NON-FEDERAL.—

(1) IN GENERAL.—Non-Federal participation in the Program shall be voluntary.

(2) FEDERAL ACTION.—The Secretary shall take no action that would result in any non-Federal entity being held financially responsible for any action under the Program, unless the entity applies to participate in the Program.

(b) FEDERAL.—Development and implementation of projects under the Program on land or facilities owned by the United States shall be nonreimbursable Federal expenditures.

##### SEC. 5. EVALUATION AND PRIORITIZATION OF PROJECTS.

Evaluation and prioritization of projects for development under the Program shall be conducted on the basis of—

(1) benefits to fish species native to the project area, particularly to species that are listed as being, or considered by Federal or State authorities to be, endangered, threatened, or sensitive;

(2) the size and type of water diversion;

(3) the availability of other funding sources;

(4) cost effectiveness; and

(5) additional opportunities for biological or water delivery system benefits.

##### SEC. 6. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—A project carried out under the Program shall not be eligible for funding unless—

(1) the project meets the requirements of the Secretary, as applicable, and any applicable State requirements; and

(2) the project is agreed to by all Federal and non-Federal entities with authority and responsibility for the project.

(b) DETERMINATION OF ELIGIBILITY.—In determining the eligibility of a project under this Act, the Secretary shall—

(1) consult with other Federal, State, tribal, and local agencies; and

(2) make maximum use of all available data.

##### SEC. 7. COST SHARING.

(a) NON-FEDERAL SHARE.—The non-Federal share of the cost of development and implementation of any project under the Program on land or at a facility that is not owned by the United States shall be 35 percent.

(b) NON-FEDERAL CONTRIBUTIONS.—The non-Federal participants in any project under the Program on land or at a facility