

**SEC. 202. PROHIBITION OF CERTAIN ANTARCTIC RESOURCE ACTIVITIES.**

(a) AGREEMENT OR LEGISLATION REQUIRED.—Section 4 of the Antarctic Protection Act of 1990 (16 U.S.C. 2463) is amended by striking "Pending a new agreement among the Antarctic Treaty Consultative Parties in force for the United States, to which the Senate has given advice and consent or which is authorized by further legislation by the Congress, which provides an indefinite ban on Antarctic mineral resource activities, it" and inserting in lieu thereof "It".

(b) REPEALS.—Sections 5 and 7 of such Act (16 U.S.C. 2464 and 2466) are repealed.

(c) REDESIGNATION.—Section 6 of such Act (16 U.S.C. 2465) is redesignated as section 5. •

• Mr. HOLLINGS. Mr. President, today I join with Senator KERRY in introducing the Antarctic Science, Tourism, and Conservation Act of 1996, which will implement the Protocol on Environmental Protection to the Antarctic Treaty. The protocol was signed by the United States 5 years ago and approved by the Senate in the 102d Congress; yet implementing legislation remains to be completed. In the 103d Congress, the Senate Commerce Committee reported implementing legislation, but differences among key agencies and interests prevented further action. Now that those differences have been reconciled, it is timely to complete the implementation effort.

I had the opportunity to visit Antarctica in 1988, and can attest both to its pristine beauty and to the unique scientific activities being conducted there. As many of my colleagues know, the activities of U.S. citizens and interests in Antarctica are almost exclusively those of federally sponsored scientific expeditions, together with their Federal logistics support. These activities are concentrated at the edge of the ice shelf and are based at the three U.S. research stations: McMurdo, South Pole, and Palmer. The peak of activity occurs at the height of the Antarctic summer, when there are about 1,200 personnel at McMurdo, 140 at South Pole, and 40 at Palmer. Occasional U.S. tourists visit as well, under the overall responsibility of the National Science Foundation [NSF]. NSF and the National Oceanic and Atmospheric Administration [NOAA] are the main scientific agencies, and the logistics and icebreaking support is provided by the Navy and Coast Guard.

The Antarctic provides scientists with a truly unique laboratory to conduct research that cannot be carried out anywhere else. During my visit I was impressed by a number of dedicated scientists operating under difficult circumstances to help us to understand better our global environment. I witnessed NOAA's ozone hole research at the South Pole, the sampling of ice cores at the Newell Glacier along the coast, and marine biology investigations at McMurdo. Much of this research has implications for the long term survival of human beings.

We must recognize, however, that such scientific endeavors need to be carried out with great care in an environment as fragile as Antarctica's.

This is essential if Antarctica is to remain a natural reserve that is of great scientific value for generations to come. While much has been done in recent years to improve the environmental soundness of U.S. operations there, the Antarctic Science, Tourism, and Conservation Act of 1996 will help to ensure that present and future U.S. activities comply with the highest environmental standards. Implementation of the protocol is long overdue, and I am hopeful that we can enact this bill very soon. •

**ADDITIONAL COSPONSORS**

S. 186

At the request of Mr. AKAKA, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 186, a bill to amend the Energy Policy and Conservation Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States, and for other purposes.

S. 358

At the request of Mr. HEFLIN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 358, a bill to amend the Internal Revenue Code of 1986 to provide for an excise tax exemption for certain emergency medical transportation by air ambulance.

S. 413

At the request of Mr. DASCHLE, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 413, a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under such Act, and for other purposes.

S. 1386

At the request of Mr. BURNS, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 1386, a bill to provide for soft-metric conversion, and for other purposes.

S. 1448

At the request of Mr. KERRY, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1448, a bill to establish the National Commission on Gay and Lesbian Youth Suicide Prevention, and for other purposes.

S. 1491

At the request of Mr. GRAMS, the names of the Senator from Missouri [Mr. ASHCROFT], the Senator from Oklahoma [Mr. NICKLES], the Senator from South Carolina [Mr. THURMOND], the Senator from California [Mrs. FEINSTEIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Dakota [Mr. DORGAN], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 1491, a bill to reform antimicrobial pesticide registration, and for other purposes.

S. 1568

At the request of Mr. HATCH, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor

of S. 1568, a bill to amend the Internal Revenue Code of 1986 to provide for the extension of certain expiring provisions.

S. 1610

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1612

At the request of Mr. HELMS, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1612, a bill to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes.

S. 1618

At the request of Mr. HATCH, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1618, a bill to provide uniform standards for the award of punitive damages for volunteer services.

S. 1641

At the request of Mr. GRAMS, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 1641, a bill to repeal the consent of Congress to the Northeast Interstate Dairy Compact, and for other purposes.

**SENATE CONCURRENT RESOLUTION 42**

At the request of Mrs. KASSEBAUM, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Concurrent Resolution 42, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

**SENATE RESOLUTION 85**

At the request of Mr. CHAFEE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

**AMENDMENTS SUBMITTED****THE PRESIDIO PROPERTIES ADMINISTRATION ACT OF 1996****GORTON (AND MURRAY) AMENDMENT NO. 3565**

(Ordered to lie on the table.)

Mr. GORTON (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill (H.R. 1296) to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer; as follows:

**SEC. 01. VANCOUVER NATIONAL HISTORIC RESERVE.**

(a) ESTABLISHMENT.—There is established the Vancouver National Historic Reserve in the State of Washington (referred to in this

section as the "Reserve", consisting of the area described in the report entitled "Vancouver National Historic Reserve Feasibility Study and Environmental Assessment" published by the Vancouver Historical Study Commission and dated April 1993 as authorized by Public Law 101-523 (referred to in this section as the Vancouver Historic Reserve Report").

(b) ADMINISTRATION.—The Reserve shall be administered in accordance with;

(1) the Vancouver Historic Reserve Report (including the specific findings and recommendations contained in the report); and

(2) the Memorandum of Agreement between the Secretary of Interior, acting through the Director of the National Park Service, and the City of Vancouver, Washington, dated November 14, 1994.

(c) NO LIMITATION ON FAA AUTHORITY.—The establishment of the Reserve shall not limit;

(1) the authority of the Federal Aviation Administration over air traffic control, or aviation activities at Pearson Airpark; or

(2) limit operations and airspace in the vicinity of Portland International Airport.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

#### STEVENS AMENDMENT NO. 3566

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

On page , line , of the amendment, insert the following new section:

#### SEC. . PAYMENT IN LIEU OF TAXES.

(a) Section 6901(2) of title 31, United States Code, is amended to read as follows:

"(2) 'unit of general local government' means—

"(A) a county (or parish), township, borough, or city (where the city is independent of any other unit of general local government), that—

"(i) is within the class or classes of such political subdivisions in a State that the Secretary of the Interior determines to be the principal provider or providers of governmental services within the State; and

"(ii) is a unit of general government, as determined by the Secretary of the Interior on the basis of the same principles as were used by the Secretary of Commerce on January 1, 1983, for general statistical purposes. The term 'governmental services' includes, but is not limited to, those services that relate to public safety, the environment, housing, social services, transportation, and governmental administration;

"(B) the State of Alaska, for any land within that State which is not within the boundaries of a governmental entity under subparagraph (A);

"(C) the District of Columbia;

"(D) the Commonwealth of Puerto Rico;

"(E) Guam; and

"(F) the Virgin Islands."

(b) Section 6902(a) of title 31, United States Code, is amended to read as follows:

"(a) The Secretary of the Interior shall make a payment for each fiscal year to each unit of general local government in which entitlement land is located, as set forth in this chapter. Except for the State of Alaska for entitlement land described in section 6901(2)(B), a unit of general local government may use the payment for any governmental purpose. The State of Alaska shall distribute any payment received for entitlement land described in section 6901(2)(B) to home rule

and general law cities within Alaska (as such cities are defined by the State)."

