

It has been working in southern Nevada for 20 years. This is a good step. I encourage bipartisan, nationwide support.

Ms. HANABUSA. Mr. Speaker, I am just going to close by saying that I request that all of our colleagues vote to support H.R. 1107, Pershing County Economic Development and Conservation Act.

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

Mr. GIANFORTE. Mr. Speaker, I would echo the sentiments of the gentlewoman from Hawaii (Ms. HANABUSA). I urge my colleagues to vote for this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana (Mr. GIANFORTE) that the House suspend the rules and pass the bill, H.R. 1107, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### POARCH BAND OF CREEK INDIANS LAND REAFFIRMATION ACT

Mr. GIANFORTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1532) to reaffirm that certain land has been taken into trust for the benefit of the Poarch Band of Creek Indians, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1532

*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 "Poarch Band of Creek Indians Land Reaffirmation Act".

#### SEC. 2. REAFFIRMATION OF INDIAN TRUST LAND.

(a) IN GENERAL.—Lands described in subsection (b) that were taken into trust by the United States for the benefit of the Poarch Band of Creek Indians prior to the date of enactment of this Act are reaffirmed, subject to valid existing rights, as trust land and shall remain as Indian country under section 1151 of title 18, United States Code.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is comprised of the following:

(1) The approximately 229½ acres described in the final Notice of the Department of the Interior's Poarch Band of Creeks Establishment of Reservation (50 Fed. Reg. 15502 (April 18, 1985)), and Poarch Band of Creeks; Establishment of Reservation: Correction (50 Fed. Reg. 19813 (May 10, 1985)), and shown on Poarch Band of Creek Indians Trust Lands Maps 1, 2, and 5 as "Reservation".

(2) The approximately 1 acre named as Parcel 5 located within the exterior geographic boundaries of Escambia County, Florida, which was taken into trust by the Department of the Interior via Statutory Warranty Deed on November 21, 1984, shown on Poarch Band of Creek Indians Trust Lands Map 7, and further described as:

Commence at the Southeast corner of the Northwest Quarter of Section 5, Township 5 North, Range 33 West, Escambia County,

Florida; thence go West along the South line of the Northwest Quarter of said Section 5 for a distance of 420 feet; thence run North for a distance of 40 feet to the point of beginning; thence continue North along said line for a distance of 210 feet; thence run West for a distance of 210 feet; thence run South for a distance of 210 feet; thence run East 210 feet to the point of beginning, containing one acre, more or less.

(3) The approximately 1 acre named as Parcel 6 located within the exterior geographic boundaries of Monroe County, Alabama, which was taken into trust by the Department of the Interior via Statutory Warranty Deed on November 21, 1984, shown on Poarch Band of Creek Indians Trust Lands Map 3, and further described as:

One acre in a square in Southeast corner of the ten-acre strip on the North side of South Half of Southeast Quarter lying West of the highway in Section 26, Township 5 North, Range 6 East, being the same property conveyed to the Grantor by deed dated July 23, 1984 and filed for record in the office of the Judge of Probate of Monroe County, Alabama on July 23, 1984, and by correction deed dated November 21, 1984.

(4) The approximately 10 acres named as Parcel 12 located within the exterior geographic boundaries of Escambia County, Alabama, which were taken into trust by the Department of the Interior via Correction Deed on November 21, 1988, shown on Poarch Band of Creek Indians Trust Lands Map 4, and further described as:

Begin at a 2" iron pipe at the intersection of the South line of Section 5, Township 1 North, Range 6 East, and the East right of way line of Alabama State Highway No. 21; thence run S 89° 03' 00" E along said South line of Section 5 a distance of 860.93 feet; thence run N 00° 04' 57" W a distance of 608.47 feet; thence run N 89° 56' 20" W a distance of 575.73 feet to the aforementioned East right of way line of Alabama State Highway No. 21; thence run S 25° 32' 21" W along said East right of way line a distance of 659.22 feet to the point of beginning, said property lying and being all in Section 5, Township 1 North, Range 6 East, and containing 10.09 acres, more or less.

