

release language is included which declares the land conveyed has been adequately studied for wilderness designation under the Federal Land Management Policy Act; and once it is conveyed to Clark County, Nevada, the land is no longer subject to FLPMA requirements. I urge my colleagues to support H.R. 2937, as amended.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 2937, sponsored by the gentleman from Nevada (Mr. GIBBONS), would convey 4.5 square miles of Federal land in Clark County, Nevada, to Clark County, free of charge.

The acreage in question is currently managed by the Bureau of Land Management as part of the Quail Springs Wilderness Study Area, and the legislation releases the land from WSA status.

The purpose of the legislation is to provide a centralized firearms training facility and shooting range in the Las Vegas Valley. Among other effects, the rapid population expansion which has taken place in the valley has created a dangerous situation whereby once rural activities such as firearms practice, is now taking place in close proximity to populated areas. This transfer will allow development of a safe facility for these activities, with a sufficient buffer area.

While such a transaction raises several concerns, not the least of which is the status of this land as a wilderness study area, we do not intend to oppose this measure. The administration supports H.R. 2937, and a companion bill has been introduced by the majority whip, Senator HARRY REID of Nevada. We commend our colleague on this legislation.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS), the author of this legislation.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman for allowing H.R. 2937 to be considered here today. I would further like to thank the chairman of the Subcommittee on National Parks, Recreation and Public Lands, the gentleman from California (Mr. RADANOVICH), for expediting passage of this legislation in the Committee on Resources.

Mr. Speaker, H.R. 2937 is a bill to provide for the conveyance of certain public lands in Clark County, Nevada, for use as a public shooting range. This legislation enjoys strong bipartisan and bicameral support from our Nevada delegation.

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Nevada Senators HARRY REID and JOHN ENSIGN have introduced a com-

panion bill in the United States Senate, and this legislation enjoys support from the administration as well.

For 15 consecutive years, Nevada has had the fastest growing population of any State. For 20 years, Clark County, Nevada has been the fastest growing county, with the majority of that growth taking place in the Second Congressional District. Accommodating that growth and meeting its challenges is something that I often discuss before this body.

Nevadans take great pride in the outdoor recreational opportunities that our great State has to offer. Unfortunately, Nevada has 87 percent publicly owned lands, which means that most of the recreation must take place on our public lands. Regardless, protecting the multiple use of our lands in Nevada is very important to our citizens.

The legislation before us today helps accommodate another longtime recreational favorite in Nevada, target shooting. H.R. 2937 will designate approximately 2,800 acres of public land north of Las Vegas to be used as a permanent shooting range. About half of the 2,800 acres will actually contain the shooting range, with the other 1,400 acres serving as a required buffer zone to ensure public safety. This new shooting facility will not only provide the public with a safe place to shoot, it will serve as a training facility for our law enforcement personnel in southern Nevada.

This legislation also includes rever- sionary language should Clark County cease to use the land as prescribed in this bill. Further, the 2,800 acres is currently designated a wilderness study area by the BLM. Yet, Mr. Speaker, the BLM has adequately studied this land and determined that it is not suitable for wilderness area designation. Therefore, Mr. Speaker, release language is included that declares the land conveyed has been adequately studied for wilderness designation under the Federal Land Policy and Management Act, or FLPMA as it is known.

Mr. Speaker, this legislation represents a simple land conveyance. It makes good sense. H.R. 2937 is supported by our law enforcement personnel, Clark County, and the public at large. Again, I want to thank the chairman and the ranking member for this opportunity. I urge my colleagues to support this legislation.

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

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

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2937, 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.

## BEAR RIVER MIGRATORY BIRD REFUGE SETTLEMENT ACT OF 2002

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3958) to provide a mechanism for the settlement of claims of the State of Utah regarding portions of the Bear River Migratory Bird Refuge located on the shore of the Great Salt Lake, Utah, as amended.

