

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

Mr. Speaker, S. 440 authorizes the conveyance of certain public lands owned by the Bureau of Reclamation around the Dickinson Reservoir in North Dakota. I am glad to say that this bill ensures that taxpayers receive appropriate compensation for transferred public lands. The legislation also ensures that transferred recreation lands continue to be available to the public for recreational uses.

Congress has a long tradition of approving public land conveyances so long as they promote public purposes and provide appropriate compensation to the American taxpayers. S. 440 meets these requirements.

Mr. Speaker, I support the passage of this bill, and I yield back the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield such time as he may consume to the gentleman from North Dakota (Mr. CRAMER), who will speak on this and the following bill, because they are very similar.

Mr. CRAMER. Mr. Speaker, I want to thank Chairman LAMBORN, Chairman BISHOP, and the ranking member for their cooperation and for helping me move this important legislation that was sponsored, as Chairman LAMBORN said, by Senator HOEVEN, and for working on my companion bills that were introduced in the House earlier this year. I appreciate the hearings that the Natural Resources Committee held and for favorably reporting the bills out of the committee.

These two bills to convey BOR property to local park entities are very important to many of my constituents. In July, two of those constituents, Tom Fisher and Craig Headland, came to Washington to testify in support of these bills. Combined, they represented over 100 families with homes on these reclamation properties who wished to cast aside the uncertainties of residing on Federal land and carry out their dreams of home ownership by purchasing the lands they maintain.

Certainty, not only for them, of course, but for financial lenders, will generate greater investment in these properties to improve the lifestyle and the local economy, while maintaining the integrity of the use of the reservoirs.

The land, beyond those residents, which makes up the vast majority of the acreage, will continue to be open to the public for recreation and other uses to the benefit of our people. As a firm believer in land use decisionmaking authority being as local as possible, I believe these bills will allow for better management and improved opportunities for the citizens of North Dakota and for our visitors.

Lastly, I want to thank the administration for working on these bills with Senator HOEVEN and me. I am grateful that the administration is willing to work on issues such as these that have carried on for years, and sometimes decades, with indecision and delay.

So I urge support by my colleagues and, again, thank the chairman, the ranking member, and the committee for their good work.

□ 1630

Mr. LAMBORN. 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 Colorado (Mr. LAMBORN) that the House suspend the rules and pass the bill, S. 440, as amended.

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

A motion to reconsider was laid on the table.

#### ESTABLISHING A PROCEDURE FOR THE CONVEYANCE OF CERTAIN FEDERAL PROPERTY AROUND THE JAMESTOWN RESERVOIR IN THE STATE OF NORTH DAKOTA

Mr. LAMBORN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2074) to establish a procedure for the conveyance of certain Federal property around the Jamestown Reservoir in the State of North Dakota, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2074

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

#### SECTION 1. DEFINITIONS.

In this Act:

(1) BOARD.—The term “Board” means the Stutsman County Park Board in Jamestown, North Dakota.

(2) GAME AND FISH HEADQUARTERS.—The term “game and fish headquarters” means the land depicted as “Game and Fish Headquarters” on the Map.

(3) JAMESTOWN RESERVOIR.—The term “Jamestown Reservoir” means the Jamestown Reservoir constructed as a unit of the Missouri-Souris Division, Pick-Sloan Missouri Basin Program, as authorized by section 9 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 891, chapter 665).

(4) MANAGEMENT AGREEMENT.—The term “Management Agreement” means the management agreement entitled “Management Agreement between the United States of America and Stutsman County Park Board for the Management, Development, Operation and Maintenance of Recreation and Related Improvements and Facilities at Jamestown Reservoir Stutsman County, North Dakota”, numbered 15-LM-60-2255, and dated February 17, 2015.

(5) MAP.—The term “Map” means the map prepared by the Bureau of Reclamation, entitled “Jamestown Reservoir”, and dated May 2018.

(6) PERMITTED CABIN LAND.—The term “permitted cabin land” means the land depicted as “Permitted Cabin Lands” on the Map.

(7) PROPERTY.—The term “property” means any cabin site located on permitted cabin land for which a permit is in effect on the date of enactment of this Act.

(8) RECREATION LAND.—The term “recreation land” means the land depicted as “Recreation and Public Purpose Lands” on the Map.

(9) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(10) STATE.—The term “State” means the State of North Dakota, acting through the North Dakota Game and Fish Department.

#### SEC. 2. CONVEYANCES TO STUTSMAN COUNTY PARK BOARD.

(a) CONVEYANCES TO STUTSMAN COUNTY PARK BOARD.—

(1) IN GENERAL.—Subject to the management requirements of paragraph (3) and the easements and reservations under section 4, not later than 5 years after the date of enactment of this Act, the Secretary shall convey to the Board all right, title, and interest of the United States in and to—

(A) the recreation land; and

(B) the permitted cabin land.

(2) COSTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall convey the land described in paragraph (1) at no cost.

(B) TITLE TRANSFER; LAND SURVEYS.—As a condition of the conveyances under paragraph (1), the Board shall agree to pay all survey and other administrative costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in paragraph (1).

(3) MANAGEMENT.—

(A) RECREATION LAND.—The Board shall manage the recreation land conveyed under paragraph (1)—

(i) for recreation and public purposes consistent with the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (44 Stat. 741, chapter 578; 43 U.S.C. 869 et seq.);

(ii) for public access;

(iii) for fish and wildlife habitat; or

(iv) to preserve the natural character of the recreation land.

(B) PERMITTED CABIN LAND.—The Board shall manage the permitted cabin land conveyed under paragraph (1)—

(i) for cabins or recreational residences in existence as of the date of enactment of this Act; or

(ii) for any of the recreation land management purposes described in subparagraph (A).

(4) HAYING AND GRAZING.—With respect to recreation land conveyed under paragraph (1) that is used for haying or grazing authorized by the Management Agreement as of the date of enactment of this Act, the Board may continue to permit haying and grazing in a manner that is permissible under the 1 or more haying or grazing contracts in effect as of the date of enactment of this Act.

(b) REVERSION.—If a parcel of land conveyed under subparagraph (A) or (B) of subsection (a)(1) is used in a manner that is inconsistent with the requirements described in subparagraph (A) or (B), respectively, of subsection (a)(3), the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(c) SALE OF PERMITTED CABIN LAND BY BOARD.—

(1) IN GENERAL.—If the Board sells any parcel of permitted cabin land conveyed under subsection (a)(1)(B), the parcel shall be sold at fair market value, as determined by a third-party appraiser in accordance with the Uniform Standards of Professional Appraisal Practice, subject to paragraph (2).

(2) IMPROVEMENTS.—For purposes of an appraisal conducted under paragraph (1), any improvements on the permitted cabin land made by a permit holder shall not be included in the appraised value of the land.

(3) PROCEEDS FROM THE SALE OF LAND BY THE BOARD.—If the Board sells a parcel of permitted cabin land conveyed under subsection (a)(1)(B), the Board shall pay to the

Secretary the amount of any proceeds of the sale that exceed the costs of preparing the sale by the Board.

(d) **AVAILABILITY OF FUNDS TO THE SECRETARY.**—Any amounts paid to the Secretary for land conveyed by the Secretary under this Act shall be made available to the Secretary, subject to the availability of appropriations made in advance, for activities relating to the operation of the Jamestown Dam and Reservoir.

### SEC. 3. CONVEYANCE OF GAME AND FISH HEADQUARTERS TO THE STATE.

(a) **CONVEYANCE OF GAME AND FISH HEADQUARTERS.**—Not later than 5 years after the date of enactment of this Act, the Secretary shall convey to the State all right, title, and interest of the United States in and to the game and fish headquarters, on the condition that the game and fish headquarters continue to be used as a game and fish headquarters or substantially similar purposes.

(b) **REVERSION.**—If land conveyed under subsection (a) is used in a manner that is inconsistent with the requirements described in that subsection, the land shall, at the discretion of the Secretary, revert to the United States.

### SEC. 4. RESERVATIONS, EASEMENTS, AND OTHER OUTSTANDING RIGHTS.

(a) **IN GENERAL.**—Each conveyance to the Board or the State pursuant to this Act shall be made subject to—

- (1) valid existing rights;
- (2) operational requirements of the Pick-Sloan Missouri River Basin Program, as authorized by section 9 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 891, chapter 665), including the Jamestown Reservoir;
- (3) any flowage easement reserved by the United States to allow full operation of the Jamestown Reservoir for authorized purposes;
- (4) reservations described in the Management Agreement;
- (5) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by, or in favor of, the United States or a third party;
- (6) any permit, license, lease, right-of-use, flowage easement, or right-of-way of record in, on, over, or across the applicable property or Federal land, whether owned by the United States or a third party, as of the date of enactment of this Act;
- (7) a deed restriction that prohibits building any new permanent structure on property below an elevation of 1,454 feet; and
- (8) the granting of applicable easements for—

- (A) vehicular access to the property; and
- (B) access to, and use of, all docks, boat-houses, ramps, retaining walls, and other improvements for which access is provided in the permit for use of the property as of the date of enactment of this Act.

#### (b) **LIABILITY; TAKING.**

(1) **LIABILITY.**—The United States shall not be liable for flood damage to a property subject to a permit, the Board, or the State, or for damages arising out of any act, omission, or occurrence relating to a permit holder, the Board, or the State, other than for damages caused by an act or omission of the United States or an employee, agent, or contractor of the United States before the date of enactment of this Act.

(2) **TAKING.**—Any temporary flooding or flood damage to the property of a permit holder, the Board, or the State, shall not be considered to be a taking by the United States.

### SEC. 5. INTERIM REQUIREMENTS.

During the period beginning on the date of enactment of this Act and ending on the date of conveyance of a property or parcel of land

under this Act, the provisions of the Management Agreement that are applicable to the property or land, or to leases between the State and the Secretary, and any applicable permits, shall remain in force and effect.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. LAMBORN) and the gentlewoman from Hawaii (Ms. HANABUSA) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

#### GENERAL LEAVE

Mr. LAMBORN. 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 Colorado?

There was no objection.

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

Mr. Speaker, I rise in support of S. 2074 sponsored by Senator HOEVEN of North Dakota. This legislation is nearly identical to legislation sponsored by our colleague, Congressman KEVIN CRAMER, which was favorably reported by the Natural Resources Committee in August.

This is another bill similar to the one that was discussed a few minutes ago that looks to transfer small parcels of Federal land to State and local government, this time surrounding the Jamestown Reservoir in North Dakota. The land will continue to be used for recreation and public purposes, public access, fish and wildlife habitat, a fish and game headquarters, and for cabins. If any of the land is sold, the proceeds will be given to the Federal Government or the land will revert to the United States.

Like S. 440, which the House just considered, this legislation aims to alleviate financial uncertainty for private citizens residing around the reservoir and will help support the local community through tax revenue.

Mr. Speaker, I urge adoption of the measure, and I reserve the balance of my time.

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

Mr. Speaker, S. 2074 authorizes the conveyance of certain public lands owned by the Bureau of Reclamation around Jamestown Reservoir in North Dakota.

Like S. 440, this bill ensures that taxpayers receive appropriate compensation for transferred lands and also ensures that transferred recreation lands continue to be available to the public for recreational uses.

For these reasons, Mr. Speaker, I support the passage of S. 2074, and I yield back the balance of my time.

Mr. LAMBORN. 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 Colorado (Mr. LAMBORN) that the House suspend the

rules and pass the bill, S. 2074, as amended.

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

A motion to reconsider was laid on the table.

### COTTONWOOD LAND EXCHANGE ACT OF 2018

Mr. GOSAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6146) to authorize, direct, expedite, and facilitate a land exchange in Yavapai County, Arizona, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6146

*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 “Cottonwood Land Exchange Act of 2018”.*

#### **SEC. 2. DEFINITIONS.**

*In this Act:*

(1) **COUNTY.**—The term “County” means Yavapai County, Arizona.

(2) **FEDERAL LAND.**—The term “Federal land” means all right, title, and interest of the United States in and to approximately 80 acres of land within the Coconino National Forest, in Yavapai County, Arizona, generally depicted as “Coconino National Forest Parcels ‘Federal Land’” on the map.

(3) **MAP.**—The term “map” means the map entitled “Cottonwood Land Exchange”, with the revision date July 5, 2018 Version 1.

(4) **NON-FEDERAL LAND.**—The term “non-Federal land” means the approximately 369 acres of land in Yavapai County, Arizona, generally depicted as “Yavapai County Parcels ‘Non-Federal Land’” on the map.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, unless otherwise specified.

#### **SEC. 3. LAND EXCHANGE.**

(a) **IN GENERAL.**—If the County offers to convey to the Secretary all right, title, and interest of the County in and to the non-Federal land, the Secretary shall accept the offer and simultaneously convey to the County all right, title, and interest of the United States to the Federal land.

(b) **LAND TITLE.**—Title to the non-Federal land conveyed to the Secretary under this Act shall be acceptable to the Secretary and shall conform to the title approval standards of the Attorney General of the United States applicable to land acquisitions by the Federal Government.

(c) **EXCHANGE COSTS.**—The County shall pay for all land survey, appraisal, and other costs to the Secretary as may be necessary to process and consummate the exchange under this Act, including reimbursement to the Secretary, if the Secretary so requests, for staff time spent in such processing and consummation.

#### **SEC. 4. EQUAL VALUE EXCHANGE AND APPRAISALS.**

(a) **APPRAISALS.**—The values of the lands to be exchanged under this Act shall be determined by the Secretary through appraisals performed in accordance with—

(1) the Uniform Appraisal Standards for Federal Land Acquisitions;

(2) the Uniform Standards of Professional Appraisal Practice;

(3) appraisal instructions issued by the Secretary; and

(4) shall be performed by an appraiser mutually agreed to by the Secretary and the County.