(5) The approximately 10 acres named as Parcel 10 located within the exterior geographic boundaries of Escambia County, Alabama, which were taken into trust by the Department of the Interior via Warranty Deed on August 17, 1992, shown on Poarch Band of Creek Indians Trust Lands Map 2, and further described as:

Commencing at the Southeast corner of the Northeast 1/4 of Southwest 1/4 - Section 28 Township 2 North Range 6 East; thence North 577.5 feet; thence North 89 degrees West 2726 feet to the point of beginning; thence North 89 degrees West 100 feet; thence South 210 feet; thence North 89 degrees West 855 feet; thence South 0 degrees 21 minutes West 378.37 feet; thence South 84 degrees 40 minutes East 966 feet; thence North 28 degrees 32 minutes East 300 feet; thence North 89 degrees West 148 feet; thence North 395.34 feet to point of beginning. Containing 10.08 acres.

(6) The approximately 52 acres named as Parcel 14 located within the exterior geographic boundaries of Escambia County, Alabama, which was taken into trust by the Department of the Interior via Warranty Deed on August 17, 1992, shown on Poarch Band of Creek Indians Trust Lands Map 1, and further described as:

All of the North half of Northwest Quarter of Section 34, Township 2 North, Range 5 East lying East of the Poarch-Perdido Road.

(7) The approximately 31 acres named as Parcel 15 located within the exterior geographic boundaries of Escambia County, Ala-

bama, which were taken into trust by Warranty Deed on August 17, 1992, shown on Poarch Band of Creek Indians Trust Lands Map 1, and further described as:

All of the West Half of Northwest Quarter of Section 34, Township 2 North, Range 5 East lying North of Dees Road and West of the Poarch-Perdido Road.

(8) The approximately 8 acres named as Parcel 16 located within the exterior geographic boundaries of Escambia County, Alabama, which were taken into trust by the Department of the Interior via Warranty Deed on August 17, 1992, shown on Poarch Band of Creek Indians Trust Lands Map 1, and further described as:

Beginning at the Southwest corner of Northwest Quarter of Southwest Quarter of Section 27, Township 2 North, Range 5 East; thence run East 1145 feet to the public road; thence North 3 degrees 15 minutes East 380 feet along said road; thence run West 1167 feet; thence run South 380 feet to point of beginning containing ten acres, except two acres described as follows:

Beginning at the aforesaid point of beginning thence run East 848 feet to the starting point; thence run North 297 feet, thence run East 298 feet, more or less, to the West right of way of Old Sullivan Mill Road; thence run Southwesterly along said right of way to the South line of Northwest Quarter of Southwest Quarter of said Section 27; thence run West 297 feet to the starting point, containing eight acres, more or less.

(9) The approximately 34 acres named as Parcel 22 located within the exterior geographic boundaries of Escambia County, Alabama, which was taken into trust by the Department of the Interior via Warranty Deed on August 17, 1992, shown on Poarch Band of Creek Indians Trust Lands Map 1, and further described as:

Commence at a one-inch metal pipe being the Southwest corner of Section 27, Township 2 North, Range 5 East Escambia County, Alabama; thence go N 00° 38' 26" W along the West line of said Section 27 for a distance of 8.0 feet to a point on the Northerly right of way line of Jackson Road (40 foot right of way), said point also being the point of beginning; thence continue N 00° 38' 26" W along said West section line for a distance of 1321.23 feet to the Northwest corner of the Southwest Quarter of Southwest Quarter at said Section 27; thence go N 89° 30' 13" E along the North line of said Southwest Quarter of Southwest Quarter for a distance of 1146.48 feet to the Westerly right of way line of Poarch-Perdido Road (40 foot right of way); thence go S 00° 34' 55" W along said Westerly right of way line for a distance of 287.65 feet; thence go S 01° 30' 05" W for a distance of 40.0 feet; thence go S 00° 00' 31" W along aforesaid Westerly right of way line for a distance of 195.59 feet; thence go S 02° 34' 30" W along aforesaid right of way line for a distance of 172.73 feet; thence go S 04° 24' 35" W along aforesaid right of way for a distance of 630.72 feet to the intersection with the Northerly right of way of said Jackson Road; thence go S 89° 39' 16" W along said Northerly right of way line for a distance of 1071.43 feet to the point of beginning, it being the intention to describe herein and convey hereby all of the Southwest Quarter of Southwest Quarter of Section 27, Township 2 North, Range 5 East, lying West of the public road.

