

Madam Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Madam Speaker, I yield myself such time as I may consume.

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

Mrs. NAPOLITANO. Madam Speaker, the Lincoln National Forest land exchanges takes approximately 80 acres of forest land in the Lincoln National Forest and exchanges that for private land currently owned by Lubbock Christian University. I would hope that this is in perpetuity rather than to be put up for sale at some time in the future. This has been a very grave area for me.

Our committee worked hard in the 108th Congress to refine the language that would make this exchange fair to the American taxpayer. The bill we are considering today requires that the exchange be of equal value. If the land appraisers determine the parcels are not of equal value, the bill provides for equalization of values through cash payment.

We are aware that land exchanges can often be controversial and contrary to the public interest. However, in this case we have worked to ensure a fair deal which both improves the National Forest by consolidating land ownership and enables Lubbock Christian University to extend its summer camp.

Madam Speaker, I reserve the balance of my time.

Mr. DUNCAN. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. NEUGEBAUER), the author of this legislation.

Mr. NEUGEBAUER. Madam Speaker, H.R. 482 provides for a small land exchange between Lincoln National Forest in New Mexico and Lubbock Christian University in my district. This land exchange is a fair exchange and provides benefits for both parties.

One of the good things about this exchange is that we are exchanging 80 acres of pristine land that LCU currently controls that has National Forest all of the way around it, giving that 80 acres back so we do not have a doughnut in the middle of a National Forest, in consideration for 80 acres adjacent to a camp that is already up and going and has many facilities already on it and is serving many young people in the summertime. And in the fall and the winter, adult groups are able to utilize this facility.

I thank the gentleman from New Mexico (Mr. PEARCE). This land is in his district. The gentleman from New Mexico (Mr. PEARCE) has been very cooperative, and we appreciate that. I also thank the gentleman from California (Mr. POMBO) and the Committee on Resources for their work and thank them for getting this to the floor for a vote so that LCU can begin putting improvements on this land, and hopefully some of those improvements may be available for this summer.

This is a like-kind exchange between two pieces of property. This bill provides for if there is perceived to be some difference in compensation. This bill gets this off center. This request has been pending for a couple of years, and we are able to expedite this issue and get it in place. I think that is good public policy. I urge my colleagues to support and pass H.R. 482.

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

Mr. DUNCAN. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I simply want to close by commending the gentleman from Texas (Mr. NEUGEBAUER) for his very fine work on this legislation. This is a very worthwhile land exchange. I urge all of my colleagues to support it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 482.

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.

#### DIRECTING CONVEYANCE OF CERTAIN LAND TO LANDER COUNTY, NEVADA, AND TO EUREKA COUNTY, NEVADA, FOR CONTINUED USE AS CEMETERIES

Mr. DUNCAN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 541) to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

The Clerk read as follows:

H.R. 541

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

#### SECTION 1. CONVEYANCE TO LANDER COUNTY, NEVADA.

(a) FINDINGS.—Congress finds that the following:

(1) The historical use by settlers and travelers since the late 1800's of the cemetery known as "Kingston Cemetery" in Kingston, Nevada, predates incorporation of the land within the jurisdiction of the Forest Service on which the cemetery is situated.

(2) It is appropriate that that use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency.

(3) In accordance with Public Law 85-569 (commonly known as the "Townsite Act"; 16 U.S.C. 478a), the Forest Service has conveyed to the Town of Kingston 1.25 acres of the land on which historic gravesites have been identified.

(4) To ensure that all areas that may have unmarked gravesites are included, and to ensure the availability of adequate gravesite space in future years, an additional parcel consisting of approximately 8.75 acres should be conveyed to the county so as to include the total amount of the acreage included in the original permit issued by the Forest Service for the cemetery.

