

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

There was no objection.

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

Mr. Speaker, H.R. 409 provides for the exchange of land within the Sierra National Forest in California. This bill originally passed the House of Representatives on September 20, 2005, but was recently amended by the Senate.

The land exchange portion of the bill remains unchanged and would exchange 160 acres of Forest Service property, of which only 15 acres is above water, for 80 acres of private land surrounded by national forest. The land owner has agreed to pay the difference of \$50,000 to the Forest Service to finalize the land transfer.

After the completion of the exchange, the land owner will then convey the property to the Sequoia Council Boy Scouts who have run a camp on the land under a special use permit for the last 30 years.

The Senate amendment reduces funding for a biomass grant program authorized by the Energy Policy Act of 1995 to pay, in part, for the funding authorized by the unrelated package of other energy and natural resource-related bills.

This biomass grant program was originally authorized at \$50 million per year, but only received \$4 million in funding this year. The Resources Committee has been very supportive of biomass funding to help reduce hazardous fuels and create valuable byproducts for otherwise unmerchantable woody debris.

And while the Senate's reduction in authorization funding is somewhat distressing, the Resources Committee agrees to pass this bill with the understanding that both the House and the Senate work together to increase the amount appropriated for biomass grants in the future. This would, in turn, reduce the cost of removing hazardous fuels from the forest and save taxpayer dollars.

Mr. Speaker, I urge adoption of the bill.

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

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

(Ms. HERSETH asked and was given permission to revise and extend her remarks.)

Ms. HERSETH. Mr. Speaker, as Mr. RADANOVICH explained, H.R. 409 directs the Secretary of Agriculture to exchange 160 acres of Federal land in the Sierra National Forest at Shaver Lake for an 80-acre inholding also in the Sierra National Forest.

H.R. 409 also requires that the owners of the non-Federal land make a \$50,000 cash equalization payment and convey the Federal land to the Sequoia Council of the Boy Scouts of America within 120 days of receiving it.

Furthermore, an amendment to H.R. 409 made by the other body makes

changes to the biomass grants under the Energy Policy Act of 2005.

Mr. Speaker, we have no objections to H.R. 409.

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

Mr. RADANOVICH. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 409.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### TRAIL OF TEARS STUDY ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3085) to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes.

The Clerk read as follows:

Senate amendment:

On page 3, strike lines 1 through 3 and insert the following:

*"(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).*

*"(D) No additional funds are authorized to be appropriated to carry out subparagraph (C). The Secretary may accept donations for the Trail from private, nonprofit, or tribal organizations."*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from South Dakota (Ms. HERSETH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. RADANOVICH. Mr. 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 California?

There was no objection.

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

Mr. Speaker, H.R. 3085, introduced by Congressman ZACH WAMP of Tennessee and amended by the Senate, would amend the National Trails System Act to update a feasibility study originally prepared for the Trail of Tears in 1987.

This new study would examine new trail segments, land components and

campgrounds associated with the trail, particularly Bell and Bengie Segments.

As my colleagues are aware, the Trail of Tears National Historic Trail encompasses the primary water route and northern land route used during the forced removal of the Cherokee Nation from its homelands in the southeast United States to Indian Territory, which is present-day Oklahoma.

Mr. Speaker, I urge adoption of the bill.

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

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

(Ms. HERSETH asked and was given permission to revise and extend her remarks.)

Ms. HERSETH. Mr. Speaker, the majority has already explained the purpose of H.R. 3085, which was introduced by our colleague from Tennessee, Representative ZACH WAMP. H.R. 3085 passed the Senate this past July and has been returned to us with an amendment from the Senate.

Mr. Speaker, while the amendment made to H.R. 3085 is, in our view, unnecessary, the overall bill is a good one and we have no objection to the adoption of the legislation by the House today.

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

Mr. RADANOVICH. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I just want to thank Chairman POMBO, Chairman RADANOVICH, Ranking Member HERSETH, all of the staffs involved for their work through the Resources Committee and subcommittees on this bill. I would also like to thank my Senate cosponsors, Senator COBURN, Senator FRIST, and majority leader Senator ALEXANDER for their involvement as well. I am very proud to be the lead sponsor of H.R. 3085. Completing the story of the Cherokee removal is an important issue for Congress to address. I urge all of my colleagues to vote for it.

