

for his management of this piece of legislation.

Mr. Speaker, I rise in support of H.R. 3985, a bill to assist the Gila River Indian Community in the State of Arizona with the plans of economic development of tribal lands. I want to thank and congratulate again the two sponsors of this legislation, the gentleman from Arizona (Mr. HAYWORTH) and also my good friend, the gentleman from Arizona (Mr. PASTOR) for their hard work in bringing this bill before us today. Both gentlemen from Arizona are good friends of Indian tribes and are often at the forefront of issues important to all of our Native American community.

The Gila River Indian Community is one of the several Indian tribes which has taken full advantage of the proceeds it receives from a well-run gaming facility to diversify into a comprehensive economic development plan. It is a true success story that this Indian tribe, which not so long ago was impoverished, stands at the brink of becoming the home of the Arizona Cardinals National Football stadium. Years of good management, principles, smart business practices and innovative thinking on behalf of the tribal leaders has brought them to this point.

In order to encourage business development on the Gila River Reservation, the tribe has adopted standard provisions in its commercial agreements which provide for arbitration should any dispute arise. This legislation will provide Federal court jurisdiction to enforce both agreements for arbitration and any resulting arbitration decisions.

Unfortunately, many non-Indian businesses still lack a full understanding of tribal courts and remain uncomfortable with the prospect of pursuing disputes there. The tribe has asked Congress to provide this Federal court remedy to assist them in their economic pursuits. In a letter to the Committee on Resources ranking member, the gentleman from West Virginia (Mr. RAHALL), Gila River Indian Community Governor Donald Antone, Sr., wrote, "The community has found this formulation to provide a level of comfort to certain non-Indian businesses who are largely unfamiliar with tribal governments and their judicial system."

This is an example of tribal self-determination at its finest, and I wish to commend Governor Antone and the Gila River Tribal Council continued success as they blend their ancient culture with moderate economic developments to enhance the lives of all their members.

Mr. Speaker, I just want to mention the fact that the Arizona Cardinals National Football team was mentioned here. I have had a couple of my cousins that have played for the Cardinals. In fact, one currently plays for the Arizona Cardinals. His name Ma'o Tosi. He is only six-foot-five and he weighs 300 pounds. I would like to offer my chal-

lenge to our Native American community, where are your Jim Thorpes and Jimmy Sixkillers? We need more of them. I would like to suggest to my friend from Arizona (Mr. HAYWORTH), I would be more than happy to accommodate any of your needs, if you need more Samoan football players for the Arizona Cardinal team.

With this in mind, Mr. Speaker, I urge my colleagues to support this legislation. Again, I thank my good friend from Arizona (Mr. HAYWORTH).

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

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

Mr. Speaker, I thank my friend, the gentleman from American Samoa (Mr. FALEOMAVAEKA). For purposes of full disclosure, we should point out he is quite right. In fact, both the University of Arizona and Arizona State University have enjoyed great success with athletes from American Samoa, and for purposes of full disclosure, my alma mater, N.C. State, enjoyed the services of Niko Noga as middle guard.

We appreciate the athletic prowess of our friends, but more than football, and obviously, we are focused on this possibility, but in spite of football you can see, really, we are looking at financial opportunities and economic possibilities for the Gila River Indian Community, much like the Salt River Pima-Maricopa Community, also in my district, has enjoyed. So this legislation which we join together in a bipartisan fashion to champion today is all about economic opportunity. That is the real possibility we champion here today, even as we certainly tip our rhetorical cap to the great athletes of American Samoa who have performed so admirably in the State of Arizona.

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

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

Mr. Speaker, I think this is also a classic example where we find that we recognize the sovereignty of our Native American people, but at the same time we also recognize that there is a sense of flexibility where if there are problems that are needful, not only from the business community, to allow issues that need to be taken or arbitrated or adjudicated, be taken to the Federal courts. I think this is an example of where the States and the tribes can work together and provide solutions to whatever problems arise. I think this legislation provides for that.