(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the "Secretary"), not later than 90 days after the date of enactment of this Act, shall convey to Lander County, Nevada (referred to in this section as the "county"), for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of National Forest System land (including any improvements on the land) known as "Kingston Cemetery", consisting of approximately 10 acres and more particularly described as SW1/4SE1/4SE1/4 of section 36, T. 16N., R. 43E., Mount Diablo Meridian.

(d) EASEMENT.—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over Forest Development Road #20307B, notwithstanding any future closing of the road for other use.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) REVERSION.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the United States to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) WAIVER.—The Secretary may waive the application of paragraph (2)(A) or (2)(B) if the Secretary determines that such a waiver would be in the best interests of the United States.

#### SEC. 2. CONVEYANCE TO EUREKA COUNTY, NEVADA.

(a) FINDINGS.—Congress finds the following:

(1) The historical use by settlers and travelers since the late 1800s of the cemetery known as "Maiden's Grave Cemetery" in Beowawe, Nevada, predates incorporation of the land within the jurisdiction of the Bureau of Land Management on which the cemetery is situated.

(2) It is appropriate that such use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency.

(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the "Secretary"), not later than 90 days after the date of enactment of this Act, shall convey to Eureka County, Nevada (referred to in this section as the "county"), for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of public land (including any improvements on the land) known as "Maiden's Grave Cemetery", consisting of approximately 10 acres and more particularly described as S1/2NE1/4SW1/4SW1/4, N1/2SE1/4SW1/4SW1/4 of section 10, T.31N., R.49E., Mount Diablo Meridian.

(d) EASEMENT.—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over an appropriate access route consistent with current access.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) REVERSION.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the United States to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) WAIVER.—The Secretary may waive the application of paragraph (2)(A) or (2)(B) if the Secretary determines that such a waiver would be in the best interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

GENERAL LEAVE

Mr. DUNCAN. Madam 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 Tennessee?

There was no objection.

□ 1430

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

H.R. 541 directs the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as public cemeteries. Specifically, the town of Kingston, Nevada, requires an additional 8.75 acres of Forest Service land to supplement the 1.25 acres of Forest Service land conveyed to it in 2000 for the town's cemetery. The additional acreage would ensure that areas of unmarked graves are included in the town's cemetery and that space is available for future graves in Kingston Cemetery. In addition, H.R. 541 would authorize the Bureau of Land Management to convey 10 acres of disposable land to Eureka County, Nevada, for continued use at Maiden's Grave Cemetery.

H.R. 541 is supported by the majority and the minority of the Committee on Resources and is identical to legislation that passed the House of Representatives by voice vote during the 108th Congress. I urge adoption of the bill.

Madam Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Madam Speaker, I yield myself such time as I may consume.

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

Mrs. NAPOLITANO. Madam Speaker, as a general rule, when Congress transfers Federal lands into other hands, the United States taxpayers should be compensated for the fair market value of the lands being transferred. In this instance, however, the locations of these parcels as well as the fact that they are currently in use as local cemeteries, and I have no idea how long it has been used as cemeteries but I am assuming it has been a while, justify the making of these transfers free of charge. As a result, we will not oppose H.R. 541.

Madam Speaker, I reserve the balance of my time.

Mr. DUNCAN. Madam Speaker, I yield such time as he may consume to the very distinguished gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Madam Speaker, I thank my good friend and colleague from Tennessee (Mr. DUNCAN) for allowing me time to speak on this bill, and I would also like to thank my good friend from California (Mrs. NAPOLITANO) for her support of this bill as well.

Madam Speaker, I rise in strong support of H.R. 541, a bill I introduced in the 108th Congress. The purpose of H.R. 541 is to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use, as was said by my friend, for public cemeteries. This same legislation passed under suspension of the rules in the House in the 108th Congress. Unfortunately, the legislation was not acted upon in a timely manner by the other body; and I am pleased, Madam Speaker, to have the opportunity to revisit this issue now in the 109th Congress.

With over 90 percent of our State's land being owned by the Federal Government, Nevada has the highest percentage of public-land ownership of all the States in the Union. There are many challenges that come with such a high share of public lands. One that may surprise my colleagues is that even the burial of our loved ones and the preservation of the grave sites of our ancestors are impacted by Federal land ownership.

H.R. 541 authorizes the conveyance of public land to the respective control of Lander and Eureka counties for continued use as public cemeteries. My bill is designed to return these cemeteries to the local communities and eliminate the red tape and uncertainty associated with the Federal permitting process the cemeteries are currently required to go through in order to operate today.

Specifically, the town of Kingston, Nevada, needs an additional 8.75 acres to be added to the town's cemetery in order to protect unmarked graves and make space available for future grave sites. The bill also authorizes the conveyance of 10 acres of disposable land to Eureka County, Nevada, for continued use as the Maiden's Grave Cemetery.

Both of these parcels, Madam Speaker, have been historically used as cemeteries since the 1800s, well before either the Forest Service or the BLM was ever created. However, the land the cemeteries reside on is owned by the Federal Government today. Ninety percent of the land mass in both Eureka and Lander counties is owned by the Federal Government; 90 percent. To give my colleagues an idea of the scale of this conveyance, the acres requested by Lander County represent a mere two-thousandths of a percent of the total land owned by the Federal Government in just that county. In Eureka County, the size of the conveyance is four-thousandths of a percent of the Federal Government's holdings in that county.

As my colleagues can see, the size of the conveyance is minuscule, but the impact on the communities and those who have loved ones buried in these cemeteries is large. Relying on the Federal permitting process to ensure that these cemeteries remain used as cemeteries has been a source of uncertainty to the residents of these communities for many years. It is our intention through this bill to convey a small amount of Federal land to provide for the preservation and access to the residents of these communities with respect to the graves of their ancestors. These land conveyances to the local governments will preserve these historic sites that are not only a part of America's and Nevada's history but part of Nevada's families.

I urge my colleagues to unanimously support this legislation that means so much to these two communities. I want to again thank you, Madam Speaker, for the opportunity to speak in support of this important legislation, and I urge an "aye" vote on it.

Mrs. NAPOLITANO. Madam Speaker, I yield myself such time as I may consume.

I certainly want to add my support of the bill. My understanding is there were 1.2 acres allocated to the same group back in 2000 and now this additional land. I realize it is minuscule, but certainly be it far from us to be in denial of a proper respect of those who are buried there in the unmarked graves. I concur and urge support.

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

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

The land involved here is approximately 20 acres. Many of us believe that the Federal Government owns far too much land in the State of Nevada

already. Frankly, as our colleague from Nevada pointed out, this makes two one-thousandths of 1 percent, which is a minuscule part of the State of Nevada, and so I think this is very worthwhile legislation. I commend the gentleman from Nevada for bringing this to the attention of the House, and I urge the passage of this legislation.

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

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 541.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. DUNCAN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SOUTHERN CALIFORNIA GROUNDWATER REMEDIATION ACT

Mr. DUNCAN. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 18) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes, as amended.

The Clerk read as follows:

H.R. 18

*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 "Southern California Groundwater Remediation Act".

#### SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) GROUNDWATER REMEDIATION.—The term "groundwater remediation" means actions that are necessary to prevent, minimize, clean up, or mitigate damage to groundwater.

(2) LOCAL WATER AUTHORITY.—The term "local water authority" means a currently existing (on the date of the enactment of this Act) public water district, public water utility, public water planning agency, municipality, or Indian Tribe located within the natural watershed of the Santa Ana River in the State of California.

(3) REMEDIATION FUND.—The term "Remediation Fund" means the Southern California Groundwater Remediation Fund established pursuant to section 3(a).

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

#### SEC. 3. SOUTHERN CALIFORNIA GROUNDWATER REMEDATION.

(a) SOUTHERN CALIFORNIA GROUNDWATER REMEDIATION.—

(1) ESTABLISHMENT OF REMEDIATION FUND.—There shall be established within the Treas-

ury of the United States an interest bearing account to be known as the "Southern California Groundwater Remediation Fund".

(2) ADMINISTRATION OF REMEDIATION FUND.—The Remediation Fund shall be administered by the Secretary, acting through the Bureau of Reclamation. The Secretary shall administer the Remediation Fund in cooperation with the local water authority.

(3) PURPOSES OF REMEDIATION FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), the amounts in the Remediation Fund, including interest accrued, shall be used by the Secretary to provide grants to the local water authority to reimburse the local water authority for the Federal share of the costs associated with designing and constructing groundwater remediation projects to be administered by the local water authority.

(B) COST-SHARING LIMITATION.—

(i) IN GENERAL.—The Secretary may not obligate any funds appropriated to the Remediation Fund in a fiscal year until the Secretary has deposited into the Remediation Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary for a groundwater remediation project are from funds provided to the Secretary for that project by the non-Federal interests.

(ii) NON-FEDERAL RESPONSIBILITY.—Each local water authority shall be responsible for providing the non-Federal amount required by clause (i) for projects under that local water authority. The State of California, local government agencies, and private entities may provide all or any portion of the non-Federal amount.

(iii) CREDITS TOWARD NON-FEDERAL SHARE.—For purposes of clause (ii), the Secretary shall credit the appropriate local water authority with the value of all prior expenditures by non-Federal interests made after January 1, 2000, that are compatible with the purposes of this section, including—

(I) all expenditures made by non-Federal interests to design and construct groundwater remediation projects, including expenditures associated with environmental analyses, and public involvement activities that were required to implement the groundwater remediation projects in compliance with applicable Federal and State laws; and

(II) all expenditures made by non-Federal interests to acquire lands, easements, rights-of-way, relocations, disposal areas, and water rights that were required to implement a groundwater remediation project.

(b) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate remediation and protection of the groundwater the natural watershed of the Santa Ana River in the State of California. In carrying out the activities described in this section, the Secretary shall integrate such activities with ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(d) FINANCIAL STATEMENTS AND AUDITS.—The Secretary shall ensure that all funds obligated and disbursed under this Act and expended by a local water authority, are accounted for in accordance with generally accepted accounting principles and are subjected to regular audits in accordance with applicable procedures, manuals, and circu-

lars of the Department of the Interior and the Office of Management and Budget.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Remediation Fund \$50,000,000. Such funds shall remain available until expended. Subject to the limitations in section 4, such funds shall remain available until expended.

#### SEC. 4. SUNSET OF AUTHORITY.

This Act—

(1) shall take effect on the date of the enactment of this Act; and

(2) is repealed effective as of the date that is 10 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

#### GENERAL LEAVE

Mr. DUNCAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days 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 Tennessee?

There was no objection.

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

Madam Speaker, H.R. 18, authored by the gentleman from California (Mr. BACA), authorizes the Secretary of the Interior to participate in the funding and implementation of a balanced, long-term groundwater remediation program. This bill establishes a limited Federal fund to resolve groundwater problems in the Santa Ana, California, watershed. This area has approximately 30 major water wells that are currently shut down or are out of production due to groundwater contamination from man-made and naturally-occurring chemicals. For example, a local perchlorate plume has impacted 250,000 residents in Rialto, California.

This bill is just one small, but very important, part of a comprehensive solution to resolve a water emergency. The House passed identical legislation in the 108th Congress. I urge my colleagues to once again adopt this measure.

Madam Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Madam Speaker, I yield myself such time as I may consume.

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

Mrs. NAPOLITANO. Madam Speaker, we strongly support passage of H.R. 18 which will provide financial assistance for cleaning up contaminated drinking water supplies in the Santa Ana River watershed in Southern California. There have been many problems in Southern California as well as in other parts of the Nation that deal with perchlorate, and this is just but one of