I understand we are going to have a recorded vote on this. We are under suspensions, and I am going to need the votes. I am going to ask everyone to come and vote for this.

It has been cosponsored by 20 of my colleagues, all from districts and States in which the additional components are located. I would also like to add that S. 970, the Senate companion bill, was sponsored by COBURN, FRIST, and ALEXANDER.

As a consequence of the Indian Removal Act of 1830, a detachment led by John Bengie traveled 734 miles starting at Fort Payne, Alabama, continuing through Tennessee, Kentucky, Missouri, Arkansas, and Oklahoma.

The treaty party group led by John A. Bell traveled 765 miles starting at Charleston, Tennessee, traveling through Arkansas, collectively passing through 10 counties in Tennessee eventually.

Also included are 29 forts and the emigration depots located near Fort Payne, Alabama; Ross' Landing, present-day Chattanooga, Tennessee; and Fort Cass, present-day Charleston, Tennessee, where the Cherokee initially were taken after being rounded up from their homes.

Consequently, the intent of H.R. 3085 is to study an expansion of the current Trail of Tears National Historic Trail, which Congress designated in 1987, to include these additional documented components in the National Trails System Act. The proposed additions have been documented by National Park Service historians, military journals, and newspaper accounts.

The bill directs the Secretary of the Interior to complete within 6 months the remaining criteria necessary to determine the designation of additional routes to the Trail of Tears National Historic Trail.

Even today, many interpretation activities along the Trail of Tears seek to remember the historic routes taken by the Benge detachment and the Bell Treaty Party as we are considering inclusion in the National Trails System.

I want to be very clear that it is my intent that this legislation respect private property rights absolutely. I believe the National Park Service has demonstrated strong partnerships geared towards respecting the private property of citizens in its administering of the current Trail of Tears National Historic Trail and will continue to do so upon the addition of the routes.

The designation and interpretation of the sites and trails associated with the Cherokee removal will enhance public understanding of American history. Our greatness as a Nation is our ability to look at our own history objectively and in proper perspective, being mindful of the errors of the past in order to not repeat them. Through this legislation we will honor the historic footsteps taken by the Cherokee and celebrate our future as we remember the past.

Finally, because of historical significance, H.R. 3085 enjoys broad support not only within Congress but also within the Cherokee Nation, Eastern Band of Cherokee and associated trail organizations such as the Trail of Tears Association. The legislation is a wonderful example of how we can better understand a national event through commemoration of the Cherokees' story.

I want to thank principle chief of the Cherokee Nation, Chad Smith; principle chief of the Eastern Band of the Cherokee Nation, Michell Hicks; and everyone at the National and State Trail of Tears Associations, especially Dr. Duane King and Jack Baker.

In closing, Mr. Speaker, let me say that basically in the last 20 years, we have been missing a big piece of the Trail of Tears. It was enacted by statute 20 years ago, but it was very incomplete. Two major trails were never

added, and now that we have that documentation, it is important for history, it is important for the Cherokee Nation, it is important for the future of our country to understand what happened and where this happened, where we forcibly removed thousands upon thousands of Cherokee and forced them to their new land in Oklahoma, many dying along the way.

It is a tragic story, but it is one that cannot be swept under the rug. The Cherokee are a proud people, and I am very proud of the Cherokee blood in my veins, and I urge all of my colleagues to join me today in honoring the Cherokee Nation in this great story of Native Americans who were forced from their homeland but have survived and are even stronger today because of the challenges they have been through and to make this wrong right in the history of America.

Ms. HERSETH. Mr. Speaker, I would just like to congratulate the gentleman from Tennessee for his hard work on this important legislation and for his statement on the floor today, and I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3085.

The question was taken.

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

Mr. RADANOVICH. Mr. 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 question will be postponed.

#### IDAHO LAND ENHANCEMENT ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1131) to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes.

The Clerk read as follows:

S. 1131

*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 "Idaho Land Enhancement Act".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the agreement executed in April 2005 entitled "Agreement to Initiate, Boise Foot-hills—Northern Idaho Land Exchange", as modified by the agreement executed in March 2006 entitled "Amendment No. 1", and entered into by—

(A) the Bureau of Land Management;

(B) the Forest Service;

(C) the State; and

(D) the City.

