

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

LAKE TAHOE BASIN MANAGEMENT  
UNIT, NEVADA, LAND CONVEY-  
ANCE

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 74) to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

The Clerk read as follows:

H.R. 74

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

## SECTION 1. WASHOE TRIBE LAND CONVEYANCE.

(a) FINDINGS.—Congress finds that—

(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this Act as the "Tribe") included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of National Forest System land by the Tribe; and

(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

(b) PURPOSES.—The purposes of this Act are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotany, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

(c) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights, the easement reserved under subsection (d), and the condition stated in subsection (e), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

(d) EASEMENT.—

(1) IN GENERAL.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land, to be administered by the Secretary of Agriculture.

(2) ACCESS BY INDIVIDUALS WITH DISABILITIES.—The Secretary of Agriculture shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation for the benefit of the Tribe;

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the parcel (including commercial development, tourist accommodations, gaming, sale of timber, or mineral extraction); and

(C) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) TERMINATION AND REVERSION.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior—

(A) title to the parcel in the Secretary of the Interior, in trust for the Tribe, shall terminate; and

(B) title to the parcel shall revert to the Secretary of Agriculture.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

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

Mr. GIBBONS. Mr. Speaker, H.R. 74 directs the Secretary of Agriculture to convey a 24-acre parcel of land in the national forest system at Lake Tahoe to the Secretary of Interior who will then hold it in trust for the benefit of the Washoe Tribe of the California and Nevada Paiute Indians. The tribe will use the property for customary and traditional cultural purposes just as they did when their ancestral homelands encompassed a 5,000-square-mile area around the Lake Tahoe Basin.

H.R. 74 was developed after a 1997 meeting among Federal, State and local officials who recognized the tribe's historic connection to the area before it was included in the national forest system. Under the bill, permanent residential development or com-

mercial use is prohibited. It also contains provisions designed to ensure the continuation of public and administrative access to adjacent national forest lands. The tribe will also receive an easement to permit vehicular access on a forest development road for access to the property for safety and administrative purposes and for the convenience of tribal members who have difficulty walking.

This legislation has been passed by the House or the Senate in different forms in the last two Congresses. It is time now for this bill to be passed into law. I am hopeful that it will arrive on the President's desk this year so the people of the Washoe Tribe will finally be able to enjoy a piece of their rich cultural heritage.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

H.R. 74 directs the Secretary to convey without consideration approximately 24 acres of lakefront property in the Lake Tahoe Basin Management Unit to the Washoe Tribe of Nevada. The land to be conveyed was part of the Washoe Tribe's 5,000-square-mile ancestral home in the vicinity of Lake Tahoe. The tribe has historically gathered along the shore of Lake Tahoe for traditional and cultural purposes. H.R. 74 requires the tribe to limit its use of the land to traditional and customary uses and to prohibit development and commercial use of the site. The tribe must also comply with environmental regulations that are no less protective than those of the Tahoe Regional Plan.

Finally, the bill provides for an easement to the United States and a reciprocal easement to the tribe over a forest road and has a reversionary clause.

In past Congresses, the same bill has passed both Houses but failed to become law. I urge my colleagues to vote for this legislation. I congratulate the gentleman from Nevada for his hard work and leadership on this bill.

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

Mr. GIBBONS. Mr. Speaker, I would like to take a brief moment to thank my friend and colleague from New Mexico for his support and leadership on this important bill as well.

I urge a positive vote on this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 74.

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.

LANDER COUNTY, NEVADA, LAND  
CONVEYANCE

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 272) to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries, as amended.

The Clerk read as follows:

H.R. 272

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

**SECTION 1. CONVEYANCE TO LANDER COUNTY, NEVADA.**

(a) **FINDINGS.**—Congress finds that the following:

(1) The historical use by settlers and travelers since the late 1800's of the cemetery known as "Kingston Cemetery" in Kingston, Nevada, predates incorporation of the land within the jurisdiction of the Forest Service on which the cemetery is situated.

(2) It is appropriate that that use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency.

(3) In accordance with Public Law 85-569 (commonly known as the "Townsite Act"; 16 U.S.C. 478a), the Forest Service has conveyed to the Town of Kingston 1.25 acres of the land on which historic gravesites have been identified.

(4) To ensure that all areas that may have unmarked gravesites are included, and to ensure the availability of adequate gravesite space in future years, an additional parcel consisting of approximately 8.75 acres should be conveyed to the county so as to include the total amount of the acreage included in the original permit issued by the Forest Service for the cemetery.

(b) **CONVEYANCE ON CONDITION SUBSEQUENT.**—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the "Secretary"), not later than 90 days after the date of enactment of this Act, shall convey to Lander County, Nevada (referred to in this section as the "county"), for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) **DESCRIPTION OF LAND.**—The parcel of land referred to in subsection (b) is the parcel of National Forest System land (including any improvements on the land) known as "Kingston Cemetery", consisting of approximately 10 acres and more particularly described as SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of section 36, T. 16 N., R. 43 E., Mount Diablo Meridian.

(d) **EASEMENT.**—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over Forest Development Road #20307B, notwithstanding any future closing of the road for other use.

(e) **CONDITION ON USE OF LAND.**—

(1) **IN GENERAL.**—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) **REVERSION.**—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the United States to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) **WAIVER.**—The Secretary may waive the application of paragraph (2)(A) or (2)(B) if the Secretary determines that such a waiver would be in the best interests of the United States.

**SEC. 2. CONVEYANCE TO EUREKA COUNTY, NEVADA.**

(a) **FINDINGS.**—Congress finds the following:

(1) The historical use by settlers and travelers since the late 1800s of the cemetery known as "Maiden's Grave Cemetery" in Beowawe, Nevada, predates incorporation of the land within the jurisdiction of the Bureau of Land Management on which the cemetery is situated.

(2) It is appropriate that such use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency.

(b) **CONVEYANCE ON CONDITION SUBSEQUENT.**—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the "Secretary"), not later than 90 days after the date of enactment of this Act, shall convey to Eureka County, Nevada (referred to in this section as the "county"), for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) **DESCRIPTION OF LAND.**—The parcel of land referred to in subsection (b) is the parcel of public land (including any improvements on the land) known as "Maiden's Grave Cemetery", consisting of approximately 10 acres and more particularly described as S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of section 10, T. 31 N., R. 49 E., Mount Diablo Meridian.

(d) **EASEMENT.**—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over an appropriate access route consistent with current access.

(e) **CONDITION ON USE OF LAND.**—

(1) **IN GENERAL.**—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) **REVERSION.**—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the United States to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) **WAIVER.**—The Secretary may waive the application of paragraph (2)(A) or (2)(B) if the Secretary determines that such a waiver would be in the best interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Mr. Speaker, I am pleased to have this opportunity to discuss an issue that is of utmost importance to my constituents in rural Nevada.

As you may know, Nevada has one of the highest percentages of public lands of all the States in the Union. Close to 90 percent of our State is managed or controlled by the Federal Government. This poses many problems for my constituents, including the burial of our loved ones and the preservation of grave sites of our ancestors.

H.R. 272 authorizes the transfer of two cemeteries back to the respective local control of Lander and Eureka

Counties in Nevada. It directs the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as public cemeteries.

Specifically, the town of Kingston, Nevada, requires an additional 8.75 acres of Forest Service land to supplement the 1.25 acres of Forest Service land conveyed to it in 2000 for the town's cemetery.

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The added acreage would ensure that the areas of unmarked graves are included in the town's cemetery and that space is available for future graves in the Kingston cemetery. Additionally, this bill would authorize the Bureau of Land Management to convey 10 acres of disposable land to Eureka, Nevada, for continued use at the Maiden's Grave Cemetery. It is important to note that these cemeteries have been in use since the late 1800s, well before the creation of either the Forest Service or the Bureau of Land Management. Currently, the counties are required to go through a Federal permitting process to operate these cemeteries. H.R. 272 eliminates the excessive red tape of the Federal Government and gives control of these lands to the local governments.

It is appropriate that the operation of these cemeteries be continued through local public ownership rather than through the permitting process of the Federal Government or Federal agencies.

It is my intention to ensure that the residents of these communities have some certainty and closure on this issue which they have been burdened with for many decades. Mr. Speaker, it is my hope that every Member will see the importance of this legislation and the simple fairness of transferring these historic graveyards back to the communities that have buried their loved ones there since the 1800s. After all, the role of the Federal Government is not to play real estate agent. The role of the Federal Government is to serve the people, and H.R. 272 serves the people of Eureka and Lander counties fairly and should be expeditiously passed by this Congress.

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

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation has been well described by the gentleman from Nevada. Essentially, we are turning over Federal land that is currently being utilized by two counties in Nevada. Normally, Mr. Speaker, anytime anyone, be it an individual or a State or a county government, receives Federal land, they should be required to pay the American people the fair market value of the land. In this instance,

however, based on the location of these two parcels of land and the fact that they are both being used as cemeteries by the counties, we do not oppose these conveyances. As introduced, there were several technical issues with this legislation. However, an amendment adopted in committee addressed those concerns.

I urge my colleagues to vote for H.R. 772. I want to congratulate the gentleman from Nevada for his hard work on this issue.

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

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

I would also like to congratulate and thank my friend from New Mexico for his support and leadership on this very important issue to the people of Nevada, and I ask for a positive vote on this bill.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 772, 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.

#### McLOUGHLIN HOUSE ADDITION TO FORT VANCOUVER NATIONAL HISTORIC SITE ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 733) to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National Park System, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

##### SECTION 1. SHORT TITLE; DEFINITIONS.

(a) *SHORT TITLE.*—This Act may be cited as the “McLoughlin House Addition to Fort Vancouver National Historic Site Act”.

(b) *DEFINITIONS.*—For the purposes of this Act, the following definitions apply:

(1) *CITY.*—The term “City” means Oregon City, Oregon.

(2) *McLOUGHLIN HOUSE.*—The term “McLoughlin House” means the McLoughlin House National Historic Site which is described in the Acting Assistant Secretary of the Interior’s Order of June 27, 1941, and generally depicted on the map entitled “McLoughlin House, Fort Vancouver National Historic Site”, numbered 389/92,002, and dated 5/01/03, and includes the McLoughlin House, the Barclay House, and other associated real property, improvements, and personal property.

(3) *SECRETARY.*—The term “Secretary” means the Secretary of the Interior.

##### SEC. 2. McLOUGHLIN HOUSE ADDITION TO FORT VANCOUVER.

(a) *ACQUISITION.*—The Secretary is authorized to acquire the McLoughlin House, from willing

sellors only, by donation, purchase with donated or appropriated funds, or exchange, except that lands or interests in lands owned by the City may be acquired by donation only.

(b) *MAP AVAILABILITY.*—The map identifying the McLoughlin House referred to in section 1(b)(2) shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.

(c) *BOUNDARIES; ADMINISTRATION.*—Upon acquisition of the McLoughlin House, the acquired property shall be included within the boundaries of, and be administered as part of, the Fort Vancouver National Historic Site in accordance with all applicable laws and regulations.

(d) *NAME CHANGE.*—Upon acquisition of the McLoughlin House, the Secretary shall change the name of the site from the “McLoughlin House National Historic Site” to the “McLoughlin House”.

(e) *FEDERAL LAWS.*—After the McLoughlin House is acquired and added to Fort Vancouver National Historic Site, any reference in a law, map, regulation, document, paper, or other record of the United States to the “McLoughlin House National Historic Site” (other than this Act) shall be deemed a reference to the “McLoughlin House”, a unit of Fort Vancouver National Historic Site.

Amend the title so as to read: “An Act to authorize the Secretary of the Interior to acquire the McLoughlin House in Oregon City, Oregon, for inclusion in Fort Vancouver National Historic Site, and for other purposes.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

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

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

H.R. 733, sponsored by the gentleman from Oregon (Ms. HOOLEY), and amended by the Senate, authorizes the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, currently an area affiliated with the National Park Service and included within the boundaries of the Fort Vancouver National Historic Site. The current operators of the house, the McLoughlin Memorial Association, lack the appropriate funds to maintain the historic structure and ask the Park Service to acquire it for purposes of preserving it.

If the Speaker recalls, this House considered H.R. 733 earlier this year, in which it authorized the Secretary to acquire the McLoughlin House and administer the site as a unit of the National Park system. The changes made by the Senate, such as the title change, have brought support. The McLoughlin House is named after Dr. John McLoughlin, the Father of Oregon, who established the famous British Hudson Bay Company in Vancouver, Washington, in 1825. Dr. McLoughlin supplied American pioneers with the goods they needed to settle and survive at their new home in Oregon. I urge my colleagues to support H.R. 733.

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

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the McLoughlin House National Historic Site in Oregon honors the achievements of John McLoughlin, commonly referred to as the “Father of Oregon.” The site has been preserved and managed by the McLoughlin Memorial Association since its designation as a national historic site in 1941. Unfortunately, the association is no longer in a position to be the primary management entity for this nationally significant site and is therefore seeking Federal acquisition of the site. Once acquired, the site will be managed as part of the nearby Fort Vancouver National Historic Site.

The gentlewoman from Oregon (Ms. HOOLEY) has worked tirelessly on behalf of this legislation and is to be commended for her diligence, including her efforts to have the House concur in the amendments made to this legislation in the Senate. We urge the House to approve these amendments so this legislation may finally be sent to the President for his signature.

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

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

The McLoughlin House national historic site in Oregon City, Oregon, was once home to Dr. John McLoughlin. Dr. McLoughlin was the chief factor of the British Hudson Bay Company based in Fort Vancouver on the Columbia River. He crossed the Rockies in 1824 and established Fort Vancouver in 1825. Dr. McLoughlin supplied American pioneers with goods they needed to settle and survive at their new home in Oregon. He was a fur trader, developer, doctor and mayor; and Dr. McLoughlin became known as the Father of Oregon, and the McLoughlin House was restored to honor his life and accomplishments.

The McLoughlin Memorial Association was formed in 1909. In 1910, the association opened the house as a museum. Since that time, the house has been visited by thousands of individuals each year. In 1941, Congress designated the McLoughlin House a national historic site, and it continued to operate under the direction of the association. When Fort Vancouver National Historic Site was established in 1948, the National Park Service entered into a formal agreement with the association to work cooperatively together.

In 2000, the association approached the National Park Service concerning the possibility of the agency assuming administration of the site. The association lacks appropriate funds to maintain the historic house and has asked the National Park Service to acquire the site and assume responsibility to