

values are not equal, they shall be equalized by the payment of cash to the Secretary or DPSHA pursuant to section 206(b) of FLPMA (43 U.S.C. 1716(b)). Public Law 90-171 (16 U.S.C. 484a; commonly known as the "Sisk Act") shall, without further appropriation, apply to any cash equalization payment received by the United States under this section.

(e) SPECIAL USE PERMIT TERMINATION.—Upon execution of the land exchange authorized by this section, all special use cabin permits on the Federal land shall be terminated.

#### SEC. 5. MISCELLANEOUS PROVISIONS.

(a) EXCHANGE TIMETABLE.—Not later than 6 months after the Secretary receives an offer under section 3 or 4, the Secretary shall execute the exchange under section 3 or 4, respectively, unless the Secretary and MCJV or DPSHA, respectively, mutually agree to extend such deadline.

(b) EXCHANGE PROCESSING.—Prior to executing the land exchanges authorized by this Act, the Secretary shall perform any necessary land surveys and required preexchange clearances, reviews, and approvals relating to threatened and endangered species, cultural and historic resources, wetlands and floodplains and hazardous materials. If 1 or more of the Federal land parcels or lots, or portions thereof, cannot be transferred to MCJV or DPSHA due to hazardous materials, threatened or endangered species, cultural or historic resources, or wetland and flood plain problems, the parcel or lot, or portion thereof, shall be deleted from the exchange, and the values of the lands to be exchanged adjusted in accordance with subsections (d) and (e) of section 3 or section 4(d), as appropriate. In order to save administrative costs to the United States, the costs of performing such work, including the appraisals required pursuant to this Act, shall be paid by MCJV or DPSHA for the relevant property, except for the costs of any such work (including appraisal reviews and approvals) that the Secretary is required or elects to have performed by employees of the Department of Agriculture.

(c) FEDERAL LAND RESERVATIONS AND ENCUMBRANCES.—The Secretary shall convey the Federal land under this Act subject to valid existing rights, including easements, rights-of-way, utility lines and any other valid encumbrances on the Federal land as of the date of the conveyance under this Act. If applicable to the land conveyed, the Secretary shall also retain any right of access as may be required by section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9620(h)) for remedial or corrective action relating to hazardous substances as may be necessary in the future.

(d) ADMINISTRATION OF ACQUIRED LAND.—The land acquired by the Secretary pursuant to this Act shall become part of the Tonto or Coconino National Forest, as appropriate, and be administered as such in accordance with the laws, rules, and regulations generally applicable to the National Forest System. Such land may be made available for domestic livestock grazing if determined appropriate by the Secretary in accordance with the laws, rules, and regulations applicable thereto on National Forest System land.

(e) TRANSFER OF LAND TO PARK SERVICE.—Upon their acquisition by the United States, the "Montezuma Castle Contiguous Lands" identified in section 3(d)(1) shall be transferred to the administrative jurisdiction of the National Park Service, and shall thereafter be permanently incorporated in, and administered by the Secretary of the Interior as part of, the Montezuma Castle National Monument.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from Guam (Mr. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

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

Mr. Speaker, H.R. 622 would require the Secretary of Agriculture to perform two land exchanges in the Tonto and Coconino National Forests in Arizona, the Montezuma Castle Land Exchange and the Diamond Point Land Exchange. With the help of the gentleman from Arizona (Mr. HAYWORTH), I introduced this legislation on February 5, 2003.

First, under the Montezuma Castle Land Exchange, the Forest Service would acquire a 157-acre parcel of private land adjacent to Montezuma Castle National Monument, which it may reconvey to the National Park Service, and the 143-acre Double Cabin Park parcel, both in the Coconino National Forest. In the exchange, the Montezuma Castle Land Exchange Joint Venture, an Arizona partnership, will receive approximately 122 acres of National Forest system land adjacent to the Town of Payson municipal airport. The Town of Payson has entered into an agreement to purchase a portion of the property to create a private-sector business development and job opportunities. This exchange will protect riparian areas around Beaver Creek, the view-shed for the National Monument, and it will transfer Double Cabin Park to Federal ownership.