(2) BUREAU OF LAND MANAGEMENT LAND.—The term "Bureau of Land Management land" means the approximately 605 acres of land administered by the Bureau of Land Management (including all appurtenances to the land) that is proposed to be acquired by the State, as identified in exhibit A2 of the Agreement and as generally depicted on the maps.

(3) BOARD.—The term "Board" means the Idaho State Board of Land Commissioners.

(4) CITY.—The term "City" means the city of Boise, Idaho.

(5) FEDERAL LAND.—The term "Federal land" means the Bureau of Land Management land and the National Forest System land.

(6) MAPS.—The term "maps" means maps 1 through 7 entitled "Parcel Identification Map: Idaho Lands Enhancement Act Land Exchange" and dated February 28, 2006.

(7) NATIONAL FOREST SYSTEM LAND.—The term "National Forest System land" means the approximately 7,220 acres of land (including all appurtenances to the land) that is—

(A) administered by the Secretary of Agriculture in the Idaho Panhandle National Forests and the Clearwater National Forest;

(B) proposed to be acquired by the State;

(C) identified in exhibit A2 of the Agreement; and

(D) generally depicted on the maps.

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

(9) STATE.—The term "State" means the State of Idaho, Department of Lands.

(10) STATE LAND.—The term "State land" means the approximately 11,815 acres of land (including all appurtenances to the land) administered by the State that is proposed to be acquired by the United States, as identified in exhibit A1 of the Agreement and as generally depicted on the maps.

#### SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—In accordance with the Agreement and this Act, if the State offers to convey the State land to the United States, the Secretary and the Secretary of Agriculture shall—

(1) accept the offer; and

(2) on receipt of title to the State land, simultaneously convey to the State the Federal land.

(b) VALID EXISTING RIGHTS.—The conveyance of the Federal land and State land shall be subject to all valid existing rights.

(c) EQUAL VALUE EXCHANGE.—

(1) IN GENERAL.—The value of the Federal land and State land to be exchanged under this Act—

(A) shall be equal; or

(B) shall be made equal in accordance with subsection (d).

(2) APPRAISALS.—The value of the Federal land and State land shall be determined in accordance with appraisals—

(A) conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice;

(B) reviewed by an interdepartmental review team comprised of representatives of Federal and State agencies; and

(C) approved by the Secretary or the Secretary of Agriculture, as appropriate.

(3) TERM OF APPROVAL.—The term of approval of the appraisals by the interdepartmental review team is extended to September 13, 2008.

(d) CASH EQUALIZATION.—

(1) IN GENERAL.—If the value of the Federal land and State land is not equal, the value may be equalized by the payment of cash to

the United States or to the State, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) DISPOSITION AND USE OF PROCEEDS.—

(A) USE OF PROCEEDS.—Any cash equalization payments received by the United States under paragraph (1) shall be deposited in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

(B) USE OF PROCEEDS.—Amounts deposited under subparagraph (A) shall be available to the Secretary of Agriculture, without further appropriation and until expended, for the acquisition of land and interests in land for addition to the National Forest System in the State.

(c) TIMING.—It is the intent of Congress that the land exchange authorized and directed by this Act shall be completed not later than 180 days after the date of enactment of this Act.

(f) RIGHTS-OF-WAY.—

(1) RIGHTS-OF-WAY TO NATIONAL FOREST SYSTEM LAND.—The Secretary of Agriculture, under the authority of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), shall convey to the State any easements or other rights-of-way to National Forest System land that are—

(A) appropriate to provide access to the National Forest System land acquired by the State; and

(B) agreed to by the Secretary of Agriculture and the State.

(2) RIGHTS-OF-WAY TO STATE LAND.—The State shall convey to the United States any easements or other rights-of-way to land owned by the State that are—

(A) appropriate to provide access to the State land acquired by the United States; and

(B) agreed to by—

(i) the Secretary or the Secretary of Agriculture; and

(ii) the State.

(g) COSTS.—The City, either directly or through a collection agreement with the Secretary and the Secretary of Agriculture, shall pay the administrative costs associated with the conveyance of the Federal land and State land, including the costs of any field inspections, environmental analyses, appraisals, title examinations, and deed and patent preparations.

**SEC. 4. MANAGEMENT OF FEDERAL LAND.**

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—There is transferred from the Secretary to the Secretary of Agriculture administrative jurisdiction over the land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 2,110 acres of land that is administered by the Bureau of Land Management and located in Shoshone County, Idaho, as generally identified in exhibit A3 of the Agreement.

(3) WILDERNESS STUDY AREAS.—Any land designated as a Wilderness Study Area that is transferred to the Secretary of Agriculture under paragraph (1) shall be managed in a manner that preserves the suitability of land for designation as wilderness until Congress determines otherwise.

(b) ADDITIONS TO THE NATIONAL FOREST SYSTEM.—The Secretary of Agriculture shall administer any land transferred to, or conveyed to the United States for administration by, the Secretary of Agriculture in accordance with—

(1) the Act of March 1, 1911 (commonly known as the “Weeks Act”) (16 U.S.C. 480 et seq.); and

(2) the laws (including regulations) applicable to the National Forest System.

(c) LAND TO BE MANAGED BY THE SECRETARY.—The Secretary shall administer any State land conveyed to the United States under this Act for administration by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) other applicable laws.

(d) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Idaho Panhandle National Forests and the Clearwater National Forest shall be considered to be the boundaries of the Idaho Panhandle National Forests and the Clearwater National Forest, respectively, as of January 1, 1965.

**SEC. 5. MISCELLANEOUS PROVISIONS.**

(a) LEGAL DESCRIPTIONS.—The Secretary, the Secretary of Agriculture, and the Board may modify the descriptions of land specified in the Agreement to—

(1) correct errors; or

(2) make minor adjustments to the parcels based on a survey or other means.

(b) REVOCATION OF ORDERS.—Subject to valid existing rights, any public land orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(c) WITHDRAWALS.—

(1) FEDERAL LAND.—Subject to valid existing rights, pending completion of the land exchange, the Federal land is withdrawn from—

(A) all forms of location, entry, and patent under the mining and public land laws; and

(B) disposition under the mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(2) STATE LAND.—Subject to valid existing rights, the land transferred to the United States under this Act is withdrawn from—

(A) all forms of location, entry, and patent under the mining and public land laws; and

(B) disposition under the mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(3) EFFECT.—Nothing in this section precludes the Secretary or the Secretary of Agriculture from using common varieties of mineral materials for construction and maintenance of Federal roads and facilities on the State land acquired under this Act. Passed the Senate September 29, 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from South Dakota (Ms. HERSETH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

**GENERAL LEAVE**

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may be given 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 California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself as much time as I may consume.

The Boise foothills provide a beautiful, open-space backdrop for the city of Boise. For decades, community members have sought a way to protect open space, and in May 2001, the citizens of Boise approved a tax to secure open space in the foothills.

Roughly 7,700 acres of land in the Boise foothills is owned by the State of Idaho. The State is required to manage these lands to maximize revenue, which would likely lead to development. S. 1131, introduced by Senator LARRY CRAIG in the Senate and Congressman BUTCH OTTER in the House, would remedy this problem by codifying an agreement produced collaboratively by the city of Boise and the State of Idaho and the Forest Service and the Bureau of Land Management. The agreement would exchange Idaho State endowment lands on an equal-value basis with other Federal and State lands across a broad area in the State.

I urge support of this important measure.

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

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

(Ms. HERSETH asked and was given permission to revise and extend her remarks.)

Ms. HERSETH. Mr. Speaker, this land exchange reflects an agreement reached between the Forest Service, Bureau of Land Management, Idaho Department of Lands, and the city of Boise.

The city of Boise has significant interest in preserving the Boise foothills for open space. However, the State of Idaho has a constitutional mandate to maximize revenue on their State lands and cannot manage State lands in the Boise foothills for open space.

Therefore, S. 1131 transfers 11,815 acres of lands from the Idaho Department of Lands to the Forest Service and Bureau of Land Management to be managed for open space preservation for the benefit of the city of Boise. The State Department of Lands will acquire 7,220 acres of National Forest System lands that are timber-producing lands and 605 acres of lands from the Bureau of Land Management.

Mr. Speaker, we have no objections to S. 1131.

Mr. OTTER. Mr. Speaker, I rise today in support of S. 1131 the Idaho Land Enhancement Act. This legislation directs the Secretaries of Agriculture and Interior to exchange land with the State of Idaho, including key parcels in the Boise Foothills and North Idaho.

Protecting the Boise Foothills from unchecked development has long been a priority for residents of Boise, Idaho. In May 2001 the citizens of Boise, in one of the highest voter turnouts in city history, elected to tax themselves in order to provide funding to secure permanent public open space in the Boise Foothills. The land exchange before you today is a key component of that effort.

The exchange concept was developed between the Idaho Department of Lands, the Bureau of Land Management and the U.S. Forest Service with the assistance of the City of Boise. It uses both Bureau of Land Management and Forest Service acreage to balance an exchange with Idaho State Endowment lands on an equal-value basis. Bureau of Land Management, Forest Service and Idaho Department of Lands staff have identified parcels

that help reduce threats to federal forests and grasslands identified by the Chief of the Forest Service while conveying land to the State of Idaho that help the State's endowment fund beneficiaries.

I introduced identical legislation H.R. 2718, and I appreciate all of the assistance we got from the House Resources Committee in moving this bill through the process. This land exchange is an agreement on which everyone wins. The state of Idaho gets more timberland; the schools get more timber revenue; the people of the Boise area get more open space; and the state and federal agencies involved get a higher level of management efficiency.

I would appreciate your support of this small but important piece of legislation.

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

Mr. RADANOVICH. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the Senate bill, S. 1131.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

## PITKIN COUNTY LAND EXCHANGE ACT OF 2006

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1129) to authorize the exchange of certain land in the State of Colorado.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Pitkin County Land Exchange Act of 2006".

### SEC. 2. PURPOSE.

The purpose of this Act is to authorize, direct, expedite, and facilitate the exchange of land between the United States, Pitkin County, Colorado, and the Aspen Valley Land Trust.

### SEC. 3. DEFINITIONS.

In this Act:

(1) ASPEN VALLEY LAND TRUST.—

(A) IN GENERAL.—The term "Aspen Valley Land Trust" means the Aspen Valley Land Trust, a nonprofit organization as described in section 501(c)(3) of the Internal Revenue Code of 1986.

(B) INCLUSIONS.—The term "Aspen Valley Land Trust" includes any successor, heir, or assign of the Aspen Valley Land Trust.

(2) COUNTY.—The term "County" means Pitkin County, a political subdivision of the State of Colorado.

(3) FEDERAL LAND.—The term "Federal land" means—

(A) the approximately 5.5 acres of National Forest System land located in the County, as generally depicted on the map entitled "Ryan Land Exchange-Wildwood Parcel Conveyance to Pitkin County" and dated August 2004;

(B) the 12 parcels of National Forest System land located in the County totaling approximately 5.92 acres, as generally depicted on maps 1 and 2 entitled "Ryan Land Exchange-Smuggler Mountain Patent Remnants Conveyance to Pitkin County" and dated August 2004; and

(C) the approximately 40 acres of Bureau of Land Management land located in the County, as generally depicted on the map entitled "Ryan Land Exchange-Crystal River Parcel Conveyance to Pitkin County" and dated August 2004.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means—

(A) the approximately 35 acres of non-Federal land in the County, as generally depicted on the map entitled "Ryan Land Exchange-Ryan Property Conveyance to Forest Service" and dated August 2004; and

(B) the approximately 18.2 acres of non-Federal land located on Smuggler Mountain in the County, as generally depicted on the map entitled "Ryan Land Exchange-Smuggler Mountain-Grand Turk & Pontiac Claims Conveyance to Forest Service" and dated August 2004.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

### SEC. 4. LAND EXCHANGE.

(a) IN GENERAL.—If the County offers to convey to the United States title to the non-Federal land that is acceptable to the Secretary, the Secretary and the Secretary of the Interior shall—

(1) accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, simultaneously convey to the County, or at the request of the County, to the Aspen Valley Land Trust, all right, title, and interest of the United States in and to the Federal land, except as provided in section 5(d), subject to all valid existing rights and encumbrances.

(b) TIMING.—It is the intent of Congress that the land exchange directed by this Act shall be completed not later than 1 year after the date of enactment of this Act.

### SEC. 5. EXCHANGE TERMS AND CONDITIONS.

(a) EQUAL VALUE EXCHANGE.—The value of the Federal land and non-Federal land—

(1) shall be equal; or

(2) shall be made equal in accordance with subsection (c).

(b) APPRAISALS.—The value of the Federal land and non-Federal land shall be determined by the Secretary through appraisals conducted in accordance with—

(1) the Uniform Appraisal Standards for Federal Land Acquisitions;

(2) the Uniform Standards of Professional Appraisal Practice; and

(3) Forest Service appraisal instructions.

(c) EQUALIZATION OF VALUES.—

(1) SURPLUS OF NON-FEDERAL LAND.—If the final appraised value of the non-Federal land exceeds the final appraised value of the Federal land, the County shall donate to the United States the excess value of the non-Federal land, which shall be considered to be a donation for all purposes of law.

(2) SURPLUS OF FEDERAL LAND.—

(A) IN GENERAL.—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, the value of the Federal land and non-Federal land may, as the Secretary and the County determine to be appropriate, be equalized by the County—

(i) making a cash equalization payment to the Secretary;

(ii) conveying to the Secretary certain land located in the County, comprising approximately 160 acres, as generally depicted on the map entitled "Sellar Park Parcel" and dated August 2004; or

(iii) using a combination of the methods described in clauses (i) and (ii).

(B) DISPOSITION AND USE OF PROCEEDS.—

(i) DISPOSITION OF PROCEEDS.—Any cash equalization payment received by the Secretary under clause (i) or (iii) of subparagraph (A) shall be deposited in the fund established by Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(ii) USE OF PROCEEDS.—Amounts deposited under clause (i) shall be available to the Secretary, without further appropriation, for the

acquisition of land or interests in land in Colorado for addition to the National Forest System.

(d) CONDITIONS ON CERTAIN CONVEYANCES.—

(1) CONDITIONS ON CONVEYANCE OF CRYSTAL RIVER PARCEL.—

(A) IN GENERAL.—As a condition of the conveyance of the parcel of Federal land described in section 3(3)(C) to the County, the County shall agree to—

(i) provide for public access to the parcel; and

(ii) require that the parcel shall be used only for recreational, fish and wildlife conservation, and public open space purposes.

(B) REVERSION.—At the option of the Secretary of the Interior, the parcel of land described in section 3(3)(C) shall revert to the United States if the parcel is used for a purpose other than a purpose described in subparagraph (A)(ii).

(2) CONDITIONS ON CONVEYANCE OF WILDWOOD PARCEL.—In the deed of conveyance for the parcel of Federal land described in section 3(3)(A) to the County, the Secretary shall, as determined to be appropriate by the Secretary, in consultation with the County, reserve to the United States a permanent easement for the location, construction, and public use of the East of Aspen Trail.

### SEC. 6. MISCELLANEOUS PROVISIONS.

(a) INCORPORATION, MANAGEMENT, AND STATUS OF ACQUIRED LAND.—

(1) IN GENERAL.—Land acquired by the Secretary under this Act shall become part of the White River National Forest.

(2) MANAGEMENT.—On acquisition, land acquired by the Secretary under this Act shall be administered in accordance with the laws (including rules and regulations) generally applicable to the National Forest System.

(3) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9), the boundaries of the White River National Forest shall be deemed to be the boundaries of the White River National Forest as of January 1, 1965.

(b) REVOCATION OF ORDERS AND WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(2) WITHDRAWAL OF FEDERAL LAND.—On the date of enactment of this Act, if not already withdrawn or segregated from entry and appropriation under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal land is withdrawn, subject to valid existing rights, until the date of the conveyance of the Federal land to the County.

(3) WITHDRAWAL OF NON-FEDERAL LAND.—On acquisition of the non-Federal land by the Secretary, the non-Federal land is permanently withdrawn from all forms of appropriation and disposal under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(c) BOUNDARY ADJUSTMENTS.—The Secretary, the Secretary of the Interior, and the County may agree to—

(1) minor adjustments to the boundaries of the parcels of Federal land and non-Federal land; and

(2) modifications or deletions of parcels and mining claim remnants of Federal land or non-Federal land to be exchanged on Smuggler Mountain.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from South Dakota (Ms. HERSETH) each will control 20 minutes.

The Chair recognizes the gentleman from California.