

an appropriate time, if things still are not being able to be worked out, both with the majority as well as with the administration, then of course we will not have the legislation.

But I think the most difficult situation for us to consider now is that we have to start somewhere. If, rather, the option is that we kill this bill, then we might not have any legislation at all. I think that would be a terrible situation.

Mr. Speaker, I would like to respectfully ask my colleagues to support this bill, given the reservations expressed in the committee report. It does have the support of the ranking member, the gentleman from California (Mr. MILLER), and other members of this committee. I would like to urge my colleagues to support this bill.

Mr. YOUNG of Alaska. Mr. Speaker, H.R. 1431 reauthorizes the Coastal Barrier Resources Act for five years and corrects mapping errors in three units of the System.

The Coastal Barrier Resources System prohibits Federal development assistance on undeveloped coastal barriers and it is a sound natural resource management policy. The Act does not prohibit private development on private lands. However, it requires the landowner, not the Federal Government, to shoulder the burden of cost and assume the risks when developing dynamic barrier islands.

Regrettably, the Federal Government has been known to make mistakes from time to time. This is the case with the System units that are addressed in H.R. 1431. Three otherwise protected areas—one in Florida, one in Delaware, and one in North Carolina—were mapped incorrectly when these units were created in 1990. At the time these otherwise protected areas were delineated, the Fish and Wildlife Service incorrectly included private lands that were not held for conservation purposes into the otherwise protected areas, in direct contradiction to the intent of the Act. This mistake effectively cut off Federal flood insurance for many existing homes. Similarly, the 1990 maps did not include all of the public lands that should have been included in the otherwise protected areas. H.R. 1431 makes changes to the maps to reflect the true boundaries of the underlying conservation areas, and it results in a net addition of more than 2,000 acres for the System.

I urge my colleagues to support this legislation, which will correct mapping errors that have adversely affected several private landowners for nearly a decade.

H.R. 1431 is a good bill and I urge an aye vote.

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

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

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 1431, as amended.

The question was taken.

Mr. BLUMENAUER. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1431, the bill just debated.

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

There was no objection.

#### DIRECTING THE SECRETARY OF AGRICULTURE TO CONVEY CERTAIN NATIONAL FOREST LANDS TO ELKO COUNTY, NEVADA

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1231) to direct the Secretary of Agriculture to convey certain National Forest lands to Elko County, Nevada, for continued use as a cemetery, as amended.

The Clerk read as follows:

#### H.R. 1231

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

#### SECTION 1. CONVEYANCE OF NATIONAL FOREST LANDS TO ELKO COUNTY, NEVADA, FOR USE AS CEMETERY.

(a) *REQUIREMENT TO CONVEY.*—The Secretary of Agriculture shall convey, without consideration, to Elko County, Nevada, all right, title, and interest of the United States in and to the real property described in subsection (b).

(b) *DESCRIPTION OF PROPERTY.*—

(1) *IN GENERAL.*—The property referred to in subsection (a) consists of (A) a parcel of National Forest lands (including any improvements thereon) in Elko County, Nevada, known as Jarbidge Cemetery, consisting of approximately 2 acres within the following described lands: NE¼ SW¼ NW¼, S. 9 T. 46 N, R. 58 E., MDB&M, which shall be used as a cemetery; and (B) the existing bridge over the Jarbidge River that provides access to that parcel, and the road from the bridge to the parcel as depicted on the map entitled 'Elko County Road and Bridge Conveyance' dated July 27, 1999.

(2) *SURVEY.*—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. As a condition of any conveyance under this section, the Secretary shall require that the cost of the survey shall be borne by the County.

(c) *ADDITIONAL TERMS AND CONDITIONS.*—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States, except that the Secretary may not retain for the United States any reversionary interest in property conveyed under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the

gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS) to talk about the bill.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me the time.

Mr. Speaker, I rise to ask my colleagues to support the bill, H.R. 1231. This bill will convey two small acres of land, of Forest Service land to Elko, Nevada for the permanent and continued use as a cemetery.

The cemetery is located in Jarbidge, Nevada, a small rural community in Elko County. Known historically for its contribution to Nevada's mining industry, this community is surrounded by National Forest Service lands and the Jarbidge Wilderness Area.

Within this vast public land is a small cemetery under the administration of the Forest Service where generation after generation of residents of this historic mining community have been laid to rest. The earliest tombstones, Mr. Speaker, are dated in the very early 1900s, and some members of the Jarbidge community claim this land was used as a cemetery long before it was designated as Forest Service land.

Since 1915, the Jarbidge Cemetery has been operated under a permit to Elko County by a special use authorization, which runs periodically for 10 and occasionally 20 years. In an effort to remove the uncertainty about the continued existence of this cemetery and to resolve the operational responsibilities, the residents of Jarbidge have long expressed an interest in having the cemetery conveyed to the county so they might have a permanent and private cemetery. This is why I introduced H.R. 1231.

Mr. Speaker, I urge my colleagues to understand that the residents are asking for conveyance of this land because they, and I would agree, and I think it is reasonable, feel that it is not right to pay for the graves of Nevada's parents and grandparents. Many of those buried at Jarbidge are miners and their families, and in fact are the founders of the small Elko County community.

Given the hundreds of thousands of acres administered by the Forest Service in this region and their oversight of the Jarbidge wilderness area, the conveyance of two acres for the purpose of allowing the residents to privately own the resting place of their relatives seems to be both rational and fair, keeping in mind, of course, that we are talking about a cemetery, the final resting place for people, the Nevadans and their loved ones.

Furthermore, I believe that it is our government's civic duty, the duty to do what is right on behalf of the American

people and our constituents, to convey without cost these two small acres. I am sure if we took a national poll, the vast majority of people, if not all Americans, would agree that the conveyance of these two acres free of charge would be in the best public interest of any good use of our public land.

Therefore, I would like to ask all my colleagues to support this commonsense and fair legislation.

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

Mr. Speaker, H.R. 1231 directs the Secretary of Agriculture to convey without consideration 2 acres of National Forest land to Elko County, Nevada. The land conveyance would include a historic cemetery and a road and bridge leading to it on the Humboldt-Toiyabe National Forest.

It is our understanding that a private individual had offered to provide for the maintenance of the cemetery as long as the land was conveyed to the county. At the hearing, the Forest Service expressed concerns that this bill was inconsistent with laws that require the Secretary of Agriculture to obtain fair market value for exchange or sale of National Forest Service land.

While we share these agency concerns and generally support a policy of obtaining fair market value for the sake of disposition of public resources, the lands in this case are certainly de minimis. We anticipate that Elko County will be a good steward of the cemetery, and we certainly support this bill.

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Mr. Speaker, I want to commend the gentleman from Nevada (Mr. GIBBONS). His gentlemanliness both in committee and on the floor makes it a pleasure to work in both places.

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

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

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 1231, 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.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

#### TERRY PEAK LAND TRANSFER ACT OF 1999

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2079) to provide for the conveyance of certain National Forest System lands in the State of South Dakota.

The Clerk read as follows:

H.R. 2079

*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 "Terry Peak Land Transfer Act of 1999".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Certain National Forest System land located in the Black Hills National Forest in Lawrence County, South Dakota, is currently permitted to the Terry Peak Ski Area by the Secretary of Agriculture pursuant to section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b).

(2) The National Forest System land comprises only 10 percent of the land at the Ski Area, with the remaining 90 percent located on private land owned by the Ski Area operator.

(3) As the fractional Forest Service land holding at the Ski Area is also encumbered by ski lifts, ski trails, a base lodge parking lot and other privately owned improvements, it serves little purpose in continued public ownership, and can more logically be conveyed to the Ski Area to unify land management and eliminate permitting and other administrative costs to the United States.

(4) The Ski Area is interested in acquiring the land from the United States, but the Secretary does not have administrative authority to convey such land in a nonsimultaneous land exchange absent specific authorization from Congress.

(5) The Black Hills National Forest contains several small inholdings of undeveloped private land with multiple landowners which complicate National Forest land management and which can be acquired by the United States from willing sellers if acquisition funds are made available to the Secretary.

(6) The proceeds from the Terry Peak conveyance can provide a modest, but readily available and flexible, funding source for the Secretary to acquire certain inholdings in the Black Hills National Forest from willing sellers, and given the small and scattered nature of such inholdings, and number of potential sellers involved, can do so more efficiently and quickly than through administrative land exchanges.

(7) It is, therefore, in the public interest to convey the National Forest System land at Terry Peak to the Ski Area at fair market value and to utilize the proceeds to acquire more desirable lands for addition to the Black Hills National Forest for permanent public use and enjoyment.

(b) PURPOSE.—It is the purpose of this Act to require the conveyance of certain National Forest System lands at the Terry Peak Ski Area to the Ski Area and to utilize the proceeds to acquire more desirable lands for the United States for permanent public use and enjoyment.

#### SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "Secretary" means the Secretary of Agriculture, unless otherwise specified.

(2) The term "selected land" means land comprising approximately 41.42 acres and generally depicted as government lots 6 and 11, section 2, township 4 north, range 2 east, Black Hills meridian, on a map entitled "Terry Peak Land Conveyance", dated March 1999.

(3) The terms "Terry Peak Ski Area" and "Ski Area" mean the Black Hills Chairlift Company, a South Dakota Corporation, or its successors, heirs and assigns.

#### SEC. 4. LAND CONVEYANCE AND MISCELLANEOUS PROVISIONS.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey the selected land to the Terry Peak Ski Area at fair market value, as determined by the Secretary.

(b) APPRAISAL.—The value of the selected land shall be determined by the Secretary utilizing nationally recognized appraisal standards, including to the extent appropriate, the Uniform Appraisal Standards For Federal Land Acquisitions (1992), the Uniform Standards of Professional Appraisal Practice, and other applicable law. The costs of the appraisal shall be paid for by the Ski Area.

(c) COMPLETION OF CONVEYANCE.—It is the sense of Congress that the conveyance to the Ski Area required by this Act be consummated no later than 6 months after the date of enactment of this Act, unless the Secretary and the Ski Area mutually agree to extend the consummation date. Prior to conveying the selected land to the Ski Area, the Secretary shall complete standard pre-disposal analyses and clearances pertaining to threatened and endangered species, cultural and historic resources, wetlands and floodplains, and hazardous materials.

(d) USE OF PROCEEDS BY THE SECRETARY.—All monies received by the Secretary pursuant to this Act shall be considered monies received and deposited pursuant to Public Law 90-171 (16 U.S.C. 484a; commonly known as the Sisk Act) and shall be utilized by the Secretary to acquire replacement land from willing sellers for addition to the Black Hills National Forest in South Dakota. Any lands so acquired shall be added to and administered as part of the Black Hills National Forest and, if any such land lies outside the exterior boundaries of the Forest, the Secretary may modify the boundary of the Forest to include such land. Nothing in this section shall be construed to limit the authority of the Secretary to adjust the boundaries of the Forest pursuant to section 11 of the Act of March 1, 1911 (16 U.S.C. 521; commonly known as the Weeks Act).

(e) CONVEYANCE SUBJECT TO VALID EXISTING RIGHTS, EASEMENTS.—The conveyance to the Ski Area required by this Act shall be subject to valid existing rights and to existing easements, rights-of-way, utility lines and any other right, title or interest of record on the selected land as of the date of transfer of the selected land to the Terry Peak Ski Area.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

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

Mr. Speaker, H.R. 2079, the Terry Peak Land Transfer Act of 1999, was introduced by the gentleman from South Dakota (Mr. THUNE), our esteemed colleague.