Mr. Speaker, again I commend both of my friends, the gentlemen from Arizona (Mr. PASTOR and Mr. HAYWORTH) for working together with our Indian tribes and with the members of the business community of Arizona that we now have provided a resolution to the problem that we have been faced with.

I commend my good friend for his efforts.

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

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

Mr. Speaker, again I would thank my friend, the gentleman from American Samoa (Mr. FALEOMAVAEKA), and let me simply say that it is my hope that this example can be replicated to offer economic opportunity throughout the width and breadth of Indian country as we move in the days ahead. I would urge my colleagues to support the legislation.

Mr. PASTOR. Mr. Speaker, I rise today as an original co-sponsor of this important legislation which will help to bring needed economic development opportunities to the Gila River Indian Community located in Phoenix.

In recent months, there have been many inquiries to the Gila River Indian Community from potential tenants for purposes of creating establishment of business. These businesses will not only provide needed job opportunities, but also serve the consumers of Phoenix.

However, one of the persistent questions of potential tenants concerns how lease disputes might be resolved. Many of the Community's commercial contracts provide for arbitration of disputes. They further provide that the agreement to arbitrate may be enforced in either Tribal or Federal Court. There exists, however, an unusual and troubling circumstance associated with this practice. Unfortunately, some tenants and their lenders are uncomfortable with the use of Tribal Courts, and Federal Courts generally lack jurisdiction over landlord-tenant disputes.

This legislation is simply an attempt to make potential business developers and their lenders more comfortable with the method used to settle any disputes or disagreements.

A similar arrangement is already in place with the Salt River Pima-Maricopa Indian Community, and it is my understanding that there has never been any Federal Court litigation filed since the statute was adopted almost 20 years ago. Still, the statute has provided assurances and peace of mind to the businesses who have located there. This legislation would virtually establish the same legal proceedings and options for the Gila River Indian Community.

The Gila River Indian Community fully supports this legislation.

Mr. Speaker, again, I wish to express my support for this legislation and ask my colleagues to vote for passage.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 3985.

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.

LEASE LOT CONVEYANCE ACT OF 2002

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 706) to direct the Secretary of

the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico, as amended.

The Clerk read as follows:

H.R. 706

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 "Lease Lot Conveyance Act of 2002".

SEC. 2. FINDINGS.

The Congress finds that the conveyance of the Properties to the Lessees for fair market value would have the beneficial results of—

(1) *eliminating Federal payments in lieu of taxes and associated management expenditures in connection with the Government's ownership of the Properties, while increasing local tax revenues from the new owners;*

(2) *sustaining existing economic conditions in the vicinity of the Properties, while providing the new owners of the Properties the security to invest in permanent structures and improvements; and*

(3) *adding needed jobs to the county in which the Properties are located and increasing revenue to the county and surrounding communities through property and gross receipt taxes, thereby increasing economic stability and a sustainable economy in one of the poorest counties in New Mexico.*

SEC. 3. DEFINITIONS.

In this Act:

(1) **FAIR MARKET VALUE.**—*The term "fair market value" means, with respect to a parcel of property, the value of the property determined—*

(A) *without regard to improvements constructed by the Lessee of the property;*

(B) *by an appraisal in accordance with the Uniform Standards for Federal Land Acquisitions; and*

(C) *by an appraiser approved by the Secretary and the purchaser.*

(2) **IRRIGATION DISTRICTS.**—*The term "Irrigation Districts" means the Elephant Butte Irrigation District and the El Paso County Water Improvement District No. 1.*

(3) **LESSEE.**—*The term "Lessee" means the leaseholder of a Property on the date of enactment of this Act, and any heir, executor, or assignee of the leaseholder with respect to that leasehold interest.*

(4) **PROPERTY.**—*The term "Property" means any of the cabin sites comprising the Properties;*

