

(c) **CONDITIONS OF ACQUISITION.**—The Secretary shall acquire subsurface mineral interests under subsection (a) only if—

(1) the payment to the State required under subsection (b) is accepted by the State in full consideration for the subsurface mineral interests acquired;

(2) the acquisition terminates all right, title, and interest of any party other than the United States in and to the acquired subsurface mineral interests; and

(3) the Tribe agrees to fully reimburse the Secretary for costs incurred by the Secretary relating to the acquisition, including payment to the State for the acquisition.

(d) **DETERMINATION OF MARKET VALUE.**—Notwithstanding any other provision of law, unless the State and the Tribe otherwise agree to the market value of the subsurface mineral interests acquired by the Secretary under this section, the market value of those subsurface mineral interests shall be determined in accordance with the Uniform Appraisal Standards for Federal Land Acquisition, as published by the Appraisal Institute in 2000, in cooperation with the Department of Justice and the Office of Special Trustee for American Indians of the Department of Interior.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions with respect to the acquisition of subsurface mineral interests under this section as the Secretary considers to be appropriate to protect the interests of the United States and any valid existing right.

#### SEC. 4. INTERESTS TAKEN INTO TRUST.

(a) **LAND TRANSFERRED.**—Subject to subsections (b) and (c), notwithstanding any other provision of law, not later than 180 days after the date on which the Tribe makes the payment described in subsection (c), the Secretary shall take into trust for the benefit of the Tribe the subsurface rights, title, and interests, formerly reserved to the United States, to the following parcels:

(1) E $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , sec. 14, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(2) W $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ , sec. 24, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(b) **EXCEPTIONS.**—The parcels taken into trust under subsection (a) shall not include—

(1) NE $\frac{1}{4}$ SW $\frac{1}{4}$ , sec. 24, except the southerly 4.19 feet thereof;

(2) NW $\frac{1}{4}$ SE $\frac{1}{4}$ , sec. 24, except the southerly 3.52 feet thereof; or

(3) S $\frac{1}{2}$ SE $\frac{1}{4}$ , sec. 23, T. 15 S., R. 12 E., Gila and Salt River Base & Meridian, Pima County, Arizona.

(c) **CONSIDERATION AND COSTS.**—The Tribe shall pay to the Secretary only the transaction costs relating to the assessment, review, and transfer of the subsurface rights, title, and interests taken into trust under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may be given 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 California?

There was no objection.

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

Mr. Speaker, H.R. 631 directs the Secretary of the Interior to acquire through the process of eminent domain, and only with the consent of the State of Arizona, the subsurface mineral estate beneath the lands of the Pascua Yaqui Tribe of Arizona. This will consolidate ownership of the subsurface and surface estates to complete the tribe's application to take land into trust currently pending at the State Department of Interior.

The Department has objected to the tribe's application because the State of Arizona still owns the subsurface mineral estate beneath the tribe's newly acquired land. For the tribe to acquire the relevant mineral estate, the United States Government is required to acquire the subsurface estate because the State of Arizona cannot sell land under State law. The tribe will then purchase the subsurface estate from the United States. Once the subsurface estate is owned by the tribe, the Interior Department may move forward with the tribe's fee-to-trust application for the relevant surface lands. The acquisition in this act may be done only by the consent of the State of Arizona.

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

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

Mr. Speaker, H.R. 631 is an important piece of legislation that will enable the Pascua Yaqui Tribe of my district in Arizona to consolidate its land holdings and have some of its lands and interests in the lands taken into trust by the Secretary of the Interior.

Because of a quirk in Arizona State law, the tribe cannot acquire the subsurface mineral rights to certain parcels of State trust land it has purchased, making this legislation necessary. The bill requires the Secretary of the Interior, who acts as trustee to Indian nations, to acquire the mineral rights to land already owned by the Pascua Yaqui Tribe from the State of Arizona and take the land into trust on the tribe's behalf. It also requires the government to transfer other mineral rights into trust for the tribe. The tribe will pay the fair market value for the mineral rights involved as well as a transaction cost to complete the transfer.

The Pascua Yaqui Tribe and the Governor of Arizona are supportive of this legislation, and I am personally thrilled that the House is taking up this bill today. It is an important measure that will enable the tribe to have full control over its own lands, providing opportunities for economic development and self-determination to the community.

I wish to thank my colleagues and the leadership within the Resources Committee for making this bill a priority for passage this session. I urge my colleagues to support H.R. 631.

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

Mr. RADANOVICH. Mr. Speaker, I have no other speakers at this 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 California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 631, 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.

#### LAKE MATTAMUSKEET LODGE PRESERVATION ACT

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5094) to require the conveyance of Mattamuskeet Lodge and surrounding property, including the Mattamuskeet National Wildlife Refuge headquarters, to the State of North Carolina to permit the State to use the property as a public facility dedicated to the conservation of the natural and cultural resources of North Carolina.

The Clerk read as follows:

H.R. 5094

*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 "Lake Mattamuskeet Lodge Preservation Act".

#### SEC. 2. CONVEYANCE OF MATTAMUSKEET LODGE, MATTAMUSKEET NATIONAL WILDLIFE REFUGE, NORTH CAROLINA.

(a) **CONVEYANCE REQUIRED.**—Within six months after the date of the enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall convey to the State of North Carolina, without consideration, all right, title, and interest of the United States, except for certain utility and road easements, in and to a parcel of real property consisting of approximately 6.25 acres and containing Mattamuskeet Lodge and surrounding property, including the Mattamuskeet National Wildlife Refuge headquarters, as depicted on the map entitled "Lake Mattamuskeet Lodge/Pump Station" and dated January 10, 2006, for the purpose of permitting the State to use the property as a public facility dedicated to the conservation of the natural and cultural resources of North Carolina.

(b) **RESTORATION AND MAINTENANCE OF LODGE.**—The Mattamuskeet Lodge is listed on the National Register of Historic Places, and, as a condition of the conveyance of the lodge under subsection (a), the State shall agree to restore and maintain the lodge in accordance with—

(1) the Standard for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, as prescribed pursuant to section 106 of the National Historic Preservation Act (16 U.S.C. 470f), Part 800 of title 36, Code of Federal Regulations; and

(2) the General Statutes of North Carolina, Chapter 121, Article 1.

(c) AS IS CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the State accept the real property described in such subsection in its condition at the time of the conveyance, commonly known as conveyance “as is”.

(d) ADMINISTRATIVE EXPENSES.—The State shall cover the costs of any survey and the cost of recordation of deeds in connection with the conveyance under this section. Except as provided in subsection (e), all other costs associated with the conveyance shall be paid by the Secretary.

(e) LIABILITY.—Notwithstanding any other provision of law, the Secretary shall not retain liability for any environmental remediation that may be required with regard to the real property conveyed under this section under any applicable environmental authorities for—

(1) costs or performance of response actions required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601, et seq.) at or related to the property; or

(2) costs, penalties, fines, or performance of actions related to noncompliance with applicable environmental authorities at or related to the property or related to the presence, release, or threat of release of any hazardous substance, pollutant, or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product of any kind at or related to the property, including contamination resulting from migration.

(f) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under this section is not being used in accordance with the purpose of the conveyance specified in subsection (a) or the State is not complying with the condition of the conveyance under subsection (b), all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(g) MEMORANDUM OF AGREEMENT.—The Secretary shall cooperate with the State to develop a memorandum of agreement encompassing mutually beneficial opportunities to use the property to be conveyed under this section to provide visitor services, to construct and utilize facilities and utilities, and to implement wildlife conservation projects.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members 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 North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5094 will transfer title to Mattamuskeet Lodge from the United States Fish and Wildlife Service to the State of North Carolina.

This historic facility, built by the WPA in 1937, is on the National Registry of Historic Places and is located on the Mattamuskeet National Wildlife Refuge in Hyde County, North Carolina. For years, the lodge served as a cultural focal point in eastern North Carolina, as local residents gathered at the facility for high school proms, weddings, and other community events. Duke University, East Carolina University, and Notre Dame and other universities also used the lodge as a research center to study the area's pristine coastal ecology wildlife. Sadly, 5 years ago the lodge was closed to the public because of dangerous structural problems.

In response, Senator Jesse Helms and I repeatedly urged the Fish and Wildlife Service to budget money for restoration of the lodge. When that effort failed, we obtained \$4.1 million in Federal funds to fix the problem. Regrettably, the Interior Department took most of the money to fight wildfires out west, and then refused to replace it.

As a result, North Carolina State Senate President Marc Basnight and I began to work on the idea of transferring the lodge to the State of North Carolina so it could be restored and reopened. We worked with the State administration and the U.S. Fish and Wildlife Service, and H.R. 5094 represents an agreement between all parties. In fact, in the Resources Committee hearing on the bill, the Fish and Wildlife Service testified in support of the bill, saying: “This legislation removes a significant obligation for the Service.”

It is unfortunate that the lodge was allowed to deteriorate. H.R. 5094 is essential because, until the title is conveyed to the State of North Carolina, the process of restoring this landmark facility cannot begin.

I urge an “aye” vote on this bill.

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

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

Mr. Speaker, we on this side of the aisle have no objection to this legislation which has been adequately explained by the majority. I would add that this conveyance comes at no cost to the Federal taxpayer. Furthermore, this legislation will remove a costly maintenance burden from the budget of this particular national wildlife refuge, and will ensure that this historic struc-

ture remains a public landmark benefiting the people of the region.

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

Mr. JONES of North Carolina. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 5094.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### NORTH AMERICAN WETLANDS CONSERVATION REAUTHORIZATION ACT OF 2006

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5539) to reauthorize the North American Wetlands Conservation Reauthorization Act, as amended.

The Clerk read as follows:

H.R. 5539

*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 “North American Wetlands Conservation Reauthorization Act of 2006”.*

#### SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

*Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking “fiscal year 2007” and inserting “each of fiscal years 2008 through 2012”.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. JONES) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. JONES of North Carolina. 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 North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present H.R. 5539 introduced by the distinguished chairman of the House Committee on Resources, Congressman RICHARD POMBO. First enacted in 1989, the North American Wetlands Conservation Act has become one of our Nation's most effective conservation programs. Since the first wetlands grant was awarded, more than 1,500