

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. UPTON) having assumed the chair, Mr. HASTERT, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 400) to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes, pursuant to House Resolution 52, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The CHAIRMAN. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that they ayes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This vote will be a 15-minute vote. the vote was taken by electronic device, and there were—yeas 427, nays 0, answered "present" 1, not voting 6, as follows:

[Roll No. 84]  
YEAS—427

Abercrombie	Bryant (TX)	Deal
Ackerman	Bunn	DeFazio
Allard	Bunning	DeLauro
Andrews	Burr	DeLay
Archer	Burton	Dellums
Army	Buyer	Deutsch
Bachus	Callahan	Diaz-Balart
Baesler	Calvert	Dickey
Baker (CA)	Camp	Dicks
Baker (LA)	Canady	Dingell
Baldacci	Cardin	Dixon
Ballegger	Castle	Doggett
Barcia	Chabot	Dooley
Barr	Chambliss	Doolittle
Barrett (NE)	Chapman	Dornan
Barrett (WI)	Chenoweth	Doyle
Barton	Christensen	Dreier
Bass	Chrysler	Duncan
Bateman	Clayton	Dunn
Beilenson	Clement	Durbin
Bentsen	Clinger	Edwards
Bereuter	Clyburn	Ehlers
Berman	Coble	Ehrlich
Bevill	Coleman	Emerson
Bilbray	Collins (GA)	Engel
Bilirakis	Collins (IL)	English
Bishop	Collins (MI)	Ensign
Bliley	Combest	Eshoo
Blute	Condit	Evans
Boehlert	Conyers	Everett
Boehner	Cooley	Ewing
Bonilla	Costello	Farr
Bonior	Cox	Fattah
Bono	Coyne	Fawell
Borski	Cramer	Fazio
Boucher	Crane	Fields (LA)
Brewster	Crapo	Fields (TX)
Browder	Cremeans	Filner
Brown (CA)	Cubin	Flake
Brown (FL)	Cunningham	Flanagan
Brown (OH)	Danner	Foglietta
Brownback	Davis	Foley
Bryant (TN)	de la Garza	Forbes

Ford	Lightfoot	Ros-Lehtinen
Fowler	Lincoln	Rose
Fox	Linder	Roth
Frank (MA)	Lipinski	Roukema
Franks (CT)	Livingston	Roybal-Allard
Franks (NJ)	LoBiondo	Royce
Frelinghuysen	Lofgren	Rush
Frisa	Longley	Sabo
Frost	Lowey	Salmon
Funderburk	Lucas	Sanders
Furse	Luther	Sanford
Galleghy	Maloney	Sawyer
Ganske	Manton	Saxton
Gejdenson	Manzullo	Scarborough
Gekas	Markey	Schaefer
Gephardt	Martinez	Schiff
Geren	Martini	Schroeder
Gibbons	Mascara	Schumer
Gilchrest	Matsui	Scott
Gillmor	McCarthy	Seastrand
Gilman	McCollum	Sensenbrenner
Gonzalez	McCrery	Serrano
Goodlatte	McDade	Shadegg
Goodling	McDermott	Shaw
Gordon	McHale	Shays
Goss	McHugh	Shuster
Graham	McInnis	Sisisky
Green	McIntosh	Skaggs
Greenwood	McKeon	Skeen
Gunderson	McKinney	Skelton
Gutiérrez	McNulty	Slaughter
Gutknecht	Meehan	Smith (MI)
Hall (TX)	Meek	Smith (NJ)
Hamilton	Menendez	Smith (TX)
Hancock	Metcalfe	Smith (WA)
Hansen	Meyers	Solomon
Harman	Mfume	Souder
Hastert	Mica	Spence
Hastings (FL)	Miller (CA)	Spratt
Hastings (WA)	Miller (FL)	Stearns
Hayes	Mineta	Stenholm
Hayworth	Minge	Stockman
Hefley	Mink	Stokes
Hefner	Moakley	Studds
Heineman	Molinari	Stump
Herger	Mollohan	Stupak
Hilleary	Montgomery	Talent
Hilliard	Moorhead	Tanner
Hinchee	Moran	Tate
Hobson	Morella	Tauzin
Hoekstra	Myers	Taylor (MS)
Hoke	Myrick	Taylor (NC)
Holden	Nadler	Tejeda
Horn	Neal	Thomas
Hostettler	Nethercutt	Thompson
Houghton	Neumann	Thornberry
Hoyer	Ney	Thornton
Hunter	Norwood	Thurman
Hutchinson	Nussle	Tiahrt
Hyde	Oberstar	Torkildsen
Inglis	Obey	Torres
Istook	Olver	Torricelli
Jackson-Lee	Ortiz	Towns
Jacobs	Orton	Traficant
Jefferson	Owens	Tucker
Johnson (CT)	Oxley	Upton
Johnson (SD)	Packard	Velazquez
Johnson, E.B.	Pallone	Vento
Johnson, Sam	Parker	Visclosky
Johnston	Pastor	Volkmer
Jones	Paxon	Vucanovich
Kanjorski	Payne (NJ)	Waldholtz
Kaptur	Payne (VA)	Walker
Kasich	Pelosi	Walsh
Kelly	Peterson (FL)	Wamp
Kennedy (MA)	Peterson (MN)	Ward
Kennedy (RI)	Petri	Waters
Kennelly	Pickett	Watt (NC)
Kildee	Pombo	Watts (OK)
Kim	Pomeroy	Waxman
King	Porter	Weldon (FL)
Kingston	Portman	Weldon (PA)
Kleczka	Poshard	Weller
Klink	Pryce	White
Klug	Quillen	Whitfield
Knollenberg	Quinn	Wicker
Kolbe	Radanovich	Williams
LaFalce	Rahall	Wilson
LaHood	Ramstad	Wise
Lantos	Rangel	Wolf
Largent	Reed	Woolsey
Latham	Regula	Wyden
LaTourette	Reynolds	Wynn
Laughlin	Richardson	Yates
Lazio	Riggs	Young (AK)
Leach	Rivers	Young (FL)
Levin	Roberts	Zeliff
Lewis (CA)	Roemer	Zimmer
Lewis (GA)	Rogers	
Lewis (KY)	Rohrabacher	

