

importance of this bill. I urge its passage.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Madam Speaker, I thank the gentlewoman from Texas for yielding me this time.

I rise in support of section 214, which was introduced by the gentleman from Washington (Mr. BAIRD), my friend and colleague.

This is a critical piece of legislation for many States including Washington, and I hope that every member of the delegation rises to voice strong bipartisan support.

We have, in the last few weeks, seen in Katrina what nature can do, and section 214 enables communities to fund a fast-track Federal permit process by the Army Corps of Engineers. A modest investment by local governments can reap enormous community benefits in time and money without compromising either the independence or the integrity of the permit process.

Seattle, the community I represent, has used section 214 to save time and millions of dollars on a number of important local projects including the Seawall-Viaduct project. Unless we act, this important tool will expire by the end of the month.

Hurricane Katrina reminds us how vulnerable we are to natural forces. Seattle is an earthquake zone. There is no one living in Seattle who does not think we are going to have another earthquake. And we must move quickly, in my view, to replace the aging and fragile viaduct along the waterfront which carries over 100,000 cars a day. The viaduct is a lifeline of the region. If it falls, the port of Seattle will be blocked. It will create havoc in the whole area. It connects our communities and is the transportation artery for goods arriving at the port of Seattle and going to the middle of the country. In fact, Seattle is often called "Chicago West."

It would be a national catastrophe if we lost the viaduct, and we are trying to prepare for it. We are counting on 214 as part of our comprehensive viaduct replacement strategy, and we really do not want to lose this tool at this point. Without it, the seawall, the viaduct's foundation, will surely take much longer; and time is not on our side. We had an earthquake here about 3 years ago which shook for 60 seconds. Had it shaken for about 90 seconds, we probably would have had the catastrophe at that point.

It is not a matter of if. It is really a matter of when this happens in Seattle, and we must prepare. And we need this tool.

I thank the committee for bringing this bill forward and urge every Member to support it.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I have no fur-

ther requests for time, and I yield back the balance of my time.

Mr. BOUSTANY. Madam Speaker, I thank our colleagues from the other side of the aisle for working on this bipartisan piece of legislation. It is critically important, and I urge its passage.

Madam 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 Louisiana (Mr. BOUSTANY) that the House suspend the rules and pass the bill, H.R. 3765.

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.

#### SPORTFISHING AND RECREATIONAL BOATING SAFETY AMENDMENTS ACT OF 2005

Mr. BOUSTANY. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3649) to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

The Clerk read as follows:

Senate Amendment:

On page 7, after line 3, insert the following new section:

**SEC. 302. CORRECTION OF DISTRIBUTION OF OBLIGATION AUTHORITY UNDER SECTION 1102(c)(4)(A) OF PUBLIC LAW 109-59.**

*Notwithstanding section 1102(c)(4)(A) of Public Law 109-59; 119 Stat. 1144, et seq., or any other provision of law, for fiscal year 2005, obligation authority for funds made available under title I of division H of Public Law 108-447; 118 Stat. 3216 for expenses necessary to discharge the functions of the Secretary of Transportation with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle V of title 49, United States Code, shall be made available in an amount equal to the funds provided therein: Provided, That the additional obligation authority needed to meet the requirements of this section shall be withdrawn from the obligation authority previously distributed to the other programs, projects, and activities funded by the amount deducted under section 117 of title I of division H of Public Law 108-447.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BOUSTANY).

GENERAL LEAVE

Mr. BOUSTANY. 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 H.R. 3649.

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

There was no objection.

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

Madam Speaker, I will be very brief in my comments on this. The bill that we are considering today is nearly identical to the legislation that was approved by this body by a 401 to 1 vote last week. H.R. 3649, as passed by the Senate, includes an additional technical amendment that will temporarily extend funding for national highway safety programs through the end of the current fiscal year.

H.R. 3649 will also ensure that funding is made available for State recreational boating programs for the remainder of fiscal year 2005. These funds support boating safety and education, outreach and communication programs in each and every State and U.S. territory to promote safe and responsible boating and fishing practices nationwide.

I thank my colleagues for their continued support of this important legislation and for their work to improve access and safety on our Nation's waterways. I urge a "yes" vote on H.R. 3649.

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise today to voice my support for H.R. 3649, the Sportfishing and Recreational Boating Safety Amendments Act of 2005.

The purpose of this bill is very simple: to correct two provisions in the recently passed H.R. 3, the SAFETEA-LU bill. One concerns the reauthorization of the Coast Guard's boating safety program; and the other, Vehicle Safety Operations and Research funding.

The short-term extension that extended the highway program and the funding of the Recreational Boating Safety program until August 15 did not have this provision. However, SAFETEA-LU provided for long-term reauthorization and funding of the Recreational Boating Safety program beginning on October 1, the new fiscal year. So as a result, gas taxes that are collected between August 15 and October 1 from recreational boaters cannot be given to the State boating law administrators to fund their recreational boating safety programs.

H.R. 3649 corrects this problem by extending the old Recreational Boating Safety and Sportfish programs until October 1, 2005, when the new funding formulas take effect.

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Madam Speaker, the Recreational Boating Safety Grant program provides 50/50 matching funds to the States for their recreational boating safety and education programs.

These programs save lives. It is our responsibility to see that there is not an interruption in this program.

H.R. 3649 also corrects a funding problem that resulted in a \$23.7 million

reduction in fiscal year 2005 funds for the National Highway Traffic Safety Administration vehicle safety programs. That highway safety and vehicle safety program funding is split between the highway trust fund and general funds. For fiscal year 2005, appropriations chose to not provide any general fund money to the National Highway Traffic Safety Administration vehicle safety program, instead pulling additional resources from the highway trust fund.

NHTSA's vehicle safety program then became subject to the same cut in funding as the highway projects are in SAFETEA-LU. If these funds are not restored, certain vehicle safety activities may be significantly impacted, including ongoing research to test and evaluate automobiles and numerous research projects designed to save lives and prevent injuries on our Nation's roads.

So I urge my colleagues to pass H.R. 3649 to ensure that our States receive the necessary matching funds for their recreational boating safety programs between August 15, 2005 and October 1, 2005.

Madam Speaker, I have no further requests for time, I urge the passage of this bill, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3649.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### SIERRA NATIONAL FOREST LAND EXCHANGE ACT OF 2005

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 409) to provide for the exchange of land within the Sierra National Forest, California, and for other purposes.

The Clerk read as follows:

H.R. 409

*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 "Sierra National Forest Land Exchange Act of 2005".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **FEDERAL LAND.**—The term "Federal land" means the parcels of land and improvements thereon comprising approximately 160 acres and located in township 9 south, range 25 east, section 30, E½SW¼ and W½SE¼, Mt. Diablo Meridian, California.

(2) **NON-FEDERAL LAND.**—The term "non-Federal land" means a parcel of land comprising approximately 80 acres and located in township 8 south, range 26 east, section 29, N½NW¼, Mt. Diablo Meridian, California.

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

#### SEC. 3. LAND EXCHANGE, SIERRA NATIONAL FOREST, CALIFORNIA.

(a) **EXCHANGE AUTHORIZED.**—

(1) **IN GENERAL.**—If, during the one-year period beginning on the date of enactment of this Act, the owner of the non-Federal land offers the United States the exchange of the non-Federal land and a cash equalization payment of \$50,000, the Secretary shall convey, by quit claim deed, all right, title, and interest of the United States in and to the Federal land. The conveyance of the Federal land shall be subject to valid existing rights and under such terms and conditions as the Secretary may prescribe.

(2) **ACCEPTABLE TITLE.**—Title to the non-Federal land shall conform with the title approval standards of the Attorney General applicable to Federal land acquisitions and shall be acceptable to the Secretary.

(3) **CORRECTION AND MODIFICATION OF LEGAL DESCRIPTIONS.**—The Secretary, in consultation with the owner of the non-Federal land, may make corrections to the legal descriptions of the Federal land and non-Federal land. The Secretary and the owner of the non-Federal land may make minor modifications to such descriptions insofar as such modifications do not affect the overall value of the exchange by more than five percent.

(b) **VALUATION OF LAND TO BE CONVEYED.**—For purposes of this section, during the period referred to in subsection (a)(1), the value of the non-Federal land shall be deemed to be \$200,000 and the value of the Federal land shall be deemed to be \$250,000.

(c) **ADMINISTRATION OF LAND ACQUIRED BY UNITED STATES.**—Once acquired, the Secretary shall manage the non-Federal land in accordance with the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480 et seq.), and in accordance with the other laws and regulations pertaining to National Forest System lands.

(d) **CONDITIONS ON CONVEYANCE OF FEDERAL LAND.**—The conveyance by the Secretary under subsection (a) shall be subject to the following conditions:

(1) That the recipient of the Federal land convey all 160 acres of the Federal land to the Sequoia Council of the Boy Scouts of America not later than four months after the date on which the recipient receives the Federal land from the Secretary under subsection (a).

(2) That, as described in section 5, the owner of the easement granted in section 4 have the right of first offer regarding any reconveyance of the Federal land by the Sequoia Council of the Boy Scouts of America.

(e) **DISPOSITION AND USE OF CASH EQUALIZATION FUNDS.**—The Secretary shall deposit the cash equalization payment received under subsection (a) in the fund established by Public Law 90-171 (commonly known as the Sisk Act; 16 U.S.C. 484a). The cash equalization payment shall be available to the Secretary until expended, without further appropriation, for the acquisition of lands and interests in lands for the National Forest System in the State of California.

(f) **COST COLLECTION FUNDS.**—The owner of the non-Federal land shall be responsible for all direct costs associated with processing the land exchange under this section and shall pay the Secretary the necessary funds, which shall be deposited in a cost collection account. Funds so deposited shall be available to the Secretary until expended, without further appropriation, for the cost associated with the land exchange. Any funds remaining after completion of the land exchange, which are not needed to cover expenses, shall be refunded to the owner of the non-Federal land.

#### SEC. 4. GRANT OF EASEMENT IN CONNECTION WITH HYDROELECTRIC PROJECT NO. 67.

(a) **PURPOSE.**—A hydroelectric project, licensed pursuant to the Federal Power Act (16 U.S.C. 791a et seq.) as Project No. 67, is located on a majority of the Federal land authorized for exchange under section 3. To protect the ability of the owner of Project No. 67 to continue to operate and maintain that hydroelectric project under the current and all future licenses or authorizations issued pursuant to the Federal Power Act or any other applicable law, this section is necessary.

(b) **EASEMENT REQUIRED.**—Before conveying the Federal land under section 3, the Secretary shall grant an easement, without consideration, to the owner of Project No. 67 for the right to enter, occupy, and use for hydroelectric power purposes the Federal land currently within the licensed boundary for Project No. 67. The Project No. 67 owner shall hold harmless the Secretary for any claims against the owner due to the grant of easement.

(c) **REQUIRED TERMS AND CONDITIONS.**—The easement granted under this section shall provide the following: "The United States of America, hereinafter called 'Grantor', pursuant to a congressional authorization, hereby grants, transfers, and conveys unto the [insert name of Project No. 67 owner], its successors and assigns, hereinafter called 'Grantee', all those certain exclusive easements and rights in, on, under, over, along, and across certain real property described in Exhibit A, attached hereto [attach description of real property subject to the easement] and incorporated herein (the 'Property'), for any purpose or activity that Grantee deems convenient or necessary to the creation, generation, transmission, or distribution of hydropower on and off the Property, including, but not limited to, the right to inundate the Property with water, reservoir management, and compliance with legal obligations in accordance with the applicable Federal Energy Regulatory Commission license and those non-exclusive easements and rights to use, occupy, and enter the Property, and to allow others to use, occupy, and enter the Property, for other purposes related to hydropower and reservoir management and use, such as recreation by Grantee or the public, and regulation of any activities on the Property that may impact such purposes, at any time and from time to time. Grantor further grants, transfers, and conveys unto the Grantee the right of assignment, in whole or in part, to others, without limitation. Grantee shall have the right to take such actions on the Property as may be necessary to comply with all applicable laws, rules, regulations, ordinances, orders and other governmental, regulatory, and administrative authorities and requirements, or that may be necessary for the economical entry, occupancy, and use of the Property for hydropower purposes. Grantor, its successors and assigns, shall not deposit or permit or allow to be deposited, earth, rubbish, debris or any other substance or material on the Property, or so near thereto as to constitute, in the opinion of the Grantee, an interference or obstruction to the hydropower and reservoir purposes. No other easements, leases, or licenses shall be granted on, under or over the Property by Grantor to any person, firm or corporation without the previous written consent of Grantee, which consent shall not be unreasonably withheld. The terms, covenants and conditions of this Grant of Easement shall bind and inure to the benefit of the successors and assigns of Grantor and the successors and assigns of Grantee."