#### BRYAN AMENDMENT NO. 3567

(Ordered to lie on the table.)

Mr. BRYAN submitted an amendment intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

At the end of the amendment, add the following:

#### TITLE —RELIEF OF PERSONS IN CLARK COUNTY, NEVADA

##### SEC. 1. FINDINGS.

Congress finds that—

(1) certain landowners in the north Decatur Boulevard area of Las Vegas and North Las Vegas, Clark County, Nevada, who own property adjacent to property of the Bureau of Land Management have been adversely affected by certain erroneous private surveys;

(2) the landowners have occupied or improved their property in good faith and in reliance on erroneous surveys of the property that the landowners believed were accurate;

(3) the landowners presumed that their occupancy was codified through a judgment and decree of the Eighth Judicial District Court of Nevada that was filed on October 26, 1989, as a friendly lawsuit affecting numerous landowners in the north Decatur Boulevard area; and

(4) the dependent resurvey and section subdivision of sections 6, 7, 18, and 19, Township 19 South, Range 61 East, Mount Diablo Meridian, Nevada, performed in 1990 by the Bureau of Land Management correctly established accurate boundaries between the public lands and the private lands.

##### SEC. 2. DEFINITIONS.

In this title:

(1) AFFECTED LANDS.—The term "affected lands" means—

(A) the Federal lands located in the Las Vegas District of the Bureau of Land Management, Clark County, Nevada, in sections 18 and 19, Township 19 South, Range 61 East, Mount Diablo Meridian, as described in the dependent resurvey by the Bureau of Land Management accepted on May 4, 1990, under Group No. 683, Nevada; and

(B) the Federal lands comprising the subsequent supplemental plats of sections 18 and 19, Township 19 South, Range 61 East, Mount Diablo Meridian, as contained on plats accepted on November 17, 1992;

which lands are described as government lots 22, 23, 26, and 27 in section 18 and government lots 20, 21, and 24 in section 19, containing approximately 29.36 acres.

(2) CLAIMANT.—The term "claimant" means an owner of real property in the city of Las Vegas, Clark County, Nevada, located adjacent to the affected lands, who claims to have been deprived by the United States of title to a portion of the affected lands as a result of an erroneous private survey performed prior to the date of enactment of this Act.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

##### SEC. 3. CONVEYANCE OF LANDS.

(a) PROVISION OF INFORMATION TO SECRETARY.—Not later than 1 year after the date of enactment of this Act, the city of Las Vegas shall notify the Secretary, through the State Director of the Nevada Bureau of Land Management, in writing of the claim of each claimant to the affected lands. The claim shall be accompanied by—

(1) a description of the affected lands claimed;

(2) information relating to the claim of ownership of the affected lands; and

(3) such other information as the Secretary may require.

(b) CONVEYANCE BY THE SECRETARY.—Not later than 180 days after receipt of the notification described in subsection (a), notwithstanding any other law, the Secretary shall convey the affected lands to the city of Las Vegas, Clark County, Nevada, on the condition that the city convey the affected lands to the claimants in accordance with the resurvey and plats described in section 2(1).

#### WARNER (AND ROBB) AMENDMENTS NOS. 3568-3569

(Ordered to lie on the table.)

Mr. WARNER (for himself and Mr. ROBB) submitted two amendments to be proposed by them to the amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

##### AMENDMENT NO. 3568

On page 196, beginning on line 2 strike all through page 198, line 3 and insert the following:

#### SEC. 2301. COLONIAL NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Secretary of the Interior (hereinafter in the Title referred to as the "Secretary") is authorized to transfer, without reimbursement (except as provided in subsection (c)), to York County, Virginia, any portion of the existing sewage disposal system, including related improvements and structures, that is owned by the United States and located within the Colonial National Historical Park, together with such rights-of-way as the Secretary determines to be necessary to maintain and operate such system.

(b) REPAIR AND REHABILITATION OF SYSTEM.—The Secretary is authorized to enter into a cooperative agreement with York County, Virginia, under which the Secretary will pay a portion, not to exceed \$110,000, of the costs of repair and rehabilitation of the sewage disposal system referred to in subsection (a).

(c) EFFECT OF AGREEMENT ON CHARGES, IMPACT, AND ALTERATIONS.—In consideration for the rights-of-way granted under subsection (a), in recognition of the contribution authorized under subsection (b), and as a condition of the transfer authorized by subsection (a), the cooperative agreement under subsection (b) shall provide for a reduction in, or the elimination of, the amounts charged to the National Park Service for its sewage disposal with respect to the Colonial National Historical Park, shall provide for minimizing the impact of the park's sewage disposal system on the park and its resources, and shall provide that such system may not be enlarged or substantially altered without the concurrence of the National Park Service.

#### SEC. 2302. INCLUSION OF LAND IN COLONIAL NATIONAL HISTORICAL PARK.

Notwithstanding the provisions of the Act of June 28, 1938 (52 Stat. 1208; 16 U.S.C. 81b, et seq.), limiting the average width of the Colonial Parkway, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") is authorized to include within the Colonial National Historical Park, and to acquire by purchase with donated or appropriated funds, donation or exchange, lands and interests in lands (with or without improvements) within the areas depicted on the map dated August 1993, numbered 333/80031A, and entitled "Page Landing Addition to Colonial National Historical Park". Such map shall be on file and available for inspection in the offices of the National Park Service at Colonial National Historical Park and in Washington, District of Columbia.

## AMENDMENT NO. 3569

At the appropriate place in the amendment, insert the following:

**TITLE —NATIONAL PARK SYSTEM IN THE COMMONWEALTH OF VIRGINIA**

**Subtitle A—Richmond National Battlefield Park**

**SEC. 01. MODIFICATION OF BOUNDARY.**

The first section of the Act of March 2, 1936 (49 Stat. 1155, chapter 113; 16 U.S.C. 423j), is amended to read as follows:

**“SECTION 1. ESTABLISHMENT OF PARK.**

“(a) IN GENERAL.—In order to preserve the site of the 1862 Peninsula Campaign and the 1864–65 battle of Richmond, in the vicinity of Richmond, Virginia, as a national battlefield park for the benefit and inspiration of the people of the United States, there is established, subject to existing rights, the Richmond National Battlefield Park (referred to in this Act as the ‘Park’).

“(b) BOUNDARIES.—The Park shall consist of—

“(1) lands, waters, and interests therein within the area generally depicted on the map entitled ‘Richmond National Battlefield Park, Land Status Map’, numbered 367/92,000, and dated September 1993; and

“(2) on donation of title acceptable to the Secretary of the Interior (and acceptance by the Secretary), the following tracts: a tract of 750 acres at Malvern Hill, a tract of 15 acres at Beaver Dam Creek, a tract of 100 acres at Cold Harbor, and a tract of 42 acres at Bethesda Church.

“(c) MAPS.—

“(1) NEW MAP.—The Secretary of the Interior (referred to in this Act as the ‘Secretary’) shall complete a boundary map (including tracts referred to in subsection (b)(2)) for the Park.

“(2) PUBLIC AVAILABILITY.—The map required by this subsection and the map described in subsection (b)(1) shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior.

“(d) NEW MARKET HEIGHTS BATTLEFIELD.—

“(1) DECLARATION.—Congress recognizes the national significance of the Battle of New Market Heights and declares it to be in the public interest to ensure the preservation of the New Market Heights Battlefield so that an important aspect of American history can be interpreted to the public.

