

State which remain unsatisfied on the date of the filing.

(2) RANKING.—All selection applications on file with the Secretary on the date specified in paragraph (1) shall—

(A) be ranked on a Statewide basis in order of priority; and

(B) include an estimate of the acreage included in each selection.

(3) INCLUSIONS.—The State shall include in the prioritized list land which has been top-filed under section 906(e) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(e)).

(4) ACREAGE LIMITATION.—

(A) IN GENERAL.—Acreage for top-filings shall not be counted against the 125 percent limitation established under section 906(f)(1) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1635(f)(1)).

(B) RELINQUISHMENT.—

(i) IN GENERAL.—The State shall relinquish any selections that exceed the 125 percent limitation.

(ii) FAILURE TO RELINQUISH.—If the State fails to relinquish a selection under clause (i), the Secretary shall reject the selection.

(5) LOWER-PRIORITY SELECTIONS.—Notwithstanding the prioritization of selection applications under paragraph (1), if the Secretary reserves sufficient entitlements for the top-filed selections, the Secretary may continue to convey lower-priority selections.

(b) DEADLINE FOR PRIORITIZATION.—

(1) IN GENERAL.—The State shall irrevocably prioritize sufficient selections to allow the Secretary to complete transfer of 101,000,000 acres by September 30, 2009.

(2) REPRIORITIZATION.—Any selections remaining after September 30, 2009, may be reprioritized.

(c) FINANCIAL ASSISTANCE.—The Secretary may, using amounts made available to carry out this Act, provide financial assistance to other Federal agencies, the State, and Native Corporations and entities to assist in completing the transfer of land by September 30, 2009.

#### TITLE V—ALASKA LAND CLAIMS HEARINGS AND APPEALS

##### SEC. 501. ALASKA LAND CLAIMS HEARINGS AND APPEALS.

(a) ESTABLISHMENT.—The Secretary may establish a field office of the Office of Hearings and Appeals in the State to decide matters within the jurisdiction of the Department of the Interior involving hearings and appeals, and other review functions of the Secretary regarding land transfer decisions and Indian probates in the State.

(b) APPOINTMENTS.—For purposes of carrying out subsection (a), the Secretary shall appoint administrative law judges selected in accordance with section 3105 of title 5, United States Code, and members of the Interior Board of Land Appeals.

#### TITLE VI—REPORT AND AUTHORIZATION OF APPROPRIATIONS

##### SEC. 601. REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the status of the implementation of this Act.

(b) CONTENTS.—The report shall—

(1) describe the status of conveyances to Alaska Natives, Native Corporations, and the State; and

(2) include recommendations for completing the conveyances required by this Act.

##### SEC. 602. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Nevada (Mr. GIBBONS) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

#### GENERAL LEAVE

Mr. GIBBONS. 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 now under consideration.

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

There was no objection.

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

Mr. Speaker, Senate 1466 accelerates the process of conveying public land in Alaska under the Native Allotment Act of 1906, the Alaska Statehood Act of 1958, and the Alaska Native Claims Settlement Act of 1971.

Ninety million acres of Federal land entitlements intended for Alaska natives, the State of Alaska, and native corporations under these three acts are yet to be surveyed. While such lands may be selected or conveyed on an interim basis, full ownership of the lands is not enjoyed until the final conveyance. Existing procedures for transferring the lands affected by this bill are highly complex. Lawsuits and delays are inevitable as competing claims attempt to sort out the confusion. Senate 1466 enhances the ability of the Federal Government, the State, and Alaska natives to speed up the conveyance process through a more flexible process of negotiation and through authorization of appropriations to finish the necessary surveys of the land.

Mr. Speaker, I urge my colleagues to adopt this bill.

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

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

Mr. Speaker, S. 1466 is intended to accelerate the transfer of millions of acres of Federal lands to Alaska natives, the State of Alaska, and to native corporations. Those individuals and entities are entitled to receive lands from the public domain under past acts of Congress.

As described by the sponsor's floor statement when the bill was introduced in July 2003, the land conveyance program in Alaska is the largest and most complex of any in United States history. Yet notwithstanding the complexity of this subject matter, there is very little legislative history concerning S. 1466. The bill was not reported by the Senate Energy Committee. An amendment was adopted on the Senate floor on October 10, but there is no statement or debate to explain what changes were made. And the House Resources Committee has neither held hearings nor a markup on this legislation.

Despite the curious absence of regular order, the majority has brought S.

1466 before the House today and intends to pass it along to the President without further scrutiny. S. 1466 is exclusively the product of the other body and apparently we have little choice but to hope that they got it right.

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

Mr. GIBBONS. 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 Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 1466.

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

A motion to reconsider was laid on the table.

#### THREE AFFILIATED TRIBES HEALTH FACILITY COMPENSATION ACT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1146) to implement the recommendations of the Garrison Unit Joint Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota.

The Clerk read as follows:

S. 1146

*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 "Three Affiliated Tribes Health Facility Compensation Act".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) in 1949, the United States assumed jurisdiction over more than 150,000 prime acres on the Fort Berthold Indian Reservation, North Dakota, for the construction of the Garrison Dam and Reservoir;

(2) the reservoir flooded and destroyed vital infrastructure on the reservation, including a hospital of the Indian Health Service;

(3) the United States made a commitment to the Three Affiliated Tribes of the Fort Berthold Indian Reservation to replace the lost infrastructure;

(4) on May 10, 1985, the Secretary of the Interior established the Garrison Unit Joint Tribal Advisory Committee to examine the effects of the Garrison Dam and Reservoir on the Fort Berthold Indian Reservation;

(5) the final report of the Committee issued on May 23, 1986, acknowledged the obligation of the Federal Government to replace the infrastructure destroyed by the Federal action;

(6) the Committee on Indian Affairs of the Senate—

(A) acknowledged the recommendations of the final report of the Committee in Senate Report No. 102-250; and

(B) stated that every effort should be made by the Administration and Congress to provide additional Federal funding to replace the lost infrastructure; and

(7) on August 30, 2001, the Chairman of the Three Affiliated Tribes testified before the Committee on Indian Affairs of the Senate that the promise to replace the lost infrastructure, particularly the hospital, still had not been kept.

**SEC. 3. RURAL HEALTH CARE FACILITY, FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA.**

The Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act is amended—

(1) in section 3504 (106 Stat. 4732), by adding at the end the following:

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.”; and

(2) by striking section 3511 (106 Stat. 4739) and inserting the following:

**“SEC. 3511. RURAL HEALTH CARE FACILITY, FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA.**

“There are authorized to be appropriated to the Secretary of Health and Human Services \$20,000,000 for the construction of, and such sums as are necessary for other expenses relating to, a rural health care facility on the Fort Berthold Indian Reservation of the Three Affiliated Tribes, North Dakota.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. 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 now under consideration.

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

There was no objection.

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

Mr. Speaker, Senate 1146 was sponsored by the gentleman from North Dakota, Senator KENT CONRAD. It was reported by unanimous consent of the House Resources Committee on June 3, 2004.

This legislation fulfills a government commitment to replace a U.S. Public Health Service hospital serving the members of the Three Affiliated Tribes of the Fort Berthold Reservation. In the late 1940s, the hospital was destroyed in a flood resulting from the construction of the Garrison Dam and Reservoir Project by the U.S. Army Corps of Engineers and the Bureau of Reclamation. The flood forced the relocation of many Indian families, and it is long overdue that Congress fulfill all components of its pledge to compensate the tribe. I urge the speedy adoption of this bill.

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

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

Mr. Speaker, in 1948, then Chairman George Gillette of the Three Affiliated Tribes of Fort Berthold, North Dakota, wept as a contract was signed to sell over 150,000 acres of tribal land to the U.S. Government to build the Garrison Dam. Through his grief, Chairman Gillette stated, “We will sign this con-

tract with a heavy heart. With a few scratches of the pen, we will sell the best part of our reservation. Right now, the future does not look good for us.”