(10) The approximately 13 acres named as Parcel 17 located within the exterior geographic boundaries of Montgomery County, Alabama, which were taken into trust by the Department of the Interior via Warranty Deed on March 23, 1995, shown on Poarch Band of Creek Indians Trust Lands Map 6, and further described as:

Commence at the SW corner of Section 27, T-17-N, R-19-E, Montgomery County, Alabama and run EAST, 4340.49 feet; thence NORTH, 1806.29 feet to a point on existing fence line and being the Point of Beginning; Thence continue along said fence line S89°13'03"E, 136.34 feet; Thence continue along said fence line S23°49'20"E, 62.92 feet; Thence continue along said fence line N17°23'26"W, 968.84 feet to an existing iron pin; Thence leaving said fence line N18°23'28"W, 503.62 feet to a point on the southeast edge of the Tallapoosa River; Thence along said edge S43°24'16"W, 618.01 feet; Thence leaving said edge S39°49'22"E, 150.00 feet to a point on an existing fence line; Thence along said fence line S26°17'56"E, 374.05 feet; Thence continue along said fence line S39°39'24"E, 198.60 feet; Thence continue along said fence line S17°38'01"E, 386.15 feet to the Point of Beginning. All lying in the E 1/2 Section 27, T-17-N, R 19 E, Montgomery County, Alabama, and containing 12.86 acres more or less.

(c) APPLICATION.—This Act shall apply to all claims, including claims challenging the validity of title or the effectiveness of any action of the Secretary acquiring and taking land described in subsection (b) into trust, that are pending on the date of enactment of this Act, or that are filed on or after that date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Montana (Mr. GIANFORTE) and the gentlewoman from Hawaii (Ms. HANABUSA) each will control 20 minutes.

The Chair recognizes the gentleman from Montana.

#### GENERAL LEAVE

Mr. GIANFORTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

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

H.R. 1532, sponsored by the gentleman from Alabama (Mr. BYRNE), would ratify the trust status of lands the Secretary of the Interior currently holds for the benefit of the Poarch Band of Creek Indians of Alabama. The lands are located in the State of Alabama, with the exception of 1 acre of land in the State of Florida.

The Tribe's trust lands are used for a variety of Tribal purposes, including the operation of casinos authorized under the Indian Gaming Regulatory Act, a health clinic, an assisted living facility, and other facilities and development serving the needs of the Tribe and the local communities.

H.R. 1532 applies only to specific tracts of land taken in trust prior to a 2009 ruling by the Supreme Court, a ruling whose significance I will describe in a moment.

Lands held in trust by the Secretary of the Interior have a unique political status. The lands are regulated by Tribes and the Federal Government

pursuant to a variety of statutes that restrict their alienation, and protect them from taxation and from State civil and criminal jurisdiction.

In addition, gaming may not be conducted by a Tribe under the Indian Gaming Regulatory Act of 1988 unless the casino is located on trust or reservation lands.

H.R. 1532 is necessary because there is a cloud of uncertainty over the title of the Poarch Band's existing trust lands. The Poarch Band obtained formal Federal recognition in 1984 and lands for the benefit of the Tribe were taken by the Secretary of the Interior in trust pursuant to the Indian Reorganization Act of 1934, or the IRA.

In a 2009 Supreme Court opinion commonly called *Carcieri*, the Court held that the Secretary may not use the IRA to acquire land in trust for a Tribe unless the Tribe was under Federal jurisdiction when the IRA was enacted in 1934. While the Poarch Band was not a party to the case, the effect of the Supreme Court case calls into question the lawfulness of the Secretary's acquisition of the Tribe's lands because the Tribe was federally recognized 50 years after the IRA.

H.R. 1532 would clear up any question over the validity of the Secretary's action to take the Tribe's existing lands into trust. It will create a needed certainty for the Tribe to use it for a variety of uses that might otherwise be prohibited were the lands to fall under State jurisdiction.

Because the bill ratifies the trust status for lands acquired by the Secretary prior to 2009, there is no concern that we are ratifying any action taken by the Secretary that might violate the IRA, as defined by the Supreme Court.

There is precedent for this legislation. In 2013, Congress enacted legislation to ratify the trust status of lands for the Gun Lake Tribe in Michigan, a Tribe that was recognized in recent years, like the Poarch Band.

Mr. Speaker, I urge adoption of this measure, and I reserve the balance of my time.

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

Mr. Speaker, the Poarch Band of Creek Indians is the only federally recognized Tribe in Alabama. The Tribe was administratively recognized by the Bureau of Indian Affairs in 1984 and, thereafter, acquired trust land in both Alabama and Florida.

However, like other Tribes recognized post-1924, the status of Poarch Band's trust lands have been under legal attack due to the ramifications of the 2009 Supreme Court *Carcieri* decision.