“(2) DEVELOPMENT OF ALTERNATIVES.—The Secretary shall work cooperatively with the Commonwealth of Virginia, the county of Henrico, Virginia, and owners of property that is within, and property that is affected by, the battlefield area to develop alternatives to ensure implementation of the goals of paragraph (1).

“(3) REPORT.—Not later than June 1, 1996, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate report outlining the alternatives developed under paragraph (2).

“(e) REVISED BOUNDARY.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall complete and submit to Congress a general management plan that—

“(1) identifies lands that would be appropriate for inclusion in the Park and lands that would make essential improvements to the management of the Park; and

“(2) includes recommendations for a revised boundary for the Park.”

**SEC. 02. REPEAL OF PROVISION REGARDING PROPERTY ACQUISITION.**

Section 2 of the Act of March 2, 1936 (49 Stat. 1156, chapter 113; 16 U.S.C. 423k), is amended to read as follows:

**“SEC. 2. LAND ACQUISITION.**

“The Secretary may acquire for inclusion in the Park land and interests in land by do-

nation, purchase with donated funds, or exchange, but no land or interest in land may be acquired under this section without the consent of the owner.”

**SEC. 03. ADMINISTRATION.**

Section 3 of the Act of March 2, 1936 (49 Stat. 1156, chapter 113; 16 U.S.C. 423l), is amended by striking the period and inserting “, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).”

**Subtitle B—Shenandoah National Park**

**SEC. 11. MODIFICATION OF BOUNDARY.**

(a) IN GENERAL.—The boundary of Shenandoah National Park is modified to include only those lands and interests in land that, on the day before the date of the enactment of this Act, were in Federal ownership and were administered by the Secretary of the Interior (hereinafter in this title referred to as the ‘Secretary’) as part of the park. So much of the Act of May 22, 1926 (Chapter 363; 44 Stat. 616) as is inconsistent herewith is hereby repealed.

(b) BOUNDARY ADJUSTMENTS AND LAND ACQUISITION.—

(1) MINOR BOUNDARY ADJUSTMENTS.—The Secretary may make minor adjustments to the boundary of Shenandoah National Park, as modified by this subtitle to allow to accept a donation of adjacent land.

(2) LIMITATIONS ON LAND ACQUISITION.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary may acquire lands and interests therein under this subsection only by donation or exchange.

(B) ADDITIONAL RESTRICTIONS.—When acting under this subsection—

(i) the Secretary may add to the Shenandoah National Park only lands and interests therein that are contiguous with Federal lands administered by the Secretary as part of the park;

(ii) prior to accepting title to any lands or interests therein, the Secretary shall hold a public meeting in the county in which such lands and interests are located;

(iii) the Secretary shall not alter the primary means of access of any private landowner to the lands owned by such landowner; and

(iv) the Secretary shall not cause any property owned by a private individual, or any group of adjacent properties owned by private individuals, to be surrounded on all sides by land administered by the Secretary as part of the park.

(c) MITIGATION OF IMPACTS AT ACCESS POINTS.—The Secretary shall take all reasonable actions to mitigate the impacts associated with visitor use at trailheads and other visitor access points around the perimeter of Shenandoah National Park. The Secretary shall enlist the cooperation of the State and local jurisdictions, as appropriate, in carrying out this subsection.

**Subtitle C—Shenandoah Valley Battlefields**

**SEC. 21. SHORT TITLE.**

This subtitle may be cited as the “Shenandoah Valley Battlefields Partnership Act of 1996”.

**SEC. 22. FINDINGS.**

Congress finds that—

(1) there are situated in the Shenandoah Valley in the Commonwealth of Virginia the sites of several key Civil War battles;

(2) certain sites, battlefields, structures, and districts in the Shenandoah Valley are collectively of national significance in the history of the Civil War;

(3) in 1990, the Congress enacted legislation directing the Secretary of the Interior to prepare a comprehensive study of significant sites and structures associated with Civil War battles in the Shenandoah Valley;

(4) the study, which was completed in 1992, found that many of the sites within the

Shenandoah Valley possess national significance and retain a high degree of historical integrity;

(5) the preservation of Civil War sites within a regional framework requires cooperation among local property owners and Federal, State, and local government entities; and

(6) partnerships between Federal, State, and local governments, the regional entities of such governments, and the private sector offer the most effective opportunities for the enhancement and management of the Civil War battlefields and related sites in the Shenandoah Valley.

**SEC. 23. PURPOSE.**

The purposes of this subtitle are—

(1) to preserve, conserve, and interpret the legacy of the Civil War in the Shenandoah Valley;

(2) to recognize and interpret important events and geographic locations representing key Civil War battles in the Shenandoah Valley, including those battlefields associated with the Thomas J. “Stonewall” Jackson campaign of 1862 and the decisive campaigns of 1864;

(3) to recognize and interpret the effect of the Civil War on the civilian population of the Shenandoah Valley during the war and postwar reconstruction period; and

(4) to create partnerships among Federal, State, and local governments, the regional entities of such governments, and the private sector to preserve, conserve, enhance, and interpret the nationally significant battlefields and related sites associated with the Civil War in the Shenandoah Valley.

**SEC. 24. DEFINITIONS.**

In this subtitle:

(1) BATTLEFIELD.—The term “battlefield” means 1 of 15 battlefields in the Shenandoah Valley, as identified in the report.

(2) BATTLEFIELDS PARK.—The term “battlefields park” means the Shenandoah Valley National Battlefields Park established under section 25.

(3) COMMISSION.—The term “Commission” means the Shenandoah Valley Battlefields Commission established by section 29.

(4) HISTORIC CORE.—The term “historic core” means the area that is so defined in the report, encompasses important components of a battle, and provides a strategic context and geographic setting for understanding the battle.

(5) PLAN.—The term “plan” means the Shenandoah Valley Battlefields plan approved by the Secretary under section 26.

(6) REPORT.—The term “report” means the report prepared by the Secretary pursuant to the Civil War Sites Study Act of 1990 (Public Law 101–628; 16 U.S.C. 1a–5 note).

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

(8) SHENANDOAH VALLEY.—The term “Shenandoah Valley” means the Shenandoah Valley in the Commonwealth of Virginia.

**SEC. 25. SHENANDOAH VALLEY NATIONAL BATTLEFIELDS.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—To carry out the purposes of this title, there is established in the Commonwealth of Virginia the Shenandoah Valley National Battlefields Park, consisting of the land and interests in land generally depicted on the map entitled “Shenandoah Valley National Battlefields”, numbered SHVA/80,000, and dated April 1994, comprising units at Cedar Creek, Cross Keys, Fisher’s Hill, McDowell, New Market, Opequan, Port Republic, Second Kernstown, Second Winchester, and Tom’s Brook.

(2) AVAILABILITY OF MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the offices of the Commission and in the appropriate offices of the National Park Service.

(3) MINOR REVISIONS.—The Secretary may, with the advice of the Commission and following an opportunity for public comment, make minor revisions to the boundaries of the battlefields.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the battlefields in accordance with this title and with the law generally applicable to the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

(2) PURPOSE.—The Secretary shall protect, manage, and administer the battlefields for the purposes of preserving and interpreting their national, cultural, and historic resources and of providing for public understanding and appreciation of the battlefields in such a manner as to perpetuate those qualities and values for future generations.

(c) LAND ACQUISITION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary may acquire, with the consent of the owner, land or an interest in land within the boundaries of the battlefields by donation, purchase with donated or appropriated funds, or exchange.

(2) PUBLIC LAND.—Land or an interest in land located within the boundaries of the battlefields or a historic core area that is owned by the Commonwealth of Virginia or a political subdivision of the Commonwealth may be acquired by the Secretary under this title only by donation or exchange.

(3) NO CONDEMNATION.—The Secretary may not accept under this title a donation of land or an interest in land that was acquired through condemnation.

(d) LIVING HISTORY DEMONSTRATIONS AND BATTLEFIELD ENACTMENTS.—

(1) DEMONSTRATIONS AND ENACTMENTS REQUIRED TO BE PERMITTED.—The Secretary shall permit to be conducted, at any location in the battlefields, any living history demonstration or battlefield reenactment that is the same as or substantially similar to a demonstration or reenactment that occurred at that location at any time during the 12-month period ending on the date of the enactment of this Act.

(2) OTHER DEMONSTRATIONS AND REENACTMENTS.—The Secretary may allow, at any location in the battlefields, any living history demonstration or battlefield reenactment not described in paragraph (1) that the Secretary determines to be appropriate.

**SEC. 26. SHENANDOAH VALLEY BATTLEFIELDS PLAN.**

(a) IN GENERAL.—The battlefields park shall be managed by the Secretary pursuant to this title and the Shenandoah Valley Battlefields plan developed by the Commission and approved by the Secretary, as provided in this section.

(b) SPECIFIC PROVISIONS.—The plan shall include—

(1) provisions for the management, protection, and interpretation of the natural, cultural, and historic resources of the battlefields, consistent with the purposes of this title;

(2) identification of the historic cores that are appropriate for administration by the Secretary;

(3) a determination of the level of protection that is adequate to ensure the long-term preservation of each of the historic cores that is identified under paragraph (2) and measures recommended to accomplish such protection, which may include (but need not be limited to) conservation easements, local zoning, transfer of development rights, or ownership by an entity dedicated to preservation of the historic resources of the battlefields;

(4) recommendations to the Commonwealth of Virginia (and political subdivisions

thereof) regarding the management, protection, and interpretation of the natural, cultural, and historic resources of the battlefields;

(5) the information described in section 12(b) of Public Law 91–383 (16 U.S.C. 1a–7(b)) (pertaining to the preparation of general management plans);

(6) identification of appropriate partnerships between the Secretary, Federal, State, and local governments and regional entities, and the private sector, in furtherance of the purposes of this title;

(7) proposed locations for visitor contact and major interpretive facilities;

(8) provisions for implementing a continuing program of interpretation and visitor education concerning the resources and values of the battlefields and historic core areas;

(9) provisions for a uniform valley-wide historical marker and wayside exhibit program, including a provision for marking, with the consent of the owner, historic structures and properties that are contained within and contribute to the understanding of the battlefields; and

(10) recommendations for means of ensuring continued local involvement and participation in the management, protection, and development of the battlefields.

(c) PREPARATION OF DRAFT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which the Commission conducts its first meeting, the Commission shall submit to the Secretary a draft plan that meets the requirements of subsection (b).

(2) ADDITIONAL REQUIREMENTS.—Prior to submitting the draft plan to the Secretary, the Commission shall ensure that—

(A) the Commonwealth of Virginia, and any political subdivision thereof that would be affected by the plan, receives a copy of the draft plan;

(B) adequate notice of the availability of the draft plan is provided through publication in appropriate local newspapers in the area of the battlefields; and

(C) at least one public hearing in the vicinity of the battlefields in the upper Shenandoah Valley and one public hearing in the vicinity of the battlefields in the lower Shenandoah Valley is conducted by the Commission with respect to the draft plan.

(d) REVIEW OF PLAN BY THE SECRETARY.—The Secretary shall review the draft plan submitted under subsection (c) and, not later than 90 days after the date on which the draft plan is submitted, shall either—

(1) approve the draft plan as the plan; or

(2) reject the draft plan and recommend to the Commission modifications that would make the draft plan acceptable.

**SEC. 27. COOPERATIVE AGREEMENTS.**

(a) IN GENERAL.—In furtherance of the purposes of this title, the Secretary may establish partnerships and enter into cooperative agreements concerning lands, and interests therein, within the battlefields with other Federal, State, or local agencies and private persons or organizations.

(b) HISTORIC MONUMENTS.—The Secretary may enter into an agreement with the owner of property that is located in the battlefields and on which an historic monument or tablet commemorating a relevant battle has been erected prior to the date of the enactment of this Act. The Secretary may make funds available for the maintenance, protection, and interpretation of the monument or tablet, as the case may be, pursuant to the agreement.

(c) AGREEMENTS AND PARTNERSHIPS NOT DEPENDENT ON INCLUSION IN BATTLEFIELDS PARK.—The Secretary may establish a partnership or enter into an agreement under this section with respect to a battlefield re-

gardless of whether or not the historic core area of the battlefield is included in the battlefields park.

**SEC. 28. GRANT AND TECHNICAL ASSISTANCE PROGRAM.**

(a) TECHNICAL ASSISTANCE TO PROPERTY OWNERS.—The Secretary may provide technical assistance to owners of property located within the battlefields to provide for the preservation and interpretation of the natural, cultural, and historic resources within the battlefields.

(b) TECHNICAL ASSISTANCE TO GOVERNMENTAL ENTITIES.—

(1) IN GENERAL.—The Secretary, after consultation with the Commission, may award grants and provide technical assistance to governmental entities to assist with the planning, development, and implementation of comprehensive plans, land use guidelines, regulations, ordinances, and other appropriate documents that are consistent with and are designed to protect the historic character of the battlefields and historic core areas.

(2) REGULAR REVIEW.—

(A) IN GENERAL.—The Commission shall conduct a regular review of plans, guidelines, regulations, ordinances, and documents with respect to which the Secretary has awarded a grant under this subsection.

(B) RECOMMENDATION.—If the Commission finds that a plan, guideline, regulation, ordinance, or document, or the implementation of a plan, guideline, regulation, ordinance, or document is no longer consistent with the protection of the historic character of the battlefields and historic core areas, the Commission may recommend, after consultation with the affected governmental entity, that the Secretary suspend any grant awarded under this subsection with respect to the plan, guideline, regulation, ordinance, or document.

(3) SUSPENSION OF GRANT.—The Secretary, after consultation with the Commission, shall suspend a grant under this subsection if the Secretary determines that the plan, guideline, regulation, ordinance, or document with respect to which the grant is awarded has been modified in a manner that is inconsistent with the protection of the historic character of the battlefields and historic core areas.

(c) ASSISTANCE NOT DEPENDENT ON INCLUSION IN PARK.—The Secretary may provide assistance under this section with respect to a battlefield or historic core area regardless of whether or not the battlefield or historic core area is included in the Park.

**SEC. 29. SHENANDOAH VALLEY BATTLEFIELDS COMMISSION.**

(a) ESTABLISHMENT.—There is established the Shenandoah Valley Battlefields Commission.

(b) MEMBERSHIP.—The Commission shall be composed of 19 members, to be appointed by the Secretary as follows:

(1) 5 members representing local governments of communities in the vicinity of the battlefields, appointed after the Secretary considers recommendations made by appropriate local governing bodies.

(2) 10 members representing property owners within the battlefields (1 member within each unit of the battlefields).

(3) 1 member with demonstrated expertise in historic preservation.

(4) 1 member who is a recognized historian with expertise in Civil War history.

(5) 1 member from a list of recommendations made by the Governor of Virginia.

(6) 1 member representing the interests of the National Park Service.

(c) APPOINTMENTS.—Members shall be appointed for the life of the Commission.

(d) ELECTION OF OFFICERS.—The Commission shall elect one of its members as Chairperson and one as Vice Chairperson. The

terms of office of the Chairperson and Vice Chairperson shall be 2 years. The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.

(e) VACANCY.—Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made, except that the Secretary shall fill any vacancy within 30 days after the vacancy occurs.

(f) QUORUM.—A majority of the Commission shall constitute a quorum.

(g) MEETINGS.—The Commission shall meet at the call of the Chairperson or a majority of the members of the Commission, but not less than quarterly. Notice of Commission meetings and agendas for the meetings shall be published in local newspapers that have a distribution throughout the Shenandoah Valley. Commission meetings shall be held at various locations throughout the Shenandoah Valley and in a manner that ensures adequate public participation.

(h) STAFF OF THE COMMISSION.—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out its duties.

(i) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(j) FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency may detail to the Commission, on a reimbursable basis, personnel of the agency to assist the Commission in carrying out its duties.

(k) SUBPOENAS.—The Commission may not issue subpoenas or exercise any subpoena authority.

(l) EXPENSES.—Members of the Commission shall serve without compensation, but the Secretary may reimburse members for expenses reasonably incurred in carrying out the responsibilities of the Commission under this title.

(m) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(n) GIFTS.—The Commission may, for purposes of carrying out the duties of the Commission, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source.

(o) TERMINATION.—The Commission shall terminate upon the expiration of the 45-day period beginning on the date on which the Secretary approves the plan under section 26(d).

#### SEC. 30. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) develop the plan and draft plan referred to in section 26, in consultation with the Secretary;

(2) advise the Secretary with respect to the battlefields;

(3) assist the Commonwealth of Virginia, and any political subdivision thereof, in the management, protection, and interpretation of the natural, cultural, and historical resources within the battlefields, except that the Commission shall in no way infringe upon the authorities and policies of the Commonwealth of Virginia or any political subdivision thereof; and

(4) take appropriate action to encourage protection of the natural, cultural, and historical resources within the battlefields by landowners, local governments, organizations, and businesses.

(b) ASSISTANCE TO NONPROFIT ORGANIZATIONS.—The Commission may assist any nonprofit organization in the management, pro-

tection, and interpretation of the natural, cultural, and historical resources within the historic core areas.

#### SEC. 31. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated not more than \$5,000,000 for development of the battlefields park, not more than \$2,000,000 for land acquisition pursuant to this title, not more than \$5,000,000 to carry out the purposes of sections 27 and 28, and not more than \$250,000 for any fiscal year for the operation of the Commission.

(b) AVAILABILITY OF FUNDS.—Funds made available under subsection (a) shall remain available until expended.

#### Subtitle D—Cumberland Gap National Historical Park

#### SEC. 41. ADDITION OF LANDS.

(a) AUTHORITY.—Notwithstanding the Act of June 11, 1940 (16 U.S.C. 261 et seq.), the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange not to exceed 10 acres of land or interests in land, which shall consist of those necessary lands for the establishment of trailheads to be located at White Rocks and Chadwell Gap.

(b) ADMINISTRATION.—Lands and interests in lands acquired pursuant to subsection (a) shall be added to and administered as part of Cumberland Gap National Historical Park.

#### ABRAHAM AMENDMENT NO. 3570

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

#### SEC. . SLEEPING BEAR DUNES NATIONAL LAKE-SHORE.

(a) Section 2(a) of the Act entitled “An Act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes,” (16 U.S.C. 460X-x14) is amended:

By deleting the period following the words “Department of the Interior”; and,

By adding the following at the end thereof: “except that—

“(1) certain land shall be taken out of the land area now comprising the Sleeping Bear Dunes National Lakeshore which land is a parcel of land in part of Government Lots 2 and 3, the East ½ of the Southeast ¼ of Section 11, also part of East ½ of Section 14, T29N, R14W, Glen Arbor Township, Leelanau County, Michigan, more fully described as follows:

“The North 982 feet of the Northeast ¼ of the Southeast ¼ of said section 14, and the East ½ of the Northwest ¼ of the Northeast ¼ of said section 14, (being part of Government lot 1), and that part of the East ½ of the Northeast ¼ of said section 14, lying West of the centerline for Thoreson Road. Also the South 1759 feet of that part of Government lots 2 and 3, and the East ½ of the Southeast ¼ of said Section 11, all being part of T29N, R14W, Glen Arbor Township, Leelanau County, Michigan.

“Subject to all applicable building, use restrictions and easements, if any, affecting the premises.

“Also subject to final survey of the above in accordance with Michigan Act 132, P.A. of 1970, as amended.

“Further subject to rights of the public over and across Thoreson Road.

“(2) certain land shall be added to the land area now comprising the Sleeping Bear Dunes National Lakeshore which land is a parcel of land in part of the West ½ of Sec-

tion 23, also part of the SE¼ of Section 22, all in T29N, R14W, Glen Arbor Township, Leelanau County, Michigan, more fully described as:

“Beginning at the Southeast corner of said Section 22; thence N88°53'30" W 1320.48 feet along the South line of said Section 22 to East ½ line of said Section 22; thence along William B. Batzer Jr., R.L.S., Surveys 8325 and 83025-B by the following (7) courses; thence N00°40'45" E 33.00 feet along said East ½ line, N80°34'20" E 115.50 feet; N70°51'20" E 172.09 feet; N61°51'20" E 181.87 feet; N41°25'20" E 230.80 feet; N63°02'45" E 514.60 feet; N28°57'25" W 600.62 feet to the South bank of the North part of the Crystal River; thence along said river bank by the following (6) courses; N42°18'19" E 102.13 feet (recorded as N40°03'30" E 102.07 feet; N58°07'35" E 219.82 feet; N42°09'40" E 215.48 feet; N54°20'35" E 121.36 feet; N46°10'10" E 107.67 feet; N34°05'25" E 46.08 feet to the East line of said Section 22; thence leaving said South bank S01°19'55" W 347.84 feet along said East line to the South bank of the South part of said Crystal River; thence along said river bank by the following (4) courses; N48°48'30" E 168.46 feet, N40°56'15" E 168.77 feet; N55°24'10" E 99.10 feet; N43°30'00" E 154.21 feet; thence leaving said South river bank S56°45'50" E 350.00 feet; thence N41°49'50" E 400 feet; thence S56°44'25" E 412.99 feet to the West ½ line of said Section 23; thence leaving said William B. Batzer, Jr. Survey Northerly along said West ½ line to the East-West ¼ line of said Section 23; thence Westerly along said East-West ¼ line and County Road No. 675 to a point where the most Easterly channel of the Crystal River passes under County Road No. 675; thence along a Nicholas M. O'non R.L.S. Survey of December 5, 1986, Job No. 8668-23 GA 2914 by the following (3) courses along the center thread of said river N41°13'48" E 273.78 feet; N17°09'18" E 405.85 feet; thence leaving said center thread N89°43'02" W 253.56 feet to a point on the old centerline of State Highway M-22; thence Northerly along the centerline of State Highway M-22, by the following (5) courses; thence N35°02'58" E, along said old centerline, a distance of 12.66 feet to the existing centerline of State Highway M-22 and a point on a 516.00 foot radius curve to the right; thence Northeasterly along said centerline and curve, an arc distance of 109.88 feet (chord bearing and distance of N53°19'13" E, 109.67 feet) to the point of tangency of said curve; thence N59°25'16" E, along said centerline, a distance of 156.38 feet to the point of curvature of a 400.00 foot radius curve to the left; thence Northeasterly along said centerline and curve, an arc distance of 219.55 feet (Delta of N31°26'55", long chord bearing and distance of N43°41'48" E, 216.81 feet) to the point of tangency; thence N27°58'11" E, (Also recorded as N27°19'23" E) along said centerline, a distance of 528.10 feet to an extension of the South line of Chamberlain's unrecorded plat of Glen Arbor Beach Subdivision; and the South boundary line of South Beach Condominium recorded in Liber 243, Pages 63-74, thence Easterly approximately 38.39 feet along said South boundary line extended to the Easterly right-of-way line of State Highway M-22 and the Southwest corner of a survey by Gosling Czubak Associates, Inc., Job No. 87025.12; thence N27°19'23" E 633.21 feet along said right-of-way; thence along said right-of-way 79.72 feet on the arc of a curve to the right (Rad=110.24 feet, 1=N41°26'00", Chord=N48°02'23" E 77.99 feet); thence N68°45'23" E 106.17 feet along said right-of-way; thence S00°42'53" E 174.11 feet; thence N89°17'07" E 217.57; thence S41°18'01" E 122.39 feet, thence S01°31'50" E 370.00 feet; thence N88°28'10" E (previously recorded as N88°34'00" E 220.3 feet more or less to a point on the North-South ¼ line of Section 23; thence Southerly along said North-South ¼

line to the South  $\frac{1}{4}$  line of said Section 23; thence Westerly along said South  $\frac{1}{4}$  line to the West  $\frac{1}{4}$  line of said Section 23; thence Southerly along said West  $\frac{1}{4}$  line to the Point of Beginning.

"Subject to the correlative rights of the owners along the Crystal River.

"Together with riparian rights between the shore courses and the center thread of Crystal River.

"Subject to all applicable building, use restrictions and easements, if any, affecting the premises.

"Also subject to final survey of the above in accordance with Michigan Act 132, P.A. of 1970, as amended."

Section 8(a) of the Act is amended to read as follows:

(1) By deleting the period following the word "Act" at the end of the first sentence; and,

(2) By adding the following at the end thereof: "except that the land to be taken out of and added to the land area now comprising the lakeshore shall, within 120 days after the date hereof, be conveyed by an exchange of deeds. The Secretary is instructed to and shall have the authority to effect this exchange but shall not have the authority to otherwise dispose of the land to be taken out of or to acquire the land to be added to the lakeshore pursuant to the amendments hereinabove."

Section 8(e) of the Act is amended to read as follows:

(1) By deleting the period following the word "encumbrances" at the end of the section; and

(2) By adding the following at the end thereof: "except condemnation may not be used to acquire the land to be added, pursuant to the amendment hereinabove, to the land area now comprising the lakeshore."

#### BURNS AMENDMENT NO. 3571

Mr. DOLE (for Mr. BURNS) proposed an amendment to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

At the end of the amendemnt, add the following:

#### TITLE —MISCELLANEOUS

##### SEC. 01. LOST CREEK LAND EXCHANGE.

###### (a) LAND EXCHANGE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture (referred to in this Act as the "Secretary") shall acquire by exchange certain land and interests in lands owned by R-Y Timber, Inc., its successors and assigns or affiliates (referred to in this Act as "R-Y"), located in the Lost Creek area and other areas of the Deerlodge National Forest, Montana.

###### (2) OFFER AND ACCEPTANCE OF LAND.—

(A) NON-FEDERAL LAND.—If R-Y offers fee title that is acceptable to the United States to approximately 17,567 acres of land owned by R-Y and available for exchange, the Secretary shall accept a warranty deed to the land.

###### (B) FEDERAL LAND.—

(i) CONVEYANCE.—On acceptance of title to R-Y's land under paragraph (1), the Secretary shall convey to R-Y, subject to reservations and valid existing rights, by patent, fee title to lands and timber deeds of a value that is approximately equal to the value of the land described in subsection (a).

###### (ii) TIMBER HARVEST PROVISIONS.—

(I) PRACTICES.—Timber harvest practices used on the national forest land conveyed under clause (i) shall be conducted in accordance with Montana Forestry Best Management Practices, the Montana Streamside Zone Management Law (Mont. Code Ann.

sec. 77-5-301 et seq.), and all other applicable laws of the State of Montana.

(II) RELATION TO PLANNED SALES.—Timber harvest volumes on land conveyed under clause (i) shall be in addition to, and not treated in any way as an offset against, the present or future planned timber sale quantities for the National Forest where the harvesting occurs.

###### (III) TIMBER DESIGNATIONS.—

(aa) CONTRACT.—To ensure the expeditious and efficient designation of timber on land conveyed under clause (i), the Forest Service shall contract with a qualified private person agreed on by the Secretary and R-Y to perform the field work associated with the designations.

(bb) MINIMUM ANNUAL DESIGNATIONS.—Not less than 20 percent nor more than 30 percent of the timber on land conveyed under clause (i) shall be made available by the end of each fiscal year over a 5-year period beginning with the first fiscal year that begins after the date of enactment of this Act, and R-Y shall be allowed at least 5 years after the end of each fiscal year in which to complete the harvest of timber designated in that fiscal year.

###### (3) TITLE.—

(A) REVIEW OF TITLE.—Not later than 30 days after receipt of title documents from R-Y, the Secretary shall review the title for the non-Federal land described in paragraph (2) and determine whether—

(i) the applicable title standards for Federal land acquisition have been satisfied or the quality of title is otherwise acceptable to the Secretary;

(ii) all draft conveyance and closing documents have been received and approved; and

(iii) a current title commitment verifying compliance with applicable title standards has been issued to the Secretary.

(B) UNACCEPTABLE QUALITY OF TITLE.—If the quality of title does not meet Federal standards and is not otherwise acceptable to the Secretary, the Secretary shall advise R-Y regarding corrective actions necessary to make an affirmative determination.

(C) CONVEYANCE OF TITLE.—The Secretary shall effect the conveyance of land described in paragraph (2) not later than 60 days after the Secretary has made an affirmative determination of quality of title.

###### (b) GENERAL PROVISIONS.—

###### (1) MAPS AND DOCUMENTS.—

(A) IN GENERAL.—Maps pertaining to the land described in subsection (a)(2) (A) and (B) shall be on file and available for public inspection in the office of the Chief of the Forest Service.

(B) NOTIFICATION.—The Secretary shall notify the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives of any corrections made pursuant to this subsection.

(C) PUBLIC AVAILABILITY.—The maps and documents described in subsection (a)(2) (A) and (B) shall be on file and available for public inspection in the office of the Chief of the Forest Service.

(2) NATIONAL FOREST SYSTEM LAND.—All land conveyed to the United States under this section shall be added to and administered as part of the Deerlodge National Forest in accordance with the laws pertaining to the National Forest System.

(3) VALUATION.—The values of the lands and interests in land to be exchanged under this section are deemed to be of equal value.

(4) HAZARDOUS MATERIAL LIABILITY.—The United States (including its departments, agencies, and employees) shall not be liable under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), the Clean Water Act (33 U.S.C. 1251 et seq.), or any other Federal, State, or local law, solely as a result of the

acquisition of an interest in the Lost Creek Tract or due to circumstances or events occurring before acquisition, including any release or threat of release of a hazardous substance.

#### BURNS AMENDMENT NO. 3572

Mr. DOLE (for Mr. BURNS) proposed an amendment to amendment No. 3571 proposed by Mr. BURNS to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

In lieu of the matter proposed to be added, insert the following:

#### TITLE —MISCELLANEOUS

##### SEC. 01. LOST CREEK LAND EXCHANGE.

###### (a) LAND EXCHANGE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture (referred to in this Act as the "Secretary") shall acquire by exchange certain land and interests in land owned by R-Y Timber, Inc., its successors and assigns or affiliates (referred to in this Act as "R-Y"), located in the Lost Creek area and other areas of the Deerlodge National Forest, Montana.