ANSWERED "PRESENT"—1

Coburn

NOT VOTING—6

Bartlett  
Becerra

Clay  
Hall (OH)

Murtha  
Stark

□ 1728

Mr. ENGLISH of Pennsylvania changed his vote from "nay" to "yea." So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 400, the bill just passed.

The SPEAKER pro tempore (Mr. UPTON). Is there objection to the request of the gentleman from Alaska?

There was no objection.

□ 1730

#### LAND CONVEYANCE IN BUTTE COUNTY, CA

The SPEAKER pro tempore (Mr. UPTON). Pursuant to House Resolution 53 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 440.

□ 1730

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 440) to provide for the conveyance of lands to certain individuals in Butte County, CA, with Mr. HASTERT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 30 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Mr. Chairman, H.R. 440 is essential in order to resolve serious hardships for land and homeowners in Butte County, CA, brought about by the mistaken actions of the Federal Government. The problem began in 1961, when a Forest Service survey on the Plumias National Forest did not locate the original survey corner established in 1869. Because the surveyor could not locate the marker, he erroneously established a new corner,

which private landowners have subsequently used to establish future boundaries which also are erroneous. Ultimately, 16 landowners have been adversely effected. While this legislation is noncontroversial, it is extremely important to the landowners who have experienced a great amount of hardship and anxiety over this unfortunate situation.

H.R. 440 was drafted with the assistance of the Forest Service and Bureau of Land Management. The bill is designed to resolve boundary and land title issues between Federal and private lands. Surveys completed in 1992 have revealed that land for years thought to be privately owned was actually contained within the boundaries of the Plumas National Forest, and therefore owned by the Federal Government. These landowners have a substantial vested interest in this land which they purchased and believed to be their own.

This situation has resulted in the clouding of the title of approximately 30 acres of land for 16 individual landowners. H.R. 440 would rectify this matter by authorizing and directing the Secretary of Agriculture to convey all right, title and interest in the land in question to the claimants.

The proposed bill is specific in describing the affected property, the claimants who are entitled to relief, and the process to be followed in granting such relief. Also, the bill describes the process by which the boundary adjustments will be accomplished.

I believe that the approach taken by H.R. 440 is the only equitable solution to this matter. This legislation has no significant budget impact since the only cost involved to the Government will be the administration of the land conveyance. I know of no opposition to this legislation at the local or Federal level.

Again, Mr. Chairman, this legislation is very important to the landowners involved. These individuals have experienced significant and protracted hardship because of this problem. The sooner Congress takes action to remedy the situation, the sooner these people can get on with their lives. I thank my good friend, Mr. HERGER, for his diligence and I urge my colleagues to support H.R. 440.

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

Mr. RICHARDSON. Mr. Chairman, I yield myself such time as I may consume.

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Chairman, H.R. 440 is identical to legislation considered by the Resources Committee and passed by the House on a voice vote in the last Congress. The measure that would resolve title problems for 16 private landowners in Butte County, CA. These title problems, which involve about 30 acres of land, arose because of an incorrect boundary survey

done by a private contractor for the Forest Service in the early 1960's. The bill would remove the clouds from the private land titles by providing for the conveyance of the involved lands to these private landowners without cost.