Chairman Gillette was correct as 80 percent of the tribe was forcibly relocated, 94 percent of their agricultural land was destroyed and their hospital flooded. Today, 56 years later, Chairman Gillette can now smile as we finally authorize this health care facility.

Over this period of time, there has been one reason or another not to fulfill this promise made to the tribes. In fact, we are only here today because of the hard work and determined persistence of several people. The North Dakota delegation, led by Senator CONRAD, the sponsor of this bill, has worked tirelessly to get this passed. Senators CONRAD and DORGAN and our colleague, the gentleman from North Dakota (Mr. POMEROY), deserve much of the credit. I also want to thank the gentleman from California (Mr. POMBO) for allowing this bill to come to the floor today.

I would truly be remiss, however, if I did not credit Tex Hall, chairman of the Three Affiliated Tribes of Fort Berthold, and Ranking Member RAHALL of the Committee on Resources for all of their efforts to get us here today. Certainly there is a connection through the years from Chairman Gillette to Chairman Hall which has kept the drumbeat alive and steady not to give up the fight for this facility. Ranking Member RAHALL heard that drum and took heed, making this bill a high priority. You see, Mr. Speaker, the gentleman from West Virginia knows all too well how promises made when resources are desired can quickly turn into devastated lands and broken promises. With that empathy, the gentleman from West Virginia kept pushing to get this bill heard today and I thank him.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank my colleague for yielding me this time.

Mr. Speaker, this bill corrects a long overdue problem. When the Missouri River was dammed in North Dakota as part of the Pick-Sloan water project, the resulting flood created a lake about the size of Rhode Island. The lake is still with us. A number of communities were flooded out in the course of creating the reservoir. One of them, Elbowoods, was a community that was part of the Three Affiliated Tribes Reservation in western North Dakota. Elbowoods had a hospital, a 28-bed, 35,000 square foot hospital, a most significant medical facility in that rural part of North Dakota, certainly the most significant medical facility serving the reservation.

In order to persuade the Three Affiliated Tribes, Mandan, Hidatsa and Arikare nations, to vote in favor of the

dam and give up 156,000 acres under this reservoir, the Federal Government made a commitment to replace the hospital. The tribes in western North Dakota are still waiting. This authorization will authorize up to \$20 million for the construction of this medical facility.

My colleagues, I am very familiar with this area. I have been there many, many times. I am acquainted with their medical facilities. They are grossly inadequate. This is an area where there are significant health needs and grossly inadequate facilities in which to meet them and a 50-year promise unmet by the Federal Government.

I certainly want to thank those that have made it possible for this bill to come to the floor, the gentleman from California (Mr. POMBO) and, of course, as was mentioned by the preceding speaker, the very aggressive, ongoing efforts by the gentleman from West Virginia (Mr. RAHALL) to get this matter considered.

As I told the gentleman from California (Mr. POMBO), this matter is deeply important to me as a representative of North Dakota because I feel so strongly about the injustice of what was done with the flooding out of this hospital, promising another one and then never getting it done; so I am really deeply grateful that this has been allowed for consideration under the suspension calendar. I urge the unanimous adoption of it in the course of our deliberations.

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

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

It marks a historic point in the Committee on Resources, having just passed its more than 200th piece of legislation under suspension in the House for the year which sets a record for not only the committee but I believe for the House in terms of legislation passed.

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 Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 1146.

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

A motion to reconsider was laid on the table.

CORRECTING ENROLLMENT OF  
H.R. 1417

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 145) to correct the enrollment of H.R. 1417.

The Clerk read as follows:

S. CON. RES. 145

*Resolved by the Senate (the House of Representatives concurring).* That in the enrollment of H.R. 1417, an Act to amend title 17,