(5) **PROPERTIES.**—*The term "Properties" means all the real property comprising 403 cabin sites under the administrative jurisdiction of the Bureau of Reclamation that are located along the western portion of the reservoirs in Elephant Butte State Park and Caballo State Park, New Mexico, including easements, roads, and other appurtenances. The exact acreage and legal description of such real property shall be determined by the Secretary after consulting with the Purchaser.*

(6) **PURCHASER.**—*The term "Purchaser" means the Elephant Butte/Caballo Leaseholders Association, Inc., a nonprofit corporation established under the laws of New Mexico.*

(7) **RESERVOIRS.**—*The term "reservoirs" means the Elephant Butte Reservoir and the Caballo Reservoir in the State of New Mexico.*

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

SEC. 4. CONVEYANCE OF PROPERTIES.

(a) **IN GENERAL.**—*The Secretary shall convey to the Purchaser in accordance with this Act, subject to valid existing rights, all right, title, and interest of the United States in and to the Properties and all appurtenances thereto, including specifically easements for—*

(1) *vehicular access to each Property;*

(2) *drainage; and*

(3) *access to and the use of all ramps, retaining walls, and other improvements for which ac-*

cess is provided under the leases that apply to the Properties as of the date of the enactment of this Act.

(b) **CONSIDERATION.**—*As consideration for any conveyance under this section, the Secretary shall require the Purchaser to pay to the United States fair market value of the Properties.*

SEC. 5. TERMS OF CONVEYANCE.

(a) **SPECIFIC CONDITIONS.**—*As conditions of any conveyance to the Purchaser under this Act, the Secretary shall require the following:*

(1) **LEASEHOLDERS' OPTION.**—*The Purchaser shall grant to each Lessee of a Property an option—*

(A) *to purchase the Property at fair market value; or*

(B) *to continue leasing the Property on terms to be negotiated with the Purchaser.*

(2) **ADMINISTRATIVE COSTS.**—*Any reasonable administrative cost incurred by the Secretary incident to the conveyance under section 6 shall be reimbursed by the Purchaser.*

(b) **RESTRICTIVE USE COVENANT.**—

(1) **IN GENERAL.**—*To maintain the unique character of the area in the vicinity of the Reservoirs, the Secretary shall establish, by the terms of conveyance, use restrictions to carry out paragraph (2) that—*

(A) *are appurtenant to, and run with, each Property; and*

(B) *are binding upon each subsequent owner of each Property.*

(2) **ACCESS TO RESERVOIRS.**—*The use restrictions required by paragraph (1) shall ensure that—*

(A) *public access to and along the shoreline of the Reservoirs in existence on the date of enactment of this Act is not obstructed;*

(B) *adequate public access to and along the shoreline of the Reservoirs is maintained; and*

(C) *the operation of the Reservoirs by the Secretary or the Irrigation Districts shall not result in liability of the United States or the Irrigation Districts for damages incurred, as a direct or indirect result of such operation, by the owner of any Property conveyed under this Act, including—*

(i) *damages for any loss of use or enjoyment of a Property; and*

(ii) *damages resulting from any modifications or construction of any reservoir dam.*

(c) **TIMING.**—

(1) **IN GENERAL.**—*The Secretary shall convey the Properties under this Act as soon as practicable after the date of enactment of this Act and in accordance with all applicable law.*

(2) **REPORT.**—*If the Secretary has not completed conveyance of the Properties to the Purchaser by the end of the 1-year period beginning on the date of the enactment of this Act, the Secretary shall, before the end of that period, submit a report to the Congress explaining the reasons that conveyance has not been completed and stating the date by which the conveyance will be completed.*

(d) **REIMBURSEMENT OF PURCHASER'S COSTS.**—*The terms of conveyance shall authorize the Purchaser to require each Lessee to reimburse the Purchaser for a proportionate share of the costs incurred by the Purchaser in completing the transactions pursuant to this Act, including any interest charges.*

SEC. 6. RESOLUTION OF CLAIMS AND DISPUTES.