For the private landowners, H.R. 440 is a generous resolution of their title problems. Under the bill, the Federal Government will not only convey the land without cost, it will also pick up the tab for preparing the deeds and doing all surveys and markings.

Yes, there was an incorrect survey and yes, these private landowners had thought the lands in question were theirs. The fact is they are not. They are and always have been national forest lands. If this was a title problem between private parties, I seriously doubt that one party would say that the other parties could have the affected lands free and clear and not only that, but the first party would pay all the costs associated with the conveyances. That just doesn't happen in the private sector.

I bring these facts to the House's attention not out of any malice toward the bill but because so often on the floor we hear about property rights and takings. When it comes though to the Federal Government's property, as in this bill, we are asked to forget about that and be a benevolent landowner.

I sympathize with the affected private landowners. That is why I supported the bill in committee. I do hope that the next time we start debating property rights and takings, that Members will remember its not just a one-way street.

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

Mr. HANSEN. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HERGER], the author of this legislation.

Mr. HERGER. Mr. Chairman, I want to thank Chairman YOUNG, Subcommittee Chairman HANSEN, and members of the Resources Committee and Parks, Forests and Lands Subcommittee for bringing H.R. 440 to the House floor.

H.R. 440 is a noncontroversial bill that passed this House on the suspension calendar at the end of the 103d Congress. Due to insufficient time, the bill did not pass the Senate. The purpose of the bill is to clear the title of 16 parcels of land, totalling approximately 30 acres, in the Stephens Ridge area of Butte County, CA. Its passage would help resolve a pressing problem in my district.

In 1961 the Forest Service sanctioned a survey establishing the boundaries of the parcels in question.

In 1992 a BLM resurvey demonstrated that an error had been made in the 1961 survey, thereby placing a cloud on the title of the parcels.

By clearing title to these parcels, H.R. 440 provides much needed relief to the landowners, mostly senior citizens, who are affected by the BLM resurvey.

Mr. Chairman, these landowners purchased property in good faith reliance on the 1961 Forest Service survey. Now, some 30 years later, they have been told that they no longer hold clear title to their land. This technical correction of the problem is a fair solution for all concerned.

Mr. Chairman, the House of Representatives swiftly adopted this legislation during the last term. I invite my colleagues to expeditiously approve this bill again today.

Mr. RICHARDSON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the bill shall be considered as read under the 5-minute rule by section, and each section shall be considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

#### SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) certain landowners in Butte County, California who own property adjacent to the Plumas National Forest have been adversely affected by certain erroneous surveys;

(2) these landowners have occupied or improved their property in good faith and in reliance on erroneous surveys of their properties that they believed were accurate; and

(3) the 1992 Bureau of Land Management dependent resurvey of the Plumas National Forest will correctly establish accurate boundaries between such forest and private lands.

(b) PURPOSE.—It is the purpose of this Act to authorize and direct the Secretary of Agriculture to convey, without consideration, certain lands in Butte County, California, to persons claiming to have been deprived of title to such lands.

Mr. HANSEN. Mr. Chairman, I ask unanimous consent that the bill be printed in the RECORD and open to amendment at any time.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

The text of the remainder of the bill is as follows:

#### SEC. 2. DEFINITIONS.

For the purpose of this Act—

(1) the term "affected lands" means those Federal lands located in the Plumas National Forest in Butte County, California, in sections 11, 12, 13, and 14, township 21 north, range 5 East, Mount Diablo Meridian, as described by the dependent resurvey by the Bureau of Land Management conducted in 1992, and subsequent Forest Service land line location surveys, including all adjoining parcels where the property line as identified by the 1992 BLM dependent resurvey and National Forest boundary lines before such dependent resurvey are not coincident;

(2) the term "claimant" means an owner of real property in Butte County, California, whose real property adjoins Plumas National Forest lands described in subsection (a), who claims to have been deprived by the United

States of title to property as a result of previous erroneous surveys; and

(3) the term "Secretary" means the Secretary of Agriculture.

#### SEC. 3. CONVEYANCE OF LANDS.

Notwithstanding any other provision of law, the Secretary is authorized and directed to convey, without consideration, all right, title, and interest of the United States in an to affected lands as described in section 2(1), to any claimant or claimants, upon proper application from such claimant or claimants, as provided in section 4.

#### SEC. 4. TERMS AND CONDITIONS OF CONVEYANCE.

(a) NOTIFICATION.—Not later than 2 years after the date of enactment of this Act, claimants shall notify the Secretary, through the Forest Supervisor of the Plumas National Forest, writing of their claim to affected lands. Such claim shall be accomplished by—

(1) a description of the affected lands claimed;

(2) information relating to the claim of ownership of such lands; and

(3) such other information as the Secretary may require.

(b) ISSUANCE OF DEED.—(1) Upon a determination by the Secretary that issuance of a deed for affected lands is consistent with the purpose and requirements of this Act, the Secretary shall issue a quitclaim deed to such claimant for the parcel to be conveyed.

(2) Prior to the issuance of any such deed as provided in paragraph (1), the Secretary shall ensure that—

(A) the parcel or parcels to be conveyed have been surveyed in accordance with the Memorandum of Understanding between the Forest Service and the Bureau of Land Management, dated November 11, 1989;

(B) all new property lines established by such surveys have been monumented and marked; and

(C) all terms and conditions necessary to protect third party and Government Rights-of-Way or other interests are included in the deed.

(3) The Federal Government shall be responsible for all surveys and property line markings necessary to implement this subsection.

(c) NOTIFICATION TO BLM.—The Secretary shall submit to the Secretary of the Interior an authenticated copy of each deed issued pursuant to this Act no later than 30 days after the date such deed is issued.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

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

The CHAIRMAN. Are there amendments to the bill? If there are none, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. UPTON) having assumed the chair, Mr. HASTERT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 440) to provide for the conveyance of lands to certain individuals in Butte County, CA, he reported the bill back to the House.

□ 1740

The SPEAKER pro tempore (Mr. UPTON). Under the rule, the previous question is ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

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

There was no objection.

#### TAOS PUEBLO INDIANS OF NEW MEXICO LAND TRANSFER

The SPEAKER pro tempore. Pursuant to House Resolution 51 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 101.

□ 1741

#### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 101) to transfer a parcel of land to the Taos Pueblo Indians of New Mexico, with Mr. HASTERT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 30 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 101, sponsored by Mr. RICHARDSON, which would transfer approximately 764 acres of the Wheeler Peak Wilderness, located in the Carson National Forest to the Secretary of the Interior to be held in trust for the Pueblo de Taos in New Mexico. This non-controversial legislation would settle a long standing issue over these religiously sacred lands between the Pueblo de Taos and the administration.

H.R. 101 insures that these lands will continue to be managed as part of the Blue Lake Wilderness but the Pueblo will be able to control access in order to insure privacy during certain religious ceremonies. This area is sacred to the Pueblo and a sacred trail known as the Trail of Life crosses this area.

H.R. 101 was reported favorably by the Committee on Resources on January 18, 1995, by unanimous voice vote. This same measure passed the House during the 103d Congress but failed final passage in the waning hours of business. I commend the ranking member, Mr. RICHARDSON, for his hard work on this measure and I urge the Members of the House to support his effort.

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

Mr. RICHARDSON. Mr. Chairman, I yield myself such time as I may consume.

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Chairman, today is an important day for the Taos Pueblo people. Today, the House will again consider legislation to transfer a sacred tract of wilderness land back to the Taos Pueblo.

The so-called bottleneck tract of the Wheeler Peak Wilderness will be transferred by this bill to management by the Taos Pueblo as the final, missing part of the Blue Lake Wilderness.

In an age when Federal policies affecting the first Americans are becoming more and more controversial, H.R. 101 is a simple, noncontroversial solution to an age-old problem on which I hope we can all agree.

My legislation will return the last remaining land tract in the Blue Lake Wilderness to its rightful owners, the Taos Pueblo Indians.

In 1970, when President Nixon signed the original Blue Lake Wilderness authorizing legislation, the "bottleneck" tract was excluded.

At that time, the acreage was needed to create the adjacent Wheeler Peak Wilderness which would have fallen below the minimum acreage requirement necessary for wilderness creation.

Now, 25 years later, this tract is no longer needed to qualify the Wheeler Peak Wilderness for designation. Now, we have the opportunity to close the last chapter in a decades-long quest by the Taos Pueblo to gain the return of one of their most sacred sites.

The bottleneck tract has been used for hundreds of years by the Taos Pueblo people as a sacred religious area for ceremonies, pilgrimages and other private observances.

Unfortunately, as the area has not been included in the Blue Lake Wilderness, the Pueblo has been powerless to prevent public intrusions in the area during their sacred rituals.

With the transfer of the land to management as wilderness by the Pueblo, the bottleneck lands would be used for traditional purposes only, such as religious ceremonies, hunting, fishing, and as a source of water, forage for domestic livestock, wood, timber and other natural resources.

H.R. 101, which is similar to legislation which passed the House in the last Congress, is supported by the bipartisan New Mexico congressional delegation and a broad coalition of local and national environmental groups.

Identical legislation has been introduced in the Senate by Senators PETE DOMENICI, JEFF BINGAMAN, and BOB DOLE.

Mr. Chairman, it is time to bring final justice to the Taos Pueblo by returning this land to their management.

It is time to close one more sad chapter in the long history of U.S. Government relations with native American peoples.

It is time to pass H.R. 101 and enact it into law.