

GENERAL LEAVE

Mr. YOUNG of Alaska. 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 Alaska?

There was no objection.

Mr. YOUNG of Alaska. I yield myself such time as I may consume.

Mr. Speaker, since 1918, the United States has signed four migratory bird treaties with Canada, Mexico, Japan, and Russia. In 1997, the Canada and Mexico treaties were revised to allow Alaska Natives to harvest for subsistence use protected migratory birds during the so-called closed season.

Unfortunately, when implementing the treaty language, Congress failed to clarify that the nonedible parts of the harvested migratory bird could be sold in commercial products. As a result, what we have today is a bizarre policy that allows Alaska Natives to hunt, kill, consume, and to also use non-edible parts in handicraft items, but prohibits them from selling those handicrafts.

However, the Fish and Wildlife Service has now decided to cite Alaska Native artists who use migratory bird feathers in a variety of items, including hats, fans, and hunting arrows. It is not illegal to simply throw away these nonedible migratory bird parts.

According to Ms. Jacqueline Pata, the vice chair of the Sealaska Corporation, there are less than 500 traditional artists and a much fewer number that use nonedible parts of migratory birds. In her testimony, she noted that this legislation parallels the existing exemption in the Marine Mammal Protection Act and that "all we are asking is to be able to begin helping ourselves in a very small way by providing a modest income to severely impoverished communities through a traditional means."

Mr. Speaker, the Fish and Wildlife Service could have revised their regulations, they could have worked with the Alaska Migratory Bird Co-Management Council, and they could have continued to utilize their law enforcement discretion. In each case, they chose not to; instead, they decided to penalize a Native Alaskan artist who used raven and flicker feathers gathered from road-killed animals.

This is a misguided and wrong policy. This is why I introduced this important legislation on behalf of my Native Alaskan constituents.

I urge an "aye" vote on H.R. 3109, and I reserve the balance of my time.

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

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

Mr. LOWENTHAL. Mr. Speaker, this bill would provide an exemption to the

Migratory Bird Treaty Act, the MBTA, for the sale of Alaskan Native handicrafts that seems consistent with exemptions provided to Alaska Natives in other important conservation laws, like the Endangered Species Act and the Marine Mammal Protection Act.

However, the MBTA is distinct from these other laws because it actually implements four separate treaties between the United States and Canada, Mexico, Japan, and Russia; and it remains unclear if amending the MBTA, as proposed by Mr. YOUNG's bill, would violate our treaty obligations to the other implementing nations.

During our legislative hearing on this bill, the committee heard testimony from the Fish and Wildlife Service that the State Department should be consulted on any proposed amendments to the MBTA. However, we have not heard from the Fish and Wildlife Service or the State Department since that time.

I support the rights of Alaskan Natives to create and sell traditional handicrafts. So while I feel it is important that we consider the impact that this bill may have on other existing treaty obligations, I will support this bill.

With that, I yield back the balance of my time.

Mr. YOUNG of Alaska. 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 Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 3109.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WILD AND SCENIC RIVERS ACT AMENDMENTS

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4283) to amend the Wild and Scenic Rivers Act to authorize the Secretary of the Interior to maintain or replace certain facilities and structures for commercial recreation services at Smith Gulch in Idaho, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4283

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

SECTION 1. MAINTENANCE OR REPLACEMENT OF FACILITIES AND STRUCTURES AT SMITH GULCH.

Section 3(a)(24)(D) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(24)(D)) is amended by adding at the end the following: "The Secretary shall also authorize or continue to authorize maintenance or replacement of facilities and structures listed in this subparagraph for commercial recreation services at Smith Gulch whose location is defined above. The facilities and structures referred to in this subparagraph are—

"(i) motorized landscaping equipment, such as lawnmowers and weed trimmers;

"(ii) chainsaws;

"(iii) gasoline-powered electrical generators and associated electrical transmission facilities;

"(iv) hydroelectric generators and associated electrical transmission facilities;

"(v) gasoline-powered water pumps for fire suppression;

"(vi) transition from propane to electrical lighting;

"(vii) solar energy systems; and

"(viii) 6-volt or 12-volt battery banks for power storage."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. LOWENTHAL) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members 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 Alaska?

There was no objection.

Mr. YOUNG of Alaska. I yield myself such time as I may consume.

Mr. Speaker, timely action on this bill will allow the Forest Service to implement an earlier congressional action intended to allow continued operation of certain commercial recreational services and facilities at Smith Gulch in the Frank Church-River of No Return Wilderness in Idaho.

Although Congress amended the Wild and Scenic Rivers Act in 2004 to direct the Forest Service to allow established uses and occupancy at Smith Gulch Lodge, the Forest Service believes it needs additional authority to allow the lodge to use power equipment, such as gas generators, mowers, and other equipment needed for routine maintenance and for improvements, such as an in-stream hydroelectric water wheel for renewable energy. H.R. 4283 would authorize limited use of such equipment for the general upkeep of the lodge.

Congressman SIMPSON should be commended for his attention to this matter, and I urge adoption of this commonsense bill.

I reserve the balance of my time.

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

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

Mr. LOWENTHAL. Mr. Speaker, the lodge at Smith Gulch is located within the Frank Church-River of No Return Wilderness in the State of Idaho. It is a popular destination for visitors and offers recreational opportunities for people in a spectacular natural setting.

H.R. 4283 will allow the lodge owners to carry out very specific maintenance activities necessary to keep the lodge operating. I support this legislation.

With that, I reserve the balance of my time.

Mr. YOUNG of Alaska. At this time, I yield such time as he may consume to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I thank the gentleman from Alaska for yielding.

Mr. Speaker, I rise today in support of H.R. 4283, which is intended to authorize the use of maintenance equipment and the replacement of some outdated and potentially hazardous energy facilities at the River of No Return Lodge in Smith Gulch on the Salmon River in Idaho.

As it currently sits, the River of No Return Lodge is a small outfitter on the Salmon River that provides a unique recreational experience operating under a Forest Service permit.

Unfortunately, the Forest Service does not believe it has clear authorization to permit the use of necessary maintenance or replacement of facilities. This proposed bill is an effort to clarify Congress' intent in legislation passed in 2004 to retain the basic characteristics of the lodge without substantially altering the existing use.

This legislation makes it clear that the owners of the lodge are authorized to use weed trimmers, chainsaws, and other maintenance equipment needed for the general upkeep of the lodge.

It also will allow the outfitter to reduce or eliminate his reliance on propane fuel and replace it with modest renewable energy sources. I believe H.R. 4283 keeps recreational opportunities available on our public lands, while maintaining the ability to keep our lands in even better shape for future generations of Americans. The Congressional Budget Office has also scored this bill at no cost to the taxpayer.

It should be noted that a few small changes were made during the markup of H.R. 4283 to address both the technical corrections and concerns raised by interested parties. The bill, as amended, has been crafted with the sentiments of both the Idaho Conservation League and The Wilderness Society in mind.

We trust that the Forest Service will faithfully grant authorization for the maintenance and replacement activities without the burden of unreasonable environmental review costs.

I urge my colleagues to support this commonsense legislation that has been carefully crafted with the stakeholders' views in mind, so the operator of the River of No Return Lodge can perform the fundamental maintenance and replace outdated energy sources needed to carry out this small business with respect to the existing law.

Mr. LOWENTHAL. I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I can only compliment the gentleman from Idaho (Mr. SIMPSON) for his work on this legislation, and it is a practical solution to a problem. Again, I agree with him.

I hope that there is an expedited process which we can fulfill our obligations to this lodge owner and, of course, the intent of the act itself and that the Congress had intended so this could continue.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 4283, 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. YOUNG of Alaska. 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 motion will be postponed.

REMOVAL OF USE RESTRICTION ON LAND FORMERLY A PART OF ACADIA NATIONAL PARK

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4527) to remove a use restriction on land formerly a part of Acadia National Park that was transferred to the town of Tremont, Maine, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4527

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

SECTION 1. USE RESTRICTION REMOVED.

The Act entitled "An Act to authorize the conveyance, for school purposes, of certain land in Acadia National Park to the town of Tremont, Maine, and for other purposes", approved August 1, 1950, is amended by adding at the end the following: "Lands conveyed to the town of Tremont, Maine, under the Act known as NPS Tract 06-126, which were conveyed by the National Park Service in deed recorded at the Hancock County Registry of Deeds Book 737 Page 467, National Park Service Deed 377, shall no longer be required to be used exclusively and perpetually for school purposes and upon the discontinuance of such use of said land, or any part thereof, shall no longer be required to revert to the United States."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. LOWENTHAL) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members 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 Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, enacted in 1950, Public Law 81-629 permitted the National Park Service to convey property, formerly part of Acadia National Park, to the town of Tremont, Maine, to build a new school.

In 1951, the Secretary of the Interior completed the conveyance of approximately 8 acres with a clause that specified the land would revert back to the United States if it was not used exclusively for school purposes.

Tremont is now consolidating schools with a nearby town, and the property will no longer be used for the original intended purpose. However, Tremont would like to retain ownership and continue to use the developed property in the best interest of the community.

H.R. 4527 removes the requirement that the land be used exclusively and perpetually for school purposes, allowing Tremont to use the property to the maximum benefit of its residents.

The Natural Resources Committee has consistently sought to assist local communities in gaining control of property within their boundaries by freeing them from Federal interference. Communities around the country would benefit significantly and immediately if the example of H.R. 4527 was replicated by Congress.

I reserve the balance of my time.

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

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

Mr. LOWENTHAL. Mr. Speaker, the town of Tremont, Maine, was granted a parcel of Federal land to build a school in 1950. The town, which is adjacent to Acadia National Park, no longer needs the parcel for school purposes and would like to be able to consider other uses.

H.R. 4527 will remove the restrictions on the parcel, and its passage is a priority for the town and the bill's sponsor, Mr. MICHAUD of Maine. I would like to thank and congratulate my colleague from Maine for his work on this bill on behalf of his constituents.

With that, I reserve the balance of my time.

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

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Mr. LOWENTHAL. Mr. Speaker, I yield as much time as he may consume to the gentleman from Maine (Mr. MICHAUD), the sponsor of the legislation.

Mr. MICHAUD. Mr. Speaker, I thank the gentleman for yielding.

I urge my colleagues to support this legislation. As you heard, this legislation would allow the town of Tremont,