

industrial development to, again, meet future demands for a rapidly growing tourism industry.

In 2002, the U.S. Fish and Wildlife Service issued a Mesquite Lands Act Biological Opinion, which promulgated certain terms and conditions associated with the land sale. A key term contained in the opinion is a mandate that the city participate in the development and implementation of a Habitat Conservation and Recovery Plan and a Hydrologic Monitoring and Mitigation Plan along the Virgin River.

In response to this opinion, Congress made a technical amendment to the act within the Clark County Conservation of Public Land and Natural Resources Act of 2002 that set aside a portion of the proceeds from the sale of each parcel for the "development" of the Recovery Plan and the Hydrologic Monitoring and Mitigation Plan. It is apparent that during the process language allowing for the "implementation" of these plans was inadvertently omitted from this amendment. Other land acts, such as the Lincoln and White Pine County Lands Act, clearly state that funds shall be expended on development and implementation of multispecies habitat conservation plans. I believe the same process should be applied to the Mesquite Lands Act.

H.R. 2745 is a legislative clarification regarding the special funds allowing for both the development and implementation of the Habitat Conservation and Recovery Plan and the Hydrologic Monitoring and Mitigation Plan. This is consistent with other plans in Nevada, and the same process should be applied to the city of Mesquite.

In addition to the clarification for the Habitat Conservation and Recovery Plan, there's an issue regarding the timing of the land sales identified in the 1999 amendment that is also addressed in H.R. 2745. The legislation originally gave the city of Mesquite 12 years to purchase the land from the date of enactment. However, due to severe economic conditions that continue to plague southern Nevada, along with a delay of the environmental impact statement for the airport site, the city is not in a position to purchase the final sections of property at this time, and therefore was not able to make this deadline. H.R. 2745 provides for an extension of an additional 8 years to allow economic conditions to improve.

In closing, I would again like to thank Chairman BISHOP and Ranking Member GRIJALVA, as well as the Natural Resources Committee Staff, for working with me on moving this legislation forward. H.R. 2745 will allow the city of Mesquite to continue to control the path of its future expansion and economic development, as well as correct an oversight in prior legislation.

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

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

Mr. Speaker, this legislation allows the city of Mesquite, Nevada, to continue acquiring certain lands from the Federal Government for its commercial airport.

Under the original 1986 legislation, some receipts from the sale of Federal lands would be retained to fund habitat improvements along the Virgin River within Clark County. As amended, H.R. 2745 directs the proceeds from the land sales to the Treasury, thus leaving the habitat work unfunded.

While the conservation work is important and deserves funding, we do not object to this legislation.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield myself the balance of my time.

Authored by Congressman HECK, H.R. 2745 was amended by the Natural Resources Committee and is further amended today to ensure that there is no cost to the taxpayer. This will treat all proceeds from land sales uniformly and, again, at no cost to the taxpayer.

So I urge adoption of this measure, 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. BISHOP) that the House suspend the rules and pass the bill, H.R. 2745, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HEINRICH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### BLACK HILLS CEMETERY ACT

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3874) to provide for the conveyance of eight cemeteries that are located on National Forest System land in Black Hills National Forest, South Dakota, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3874

*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 "Black Hills Cemetery Act".*

#### SEC. 2. LAND CONVEYANCES, CERTAIN CEMETERIES LOCATED IN BLACK HILLS NATIONAL FOREST, SOUTH DAKOTA.

(a) CEMETERY CONVEYANCES REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the local communities in South Dakota that are currently managing and maintaining certain community cemeteries (as specified in subsection (b)) all right, title, and interest of the United States in and to—

(1) the parcels of National Forest System land containing such cemeteries; and

(2) up to an additional two acres adjoining each cemetery in order to ensure the conveyances include unmarked gravesites and allow for expansion of the cemeteries.

(b) PROPERTY AND RECIPIENTS.—The properties to be conveyed under subsection (a), and the recipients of each property, are as follows:

(1) The Silver City Cemetery to the Silver City Volunteer Fire Department.

(2) The Hayward Cemetery to the Hayward Volunteer Fire Department.

(3) The encumbered land adjacent to the Englewood Cemetery (encompassing the cemetery entrance portal, access road, fences, 2,500 gallon reservoir and building housing such reservoir, and piping to provide sprinkling system to the cemetery) to the City of Lead.

(4) The land adjacent to the Mountain Meadow Cemetery to the Mountain Meadow Cemetery Association.

(5) The Roubaix Cemetery to the Roubaix Cemetery Association.

(6) The Nemo Cemetery to the Nemo Cemetery Association.

(7) The Galena Cemetery to the Galena Historical Society.

(8) The Rockerville Cemetery to the Rockerville Community Club.

(9) The Cold Springs Cemetery (including adjacent school yard and log building) to the Cold Springs Historical Society.

(c) CONDITION OF CONVEYANCE.—Each conveyance under subsection (a) shall be subject to the condition that the recipient accept the conveyed real property in its condition at the time of the conveyance.

(d) USE OF LAND CONVEYED.—The lands conveyed under subsection (a) shall continue to be used in the same manner and for the same purposes as they were immediately prior to their conveyance under this Act.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of each parcel of real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the survey for a particular parcel shall be borne by the recipient of such parcel.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

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

The Chair recognizes the gentleman from Utah.

#### GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I yield such time as she may consume to Mrs. NOEM of South Dakota, the sponsor of this bill, who has worked so hard and has done such a great job on it, to explain this commonsense bill.

Mrs. NOEM. Mr. Speaker, I thank the gentleman for yielding.

Today I rise in support of my legislation, H.R. 3874, the Black Hills Cemetery Act. This bill is of great importance to many communities in the Black Hills of South Dakota.

The Black Hills in South Dakota is home to a number of historic communities and cemeteries. Many of these originated in old mining towns in the 1800s. They have unique significance to the surrounding communities. These include the Englewood Cemetery, the Galena Cemetery, Hayward Cemetery, Mountain Meadows Cemetery, Roubaix Cemetery, Nemo Cemetery, Rockerville Cemetery, Silver City Cemetery, and the Cold Springs Cemetery.

These cemeteries are currently being managed by local cemetery associations or community groups in the surrounding areas, but have been technically owned by the U.S. Forest Service since the 1900s. This causes unnecessary liability for the U.S. Forest Service because of responsibility for upkeep and dealing with possible vandalism or damage to the property.

The Black Hills Cemetery Act would simply transfer ownership of these cemeteries and up to 2 acres of adjacent land to the caretaking communities that have managed them for generations under special-use permits issued by the Forest Service at almost no cost to taxpayers. It also makes clear that these cemeteries will continue to be used for the same purpose as they have always been used in the past.

I sponsored this bill at the request of these communities and the current caretakers of the cemeteries and in consultation with the U.S. Forest Service. An article by the Rapid City Journal talked about Dennis McMillin, who is chief of the local volunteer fire department that takes care of the Hayward Cemetery. He mentioned that passing this bill would make it less complicated for both the caretakers and for the United States Forest Service. He also mentioned that this bill is important because it allows for some expansion for those families who are still interested in burial plots.

A lot of local residents have relatives buried in these cemeteries, so this coming Memorial Day, many will pay their respects to family members. Many of these communities will hold special services on the cemetery grounds in the coming weeks. After the House passes this bill, these families and communities are one step closer to having these cemeteries officially in their care and will continue to do an excellent job managing them.

I would like to thank the communities and the local residents for their help in working with my office and for advocating for this bill. I would also like to thank Chairmen HASTINGS and BISHOP and their staffs for helping me push this bill forward.

It is important for those reasons that we pass this bill and that the Senate does the same. These communities have been asking for a solution to this

situation for a number of years, and as their Representative, I'm glad we have the opportunity to pass this bill today off the House floor.

I urge my colleagues to support and pass this bill for the communities in South Dakota.

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

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

Mr. HEINRICH. Mr. Speaker, H.R. 3874 conveys cemeteries currently on Forest Service lands to communities in South Dakota. These local communities already manage and maintain these cemeteries, and the legislation requires that these lands continue to be used for cemetery purposes.

We have no objections to this legislation, and with that, I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself the balance of my time.

This commonsense piece of legislation moves nine parcels of land to the respective communities that currently manage and maintain these cemeteries. It frees the Forest Service from administering these cemeteries so they can focus on other jobs, like maybe tackling the growing mountain pine beetle epidemic in the Black Hills. It's a great bill, I urge its adoption, 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. BISHOP) that the House suspend the rules and pass the bill, H.R. 3874, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. BISHOP of Utah. 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, further proceedings on this question will be postponed.

#### HELPING EXPEDITE AND ADVANCE RESPONSIBLE TRIBAL HOME OWNERSHIP ACT OF 2011

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 205) to amend the Act titled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases," approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 205

*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 "Helping Expedite and Advance Responsible Tribal Home*

*Ownership Act of 2011" or the "HEARTH Act of 2011".*

#### SEC. 2. APPROVAL OF, AND REGULATIONS RELATED TO, TRIBAL LEASES.

*The first section of the Act titled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955 (25 U.S.C. 415), is amended as follows:*

*(1) In subsection (d)—*

*(A) in paragraph (4), by striking "the Navajo Nation" and inserting "an applicable Indian tribe";*

*(B) in paragraph (6), by striking "the Navajo Nation" and inserting "an Indian tribe";*

*(C) in paragraph (7), by striking "and" after the semicolon at the end;*

*(D) in paragraph (8)—*

*(i) by striking "the Navajo Nation";*

*(ii) by striking "with Navajo Nation law" and inserting "with applicable tribal law"; and*

*(iii) by striking the period at the end and inserting a semicolon; and*

*(E) by adding at the end the following:*

*"(9) the term 'Indian tribe' has the meaning given such term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a); and*

*"(10) the term 'individually owned allotted land' means a parcel of land that—*

*"(A)(i) is located within the jurisdiction of an Indian tribe; or*

*"(ii) is held in trust or restricted status by the United States for the benefit of an Indian tribe or a member of an Indian tribe; and*

*"(B) is allotted to a member of an Indian tribe.".*

*(2) By adding at the end the following:*

*"(h) TRIBAL APPROVAL OF LEASES.—*

*"(1) IN GENERAL.—At the discretion of any Indian tribe, any lease by the Indian tribe for the purposes authorized under subsection (a) (including any amendments to subsection (a)), except a lease for the exploration, development, or extraction of any mineral resources, shall not require the approval of the Secretary, if the lease is executed under the tribal regulations approved by the Secretary under this subsection and the term of the lease does not exceed—*

*"(A) in the case of a business or agricultural lease, 25 years, except that any such lease may include an option to renew for up to 2 additional terms, each of which may not exceed 25 years; and*

*"(B) in the case of a lease for public, religious, educational, recreational, or residential purposes, 75 years, if such a term is provided for by the regulations issued by the Indian tribe.*

*"(2) ALLOTTED LAND.—Paragraph (1) shall not apply to any lease of individually owned Indian allotted land.*

*"(3) AUTHORITY OF SECRETARY OVER TRIBAL REGULATIONS.—*

*"(A) IN GENERAL.—The Secretary shall have the authority to approve or disapprove any tribal regulations issued in accordance with paragraph (1).*

*"(B) CONSIDERATIONS FOR APPROVAL.—The Secretary shall approve any tribal regulation issued in accordance with paragraph (1), if the tribal regulations—*

*"(i) are consistent with any regulations issued by the Secretary under subsection (a) (including any amendments to the subsection or regulations); and*

*"(ii) provide for an environmental review process that includes—*

*"(I) the identification and evaluation of any significant effects of the proposed action on the environment; and*

*"(II) a process for ensuring that—*

*"(aa) the public is informed of, and has a reasonable opportunity to comment on, any significant environmental impacts of the proposed action identified by the Indian tribe; and*

*"(bb) the Indian tribe provides responses to relevant and substantive public comments on*