After conveyance of the Properties to the Purchaser, if any Lessee has a dispute with or claim against the Purchaser or any of its officers, directors, or members arising from the Properties, the Lessee shall promptly give written notice of the dispute or claim to the Purchaser. If such notice is not provided to the Purchaser within 20 days after the date the Lessee knew or should have known of such dispute or claim, then any right of the Lessee for relief based on such dispute or claim shall be waived. If the Lessee and the Purchaser are unable to resolve the dispute or claim by mediation, the dispute or claim shall be resolved by binding arbitration.

SEC. 7. FEDERAL RECLAMATION LAW.

No conveyance under this Act shall restrict or limit the authority or ability of the Secretary to fulfill the duties of the Secretary under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

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

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

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

Mr. Speaker, H.R. 706, sponsored by the gentleman from New Mexico (Mr. SKEEN), directs the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir in New Mexico, to transfer 403 recreational lots on the two reservoirs to private ownership. This transaction will be done at fair market value. Congress expects that the cost of the appraisal and surveys will be included as reimbursable costs to the purchaser. The manager's amendment clarifies several technical issues regarding the transfer of the properties.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. SKEEN), the bill's sponsor, to offer further information on this legislation.

Mr. SKEEN. Mr. Speaker, I rise today to ask the House of Representatives to support passage of H.R. 706, legislation that will allow citizens to purchase the lands on which their homes were built near a Bureau of Reclamation project in southern New Mexico.

The Elephant Butte Reservoir story begins in the 1930s as the government offered people the opportunity to build recreational homes on the land leased from the U.S. Bureau of Reclamation. The covenants in the lease agreements required leaseholders to make substantial investments on the 400-plus sites under this program. It was every leaseholder's hope that the government would someday privatize the leased land and offer it for sale through a purchase option.

The Bureau throughout most of the 20th century apparently felt that some day they might need this land if the dams were ever enlarged. We now believe that the modification or enlargement will never occur.

While legislation enacted by Congress in 1984 allowed the leaseholders of Lake Sumner in New Mexico, where recreational homes also existed, the opportunity to purchase their lots, the residents of Elephant Butte remained in a lease-only situation.

Despite my previous efforts, including the introduction of prior-year legislation, and established patterns of government transfers, the project remained lease-only and lease lot holders remained in limbo.

H.R. 1712

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

SECTION 1. BOUNDARY ADJUSTMENT OF THE NATIONAL PARK OF AMERICAN SAMOA.

Section 2(b) of the Act entitled “An Act to establish the National Park of American Samoa” (16 U.S.C. 410qq-1(b)), approved October 31, 1988, is amended—

(1) by striking “(1)”, “(2)”, and “(3)” and inserting “(A)”, “(B)”, and “(C)”, respectively;

(2) by inserting “(1)” after “INCLUDED.”;

(3) by adding at the end the following new paragraph:

“(2) The Secretary may make adjustments to the boundary of the park to include within the park certain portions of the islands of Ofu and Olosega, as depicted on the map entitled ‘National Park of American Samoa, Proposed Boundary Adjustment’, numbered 82,035 and dated February 2002, pursuant to an agreement with the Governor of American Samoa and contingent upon the lease to the Secretary of the newly added lands. As soon as practicable after a boundary adjustment under this paragraph, the Secretary shall modify the maps referred to in paragraph (1) accordingly.”.

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

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

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

H.R. 1712, introduced by our committee colleague, the gentleman from American Samoa (Mr. FALEOMAVAEGA), would authorize the Secretary of the Interior to make adjustments to the boundary of the national park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park.

Created in 1988, the national park of American Samoa preserves the tropical forests and archeological and cultural resources of American Samoa and its associated coral reefs. In fact, Mr. Speaker, the national park of American Samoa preserves the only paleotropical rain forest in the United States.

Mr. Speaker, expanding the park’s boundaries to include land and water on the islands of Ofu and Olosega would protect additional coral communities that harbor great diversity of species, including the endangered hawksbill, preserve high concentrations of medicinal plants, and offer increased scuba diving and hiking opportunities, while at the same time preserve subsistence fishing, which is protected by the park’s enabling legislation.

Finally, Mr. Speaker, unlike all other units in our national park system, the National Park Service would lease, rather than purchase, the additional lands. Currently, the park service manages 9,000 acres of land and water on the islands of American Samoa through a 50-year lease. The additional lands and waters would also be leased by the park service.

There are two issues that had to be resolved with the Bureau of Reclamation in order to facilitate a successful transfer. These included property appraisal and the number of lots that would be sold.

My bill, H.R. 706, addresses each of these issues in a fair and equitable manner. In effect, all current leaseholders would have the opportunity to purchase the land on which their homes currently exist as an unapproved, lakefront appraised value.

Finally, the bill guarantees continued public access to the water. I do want to thank the House Committee on Resources for their assistance and especially the Subcommittee on Water and Power chairman, the gentleman from California (Mr. CALVERT), and his talented staff for their assistance and patience in working with me on this important bill.

This legislation is carefully crafted to resolve these issues, and we must not lose the sight of the fact that this is really a story about people, their lives, and the role of the government in the settling of the West.

In closing, Mr. Speaker, I ask Members to do what is right by passing this legislation. It is time that we offer these fine people the opportunity to purchase the land that many have leased for over 60 years.

I thank the gentleman from Arizona (Mr. HAYWORTH) for his kindness.

Mr. HAYWORTH. 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, I would like to commend the distinguished chairman of the Subcommittee on Interior of the Committee on Appropriations, the gentleman from New Mexico (Mr. SKEEN) as the principal author of this legislation.

Mr. Speaker, the amendment would transfer title to 43 lakefront lots and improvements within the Bureau of Reclamation’s Rio Grande Project in New Mexico and Texas to the Elephant Butte/Caballo Leaseholders Association.

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In the late 1940s, reclamation leased one-half acre lakefront sites to visitors using tents, campers or other temporary structures. Over time, permanent structures and other improvements replaced the temporary structures, and many are now used on a full-time basis.

The amendment reflects changes recommended by the Interior and Justice Departments. It requires the leaseholders to pay market value, without regard to improvements made by the lessees.

Certainly there is no question that this legislation is necessary as a relief for these lakefront property owners;

and again, I commend the gentleman from New Mexico (Mr. SKEEN), the chairman of our Committee on Appropriations’ Subcommittee on Interior. I urge my colleagues to support this legislation.

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

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

Though this oft times is far from the roar of the grease paint and the smell of the crowd, this is another common-sense piece of legislation that we will move on today to reaffirm what is really, we call it bipartisan but basically nonpartisan, focusing on results for real people.

The gentleman from New Mexico (Mr. SKEEN), the dean of that State’s delegation, put it quite succinctly, and I think very poignantly, when he said this legislation ultimately is about people and doing what is right; and it is in that spirit that I would commend this legislation to the full body. I congratulate the gentleman from New Mexico (Mr. SKEEN) on a commonsense piece of legislation.

I thank, once again, the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his help on this and the help of all the members of the committee to expedite this process to do the right thing.

Mr. Speaker, I urge passage of this legislation, and I yield back the balance of my time.

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

I want to remind my colleagues, this piece of legislation had the full, bipartisan support of the Committee on Resources. It also has the support of the administration, and I urge my colleagues to support this bill.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 706, 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.

NATIONAL PARK OF AMERICAN SAMOA BOUNDARY ADJUSTMENT ACT

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1712) to authorize the Secretary of the Interior to make minor adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, and for other purposes, as amended.

The Clerk read as follows: