

RANCHO EL CAJON BOUNDARY
RECONCILIATION ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3954) to authorize the Secretary of the Interior to resolve boundary discrepancies in San Diego County, California, arising from an erroneous survey conducted by a Government contractor in 1881 that resulted in overlapping boundaries for certain lands, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3954

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 "Rancho El Cajon Boundary Reconciliation Act".

SEC. 2. RESOLUTION OF BOUNDARY DISCREPANCIES, SAN DIEGO COUNTY, CALIFORNIA.

(a) RESOLUTION OF BOUNDARY DISCREPANCIES.—The Secretary of the Interior shall provide compensation to any landowner whose title to land in lots 1 and 2 of section 9, township 15 south, range 1 east, San Bernardino Meridian, in San Diego County, California, is based on an erroneous survey conducted by a Government contractor in 1881 and is rendered void because that title is inferior to the title to the same land established by a survey of the Rancho El Cajon conducted in 1872 and approved by the Commissioner of the General Land Office in 1876.

(b) FORMS OF COMPENSATION.—Compensation under subsection (a) shall be mutually agreed upon by the Secretary and the landowner and shall consist of—

(1) public lands in San Diego or Imperial Counties, California, selected jointly by the Secretary and the landowner and conveyed by the Secretary to the landowner;

(2) a cash payment to the landowner; or

(3) a combination of a conveyance under paragraph (1) and a cash payment under paragraph (2).

(c) EQUAL VALUE.—Compensation provided under subsection (a) for a parcel of land whose title was rendered void, as described in such subsection, may not exceed the fair market value of the land, as determined by an appraisal satisfactory to the Secretary and the landowner.

(d) SOURCE OF FUNDS.—The Secretary may make payments under subsection (a) using funds available to the Secretary to equalize land exchanges under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(e) PUBLIC LANDS DEFINED.—In this section, the term "public lands" has the meaning given the term in section 103(e) of the Federal Land Policy and Management Act of 1976 (7 U.S.C. 1702(e)).

SEC. 3. REVOCATION OF PUBLIC LAND ORDER WITH RESPECT TO LANDS ERRONEOUSLY INCLUDED IN CIBOLA NATIONAL WILDLIFE REFUGE, CALIFORNIA.

(a) REVOCATION.—Public Land Order 3442, dated August 21, 1964, is revoked insofar as it applies to the following described lands: San Bernardino Meridian, T11S, R22E, sec. 6, all of lots 1, 16, and 17, and SE¼ of SW¼ in Imperial County, California, aggregating approximately 140.32 acres.

(b) RESURVEY AND NOTICE OF MODIFIED BOUNDARIES.—The Secretary of the Interior shall, by not later than 6 months after the date of the enactment of this Act—

(1) resurvey the boundaries of the Cibola National Wildlife Refuge, as modified by the revocation under section 1;

(2) publish notice of, and post conspicuous signs marking, the boundaries of the refuge determined in such resurvey; and

(3) prepare and publish a map showing the boundaries of the refuge.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

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

Mr. Speaker, H.R. 3954, introduced by the gentleman from California (Mr. HUNTER) and amended by the Committee on Resources, would authorize the Secretary of the Interior to resolve boundary discrepancies in San Diego County, California, arising from an 1881 erroneous survey conducted by a government contractor. The survey resulted in overlapping boundaries for certain lands.

In addition, section 3 of the bill incorporates the text of H.R. 417, which revokes a portion of a public land order affecting the Cibola National Wildlife Refuge. H.R. 417 passed the House unanimously on March 19, 2003. I urge adoption of the bill.

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

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

Mr. Speaker, we have no objection to the consideration of this measure.

Mr. HUNTER. Mr. Speaker, when Fred Gruner returned from World War II he did what we encourage all of our young veterans to do, invested his money and planned for his family's future. Mr. Gruner chose to build equity by purchasing land in San Diego County. Unfortunately, due to an erroneous Federal Government survey that resulted in overlapping boundaries for certain lands, Mr. Gruner is now told that he does not, in fact, own the land that he paid for and on which he has been paying taxes for over 40 years. Although the Department of the Interior recognizes the mistake, they have communicated to me that they are not authorized to provide the necessary compensation for Mr. Gruner. H.R. 3954 simply allows the Secretary of the Interior to provide compensation through conveyance of lands or cash payment.

The error dates back to an 1881 survey which failed to correctly locate the El Cajon northern boundary thereby creating a 1,100 foot overlap of land, essentially creating land on paper that did not exist. Nevertheless, titles were sold or passed on and taxes were assessed as if it did. Though he purchased his property in good faith in 1962, Mr. Gruner eventually learned of the overlap. When a recent survey was completed by the Department of the Interior in response to Mr. Gruner's concerns, the full scope of his problem was discovered. According to the survey, lots one and two of Section nine fell into the overlap and as a result, the 23 acres no longer belong to him.

Part of the mission of the Federal Government agencies is to set standards and uphold them where the private sector is not able. This is one of those situations. The main mission of

the General Land Office (the Interior agency that completed the 1881 survey) was the survey and sale of public lands. When a well-intentioned citizen that has served his country seeks to purchase a piece of land, he ought to be able to trust that the existing Federal Government survey of the land is reliable. Mr. Gruner worked his entire life to build this nest-egg. He has spent over 20 years fighting to protect it. This is his last recourse. Please join me in doing what is right. I urge my colleagues to join with me in supporting H.R. 3954.

I would like to thank Chairman POMBO and Subcommittee Chairman RADANOVICH for their leadership on this issue and their dedication to righting this wrong.

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

Mr. RADANOVICH. 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 California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 3954, 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.

CHICKASAW NATIONAL RECREATION AREA LAND EXCHANGE ACT OF 2004

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4066) to provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4066

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

SEC. 1. SHORT TITLE.

This Act may be cited as the "Chickasaw National Recreation Area Land Exchange Act of 2004".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) By provision 64 of the agreement between the United States and the Choctaws and Chickasaws dated March 21, 1902 (32 Stat. 641, 655–56), approved July 1, 1902, 640 acres of property were ceded to the United States for the purpose of creating Sulphur Springs Reservation, later known as Platt National Park, to protect water and other resources and provide public access.

(2) In 1976, Platt National Park, the Arbuckle Recreation Area, and additional lands were combined to create Chickasaw National Recreation Area to protect and expand water and other resources as well as to memorialize the history and culture of the Chickasaw Nation.

(3) More recently, the Chickasaw Nation has expressed interest in establishing a cultural center inside or adjacent to the park.

(4) The Chickasaw National Recreation Area's Final Amendment to the General Management Plan (1994) found that the best location for a proposed Chickasaw Nation Cultural Center is within the Recreation Area's existing boundary

and that the selected cultural center site should be conveyed to the Chickasaw Nation in exchange for land of equal value.

(5) The land selected to be conveyed to the Chickasaw Nation holds significant historical and cultural connections to the people of the Chickasaw Nation.

(6) The City of Sulphur, Oklahoma, is a key partner in this land exchange through its donation of land to the Chickasaw Nation for the purpose of exchange with the United States.

(7) The City of Sulphur, Oklahoma, has conveyed fee simple title to the non-Federal land described as Tract 102-26 to the Chickasaw Nation by Warranty Deed.

(8) The National Park Service, the Chickasaw Nation, and the City of Sulphur, Oklahoma, have signed a preliminary agreement to effect a land exchange for the purpose of the construction of a cultural center.

(b) PURPOSE.—The purpose of this Act is to authorize, direct, facilitate, and expedite the land conveyance in accordance with the terms and conditions of this Act.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) FEDERAL LAND.—The term “Federal land” means the Chickasaw National Recreational Area lands and interests therein, identified as Tract 102-25 on the Map.

(2) NON-FEDERAL LAND.—The term “non-Federal land” means the lands and interests therein, formerly owned by the City of Sulphur, Oklahoma, and currently owned by the Chickasaw Nation, located adjacent to the existing boundary of Chickasaw National Recreation Area and identified as Tract 102-26 on the Map.

(3) MAP.—The term “Map” means the map entitled “Proposed Land Exchange and Boundary Revision, Chickasaw National Recreation Area”, dated September 8, 2003, and numbered 107/800035a.

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

SEC. 4. CHICKASAW NATIONAL RECREATION AREA LAND CONVEYANCE.

(a) LAND CONVEYANCE.—Not later than 6 months after the Chickasaw Nation conveys all right, title, and interest in and to the non-Federal land to the United States, the Secretary shall convey all right, title, and interest in and to the Federal land to the Chickasaw Nation.

(b) VALUATION OF LAND TO BE CONVEYED.—The fair market values of the Federal land and non-Federal land shall be determined by an appraisal acceptable to the Secretary and the Chickasaw Nation. The appraisal shall conform with the Federal appraisal standards, as defined in the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference, 1992, and any amendments to these standards.

(c) EQUALIZATION OF VALUES.—If the fair market values of the Federal land and non-Federal land are not equal, the values may be equalized by the payment of a cash equalization payment by the Secretary or the Chickasaw Nation, as appropriate.

(d) CONDITIONS.—

(1) IN GENERAL.—Notwithstanding subsection (a), the conveyance of the non-Federal land authorized under subsection (a) shall not take place until the completion of all items included in the Preliminary Exchange Agreement among the City of Sulphur, the Chickasaw Nation, and the National Park Service, executed on July 16, 2002, except as provided in paragraph (2).

(2) EXCEPTION.—The item included in the Preliminary Exchange Agreement among the City of Sulphur, the Chickasaw Nation, and the National Park Service, executed on July 16, 2002, providing for the Federal land to be taken into trust for the benefit of the Chickasaw Nation shall not apply.

(e) ADMINISTRATION OF ACQUIRED LAND.—Upon completion of the land exchange authorized under subsection (a), the Secretary—

(1) shall revise the boundary of Chickasaw National Recreation Area to reflect that exchange; and

(2) shall administer the land acquired by the United States in accordance with applicable laws and regulations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Speaker, I yield time as he may consume to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. Mr. Speaker, I rise today in support of H.R. 4066, the Chickasaw National Recreation Area Land Exchange Act of 2004. This legislation finalizes a land exchange agreement that will allow the Chickasaw Nation to develop a cultural center which celebrates their long history and many contributions to our society.

Mr. Speaker, this legislation will benefit the city of Sulphur, Murray County, the Chickasaw Nation and all of South Central Oklahoma. The cultural center will bring additional tourism to the area, create new jobs and expand educational opportunities for citizens all over the surrounding area.

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It is a model of cooperation between the Federal Government, local government and tribal government.

I want to extend my gratitude to the gentleman from California (Chairman POMBO), the gentleman from West Virginia (Ranking Member RAHALL), the gentleman from California (Chairman RADANOVICH), the gentlewoman from the Virgin Islands (Ranking Member CHRISTENSEN), as well as to the staff of the Committee on Resources, for helping the people of the fourth district of Oklahoma and the members of the Chickasaw Nation across our country achieve the goal of creating this cultural center and for guiding this bill through the legislative process.

Mr. Speaker, I urge Members to support the passage of this bill, H.R. 4066.

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

Mr. Speaker, we have no objection to the consideration of H.R. 4066, the Chickasaw National Recreation Area Land Exchange Act of 2004.

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

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

The SPEAKER pro tempore (Mr. ISSA). 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. 4066, 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.

ANGEL ISLAND IMMIGRATION STATION RESTORATION AND PRESERVATION ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4469) to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California.

The Clerk read as follows:

H.R. 4469

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 “Angel Island Immigration Station Restoration and Preservation Act”.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Angel Island Immigration Station, also known as the Ellis Island of the West, is a National Historic Landmark.

(2) Between 1910 and 1940, the Angel Island Immigration Station processed more than 1,000,000 immigrants and emigrants from around the world.

(3) The Angel Island Immigration Station contributes greatly to our understanding of our Nation’s rich and complex immigration history.

(4) The Angel Island Immigration Station was built to enforce the Chinese Exclusion Act of 1882 and subsequent immigration laws, which unfairly and severely restricted Asian immigration.

(5) During their detention at the Angel Island Immigration Station, Chinese detainees carved poems into the walls of the detention barracks. More than 140 poems remain today, representing the unique voices of immigrants awaiting entry to this country.

(6) More than 50,000 people, including 30,000 schoolchildren, visit the Angel Island Immigration Station annually to learn more about the experience of immigrants who have traveled to our shores.

(7) The restoration of the Angel Island Immigration Station and the preservation of the writings and drawings at the Angel Island Immigration Station will ensure that future generations also have the benefit of experiencing and appreciating this great symbol of the perseverance of the immigrant spirit, and of the diversity of this great Nation.

SEC. 3. RESTORATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior \$15,000,000 for restoring the Angel Island Immigration Station in the San Francisco Bay, in coordination with the Angel Island Immigration Station Foundation and the California Department of Parks and Recreation.

(b) PRIORITY.—(1) Except as provided in paragraph (2), the funds appropriated pursuant to this Act shall be used for the restoration of the Immigration Station Hospital on Angel Island.

(2) Any remaining funds in excess of the amount required to carry out paragraph (1) shall be used solely for the restoration of the Angel Island Immigration Station.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH)