

rules and pass the bill, H.R. 2606, 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. HASTINGS of Washington. 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The point of no quorum is considered withdrawn.

QUILEUTE TRIBE TSUNAMI PROTECTION ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1162) to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1162

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

SECTION 1. OLYMPIC NATIONAL PARK — QUILEUTE TRIBE.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term “Map” means the map entitled “Olympic National Park and Quileute Reservation Boundary Adjustment Map”, numbered 149/80,059, and dated June 2010.

(2) PARK.—The term “Park” means the Olympic National Park, located in the State of Washington.

(3) RESERVATION.—The term “Reservation” means the Quileute Indian Reservation, located on the Olympic Peninsula in the State of Washington.

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

(5) TRIBE.—The term “Tribe” means the Quileute Indian Tribe in the State of Washington.

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) the Reservation is located on the western coast of the Olympic Peninsula in the State of Washington, bordered by the Pacific Ocean to the west and the Park on the north, south, and east;

(B) most of the Reservation village of La Push is located within the coastal flood plain, with the Tribe’s administrative buildings, school, elder center, and housing all located in a tsunami zone;

(C) for many decades, the Tribe and the Park have had a dispute over the Reservation boundaries along the Quillayute River;

(D) in recent years, this dispute has intensified as the Tribe has faced an urgent need for additional lands for housing, schools, and other Tribe purposes outside the tsunami and Quillayute River flood zones; and

(E) the lack of a settlement of this dispute threatens to adversely impact the public’s existing and future recreational use of several attractions in the Park that are accessed by the public’s use of Reservation lands.

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

(A) to resolve the longstanding dispute along portions of the northern boundary of the Quileute Indian Reservation;

(B) to clarify public use and access to Olympic National Park lands that are contiguous to the Reservation;

(C) to provide the Quileute Indian Tribe with approximately 275 acres of land currently located within the Park and approximately 510 acres of land along the Quillayute River, also within the Park;

(D) to adjust the wilderness boundaries to provide the Quileute Indian Tribe Tsunami and flood protection; and

(E) through the land conveyance, to grant the Tribe access to land outside of tsunami and Quillayute River flood zones, and link existing Reservation land with Tribe land to the east of the Park.

(c) REDESIGNATION OF FEDERAL WILDERNESS LAND, OLYMPIC NATIONAL PARK CONVEYANCE.—

(1) REDESIGNATION OF WILDERNESS.—Certain Federal land in the Park that was designated as part of the Olympic Wilderness under title 1 of the Washington Park Wilderness Act of 1988 (Public Law 100-668; 102 Stat. 3961; 16 U.S.C. 1132 note) and comprises approximately 222 acres, as generally depicted on the Map is hereby no longer designated as wilderness, and is no longer a component of the National Wilderness Preservation System under the Wilderness Act (16 U.S.C. 1131 et seq.).

(2) LANDS TO BE HELD IN TRUST.—All right, title, and interest of the United States in and to the approximately 510 acres generally depicted on the Map as “Northern Lands”, and the approximately 275 acres generally depicted on the Map as “Southern Lands”, are declared to be held in trust by the United States for the benefit of the Tribe without any further action by the Secretary.

(3) BOUNDARY ADJUSTMENT; SURVEY.—The Secretary shall—

(A) adjust the boundaries of Olympic Wilderness and the Park to reflect the change in status of Federal lands under paragraph (2); and

(B) as soon as practicable after the date of enactment of this section, conduct a survey, defining the boundaries of the Reservation and Park, and of the Federal lands taken into and held in trust that are adjacent to the north and south bank of the Quillayute River as depicted on the Map as “Northern Lands”.

(4) LAW APPLICABLE TO CERTAIN LAND.—The land taken into trust under this subsection shall not be subject to any requirements for valuation, appraisal, or equalization under any Federal law.

(d) NON-FEDERAL LAND CONVEYANCE.—Upon completion and acceptance of an environmental hazard assessment, the Secretary shall take into trust for the benefit of the Tribe certain non-Federal land owned by the Tribe, consisting of approximately 184 acres, as depicted on the Map as “Eastern Lands”, such non-Federal land shall be designated as part of the Reservation.

(e) MAP REQUIREMENTS.—

(1) AVAILABILITY OF INITIAL MAP.—The Secretary shall make the Map available for public inspection in appropriate offices of the National Park Service. The Map shall also depict any non-Federal land currently owned by the Tribe which is being placed in trust under this section.

(2) REVISED MAP.—Not later than one year after the date of the land transaction in subsections (d) and (e), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and Committee on Natural Resources of the House of Representatives a revised map that depicts—

(A) the Federal and non-Federal land taken into trust under this section and the Second Beach Trail; and

(B) the actual boundaries of the Park as modified by the land conveyance.

(f) JURISDICTION.—The land conveyed to the Tribe by this section shall be designated as part of the Quileute Reservation and placed in the following jurisdictions:

(1) TRUST LAND.—The same Federal, State, and Tribe jurisdiction as on all other trust lands within the Reservation, so long as the exercise of such jurisdiction does not conflict with the

terms of the easement described in subsection (g) below.

(2) TRIBE JURISDICTION.—Park visitors shall remain subject to the jurisdiction of the Tribe while on the Second Beach parking lot, on those portions of the Second Beach Trail on the Reservation, and Rialto Spit, to the same extent that such visitors are subject to the Tribe’s jurisdiction elsewhere on the Reservation.

(g) GRANT OF EASEMENT IN CONNECTION WITH LAND CONVEYANCE.—

(1) EASEMENT REQUIRED.—The conveyances under subsection (c)(2) shall be subject to the conditions described in this subsection.

(2) REQUIRED RIGHTS UNDER EASEMENT.—Any easement granted under this subsection must contain the following express terms:

(A) NO IMPACT ON EXISTING RIGHTS.—An easement shall not limit the Tribe’s treaty rights or other existing rights.

(B) RETENTION OF RIGHTS.—The Tribe retains the right to enforce its rules against visitors for disorderly conduct, drug and alcohol use, use or possession of firearms, and other disruptive behaviors.

(C) MONITORING OF EASEMENT CONDITIONS.—The Park has the right, with prior notice to the Tribe, to access lands conveyed to the Tribe for purposes of monitoring compliance with any easement made under this subsection.

(3) EXEMPTION FOR SUBSECTION (d) LAND.—The non-Federal land owned by the Tribe and being placed into trust by the Secretary in accordance with subsection (d) shall not be included in, or subject to, any easement or condition specified in this subsection.

(4) REQUIRED TERMS AND CONDITIONS.—The following specified land areas shall be subject to the following easement conditions:

(A) CONDITIONS ON NORTHERN LAND.—Certain land that will be added to the northern boundary of the Reservation by the land conveyance, from Rialto Beach to the east line of Section 23, shall be subject to an easement, which shall contain the following requirements:

(i) The Tribe may lease or encumber the land, consistent with their status as trust lands, provided that the Tribe expressly subjects the conveyance or authorized use to the terms of the easement.

(ii) The Tribe may place temporary, seasonal camps on the land, but shall not place or construct commercial residential, industrial, or other permanent buildings or structures.

(iii) Roads on the land on the date of enactment of this Act may be maintained or improved, but no major improvements or road construction may occur, and any road improvements, temporary camps, or other uses of these lands shall not interfere with its use as a natural wildlife corridor.

(iv) The Tribe may authorize Tribe members and third parties to engage in recreational, ceremonial, or treaty uses of the land provided that the Tribe adopts and enforces regulations permanently prohibiting the use of firearms in the Thunder Field area, and any areas south of the Quillayute River as depicted on the Map.

(v) The Tribe may exercise its sovereign right to fish and gather along the Quillayute River in the Thunder Field area.

(vi) The Tribe may, consistent with any applicable Federal law, engage in activities reasonably related to the restoration and protection of the Quillayute River and its tributaries and streams, weed control, fish and wildlife habitat improvement, Quillayute River or streambank stabilization, and flood control. The Tribe and the Park shall conduct joint planning and coordination for Quillayute River restoration projects, including streambank stabilization and flood control.

(vii) Park officials and visitors shall have access to engage in activities along and in the Quillayute River and Dickey River that are consistent with past recreational uses, and the Tribe shall allow the public to use and access the Dickey River, and Quillayute River along

the north bank, regardless of future changes in the Quillayute River or Dickey River alignment.

(viii) Park officials and visitors shall have access to, and shall be allowed to engage in, activities on Tribal lands at Rialto Spit that are consistent with past recreational uses, and the Tribe shall have access to Park lands at Rialto Beach so that the Tribe may access and use the jetty at Rialto Beach.

(B) CONDITIONS ON SECOND BEACH TRAIL AND ACCESS.—Certain Quileute Reservation land along the boundary between the Park and the southern portion of the Reservation, encompassing the Second Beach trailhead, parking area, and Second Beach Trail, shall be subject to a conservation and management easement, as well as any other necessary agreements, which shall implement the following provisions:

(i) The Tribe shall allow Park officials and visitors to park motor vehicles at the Trail parking area existing on the date of enactment of this Act and to access the portion of the Trail located on Tribal lands, and the Park shall be responsible for the costs of maintaining existing parking access to the Trail.

(ii) The Tribe shall grant Park officials and visitors the right to peacefully use and maintain the portion of the Trail that is on Tribal lands, and the Park shall be responsible for maintaining the Trail and shall seek advance written approval from the Tribe before undertaking any major Trail repairs.

(iii) The Park officials and the Tribe shall conduct joint planning and coordination regarding any proposed relocation of the Second Beach trailhead, the parking lot, or other portions of the Trail.

(iv) The Tribe shall avoid altering the forested landscape of the Tribe-owned headlands between First and Second Beach in a manner that would adversely impact or diminish the aesthetic and natural experience of users of the Trail.

(v) The Tribe shall reserve the right to make improvements or undertake activities at the Second Beach headlands that are reasonably related to enhancing fish habitat, improving or maintaining the Tribe's hatchery program, or alterations that are reasonably related to the protection of the health and safety of Tribe members and the general public.

(vi) The Park officials, after consultation with the Tribe, may remove hazardous or fallen trees on the Tribal-owned Second Beach headlands to the extent necessary to clear or safeguard the Trail, provided that such trees are not removed from Tribal lands.

(vii) The Park officials and the Tribe shall negotiate an agreement for the design, location, construction, and maintenance of a gathering structure in the Second Beach headlands overlook for the benefit of Park visitors and the Tribe, if such a structure is proposed to be built.

(C) SOUTHERN LANDS EXEMPT.—All other land conveyed to the Tribe along the southern boundary of the Reservation under this section shall not be subject to any easements or conditions, and the natural conditions of such land may be altered to allow for the relocation of Tribe members and structures outside the tsunami and Quillayute River flood zones.

(D) PROTECTION OF INFRASTRUCTURE.—Nothing in this Act is intended to require the modification of the parklands and resources adjacent to the transferred Federal lands. The Tribe shall be responsible for developing its lands in a manner that reasonably protects its property and facilities from adjacent parklands by locating buildings and facilities an adequate distance from parklands to prevent damage to these facilities from such threats as hazardous trees and wildfire.

(h) EFFECT OF LAND CONVEYANCE ON CLAIMS.—

(1) CLAIMS EXTINGUISHED.—Upon the date of the land conveyances under subsections (d) and (e) and the placement of conveyed lands into trust for the benefit of the Tribe, any claims of

the Tribe against the United States, the Secretary, or the Park relating to the Park's past or present ownership, entry, use, surveys, or other activities are deemed fully satisfied and extinguished upon a formal Tribal Council resolution, including claims related to the following:

(A) LAND ALONG QUILLAYUTE RIVER.—The lands along the sections of the Quillayute River, starting east of the existing Rialto Beach parking lot to the east line of Section 22.

(B) SECOND BEACH.—The portions of the Federal or Tribal lands near Second Beach.

(C) SOUTHERN BOUNDARY PORTIONS.—Portions of the Federal or Tribal lands on the southern boundary of the Reservation.

(2) RIALTO BEACH.—Nothing in this section shall create or extinguish claims of the Tribe relating to Rialto Beach.

(i) GAMING PROHIBITION.—No land taken into trust for the benefit of the Tribe under this Act shall be considered Indian lands for the purpose of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

The SPEAKER pro tempore. Pursuant to the rules, the gentleman from Washington (Mr. HASTINGS) and the gentleman from the Northern Mariana Islands (Mr. SABLON) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

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

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

The Quileute Indian Reservation is located along the coast of the Olympic Peninsula in my home State of Washington. It consists of approximately 880 acres and is home to about 375 residents. Most of the reservation is located within the flood zone, and much of the tribal infrastructure, including their school, elder center, and housing, is within the tsunami zone. Recent tsunamis in the Pacific clearly demonstrate the risk faced by the tribe and the need to move housing and infrastructure inland.

For the safety of this small tribe, legislation is needed that would transfer a few hundred acres from the vast Olympic National Park to the tribe. This will allow them to move their school and other structures to safer land away from the threat of frequent flooding and tsunami risk.

There are no park-owned facilities or trails in the transferred land, and there are few opportunities in this transferred land for park visitors. To expedite the passage of the key objective of this bill and to allow it to move forward promptly, the Natural Resources Committee deleted a potentially controversial 4,000-acre wilderness designation that is of no benefit to the tribe. The committee also added language borrowing transferred land from being used for gaming purposes, and

the tribe does not oppose this limitation.

I believe these two changes have removed all potential obstacles that could threaten the timely passage of this needed legislation that has been offered by my friend and the ranking member of the Appropriations Committee, Mr. DICKS. I urge the adoption of H.R. 1162, and I reserve the balance of my time.

Mr. SABLON. Mr. Speaker, I yield myself as much time as I may consume.

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

Mr. SABLON. I rise in support of H.R. 1162, legislation sponsored by the esteemed ranking member of the Appropriations Committee, the gentleman from Washington (Mr. DICKS).

Events in Japan, Indonesia, and elsewhere have demonstrated the devastation that can be caused by tsunamis. The Quileute people live in a dangerous zone, and we fully support this legislation to allow the Quileute to move key facilities to higher ground.

I would note, however, that this version of H.R. 1162 is only half of the bill, as introduced. The Quileute, Mr. DICKS, the National Park Service, and other stakeholders had negotiated over many years a version of this legislation that not only provided safety for the Quileute but also sought to address the resource needs of Olympic National Park. The park portion of this bill was removed by the majority despite the fact that the bill represented a popular negotiated compromise. During consideration of this measure in the Natural Resources Committee, the chairman suggested that the park portion of the original bill be introduced as a second bill to be moved separately. Mr. DICKS has taken this advice, and we hope to see H.R. 3222 on the House floor in the very near future.

Mr. DICKS is to be commended for his diligent work on behalf of the Quileute people and Olympic National Park.

I urge adoption of H.R. 1162, and I reserve the balance of my time.

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

Mr. SABLON. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. DICKS), the esteemed ranking member of the Appropriations Committee.

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

Mr. DICKS. I rise to urge passage of H.R. 1162, the Quileute Tribe tsunami and flood protection bill.

I also want to thank the House Natural Resources Committee for its work in shepherding this bill to the floor today. And I am pleased that my good friend and colleague from Washington, Doc HASTINGS, the chairman of the Natural Resources Committee, is on the floor here today to manage this bill as well as the gentleman from the

Northern Mariana Islands. I appreciate their comments and their leadership on this, along with Mr. BISHOP and Mr. GRIJALVA.

The Quileutes are one of eight tribes living in the Washington State district that I represent here in Congress. Although the tribe's reservation at La Push is spectacularly beautiful, it also is a dangerous place to live. The threat of tsunamis is a harsh reality that the Quileute Tribe faces every day. The tribe lives on a one-square mile reservation along the Pacific coast of the Olympic Peninsula. Again, I cannot emphasize enough the breathtaking nature of their home.

The tribe has received much notice over the last few years due to the "Twilight" series of movies and novels. If you're not familiar with the "Twilight" phenomenon yourself, then I am sure that at least your children or grandchildren know about the Quileutes and their role in the "Twilight" world.

H.R. 1162 will provide land currently in Olympic National Park to the Quileute Tribe to enable the relocation of many facilities outside the tsunami zone. We need only look to the tragedy last year in Japan to see the loss of human life and horrific damage that tsunamis can cause.

Much of the Quileutes' infrastructure, including a day care center, the elder center, government offices, and Quileute tribal members' homes, are right in the path of a potential tsunami. This existential threat is compounded by damaging floods from the Quillayute River nearly every year.

The purpose of H.R. 1162 is to help the Quileutes move their buildings and people to safer land. The Olympic National Park would transfer land that is out of the tsunami zone to the tribe for the development of new infrastructure.

□ 1700

Of the 275 acres the Park Service would provide the tribe for this safety purpose, 222 are currently designated as wilderness. The legislation would designate those 222 acres.

The legislation also settles a long-standing dispute between the Olympic National Park and the tribe over the northern boundary of the reservation. The resolution of this dispute benefits the tribe, the Park Service, and the general public. The park would provide 510 acres to the tribe to settle the dispute.

The bill would place into trust these two parcels as well as another piece of non-Federal land the tribe had acquired earlier. The bill also guarantees access for the public to some of the most beautiful Washington State beaches.

I must note, however, that I am disappointed that a provision of H.R. 1162 was taken from the bill when the Natural Resources Committee passed it last October. The legislation as introduced mitigated the loss of wilderness designation for the 222 acres to be

given to the tribe by designating other parcels already within Olympic National Park as wilderness. It was this provision designating new wilderness within the park that was removed. In response, I have introduced H.R. 3222 that would designate as wilderness those acres stripped from the underlying bill. The National Parks, Forest and Public Lands Subcommittee held a hearing on H.R. 3222 and other bills back in December, and I urge the committee to keep making progress on H.R. 3222.

In closing, I want to recognize the Quileute Tribe, its council and tribals chairs past and present, along with National Park Service Director Jon Jarvis and Olympic National Park Superintendent Karen Gustin for their hard work over many years to resolve this dispute and provide safer land for the tribe.

Again, I want to thank Congressman HASTINGS, the chairman of the Natural Resources Committee; and Todd Young and Todd Ungerecht of his staff. I want to thank National Parks, Forest and Public Lands Subcommittee Chairman ROB BISHOP and Jim Streeter of his staff. On the Democratic side, I want to thank ED MARKEY and the gentleman from the Northern Mariana Islands and their staff, Jeff Duncan and David Watkins, and Pete Modaff on my staff.

In closing, I urge the House to pass H.R. 1162 to provide the Quileute Tribe a safer home along the Pacific Coast in Washington State.

Mr. HASTINGS of Washington. Mr. Speaker, I advise my friend I have no more requests for speakers if he is prepared to yield back.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

I'm pleased that this legislation is moving forward. I know this has been something that has been worked on by my friend and colleague from Washington for some time, and I'm glad we have finally gotten this far. And hopefully now that it's a clean bill that really deals with the safety of the Quileute Tribe, which is the important part and that's the reason for the bill, I hope it can move very fast through this House and obviously through the Senate.

With that, I urge adoption of H.R. 1162, and I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 1162, which authorizes the transfer of lands within and around the Olympic National Park in the state of Washington. H.R. 1162 would incorporate specified federal lands within the Olympic National Park and specified land owned by the Quileute Tribe into the Quileute Indian Reservation, held in trust by the federal government.

The Quileute people and their reservation are in danger. Most of the reservation is located within the flood zone and most of the tribal infrastructure, including their school,

elder centers, and housing, is within the tsunami zone. This legislation will provide protection to the 375 residents of the Quileute Indian Reservation by transferring a few hundred acres from the vast Olympic National Park to the Tribe.

As a member of the Native American Caucus, I have worked with my colleagues in Congress to address the needs of Native Americans. This legislation will provide the Quileute Indian Tribe with approximately 275 acres of land currently located within the Olympic National Park and approximately 510 acres of land along the Quillayute River.

Mr. Speaker, the proposed land transfer will allow the people of Quileute Indian Tribe to relocate their schools and other structures to safer lands. Based on information from the Department of Interior, CBO estimates that H.R. 1162 would have no significant impact on the federal budget.

California is home to over one hundred federally recognized tribes. Tribes from my state and from other states such as the Quileute Indian Tribe from the state of Washington need protection from natural disasters such as tsunamis and floods.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 1162 and allow the Quileute Indian Tribe to relocate their people and reservation to safer land away from the frequent tsunami risk that threaten the Tribe.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 1162, 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. HASTINGS of Washington. 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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 5 o'clock and 3 minutes p.m.), the House stood in recess.

□ 1716

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 5 o'clock and 16 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 1734, CIVILIAN PROPERTY REALIGNMENT ACT

Mr. WEBSTER. Mr. Speaker, by direction of the Committee on Rules, I