Second, under the Diamond Point Land Exchange, the Forest Service will receive a 495-acre parcel known as the "Q Ranch" in an area which has completed previous acquisitions and consolidated Federal land. In exchange, the Diamond Point Summer Homes Association will acquire 108 acres of Federal land which have been occupied by the association's 45 residential cabins since the 1950s. The Tonto National Forest Plan specifically recommends conveyance of the Federal land to the cabin owners.

The exchange will transfer public land of limited public use to the association in exchange for private lands that will greatly increase the management efficiency and enhance public use, access and the enjoyment of the surrounding National Forest lands. Both exchanges have multiple benefits, enhancing environmental protection and recreation, while also increasing economic opportunities for the community.

H.R. 622 is the result of almost a decade of cooperative efforts between local officials and the Forest Service and is based on a balanced solution to responsibly use the land and conserve this area. I urge adoption of this measure.

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

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

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

Ms. BORDALLO. Mr. Speaker, H.R. 622, the Tonto and Coconino National Forest Land Exchange Act, would direct the Secretary of Agriculture to complete two separate land exchanges, Diamond Point and Montezuma Castle in Arizona. The Secretary already has the authority to consummate the land exchanges, but the amendment would expedite the transactions and make them a priority for the Secretary. I support the bill and urge its adoption.

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

Mr. RENZI. 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 Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 622.

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.

#### REASONABLE RIGHT-OF-WAY FEES ACT OF 2003

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 762) to amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts.

The Clerk read as follows:

H.R. 762

*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 "Reasonable Right-of-Way Fees Act of 2003".

#### SEC. 2. CLARIFICATION OF FAIR MARKET RENTAL VALUE DETERMINATIONS FOR PUBLIC LANDS AND FOREST SERVICE RIGHTS-OF-WAY.

(a) LINEAR RIGHTS-OF-WAY UNDER FEDERAL LAND POLICY AND MANAGEMENT ACT.—Section 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764) is amended by adding at the end the following new subsection:

"(k) DETERMINATION OF FAIR MARKET VALUE OF LINEAR RIGHTS-OF-WAY.—(1) Effective upon the issuance of the rules required by paragraph (2), for purposes of subsection (g), the Secretary concerned shall determine the fair market rental for the use of land encumbered by a linear right-of-way granted, issued, or renewed under this title using the valuation method described in paragraphs (2), (3), and (4).

"(2) Not later than one year after the date of enactment of the Reasonable Right-of-Way Fees Act of 2003, and in accordance with subsection (k), the Secretary of the Interior shall amend section 2803.1-2 of title 43, Code of Federal Regulations, as in effect on the date of enactment of such Act, to revise the

per acre rental fee zone value schedule by State, county, and type of linear right-of-way use to reflect current values of land in each zone. The Secretary of Agriculture shall make the same revisions for linear rights-of-way granted, issued, or renewed under this title on National Forest System lands.

“(3) The Secretary concerned shall update annually the schedule revised under paragraph (2) by multiplying the current year’s rental per acre by the annual change, second quarter to the second quarter (June 30 to June 30) in the Gross National Product Implicit Price Deflator Index published in the Survey of Current Business of the Department of Commerce, Bureau of Economic Analysis.

“(4) Whenever the cumulative change in the index referred to in paragraph (3) exceeds 30 percent, or the change in the 3-year average of the 1-year Treasury interest rate used to determine per acre rental fee zone values exceeds plus or minus 50 percent, the Secretary concerned shall conduct a review of the zones and rental per acre figures to determine whether the value of Federal land has differed sufficiently from the index referred to in paragraph (3) to warrant a revision in the base zones and rental per acre figures. If, as a result of the review, the Secretary concerned determines that such a revision is warranted, the Secretary concerned shall revise the base zones and rental per acre figures accordingly.”

(b) RIGHTS-OF-WAY UNDER MINERAL LEASING ACT.—Section 28(l) of the Mineral Leasing Act (30 U.S.C. 185(l)) is amended by inserting before the period at the end the following: “using the valuation method described in section 2803.1-2 of title 43, Code of Federal Regulations, as revised pursuant to section 504(k) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(k))”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentlewoman from Guam (Mr. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I yield 5 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in support of H.R. 762, the Reasonable Right-of-Way Fees Act of 2003, which I introduced February 13, 2003.

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This bill will help to facilitate the deployment of critical infrastructure to States that are made up largely of Federal lands, such as Wyoming and almost every western State. While exploring ways to bring advanced telecommunications services and pipeline infrastructure to Wyoming, I found that Federal land management agencies were considering ways which would actually discourage deployment of critical infrastructure. The Bureau of Land Management and the U.S. Forest Service had started down a road to abandon a commonsense right-of-way fee schedule that had been in place for many years by charging a per-line fee for fiberoptic deployment instead of a fee based on linear footage of the pipe. In other words, when fiberoptics were

being deployed to rural areas, the agencies wanted to charge a right-of-way fee for every single line that went down the pipe which would obviously make it financially impossible to deploy fiberoptics to rural areas. My bill ensures that rights-of-way fees are reasonable and that private users of public lands pay a fair price for that privilege.

This bill creates a policy that protects the value of our Federal lands and at the same time helps to ensure that these Federal lands continue to be available to a multitude of compatible uses. This bill will not increase the environmental impact of the rights-of-way corridors, nor will it reduce any environmental monitoring. I am confident as we work to place the Reasonable Right-of-Way Fee Act into law that there is little public interest in turning our Federal lands into roadblocks on the information superhighway or along the path of any of our Nation’s critical infrastructures.

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

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

Ms. BORDALLO. Mr. Speaker, investigations conducted by the Department of the Interior’s Inspector General and the General Accounting Office have provided ample evidence that the right-of-way fees currently being charged by the Federal land management agencies are far below fair market values. States, local governments, and private individuals all charge significantly more than the Federal Government for rights-of-way across lands that they own. This undercharging for the use of Federal public lands means that large corporations, who stand to make vast profits from the use of those lands, are not being required to pay the American people a fair rate of return for that privilege.

As a result, we share, the gentlewoman from Wyoming’s desire to correct this problem. This legislation will require the agencies to review their existing fee schedules and the land valuations which underlie them to ensure that they represent current values. In addition, Mr. Speaker, this measure will ensure that once these new fees have been promulgated, they will be adjusted annually for inflation. This approach is a significant improvement over the status quo and should move us closer to a system that adequately compensates the taxpayers for the use of their lands.

We would like to thank the gentlewoman from Wyoming (Mrs. CUBIN) for her willingness to work together on this legislation, and we do support H.R. 762.

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

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House

suspend the rules and pass the bill, H.R. 762.

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.

#### OTTAWA NATIONAL WILDLIFE REFUGE COMPLEX EXPANSION AND DETROIT RIVER INTERNATIONAL WILDLIFE REFUGE EXPANSION ACT

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 289) to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge, as amended.

The Clerk read as follows:

H.R. 289

*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 “Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act”.

#### SEC. 2. FINDINGS.

Congress finds that—

(1) the western basin of Lake Erie, as part of the Great Lakes ecosystem—

(A) is the largest freshwater ecosystem in the world; and

(B) is vitally important to the economic and environmental future of the United States;

(2) over the 30-year period preceding the date of enactment of this Act, the citizens and governmental institutions of the United States and Canada have devoted increasing attention and resources to the restoration of the water quality and fisheries of the Great Lakes, including the western basin;

(3) that increased awareness has been accompanied by a gradual shift toward a holistic ecosystem approach that highlights a growing recognition that shoreline areas, commonly referred to as nearshore terrestrial ecosystems, are an integral part of the western basin and the Great Lakes ecosystem;

(4) the Great Lakes account for more than 90 percent of the surface freshwater in the United States;

(5) the western basin receives approximately 90 percent of its flow from the Detroit River and only approximately 10 percent from tributaries;

(6) the western basin is an important ecosystem that includes a number of distinct islands, channels, rivers, and shoals that support dense populations of fish, wildlife, and aquatic plants;

(7) coastal wetland of Lake Erie supports the largest diversity of plant and wildlife species in the Great Lakes;

(8) because Lake Erie is located at a more southern latitude than other Great Lakes, the moderate climate of Lake Erie is appropriate for many species that are not found in or along the northern Great Lakes;

(9) more than 300 species of plants, including 37 significant species, have been identified in the aquatic and wetland habitats of the western basin;

(10) the shallow western basin of Lake Erie, extending from the Lower Detroit River to Sandusky Bay, is home to the greatest concentration of marshes in Lake Erie, including—