

RANCHO EL CAJON BOUNDARY
RECONCILIATION ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3954) to authorize the Secretary of the Interior to resolve boundary discrepancies in San Diego County, California, arising from an erroneous survey conducted by a Government contractor in 1881 that resulted in overlapping boundaries for certain lands, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3954

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 "Rancho El Cajon Boundary Reconciliation Act".

SEC. 2. RESOLUTION OF BOUNDARY DISCREPANCIES, SAN DIEGO COUNTY, CALIFORNIA.

(a) RESOLUTION OF BOUNDARY DISCREPANCIES.—The Secretary of the Interior shall provide compensation to any landowner whose title to land in lots 1 and 2 of section 9, township 15 south, range 1 east, San Bernardino Meridian, in San Diego County, California, is based on an erroneous survey conducted by a Government contractor in 1881 and is rendered void because that title is inferior to the title to the same land established by a survey of the Rancho El Cajon conducted in 1872 and approved by the Commissioner of the General Land Office in 1876.

(b) FORMS OF COMPENSATION.—Compensation under subsection (a) shall be mutually agreed upon by the Secretary and the landowner and shall consist of—

(1) public lands in San Diego or Imperial Counties, California, selected jointly by the Secretary and the landowner and conveyed by the Secretary to the landowner;

(2) a cash payment to the landowner; or

(3) a combination of a conveyance under paragraph (1) and a cash payment under paragraph (2).

(c) EQUAL VALUE.—Compensation provided under subsection (a) for a parcel of land whose title was rendered void, as described in such subsection, may not exceed the fair market value of the land, as determined by an appraisal satisfactory to the Secretary and the landowner.

(d) SOURCE OF FUNDS.—The Secretary may make payments under subsection (a) using funds available to the Secretary to equalize land exchanges under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(e) PUBLIC LANDS DEFINED.—In this section, the term "public lands" has the meaning given the term in section 103(e) of the Federal Land Policy and Management Act of 1976 (7 U.S.C. 1702(e)).

SEC. 3. REVOCATION OF PUBLIC LAND ORDER WITH RESPECT TO LANDS ERRONEOUSLY INCLUDED IN CIBOLA NATIONAL WILDLIFE REFUGE, CALIFORNIA.

(a) REVOCATION.—Public Land Order 3442, dated August 21, 1964, is revoked insofar as it applies to the following described lands: San Bernardino Meridian, T11S, R22E, sec. 6, all of lots 1, 16, and 17, and SE¼ of SW¼ in Imperial County, California, aggregating approximately 140.32 acres.

(b) RESURVEY AND NOTICE OF MODIFIED BOUNDARIES.—The Secretary of the Interior shall, by not later than 6 months after the date of the enactment of this Act—

(1) resurvey the boundaries of the Cibola National Wildlife Refuge, as modified by the revocation under section 1;

(2) publish notice of, and post conspicuous signs marking, the boundaries of the refuge determined in such resurvey; and

(3) prepare and publish a map showing the boundaries of the refuge.

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

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

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

Mr. Speaker, H.R. 3954, introduced by the gentleman from California (Mr. HUNTER) and amended by the Committee on Resources, would authorize the Secretary of the Interior to resolve boundary discrepancies in San Diego County, California, arising from an 1881 erroneous survey conducted by a government contractor. The survey resulted in overlapping boundaries for certain lands.

In addition, section 3 of the bill incorporates the text of H.R. 417, which revokes a portion of a public land order affecting the Cibola National Wildlife Refuge. H.R. 417 passed the House unanimously on March 19, 2003. I urge adoption of the bill.

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

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

Mr. Speaker, we have no objection to the consideration of this measure.

Mr. HUNTER. Mr. Speaker, when Fred Gruner returned from World War II he did what we encourage all of our young veterans to do, invested his money and planned for his family's future. Mr. Gruner chose to build equity by purchasing land in San Diego County. Unfortunately, due to an erroneous Federal Government survey that resulted in overlapping boundaries for certain lands, Mr. Gruner is now told that he does not, in fact, own the land that he paid for and on which he has been paying taxes for over 40 years. Although the Department of the Interior recognizes the mistake, they have communicated to me that they are not authorized to provide the necessary compensation for Mr. Gruner. H.R. 3954 simply allows the Secretary of the Interior to provide compensation through conveyance of lands or cash payment.

The error dates back to an 1881 survey which failed to correctly locate the El Cajon northern boundary thereby creating a 1,100 foot overlap of land, essentially creating land on paper that did not exist. Nevertheless, titles were sold or passed on and taxes were assessed as if it did. Though he purchased his property in good faith in 1962, Mr. Gruner eventually learned of the overlap. When a recent survey was completed by the Department of the Interior in response to Mr. Gruner's concerns, the full scope of his problem was discovered. According to the survey, lots one and two of Section nine fell into the overlap and as a result, the 23 acres no longer belong to him.

Part of the mission of the Federal Government agencies is to set standards and uphold them where the private sector is not able. This is one of those situations. The main mission of

the General Land Office (the Interior agency that completed the 1881 survey) was the survey and sale of public lands. When a well-intentioned citizen that has served his country seeks to purchase a piece of land, he ought to be able to trust that the existing Federal Government survey of the land is reliable. Mr. Gruner worked his entire life to build this nest-egg. He has spent over 20 years fighting to protect it. This is his last recourse. Please join me in doing what is right. I urge my colleagues to join with me in supporting H.R. 3954.

I would like to thank Chairman POMBO and Subcommittee Chairman RADANOVICH for their leadership on this issue and their dedication to righting this wrong.

Ms. BORDALLO. 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 bill, H.R. 3954, as amended.

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

A motion to reconsider was laid on the table.

CHICKASAW NATIONAL RECREATION AREA LAND EXCHANGE ACT OF 2004

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4066) to provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4066

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

SEC. 1. SHORT TITLE.

This Act may be cited as the "Chickasaw National Recreation Area Land Exchange Act of 2004".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) By provision 64 of the agreement between the United States and the Choctaws and Chickasaws dated March 21, 1902 (32 Stat. 641, 655–56), approved July 1, 1902, 640 acres of property were ceded to the United States for the purpose of creating Sulphur Springs Reservation, later known as Platt National Park, to protect water and other resources and provide public access.

(2) In 1976, Platt National Park, the Arbuckle Recreation Area, and additional lands were combined to create Chickasaw National Recreation Area to protect and expand water and other resources as well as to memorialize the history and culture of the Chickasaw Nation.

(3) More recently, the Chickasaw Nation has expressed interest in establishing a cultural center inside or adjacent to the park.

(4) The Chickasaw National Recreation Area's Final Amendment to the General Management Plan (1994) found that the best location for a proposed Chickasaw Nation Cultural Center is within the Recreation Area's existing boundary