The Tribe currently maintains several facilities for use of its members on its trust lands, as well as owning and operating two casinos. H.R. 1532 would simply ratify and reaffirm this trust status of the Poarch Band's lands, protecting the lands against further litigation.

Mr. Speaker, I urge my colleagues to support adoption of this legislation, and I reserve the balance of my time.

Mr. GIANFORTE. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. BYRNE).

Mr. BYRNE. Mr. Speaker, H.R. 1532, the Poarch Band of Creek Indians Land Reaffirmation Act, is a commonsense, bipartisan bill that will provide much-needed certainty to an Indian Tribe in my district.

The Poarch Creek Indians are a valued and trusted part of our community in southwest Alabama. Their economic impact in Escambia County, Alabama, speaks for itself. From their help with funding for community projects to their business enterprises that employ thousands of Alabamians, the Poarch help make life better for so many people in our area.

This legislation is necessary due to the legal uncertainty caused by the Supreme Court decision in *Carcieri v. Salazar*. This decision has unnecessarily created legal ambiguity about whether the Poarch Creek land is actually in trust or not.

To be clear: this legislation would not have any change over the way the Poarch Band or their land are currently being treated in Alabama. In fact, this legislation simply provides legal certainty to help prevent future challenges regarding the status of the Tribe's land.

I am pleased we were able to attract bipartisan support for the legislation, including a unanimous vote out of the Natural Resources Committee last year. I also want to extend my gratitude to Chairman BISHOP, Ranking Member GRIJALVA, and the committee staff for their commitment to Indian issues and their work on this legislation.

Ultimately, I urge my colleagues to join me in supporting this commonsense, straightforward legislation to give much-needed legal certainty to the Poarch Band of Creek Indians.

Ms. HANABUSA. Mr. Speaker, in closing, I just would like to ask all of my colleagues to support H.R. 1532, the Poarch Band of Creek Indians Land Reaffirmation Act.

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

□ 1730

Mr. GIANFORTE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. GAETZ).

Mr. GAETZ. Mr. Speaker, I thank the gentleman from Montana (Mr. GIANFORTE) for yielding me time, and I thank the gentleman from Alabama (Mr. BYRNE) for his leadership on this issue.

Mr. Speaker, I rise in support of the Poarch Band of Creek Indians Land Reaffirmation Act and encourage my colleagues to do the same.

The Poarch Creek have been in Alabama and northwest Florida since the War of 1812, but they were only recognized federally in 1984. Soon afterward,

the Poarch Creek obtained land in both Florida and Alabama, land that was held in trust.

The Poarch Creek contribute greatly to the Florida and Alabama region. Their unique history forms a vital part of our culture, and their businesses strengthen our region's economy and create jobs. They give back to our community from museums to scholarships to services for the elderly and students and much more.

But if lands currently in trust lost their status, the Tribal economy could be shattered, businesses could close, incomes could plummet, and we would have robbed our Nation of a great part of its cultural heritage, all in the name of a confusing legal decision.

This good bill reaffirms the trust status of the Poarch Creek land. It is fair, just, and important, and I encourage my colleagues to support it.

Mr. GIANFORTE. 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 Montana (Mr. GIANFORTE) that the House suspend the rules and pass the bill, H.R. 1532.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### AUTHORIZING COOPERATIVE MANAGEMENT AGREEMENTS BETWEEN DISTRICT OF COLUMBIA AND NATIONAL PARK SERVICE

Mr. GIANFORTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2897) to authorize the Mayor of the District of Columbia and the Director of the National Park Service to enter into cooperative management agreements for the operation, maintenance, and management of units of the National Park System in the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2897

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

#### SECTION 1. AUTHORIZING COOPERATIVE MANAGEMENT AGREEMENTS BETWEEN DISTRICT OF COLUMBIA AND NATIONAL PARK SERVICE FOR OPERATION, MAINTENANCE, AND MANAGEMENT OF UNITS OF THE NATIONAL PARK SYSTEM IN THE DISTRICT OF COLUMBIA.

(a) AUTHORIZATION.—The Mayor of the District of Columbia and the Director of the National Park Service may enter into cooperative management agreements under section 101703 of title 54, United States Code, for the operation, maintenance, and management of units of the National Park System located in the District of Columbia, including the design and construction of improvements to such units.