The Clerk read as follows:

H.R. 3958

*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 "Bear River Migratory Bird Refuge Settlement Act of 2002".*

### SEC. 2. FINDINGS.

*Congress finds the following:*

(1) *The Secretary of the Interior and the State of Utah have negotiated a preliminary agreement concerning the ownership of lands within the Bear River Migratory Bird Refuge located in Bear River Bay of the Great Salt Lake, Utah.*

(2) *The State is entitled to ownership of those sovereign lands constituting the bed of the Great Salt Lake, and, generally, the location of the sovereign lands boundary was set by an official survey of the Great Salt Lake meander line.*

(3) *The establishment of the Refuge in 1928 along the shore of the Great Salt Lake, and lack of a meander line survey within the Refuge, has led to uncertainty of ownership of some those sovereign lands.*

(4) *In order to settle the uncertainty concerning the sovereign land boundary caused by the gap in the surveyed Great Salt Lake meander line within the Refuge, the Secretary and the State have agreed to the establishment of a fixed sovereign land boundary along the southern boundary of the Refuge and the State has agreed to release any claim to the lake bed above such boundary line.*

(5) *The Secretary and the State have expressed their intentions to establish a mutually agreed upon procedure to address the conflicting claims to ownership of the lands and interests in land within the Refuge.*

### SEC. 3. DEFINITIONS.

*In this Act:*

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

(2) *REFUGE.*—The term "Refuge" means the Bear River Migratory Bird Refuge located in Bear River Bay of the Great Salt Lake, Utah.

(3) *AGREEMENT.*—The term "agreement" means the agreement to be signed by the Secretary and the State to establish a mutually agreeable procedure for addressing the conflicting claims to ownership of the lands and interests in land within the Refuge.

(4) *STATE.*—The term "State" means the State of Utah.

### SEC. 4. REQUIRED TERMS OF LAND CLAIMS SETTLEMENT, BEAR RIVER MIGRATORY BIRD REFUGE, UTAH.

(a) *SPECIFIC TERMS REQUIRED IN AGREEMENT.*—The Secretary shall not enter into an agreement with the State for the quitclaim or other transfer of lands or interests in lands within the Refuge unless the terms of the agreement include each of the following provisions:

(1) *Nothing in the agreement shall be construed to impose upon the State or any agency of the State any obligation to convey to the United States any interest in water owned or controlled by the State, except upon appropriate terms and for adequate consideration.*

(2) *Nothing in the agreement shall constitute admission or denial of the United States claim to a Federal reserved water right.*

(3) *The State shall support the United States application to add an enlarged Hyrum Reservoir, or another storage facility, as an alternate place of storage under the Refuge's existing*

1,000 cubic feet per second State certified water right. Such support shall be contingent upon demonstration by the United States that no injury to water rights shall occur as a result of the addition.

(4) Nothing in the agreement shall affect jurisdiction by the State or the United States Fish and Wildlife Service over wildlife resources management, including fishing, hunting and trapping, within the Refuge.

(5) If the State elects to bring suit against the United States challenging the validity of the deed issued pursuant to the agreement, and if such suit is successful in invalidating such deed, the State will—

(A) pay the United States for the fair market value of all real property improvements on the property at the time of invalidation, such as dikes, water control structures and buildings;

(B) repay any amounts paid by the United States because of ownership of the land by the United States from the date of establishment of the Refuge, such as payments in lieu of taxes; and

(C) repay any amounts paid to the State pursuant to the agreement.

(6) Subject to the availability of funds for this purpose, the Secretary shall agree to pay \$15,000,000 to the State upon delivery by the State of a quitclaim deed that meets all applicable standards of the Department of Justice and covers all lands and interests in lands claimed by the State within the Refuge. Such payment shall be subject to the condition that the State use the payment for the purposes, and in the amounts, specified in subsections (b) and (c).

(b) WETLANDS AND WILDLIFE PROTECTION PROGRAMS.—

(1) DEPOSIT.—The State shall deposit \$10,000,000 of the amount paid pursuant to the agreement, as required by subsection (a)(6), in a restricted account, known as the Wetlands and Habitat Protection Account, to be used as provided in paragraph (2).

(2) AUTHORIZED USES.—The Executive Director of the Utah Department of Natural Resources may withdraw from the Wetlands and Habitat Protection Account, on an annual basis, amounts equal to the interest earned on the amount deposited under paragraph (1) for the following purposes:

(A) Wetland or open space protection in and near the Great Salt Lake.

(B) Enhancement and acquisition of wildlife habitat in and near the Great Salt Lake.

(c) RECREATIONAL TRAILS AND STREAMS DEVELOPMENT AND EXPANSION.—The Utah Department of Natural Resources shall use \$5,000,000 of the amount paid pursuant to the agreement, as required by subsection (a)(6), for the following purposes:

(1) Development, improvement, and expansion of motorized and non-motorized recreational trails on public and private lands in the State, with priority given to providing trail access to the Great Salt Lake as part of the proposed Shoshone and Ogden-Weber trail systems.

(2) Preservation, reclamation, enhancement, and conservation of streams in the State.

(d) COORDINATION OF PROJECTS.—The Executive Director of the Utah Department of Natural Resources shall seek to maximize the use of funds under subsections (b) and (c) through coordination with nonprofit organizations, Federal agencies, other agencies of the State, and local governments, and shall give priority to those projects under such subsections that include Federal, State, or private matching funds.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$15,000,000 for the payment required by subsection (a)(6) to be included as a term of the agreement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs.

CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

H.R. 3958 provides a mechanism for the settlement of claims between the U.S. Department of Interior and the State of Utah regarding portions of the Bear River Migratory Bird Refuge located on the north shore of the Great Salt Lake and authorizes a reimbursement to the State of \$15 million for the lands, oil, gas and mineral rights within the refuge.

The Bear River Migratory Bird Refuge was created in 1928 by Congress. Today, the refuge consists of 74,000 acres. Of these acres, the State of Utah claims 18,000 acres below the meander line of the Great Salt Lake as State sovereign lands. For nearly 75 years, the State and Federal governments have disputed the ownership of these lands. A 1976 Supreme Court decision, *Utah v. United States*, quieted title to the bed of the Great Salt Lake up to and including the surveyed meander line, excepting the refuge from the decision.

On September 28, 2001, negotiations between the Fish and Wildlife Service and the State resulted in a settlement agreement to be signed by the Secretary and by the Governor of the State. The settlement agreement is conditional upon congressional authorization and appropriation of required funds as well as State legislative approval. The 2002 Utah legislature approved the necessary measures. H.R. 3958 fulfills congressional action necessary for the Secretary of Interior to sign the final agreement.

To assure that reimbursement moneys from the settlement are used to benefit wildlife, this bill requires the State to place two-thirds of the funds in a permanent interest-bearing account to fund wetland and wildlife habitat projects in the State of Utah in perpetuity. The remaining one-third of the funds will be used for trail and stream enhancement. In return, the State will drop its claim to the disputed portion of the refuge. I urge my colleagues to support H.R. 3958.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 3958 would provide the framework for a quitclaim settlement between the Federal Government and the State of Utah concerning lands and other interests at the Bear River Migratory Bird Refuge. This legislation is necessary to enable the Secretary of the Interior to sign the final agreement negotiated between the U.S. Fish and Wildlife Service and the State regarding a 75-year-old dispute concerning ownership to

the beds and waters of the Great Salt Lake within the refuge. This legislation would not codify the agreement. Rather, H.R. 3958 would simply specify the required terms of the settlement.

Additionally, H.R. 3958 would authorize \$15 million subject to the availability of appropriations as reimbursement to the State to quiet title to the lands, oil, gas and mineral rights within the refuge. In exchange, the State will drop its claim to the 18,000 acres within the refuge that are subject to the dispute and receive valuable funding to support habitat conservation and outdoor recreation activities benefiting both the refuge and the State lands and waters.

Mr. Speaker, the Bear River Migratory Bird Refuge is one of the oldest and most popular refuges within the entire National Wildlife Refuge System. This legislation should enhance future Federal management authority at the refuge. I commend Chairman HANSEN for bringing this bill before the House today. We are pleased to support it.

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

Mrs. CHRISTENSEN. 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 Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3958, as amended.

The question was taken.

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

Mr. HANSEN. 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 motion will be postponed.

#### UPPER MISSISSIPPI RIVER BASIN PROTECTION ACT OF 2001

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3480) to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin.

The Clerk read as follows:

H.R. 3480

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Upper Mississippi River Basin Protection Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Definitions.  
Sec. 3. Reliance on sound science.

#### TITLE I—SEDIMENT AND NUTRIENT MONITORING NETWORK

Sec. 101. Establishment of monitoring network.