

heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

SEC. 3. STUDY AREA.

(a) IN GENERAL.—

(1) SOUTH CAROLINA.—The study area shall include the following counties in South Carolina: Pickens, Greenville County, Spartanburg, Cherokee County, Greenwood, Laurens, Union, York, Chester, Darlington, Florence, Chesterfield, Marlboro, Fairfield, Richland, Lancaster, Kershaw, Sumter, Orangeburg, Georgetown, Dorchester, Colleton, Charleston, Beaufort, and Williamsburg.

(2) NORTH CAROLINA.—The study area may include sites and locations in North Carolina as appropriate.

(b) SPECIFIC SITES.—The heritage area may include the following sites of interest:

(1) NATIONAL PARK SERVICE SITE.—Kings Mountain National Military Park, Cowpens National Battlefield, Fort Moultrie National Monument, Charles Pickney National Historic Site, and Ninety Six National Historic Site as well as the National Park Affiliate of Historic Camden Revolutionary War Site.

(2) STATE-MAINTAINED SITES.—Colonial Dorchester State Historic Site, Eutaw Springs Battle Site, Hampton Plantation State Historic Site, Fort Watson, Landsford Canal State Historic Site, Andrew Jackson State Park, and Musgrove Mill State Park.

(3) COMMUNITIES.—Charleston, Beaufort, Georgetown, Kingstree, Cheraw, Camden, Winnsboro, Orangeburg, and Cayce.

(4) OTHER KEY SITES OPEN TO THE PUBLIC.—Middleton Place, Goose Creek Church, Hopsewee Plantation, Walnut Grove Plantation, and Historic Brattonsville.

SEC. 4. REPORT.

Not later than 3 fiscal years after the date on which funds are first made available for this Act, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) 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.

Mr. Speaker, H.R. 4830, introduced by the gentleman from South Carolina (Mr. SPRATT), would authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, we fully support H.R. 4830.

Mr. Speaker, I yield 30 seconds to the gentleman from South Carolina (Mr. SPRATT), the sponsor of this bill.

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

Mr. SPRATT. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, this is about the most important part of the campaign for the revolution, the revolution in the South, where the revolution was largely won after the fall of Charleston in the back country.

The whole matter has been popularized by Mel Gibson and others in a movie called *The Patriot*. The story now needs to be told right. There are over 200 battles and skirmishes, military incidents. We need this national corridor to tell it right.

We had 1 million visitors to 8 different battlefields in South Carolina in the year 2000, and even more now. This is a perfectly fit bill for those circumstances. The story needs to be told right and well.

I would like to commend the chairman and the ranking member for allowing this bill to come to the floor. I urge everyone to vote for it.

Mrs. CHRISTENSEN. 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. 4830.

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.

ANDERSONVILLE NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4692) to amend the Act entitled "An Act to authorize the Establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes", to provide for the addition of certain donated lands to the Andersonville National Historic Site.

The Clerk read as follows:

H.R. 4692

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

SECTION 1. ADDITIONAL LANDS AUTHORIZED TO BE ADDED TO HISTORIC SITE.

The first section of the Act entitled "An Act to authorize the establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes", approved October 16, 1970, is amended by striking "five hundred acres" and inserting "520 acres".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) 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.

Mr. Speaker, H.R. 4692, introduced by the gentleman from Georgia (Mr. BISHOP), would amend the enabling legislation of the Andersonville National Historic Site to authorize the addition of 20 acres.

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I commend the gentleman from Georgia (Mr. BISHOP) for his work on this bill. We are in support of its passage.

Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. BISHOP), the sponsor of the bill.

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

Mr. BISHOP. Mr. Speaker, I thank the gentlewoman for yielding time to me. I thank the committee for their strong support of this legislation.

Mr. Speaker, this bill is designed to increase the size of the Andersonville National Historic Site in Andersonville, Georgia, which is the site of America's only official National Prisoner of War Museum, exhibit, and the Andersonville National POW Cemetery.

It is necessary to expand the size because it is statutorily limited. In order to make the road safer and provide for better security, the Friends of Andersonville, a 501(c)(3) corporation, purchased the land and wishes to donate it. With this legislation, it can receive the land. The land can be made safer, and the Prisoners of War and America's people can properly recognize and commend the work of our POWs.

□ 1845

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

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 bill, H.R. 4692.

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.

CHEROKEE, CHOCTAW, AND CHICKASAW NATIONS CLAIMS SETTLEMENT ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3534) to provide for the settlement of certain land claims of Cherokee, Choctaw, and Chickasaw Nations to the Arkansas Riverbed in Oklahoma, as amended.

The Clerk read as follows:

H.R. 3534

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 “Cherokee, Choctaw, and Chickasaw Nations Claims Settlement Act”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) It is the policy of the United States to promote tribal self-determination and economic self-sufficiency and to encourage the resolution of disputes over historical claims through mutually agreed-to settlements between Indian Nations and the United States.

(2) There are pending before the United States Court of Federal Claims certain lawsuits against the United States brought by the Cherokee, Choctaw, and Chickasaw Nations seeking monetary damages for the alleged use and mismanagement of tribal resources along the Arkansas River in eastern Oklahoma.

(3) The Cherokee Nation, a federally recognized Indian tribe with its present tribal headquarters south of Tahlequah, Oklahoma, having adopted its most recent constitution on June 26, 1976, and having entered into various treaties with the United States, including but not limited to the Treaty at Hopewell, executed on November 28, 1785 (7 Stat. 18), and the Treaty at Washington, D.C., executed on July 19, 1866 (14 Stat. 799), has maintained a continuous government-to-government relationship with the United States since the earliest years of the Union.

(4) The Choctaw Nation, a federally recognized Indian tribe with its present tribal headquarters in Durant, Oklahoma, having adopted its most recent constitution on July 9, 1983, and having entered into various treaties with the United States of America, including but not limited to the Treaty at Hopewell, executed on January 3, 1786 (7 Stat. 21), and the Treaty at Washington, D.C., executed on April 28, 1866 (7 Stat. 21), has maintained a continuous government-to-government relationship with the United States since the earliest years of the Union.

(5) The Chickasaw Nation, a federally recognized Indian tribe with its present tribal headquarters in Ada, Oklahoma, having adopted its most recent constitution on August 27, 1983, and having entered into various treaties with the United States of America, including but not limited to the Treaty at Hopewell, executed on January 10, 1786 (7 Stat. 24), and the Treaty at Washington, D.C., executed on April 28, 1866 (7 Stat. 21), has maintained a continuous government-to-government relationship with the United States since the earliest years of the Union.

(6) In the first half of the 19th century, the Cherokee, Choctaw, and Chickasaw Nations were forcibly removed from their homelands in the southeastern United States to lands west of the Mississippi in the Indian Territory that were ceded to them by the United States. From the “Three Forks” area near present day Muskogee, Oklahoma, downstream to the point of confluence with the Canadian River, the Arkansas River flowed entirely within the territory of the Cherokee Nation. From that point of confluence downstream to the Arkansas territorial line, the Arkansas River formed the boundary between the Cherokee Nation on the left side of the thread of the river and the Choctaw and Chickasaw Nations on the right.

(7) Pursuant to the Act of April 30, 1906 (34 Stat. 137), tribal property not allotted to individuals or otherwise disposed of, including the bed and banks of the Arkansas River, passed to the United States in trust for the use and benefit of the respective Indian Na-

tions in accordance with their respective interests therein.

(8) For more than 60 years after Oklahoma statehood, the Bureau of Indian Affairs believed that Oklahoma owned the Riverbed from the Arkansas State line to Three Forks, and therefore took no action to protect the Indian Nations’ Riverbed resources such as oil, gas, and Drybed Lands suitable for grazing and agriculture.

(9) Third parties with property near the Arkansas River began to occupy the 3 Indian Nations’ Drybed Lands—lands that were under water at the time of statehood but that are now dry due to changes in the course of the river.

(10) In 1966, the 3 Indian Nations sued the State of Oklahoma to recover their lands. In 1970, the Supreme Court of the United States decided in the case of Choctaw Nation vs. Oklahoma (396 U.S. 620), that the Indian Nations retained title to their respective portions of the Riverbed along the navigable reach of the river.

(11) In 1987, the Supreme Court of the United States in the case of United States vs. Cherokee Nation (480 U.S. 700) decided that the riverbed lands did not gain an exemption from the Federal Government’s navigational servitude and that the Cherokee Nation had no right to compensation for damage to its interest by exercise of the Government’s servitude.

(12) In 1989, the Indian Nations filed lawsuits against the United States in the United States Court of Federal Claims (Case Nos. 218-89L and 630-89L), seeking damages for the United States’ use and mismanagement of tribal trust resources along the Arkansas River. Those actions are still pending.

(13) In 1997, the United States filed quiet title litigation against individuals occupying some of the Indian Nations’ Drybed Lands. That action, filed in the United States District Court for the Eastern District of Oklahoma, was dismissed without prejudice on technical grounds.

(14) Much of the Indian Nations’ Drybed Lands have been occupied by a large number of adjacent landowners in Oklahoma. Without Federal legislation, further litigation against thousands of such landowners would be likely and any final resolution of disputes would take many years and entail great expense to the United States, the Indian Nations, and the individuals and entities occupying the Drybed Lands and would seriously impair long-term economic planning and development for all parties.

(15) The Councils of the Cherokee and Choctaw Nations and the Legislature of the Chickasaw Nation have each enacted tribal resolutions which would, contingent upon the passage of this Act and the satisfaction of its terms and in exchange for the moneys appropriated hereunder—

(A) settle and forever release their respective claims against the United States asserted by them in United States Court of Federal Claims Case Nos. 218-89L and 630-89L; and

(B) forever disclaim any and all right, title, and interest in and to the Disclaimed Drybed Lands, as set forth in those enactments of the respective councils of the Indian Nations.

(16) The resolutions adopted by the respective Councils of the Cherokee, Choctaw, and Chickasaw Nations each provide that, contingent upon the passage of the settlement legislation and satisfaction of its terms, each Indian Nation agrees to dismiss, release, and forever discharge its claims asserted against the United States in the United States Court of Federal Claims, Case Nos. 218-89L and 630-89L, and to forever disclaim any right, title, or interest of the Indian Nation in the Disclaimed Drybed Lands, in exchange for the

funds appropriated and allocated to the Indian Nation under the provisions of the settlement legislation, which funds the Indian Nation agrees to accept in full satisfaction and settlement of all claims against the United States for the damages sought in the aforementioned claims asserted in the United States Court of Federal Claims, and as full and fair compensation for disclaiming its right, title, and interest in the Disclaimed Drybed Lands.

(17) In those resolutions, each Indian Nation expressly reserved all of its beneficial interest and title to all other Riverbed lands, including minerals, as determined by the Supreme Court in Choctaw Nation v. Oklahoma, 397 U.S. 620 (1970), and further reserved any and all right, title, or interest that each Nation may have in and to the water flowing in the Arkansas River and its tributaries.

SEC. 3. PURPOSES.

The purposes of this Act are to resolve all claims that have been or could have been brought by the Cherokee, Choctaw, and Chickasaw Nations against the United States, and to confirm that the 3 Indian Nations are forever disclaiming any right, title, or interest in the Disclaimed Drybed Lands, which are contiguous to the channel of the Arkansas River as of the date of the enactment of this Act in certain townships in eastern Oklahoma.

SEC. 4. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) **DISCLAIMED DRYBED LANDS.**—The term “Disclaimed Drybed Lands” means all Drybed Lands along the Arkansas River that are located in Township 10 North in Range 24 East, Townships 9 and 10 North in Range 25 East, Township 10 North in Range 26 East, and Townships 10 and 11 North in Range 27 East, in the State Oklahoma.

(2) **DRYBED LANDS.**—The term “Drybed Lands” means those lands which, on the date of enactment of this Act, lie above and contiguous to the mean high water mark of the Arkansas River in the State of Oklahoma. The term “Drybed Lands” is intended to have the same meaning as the term “Upland Claim Area” as used by the Bureau of Land Management Cadastral Survey Geographic Team in its preliminary survey of the Arkansas River. The term “Drybed Lands” includes any lands so identified in the “Holway study.”

(3) **INDIAN NATION; INDIAN NATIONS.**—The term “Indian Nation” means the Cherokee Nation, Choctaw Nation, or Chickasaw Nation, and the term “Indian Nations” means all 3 tribes collectively.

(4) **RIVERBED.**—The term “Riverbed” means the Drybed Lands and the Wetbed Lands and includes all minerals therein.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(6) **WETBED LANDS.**—The term “Wetbed Lands” means those Riverbed lands which lie below the mean high water mark of the Arkansas River in the State of Oklahoma as of the date of the enactment of this Act, exclusive of the Drybed Lands. The term Wetbed Land is intended to have the same meaning as the term “Present Channel Claim Areas” as utilized by the Bureau of Land Management Cadastral Survey Geographic Team in its preliminary survey of the Arkansas River.

SEC. 5. SETTLEMENT AND CLAIMS; APPROPRIATIONS; ALLOCATION OF FUNDS.

(a) **EXTINGUISHMENT OF CLAIMS.**—Pursuant to their respective tribal resolutions, and in exchange for the benefits conferred under this Act, the Indian Nations shall, on the date of enactment of this Act, enter into a consent decree with the United States that waives, releases, and dismisses all the claims

they have asserted or could have asserted in their cases numbered 218-89L and 630-89L pending in the United States Court of Federal Claims against the United States, including but not limited to claims arising out of any and all of the Indian Nations' interests in the Disclaimed Drybed Lands and arising out of construction, maintenance and operation of the McClellan-Kerr Navigation Way. The Indian Nations and the United States shall lodge the consent decree with the Court of Federal Claims within 30 days of the enactment of this Act, and shall move for entry of the consent decree at such time as all appropriations by Congress pursuant to the authority of this Act have been made and deposited into the appropriate tribal trust fund account of the Indian Nations as described in section 6. Upon entry of the consent decree, all the Indian Nations' claims and all their past, present, and future right, title, and interest to the Disclaimed Drybed Lands, shall be deemed extinguished. No claims may be asserted in the future against the United States pursuant to sections 1491, 1346(a)(2), or 1505 of title 28, United States Code, for actions taken or failed to have been taken by the United States for events occurring prior to the date of the extinguishment of claims with respect to the Riverbed.

(b) **RELEASE OF TRIBAL CLAIMS TO CERTAIN DRYBED LANDS.**—

(1) **IN GENERAL.**—Upon the deposit of all funds authorized for appropriation under subsection (c) for an Indian Nation into the appropriate trust fund account described in section 6—

(A) all claims now existing or which may arise in the future with respect to the Disclaimed Drybed lands and all right, title, and interest that the Indian Nations and the United States as trustee on behalf of the Indian Nation may have to the Disclaimed Drybed Lands, shall be deemed extinguished;

(B) any interest of the Indian Nations or the United States as trustee on their behalf in the Disclaimed Drybed Lands shall further be extinguished pursuant to the Trade and Intercourse Act of 1790, Act of July 22, 1790 (ch. 33, 1 Stat. 137), and all subsequent amendments thereto (as codified at 25 U.S.C. 177);

(C) to the extent parties other than the Indian Nations have transferred interests in the Disclaimed Drybed Lands in violation of the Trade and Intercourse Act, Congress does hereby approve and ratify such transfers of interests in the Disclaimed Drybed Lands to the extent that such transfers otherwise are valid under law; and

(D) the Secretary is authorized to execute an appropriate document citing this Act, suitable for filing with the county clerks, or such other county official as appropriate, of those counties wherein the foregoing described lands are located, disclaiming any tribal or Federal interest on behalf of the Indian Nations in such Disclaimed Drybed Lands. The Secretary is authorized to file with the counties a plat or map of the disclaimed lands should the Secretary determine that such filing will clarify the extent of lands disclaimed. Such a plat or map may be filed regardless of whether the map or plat has been previously approved for filing, whether or not the map or plat has been filed, and regardless of whether the map or plat constitutes a final determination by the Secretary of the extent of the Indian Nations' original claim to the Disclaimed Drybed Lands. The disclaimer filed by the United States shall constitute a disclaimer of the Disclaimed Drybed Lands for purposes of the Trade and Intercourse Act (25 U.S.C. 177).

(2) **SPECIAL PROVISIONS.**—Notwithstanding any provision of this Act—

(A) the Indian Nations do not relinquish any right, title, or interest in any lands which constitute the Wetbed Lands subject to the navigational servitude exercised by the United States on the Wetbed Lands. By virtue of the exercise of the navigational servitude, the United States shall not be liable to the Indian Nations for any loss they may have related to the minerals in the Wetbed Lands;

(B) no provision of this Act shall be construed to extinguish or convey any water rights of the Indian Nations in the Arkansas River or any other stream or the beneficial interests or title of any of the Indian Nations in and to lands held in trust by the United States on the date of enactment of this Act which lie above or below the mean high water mark of the Arkansas River, except for the Disclaimed Drybed Lands; and

(C) the Indian Nations do not relinquish any right, title, or interest in any lands or minerals of certain unallotted tracts which are identified in the official records of the Eastern Oklahoma Regional Office, Bureau of Indian Affairs. The disclaimer to be filed by the Secretary of the Interior under section 5(b)(1) of this Act shall reflect the legal description of the unallotted tracts retained by the Nations.

(3) **SETOFF.**—In the event the Court of Federal Claims does not enter the consent decree as set forth in subsection (a), the United States shall be entitled to setoff against any claims of the Indian Nations as set forth in subsection (a), any funds transferred to the Indian Nations pursuant to section 6, and any interest accrued thereon up to the date of setoff.

(4) **QUIET TITLE ACTIONS.**—Notwithstanding any other provision of law, neither the United States nor any department of the United States nor the Indian Nations shall be made parties to any quiet title lawsuit or other lawsuit to determine ownership of or an interest in the Disclaimed Drybed Lands initiated by any private person or private entity after execution of the disclaimer set out in section 5(b)(1). The United States will have no obligation to undertake any future quiet title actions or actions for the recovery of lands or funds relating to any Drybed Lands retained by the Indian Nation or Indian Nations under this Act, including any lands which are Wetbed Lands on the date of enactment of this Act, but which subsequently lie above the mean high water mark of the Arkansas River and the failure or declination to initiate any quiet title action or to manage any such Drybed Lands shall not constitute a breach of trust by the United States or be compensable to the Indian Nation or Indian Nations in any manner.

(5) **LAND TO BE CONVEYED IN FEE.**—To the extent that the United States determines that it is able to effectively maintain the McClellan-Kerr Navigation Way without retaining title to lands above the high water mark of the Arkansas River as of the date of enactment of this Act, said lands, after being declared surplus, shall be conveyed in fee to the Indian Nation within whose boundary the land is located. The United States shall not be obligated to accept such property in trust.

(6) **AUTHORIZATION FOR SETTLEMENT APPROPRIATIONS.**—There is authorized to be appropriated an aggregate sum of \$40,000,000 as follows:

- (1) \$10,000,000 for fiscal year 2004.
- (2) \$10,000,000 for fiscal year 2005.
- (3) \$10,000,000 for fiscal year 2006.
- (4) \$10,000,000 for fiscal year 2007.

(7) **ALLOCATION AND DEPOSIT OF FUNDS.**—After payment pursuant to section 7, the remaining funds authorized for appropriation under subsection (c) shall be allocated among the Indian Nations as follows:

(1) 50 percent to be deposited into the trust fund account established under section 6 for the Cherokee Nation.

(2) 37.5 percent to be deposited into the trust fund account established under section 6 for the Choctaw Nation.

(3) 12.5 percent to be deposited into the trust fund account established under section 6 for the Chickasaw Nation.

SEC. 6. TRIBAL TRUST FUNDS.

(a) **ESTABLISHMENT, PURPOSE, AND MANAGEMENT OF TRUST FUNDS.**—

(1) **ESTABLISHMENT.**—There are hereby established in the United States Treasury 3 separate tribal trust fund accounts for the benefit of each of the Indian Nations, respectively, for the purpose of receiving all appropriations made pursuant to section 5(c), and allocated pursuant to section 5(d).

(2) **AVAILABILITY OF AMOUNTS IN TRUST FUND ACCOUNTS.**—Amounts in the tribal trust fund accounts established by this section shall be available to the Secretary for management and investment on behalf of the Indian Nations and distribution to the Indian Nations in accordance with this Act. Funds made available from the tribal trust funds under this section shall be available without fiscal year limitation.

(b) **MANAGEMENT OF FUNDS.**—

(1) **LAND ACQUISITION.**—

(A) **TRUST LAND STATUS PURSUANT TO REGULATIONS.**—The funds appropriated and allocated to the Indian Nations pursuant to sections 5(c) and (d), and deposited into trust fund accounts pursuant to section 6(a), together with any interest earned thereon, may be used for the acquisition of land by the 3 Indian Nations. The Secretary may accept such lands into trust for the beneficiary Indian Nation pursuant to the authority provided in section 465 of title 25, United States Code, and in accordance with the Secretary's trust land acquisition regulations at part 151 of title 25, Code of Federal Regulations, in effect at the time of the acquisition, except for those acquisitions covered by paragraph (1)(B).

(B) **REQUIRED TRUST LAND STATUS.**—Any such trust land acquisitions on behalf of the Cherokee Nation shall be mandatory if the land proposed to be acquired is located within Township 12 North, Range 21 East, in Sequoyah County, Township 11 North, Range 18 East, in McIntosh County, Townships 11 and 12 North, Range 19 East, or Township 12 North, Range 20 East, in Muskogee County, Oklahoma, and not within the limits of any incorporated municipality as of January 1, 2002, if—

(i) the land proposed to be acquired meets the Department of the Interior's minimum environmental standards and requirements for real estate acquisitions set forth in 602 DM 2.6, or any similar successor standards or requirements for real estate acquisitions in effect on the date of acquisition; and

(ii) the title to such land meets applicable Federal title standards in effect on the date of the acquisition.

(C) **OTHER EXPENDITURE OF FUNDS.**—The Indian Nations may elect to expend all or a portion of the funds deposited into its trust account for any other purposes authorized under paragraph (2).

(2) **INVESTMENT OF TRUST FUNDS; NO PER CAPITA PAYMENT.**—

(A) **NO PER CAPITA PAYMENTS.**—No money received by the Indian Nations hereunder may be used for any per capita payment.

(B) **INVESTMENT BY SECRETARY.**—Except as provided in this section and section 7, the principal of such funds deposited into the accounts established hereunder and any interest earned thereon shall be invested by the Secretary in accordance with current laws and regulations for the investing of tribal trust funds.

(C) USE OF PRINCIPAL FUNDS.—The principal amounts of said funds and any amounts earned thereon shall be made available to the Indian Nation for which the account was established for expenditure for purposes which may include construction or repair of health care facilities, law enforcement, cultural or other educational activities, economic development, social services, and land acquisition. Land acquisition using such funds shall be subject to the provisions of subsections (b) and (d).

(3) DISBURSEMENT OF FUNDS.—The Secretary shall disburse the funds from a trust account established under this section pursuant to a budget adopted by the Council or Legislature of the Indian Nation setting forth the amount and an intended use of such funds.

(4) ADDITIONAL RESTRICTION ON USE OF FUNDS.—None of the funds made available under this Act may be allocated or otherwise assigned to authorized purposes of the Arkansas River Multipurpose Project as authorized by the River and Harbor Act of 1946, as amended by the Flood Control Act of 1948 and the Flood Control Act of 1950.

SEC. 7. ATTORNEY FEES.

(a) PAYMENT.—At the time the funds are paid to the Indian Nations, from funds authorized to be appropriated pursuant to section 5(c), the Secretary shall pay to the Indian Nations' attorneys those fees provided for in the individual tribal attorney fee contracts as approved by the respective Indian Nations.

(b) LIMITATIONS.—Notwithstanding subsection (a), the total fees payable to attorneys under such contracts with an Indian Nation shall not exceed 10 percent of that Indian Nation's allocation of funds appropriated under section 5(c).

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

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. WATKINS).

(Mr. WATKINS of Oklahoma asked and was given permission to revise and extend his remarks.)

Mr. WATKINS of Oklahoma. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I fully support H.R. 3534 and express my thanks to the people.

Mr. Speaker, I rise today in support of the Cherokee, Choctaw, and Chickasaw Nations Claims Settlement Act. I am happy to be an original co-sponsor of H.R. 3534 and I thank Mr. HANSEN, the gentleman from Utah, Ranking Member Mr. RAHALL, the gentleman from West Virginia, and my colleague, Mr. CARSON, the gentleman from Oklahoma, for their work in bringing this legislation to the House Floor.

In 1970 the United States Supreme Court ruled the Tribes were the true owners of the Arkansas Riverbed. After many attempts to settle with the government for the mismanagement of the riverbed, the tribes files lawsuits for damages in 1989. These lawsuits are still pending in Federal Court and without this legislation as many as 1200 potential future lawsuits will be filed.

The Arkansas Riverbed encompasses over 7,500 acres of the Indian Nations' drybed lands that have been occupied and settled by

a large number of adjacent landowners in Oklahoma. Without a settlement, further litigation against thousands of landowners would be likely. The potential of these lawsuits and the time and increased expense to not only the government and tribes, but also to the private citizens is in my opinion a valid enough and strong enough reason to settle the Arkansas Riverbed issue once and for all.

This legislation would bring a quick settlement to a claim the tribes have had against the United States for over 30 years. It would end the pending lawsuits between the Tribes and the United States. H.R. 3534 would allow for a multi-year payment totaling 40 Million to be divided among the tribes. This amount represents a settlement agreement made by the tribes and the Departments of Interior and Department of Justice. Most of all, settling with the tribes would avoid thousands of future lawsuits brought by the United States against individuals who currently own drybed lands.

It is in the best interest of not only the tribes, but also the United States to pass H.R. 3534 and I urge my colleagues to support this legislation.

Mr. CARSON of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

(Mr. CARSON of Oklahoma asked and was given permission to revise and extend his remarks.)

Mr. CARSON of Oklahoma. Mr. Speaker, I would like to thank the gentleman from Oklahoma (Mr. WATKINS) for his great leadership on this bill.

Mr. Speaker, I would like to thank the gentleman from Utah Mr. HANSEN and the gentleman from West Virginia Mr. RAHALL for working on the details of the bill, supporting it and bringing it to the Floor.

I would also like to take this opportunity to extend a special thank you to my colleagues the gentleman from Oklahoma Mr. WATKINS, the gentleman from Oklahoma Mr. SULLIVAN, and the gentleman from Michigan Mr. KILDEE for their strong support and co-sponsorship of this legislation.

I rise in strong support of H.R. 3534, the Cherokee, Chacotaw, and Chickasaw Nations Claims Settlement Act. The dispute involving the three tribes along the Arkansas River has been ongoing since 1907. This settlement will lay to rest and compensate these three tribes for the lands and resources that have been wrongfully taken from them, misused, and left dormant. The leaders of the tribal nations—Principal Chief Chad Smith of the Cherokee Nation, Governor Bill Anoatubby of the Chickasaw Nation and Chief Gregory Pyle of the Choctaw Nation have all communicated to me and the Resources Committee their unanimous support for the legislation and the great need for settlement.

First, in order to understand the need for this legislation, you must turn to the history of these tribal lands. In the 1830s, the Cherokee, Choctaw, Chickasaw, Creek and Seminole Nations were forcibly removed to Indian Territory, now known as Oklahoma, to occupy lands ceded to them by the United States, through which the Ar-

kansas River runs. In 1907, due to an erroneous legal opinion, the Arkansas riverbed was conveyed to the new State of Oklahoma. All navigable rivers of the United States were deemed property of the State under the Equal Footing Doctrine. However, the treaties of the three tribes came long before the Equal Footing Doctrine. And, in 1970, in *Choctaw Nation vs. Oklahoma*, the U.S. Supreme Court ruled in favor of the tribes and determined that the tribes, indeed, were the rightful owners of the riverbed and not the State of Oklahoma.

Nevertheless, from 1907 through 1970, the Bureau of Indian Affairs acted on the assumption that Oklahoma owned the riverbed and, therefore, took no action to protect tribal resources such as oil and gas production, sand and gravel, grazing and croplands. The Government itself constructed hydroelectric powerheads and other improvements in the channel of the river on tribal lands, using sand and gravel belonging to the three Indian Nations. Due to the Bureau's inaction, individuals with property near the Arkansas River also began to occupy the three Indian Nations' "dry-bed" lands—amounting to approximately 7,750 acres of land that was under water at the time of statehood but that is now dry due to changes in the course of the river.

Enactment of H.R. 3534 will bring about clear and tangible benefits to Indians and non-Indians. In exchange for \$40 million dollars provided to the Nations under this settlement legislation, the Indian Nations agree to dismiss and release claims asserted against the United States in the Court of Federal Claims. The Indian Nations also agree to disclaim its right, title and interest in the 7,750 acres of disclaimed drybed lands, thus eliminating the need for the Department of Justice to bring hundreds of defendants into court due to their occupancy on parts of the drybed lands. The Indian Nations reserve the beneficial interest and title to all other Riverbed lands, including minerals, and the right, title and interest that each Nation may have in any water flowing in the Arkansas River and its tributaries. H.R. 3534 directs that the \$40 million dollars be disbursed in four annual installments and deposited into a tribal trust fund for the Indian Nations. I would like to make it clear that the funds appropriated into the tribal trust funds are to be made available to the tribes as the funds are appropriated. This will assist the Indian Nations in further economic development in the region, benefiting Indian and non-Indian members of these communities alike.

Since the Supreme Court decision of 1970, there has been little disagreement that a settlement should be reached. Recent discussions between Federal, State and tribal entities involved in this dispute have been extremely productive and make the 107th Congress a most appropriate time for settlement.

I urge my colleagues to support this legislation and bring closure to an

issue that has plagued eastern Oklahoma for far too long.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3534, 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.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the 14 bills just considered.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in following order:

H. Res. 398, de novo;
H. Con. Res. 291, de novo;
H.R. 4013, de novo;
H.R. 4014, de novo;
S. 434, yeas and nays;
H.R. 4125, yeas and nays;
H. Res. 538, yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

RECOGNIZING THE DEVASTATING IMPACT OF FRAGILE X

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 398.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. SHIMKUS) that the House suspend the rules and agree to the resolution, H. Res. 398.

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.

EXPRESSING THE SENSE OF THE CONGRESS WITH RESPECT TO THE DISEASE ENDOMETRIOSIS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 291.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. SHIMKUS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 291.

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

A motion to reconsider was laid on the table.

RARE DISEASES ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4013.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. SHIMKUS) that the House suspend the rules and pass the bill, H.R. 4013.

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.

RARE DISEASES ORPHAN PRODUCT DEVELOPMENT ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4014.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. SHIMKUS) that the House suspend the rules and pass the bill, H.R. 4014.

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.

YANKTON SIOUX TRIBE AND SANTEE SIOUX TRIBE EQUITABLE COMPENSATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 434, as amended.

The Clerk read the title of the Senate bill.

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 Senate bill, S. 434, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 357, nays 37, not voting 37, as follows:

[Roll No. 424]

YEAS—357

Abercrombie	Engel	Lantos
Ackerman	English	Larsen (WA)
Akin	Eshoo	Larson (CT)
Allen	Etheridge	Latham
Andrews	Evans	LaTourette
Armey	Farr	Leach
Baca	Ferguson	Lee
Bachus	Filner	Levin
Baird	Flake	Lewis (CA)
Baker	Fletcher	Lewis (GA)
Baldacci	Foley	Lewis (KY)
Baldwin	Forbes	Linder
Ballenger	Ford	Lipinski
Barr	Frank	LoBiondo
Barrett	Frelinghuysen	Lofgren
Bartlett	Frost	Lowey
Bass	Ganske	Lucas (KY)
Bentsen	Gekas	Lucas (OK)
Bereuter	Gephardt	Luther
Berkley	Gibbons	Lynch
Berman	Gilchrest	Maloney (CT)
Berry	Gillmor	Maloney (NY)
Biggert	Gilman	Manzullo
Bilirakis	Gonzalez	Markey
Bishop	Goode	Matheson
Blumenauer	Goodlatte	Matsui
Boehler	Gordon	McCarthy (MO)
Boehner	Goss	McCarthy (NY)
Bonilla	Graham	McCollum
Bono	Granger	McCrery
Boozman	Graves	McGovern
Boswell	Green (TX)	McHugh
Boucher	Green (WI)	McInnis
Boyd	Greenwood	McIntyre
Brady (PA)	Grucci	McKeon
Brady (TX)	Gutierrez	McNulty
Brown (FL)	Gutknecht	Meehan
Brown (SC)	Hansen	Meek (FL)
Bryant	Hart	Meeks (NY)
Burr	Hastings (WA)	Mica
Burton	Hayes	Millender-McDonald
Buyer	Hayworth	Miller, Dan
Calvert	Herger	Miller, Gary
Camp	Hill	Miller, George
Cannon	Hilliard	Mollohan
Cantor	Hinchey	Moore
Capito	Hinojosa	Moran (KS)
Capps	Hoeffel	Morella
Capuano	Hoekstra	Murtha
Cardin	Holden	Myrick
Carson (IN)	Holt	Nadler
Carson (OK)	Honda	Napolitano
Castle	Hooley	Neal
Clay	Horn	Nethercutt
Clayton	Hostettler	Ney
Clement	Houghton	Northup
Clyburn	Hoyer	Nussle
Conyers	Hulshof	Oberstar
Cooksey	Hunter	Obey
Costello	Hyde	Oliver
Coyne	Inslee	Ortiz
Cramer	Isakson	Osborne
Crane	Israel	Ose
Crenshaw	Issa	Otter
Crowley	Istook	Owens
Culberson	Jackson (IL)	Oxley
Cunningham	Jackson-Lee	Pascarell
Davis (CA)	(TX)	Pastor
Davis (FL)	Jefferson	Pelosi
Davis (IL)	Johnson (CT)	Pence
Davis, Jo Ann	Johnson (IL)	Peterson (MN)
Davis, Tom	Johnson, E. B.	Peterson (PA)
DeFazio	Johnson, Sam	Petri
DeGette	Kanjorski	Phelps
Delahunt	Kaptur	Pickering
DeLauro	Keller	Pitts
DeLay	Kelly	Platts
DeMint	Kennedy (MN)	Pombo
Deutsch	Kennedy (RI)	Pomeroy
Dicks	Kildee	Pryce (OH)
Dingell	Kilpatrick	Putnam
Doggett	Kind (WI)	Quinn
Dooley	King (NY)	Radanovich
Doolittle	Kingston	Rahall
Doyle	Kirk	Ramstad
Dreier	Kleccka	Rangel
Duncan	Knollenberg	Regula
Dunn	Kolbe	Rehberg
Edwards	Kucinich	Reynolds
Ehlers	LaFalce	Rivers
Ehrlich	Lampson	Rodriguez
Emerson	Langevin	