(b) TERMS AND CONDITIONS.—A cooperative management agreement entered into under this section may include such terms and conditions as may be agreed to by the Mayor and Director, including terms and conditions relating to—

(1) the allocation of responsibility for the operation, maintenance, and management of a unit of the National Park System between the District of Columbia and the National Park Service; and

(2) the payment of funds by the National Park Service and the District of Columbia in support of the agreement.

(c) RELATION TO OTHER LAWS.—

(1) TREATMENT OF DISTRICT OF COLUMBIA AS A STATE FOR PURPOSES OF COOPERATIVE MANAGEMENT AGREEMENTS UNDER TITLE 54.—Section 101703 of title 54, United States Code, is amended by adding at the end the following:

“(d) DEFINITION OF STATE.—For the purposes of this section, the term ‘State’ means each of the several States and the District of Columbia.”

(2) ANTI-DEFICIENCY ACT.—Nothing in subchapter III of chapter 13 or subchapter II of chapter 15 of title 31, United States Code (commonly known as the “Anti-Deficiency Act”) may be construed to prohibit the payment or use of funds by the District of Columbia or the National Park Service to carry out a cooperative management agreement entered into under this Act, in accordance with the terms and conditions of the agreement.

(3) DISTRICT OF COLUMBIA HOME RULE ACT.—Nothing in section 602(a)(3) of the District of Columbia Home Rule Act (sec. 1-206.03(a)(3), D.C. Official Code) may be construed to prohibit the District of Columbia from operating, maintaining, or managing a unit of the National Park System in accordance with the terms and conditions of a cooperative management agreement entered into under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Montana (Mr. GIANFORTE) and the gentlewoman from Hawaii (Ms. HANABUSA) each will control 20 minutes.

The Chair recognizes the gentleman from Montana.

#### GENERAL LEAVE

Mr. GIANFORTE. 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 bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 2897, introduced by Congresswoman ELEANOR HOLMES NORTON of the District of Columbia, authorizes the District of Columbia to establish cooperative management agreements with the National Park Service to operate, manage, and maintain National Park Service properties within the city limits.

As of 2015, 21.7 percent of the District's total surface area, over 8,000 acres in all, was owned and managed by the National Park Service. This area includes 23 distinct units of the National Park System, the National Mall, and many of the small urban green spaces spread throughout the city.

A significant portion of this land is in disrepair. The District ranks second in the National Park Service's deferred maintenance, with an estimated total deferred maintenance of approximately \$1.2 billion.

H.R. 2897 authorizes the District of Columbia to enter into cooperative management agreements with the National Park Service for the operation and maintenance of units around the city.

This bill is a component to a major restorative initiative headed by the Mayor's office and sponsored by local nonprofits, and conversations are already underway between the District and the National Park Service for the improvement and repair of Franklin Park.

The city has set aside nearly \$14 million for the restoration of the park, and local public and private partnerships will provide yearly maintenance and upkeep.

Mr. Speaker, this is a good bill for both the citizens of the District and the citizens of our great country.

Mr. Speaker, I urge adoption of the measure, and I reserve the balance of my time.

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

H.R. 2897 authorizes the District of Columbia and the National Park Service to enter into cooperative management agreements for the operation, maintenance, and management of the National Park System units in the District of Columbia.

Cooperative management agreements are effective tools used throughout the National Park System that lead to creative partnerships that enhance programming and management capacity.

As we will hear from Delegate ELEANOR HOLMES NORTON, the District of Columbia and the National Park Service have worked out an agreement to update Franklin Square that will revitalize an area in an important quadrant of downtown. This bill simply provides the city with authority to execute the agreement.

In addition to Franklin Square, H.R. 2897 has the potential to foster cooperation that will enhance many of the small urban parks found throughout our Nation's capital.

Mr. Speaker, this is a win/win, and I urge my colleagues to support this bill.

Mr. Speaker, I yield as much time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I want to thank both of my friends for their work on this bill, and I want to thank Natural Resources Committee Chairman ROB BISHOP, who is a cosponsor of this bill, for his support and leadership of this legislation, as well as Ranking Member RAÚL GRIJALVA, who has also supported our efforts.

I also want to thank Oversight and Government Reform Chair TREY GOWDY and Ranking Member ELIJAH CUMMINGS for their support and for moving this bipartisan legislation through their committee as well. So you see, we have gone through two committees, Mr. Speaker.

Mr. Speaker, I am particularly pleased and grateful to Senator LISA