###### (2) OFFER AND ACCEPTANCE OF LAND.—

(A) NON-FEDERAL LAND.—If R-Y offers fee title that is acceptable to the United States to approximately 17,567 acres of land owned by R-Y and available for exchange, the Secretary shall accept a warranty deed to the land.

###### (B) FEDERAL LAND.—

(i) CONVEYANCE.—On acceptance of title to R-Y's land under paragraph (1), the Secretary shall convey to R-Y, subject to reservations and valid existing rights, by patent, fee title to lands and timber deeds of a value that is approximately equal to the value of the land described in subsection (a).

###### (ii) TIMBER HARVEST PROVISIONS.—

(I) PRACTICES.—Timber harvest practices used on the national forest land conveyed under clause (i) shall be conducted in accordance with Montana Forestry Best Management Practices, the Montana Streamside Zone Management Law (Mont. Code Ann. sec. 77-5-301 et seq.), and all other applicable laws of the State of Montana.

(II) RELATION TO PLANNED SALES.—Timber harvest volumes on land conveyed under clause (i) shall be in addition to, and not treated in any way as an offset against, the present or future planned timber sale quantities for the National Forest where the harvesting occurs.

###### (III) TIMBER DESIGNATIONS.—

(aa) CONTRACT.—To ensure the expeditious and efficient designation of timber on land conveyed under clause (i), the Forest Service shall contract with a qualified private person agreed on by the Secretary and R-Y to perform the field work associated with the designations.

(bb) MINIMUM ANNUAL DESIGNATIONS.—Not less than 20 percent nor more than 30 percent of the timber on land conveyed under clause (i) shall be made available by the end of each fiscal year over a 5-year period beginning with the first fiscal year that begins after the date of enactment of this Act, and R-Y shall be allowed at least 5 years after the end of each fiscal year in which to complete the harvest of timber designated in that fiscal year.

###### (3) TITLE.—

(A) REVIEW OF TITLE.—Not later than 30 days after receipt of title documents from R-Y, the Secretary shall review the title for the non-Federal land described in paragraph (2) and determine whether—

(i) the applicable title standards for Federal land acquisition have been satisfied or the quality of title is otherwise acceptable to the Secretary;



(ii) all draft conveyances and closing documents have been received and approved; and

(iii) a current title commitment verifying compliance with applicable title standards has been issued to the Secretary.

(B) UNACCEPTABLE QUALITY OF TITLE.—If the quality of title does not meet Federal standards and is not otherwise acceptable to the Secretary, the Secretary shall advise R-Y regarding corrective actions necessary to make an affirmative determination.

(C) CONVEYANCE OF TITLE.—The Secretary shall effect the conveyance of land described in paragraph (2) not later than 60 days after the Secretary has made an affirmative determination of quality of title.

(b) GENERAL PROVISIONS.—

(1) MAPS AND DOCUMENTS.—

(A) IN GENERAL.—Maps pertaining to the land described in subsection (a) are subject to such minor corrections as may be agreed upon by the Secretary and R-Y.

(B) NOTIFICATION.—The Secretary shall notify the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives of any corrections made pursuant to this subsection.

(C) PUBLIC AVAILABILITY.—The maps and documents described in subsection (a)(2) (A) and (B) shall be on file and available for public inspection in the office of the Chief of the Forest Service.

(2) NATIONAL FOREST SYSTEM LAND.—All land conveyed to the United States under this section shall be added to and administered as part of the Deerlodge National Forest in accordance with the laws pertaining to the National Forest System.

(3) VALUATION.—The values of the lands and interests in land to be exchanged under this section are deemed to be of approximately equal value.

(4) HAZARDOUS MATERIAL LIABILITY.—The United States (including its departments, agencies, and employees) shall not be liable under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), the Clean Water Act (33 U.S.C. 1251 et seq.), or any other Federal, State, or local law, solely as a result of the acquisition of an interest in the Lost Creek Tract or due to circumstances or events occurring before acquisition, including any release or threat of release of a hazardous substance.

#### TITLE —VANCOUVER NATIONAL HISTORIC RESERVE

#### SEC. 01. VANCOUVER NATIONAL HISTORIC RESERVE.

(A) ESTABLISHMENT.—There is established the Vancouver National Historic Reserve in the State of Washington (referred to in this section as the "Reserve"), consisting of the area described in the report entitled "Vancouver National Historic Reserve Feasibility Study and Environmental Assessment" published by the Vancouver Historical Study Commission and dated April 1993 as authorized by Public Law 101-523 (referred to in this section as the Vancouver Historic Reserve Report").

(b) ADMINISTRATION.—The Reserve shall be administered in accordance with;

(1) the Vancouver Historic Reserve Report (including the specific findings and recommendations contained in the report); and

(2) the Memorandum of Agreement between the Secretary of Interior, acting through the Director of the National Park Service, and the City of Vancouver, Washington, dated November 14, 1994.

(c) NO LIMITATION ON FAA AUTHORITY.—The establishment of the Reserve shall not limit;

(1) the authority of the Federal Aviation Administration over air traffic control, or aviation activities at Pearson Airpark; or

(2) limit operations and airspace in the vicinity of Portland International Airport.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

#### KENNEDY (AND OTHERS) AMENDMENT NO. 3573

Mr. KENNEDY (Mr. KERRY, Mr. WELLSTONE, Mr. DODD, Mr. SIMON, Ms. MIKULSKI, Mr. LEVIN, Mr. HARKIN, Mrs. BOXER, Mrs. MURRAY, Mr. PELL, Mr. LEAHY, Mr. LAUTENBERG, Mr. SARBANES, Mr. BRADLEY, and Mr. DASCHLE) proposed an amendment to the bill H.R. 1296, supra; as follows:

At the appropriate place in the bill, insert the following:

#### SEC. . INCREASE IN THE MINIMUM WAGE RATE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than \$4.25 an hour during the period ending July 3, 1996, not less than \$4.70 an hour during the year beginning July 4, 1996, and not less than \$5.15 an hour after July 3, 1997;"

#### KERRY AMENDMENT NO. 3574

Mr. KERRY proposed an amendment to amendment No. 3573 proposed by Mr. KENNEDY to the bill H.R. 1296, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

#### SEC. . INCREASE IN THE MINIMUM WAGE RATE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than \$4.25 an hour during the period ending July 3, 1996, not less than \$4.70 an hour during the year beginning July 5, 1996, and not less than \$5.15 an hour after July 4, 1997;"

#### KENNEDY AMENDMENTS NOS. 3575-3576

(Ordered to lie on the table.)

Mr. KENNEDY submitted two amendments intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

#### AMENDMENT NO. 3575

At the end of the amendment proposed by Mr. Murkowski, add the following title:

#### TITLE—

#### SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the New Bedford National Historic Landmark District and associated historic sites as described in section 3(b) of this Act, including the Schooner Ernestina, are National Historic Landmarks and are listed on the National Register of Historic Places as historic sites associated with the history of whaling in the United States;

(2) the city of New Bedford was the 19th century capital of the world's whaling industry and retains significant architectural features, archival materials, and museum collections illustrative of this period;

(3) New Bedford's historic resources provide unique opportunities for illustrating and interpreting the whaling industry's contribution to the economic, social, and environmental history of the United States and

provide opportunities for public use and enjoyment; and

(4) the National Park System presently contains no sites commemorating whaling and its contribution to American history.

(b) PURPOSES.—The purposes of this Act are—

(1) to help preserve, protect, and interpret the resources within the areas described in section 3(b) of this Act, including architecture, setting, and associated archival and museum collections;

(2) to collaborate with the city of New Bedford and with local historical, cultural, and preservation organizations to further the purposes of the park established under this Act; and

(3) to provide opportunities for the inspirational benefit and education of the American people.

#### SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) The term "park" means the New Bedford Whaling National Historical Park established by section 3.

(2) The term "Secretary" means the Secretary of the Interior.

#### SEC. 3. NEW BEDFORD WHALING NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—In order to preserve for the benefit and inspiration of the people of the United States as a national historical park certain districts structures, and relics located in New Bedford, Massachusetts, and associated with the history of whaling and related social and economic themes in America, there is established the New Bedford Whaling National Historical Park.

(b) BOUNDARIES.—(1) The boundaries of the park shall be those generally depicted on the map numbered NAR-P49-80000-4 and dated June 1994. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service. In case of any conflict between the descriptions set forth in subparagraphs (A) through (D) and such map, such map shall govern. The park shall include the following:

(A) The area included within the New Bedford National Historic Landmark District, known as the Bedford Landing Waterfront Historic District, as listed within the National Register of Historic Places and in the Massachusetts State Register of Historic Places.

(B) The National Historic Landmark Schooner Ernestina, with its home port in New Bedford.

(C) The land along the eastern boundary of the New Bedford National Historic Landmark District over to the east side of MacArthur Drive from the Route 6 overpass on the north to an extension of School Street on the south.

(D) The land north of Elm Street in New Bedford, bounded by Acushnet Avenue on the west, Route 6 (ramps) on the north, MacArthur Drive on the east, and Elm Street on the south.

(2) In addition to the sites, areas and relics referred to in paragraph (1), the Secretary may assist in the interpretation and preservation of each of the following:

(A) The southwest corner of the State Pier.

(B) Waterfront Park, immediately south of land adjacent to the State Pier.

(C) The Rotch-Jones-Duff House and Garden Museum, located at 396 County Street.

(D) The Wharfinger Building, located on Piers 3 and 4.

(E) The Bourne Counting House, located on Merrill's Wharf.

#### SEC. 4. ADMINISTRATION OF PARK.

(a) IN GENERAL.—The park shall be administered by the Secretary in accordance with this Act and the provisions of law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for

other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, and 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467).

(b) **COOPERATIVE AGREEMENTS.**—(1) The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the park.

Any payment made by the Secretary pursuant to a cooperative agreement under this subsection shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(c) **NON-FEDERAL MATCHING REQUIREMENTS.**—(1) Funds authorized to be appropriated to the Secretary for the purposes of—

(A) cooperative agreements under subsection (b) shall be expended in the ratio of one dollar of Federal funds for each four dollars of funds contributed by non-Federal sources; and

(B) construction, restoration, and rehabilitation of visitor and interpretive facilities (other than annual operation and maintenance costs) shall be expended in the ratio of one dollar of Federal funds for each one dollar of funds contributed by non-Federal sources.

(2) For the purposes of this subsection, the Secretary is authorized to accept from non-Federal sources, and to utilize for purposes of this Act, any money so contributed. With the approval of the Secretary, any donation of property, services, or goods from a non-Federal source may be considered as a contribution of funds from a non-Federal source for the purposes of this subsection.

(d) **ACQUISITION OF REAL PROPERTY.**—For the purposes of the park, the Secretary may acquire only by donation lands, interests in lands, and improvements thereon within the park.

(e) **OTHER PROPERTY, FUNDS, AND SERVICES.**—The Secretary may accept donated funds, property, and services to carry out this Act.

#### SEC. 5. GENERAL MANAGEMENT PLAN.

Not later than the end of the second fiscal year beginning after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the park and shall implement such plan as soon as practically possible. The plan shall be prepared in accordance with section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a-7(b)) and other applicable law.

#### SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—Except as provided in subsection (b), there are authorized to be appropriated such sums as may be necessary to carry out annual operations and maintenance with respect to the park.

(b) **EXCEPTIONS.**—In carrying out this Act—

(1) not more than \$2,000,000 may be appropriated for construction, restoration, and rehabilitation of visitor and interpretive facilities, and directional and visitor orientation signage;

(2) none of the funds authorized to be appropriated by this Act may be used for the operation or maintenance of the Schooner Ernestina; and

(3) not more than \$50,000 annually of Federal funds may be used for interpretive and

educational programs for the Schooner Ernestina pursuant to cooperative grants under section 4(b).

#### AMENDMENT No. 3576

At the end of the amendment proposed by Mr. MURKOWSKI, add the following title:

#### TITLE —

#### SECTION 1. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—The Congress finds that—

(1) the New Bedford National Historic Landmark District and associated historic sites as described in section 3(b) of this Act, including the Schooner Ernestina, are National Historic Landmarks and are listed on the National Register of Historic Places as historic sites associated with the history of whaling in the United States;

(2) the city of New Bedford was the 19th century capital of the world's whaling industry and retains significant architectural features, archival materials, and museum collections illustrative of this period;

(3) New Bedford's historic resources provide unique opportunities for illustrating and interpreting the whaling industry's contribution to the economic, social, and environmental history of the United States and provide opportunities for public use and enjoyment; and

(4) the National Park System presently contains no sites commemorating whaling and its contribution to American history.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to help preserve, protect, and interpret the resources within the areas described in section 3(b) of this Act, including architecture, setting, and associated archival and museum collections;

(2) to collaborate with the city of New Bedford and with local historical, cultural, and preservation organizations to further the purposes of the park established under this Act; and

(3) to provide opportunities for the inspirational benefit and education of the American people.

#### SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) The term "park" means the New Bedford Whaling National Historical Park established by section 3.

(2) The term "Secretary" means the Secretary of the Interior.

#### SEC. 3. NEW BEDFORD WHALING NATIONAL HISTORICAL PARK.

(a) **ESTABLISHMENT.**—In order to preserve for the benefit and inspiration of the people of the United States as a national historical park certain districts structures, and relics located in New Bedford, Massachusetts, and associated with the history of whaling and related social and economic themes in America, there is established the New Bedford Whaling National Historical Park.

(b) **BOUNDARIES.**—(1) The boundaries of the park shall be those generally depicted on the map numbered NAR-P49-80000-4 and dated June 1994. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service. In case of any conflict between the descriptions set forth in subparagraphs (A) through (D) and such map, such map shall govern. The park shall include the following:

(A) The area included within the New Bedford National Historic Landmark District, known as the Bedford Landing Waterfront Historic District, as listed within the National Register of Historic Places and in the Massachusetts State Register of Historic Places.

(B) The National Historic Landmark Schooner Ernestina, with its home port in New Bedford.

(C) The land along the eastern boundary of the New Bedford National Historic Landmark District over to the east side of MacArthur Drive from the Route 6 overpass on the north to an extension of School Street on the south.

(D) The land north of Elm Street in New Bedford, bounded by Acushnet Avenue on the west, Route 6 (ramps) on the north, MacArthur Drive on the east, and Elm Street on the south.

(2) In addition to the sites, areas and relics referred to in paragraph (1), the Secretary may assist in the interpretation and preservation of each of the following:

(A) The southwest corner of the State Pier.

(B) Waterfront park, immediately south of land adjacent to the State Pier.

(C) The Roth-Jones-Duff House and Garden Museum, located at 396 County Street.

(D) The Wharfing Building, located on Piers 3 and 4.

(E) The Bourne Counting House, located on Merrill's Wharf.

#### SEC. 4. ADMINISTRATION OF PARK.

(a) **IN GENERAL.**—The park shall be administered by the Secretary in accordance with this Act and the provisions of law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, and 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467).

(b) **COOPERATIVE AGREEMENTS.**—(1) The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the park.

(2) Any payment made by the Secretary pursuant to a cooperative agreement under this subsection shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(c) **NON-FEDERAL MATCHING REQUIREMENTS.**—(1) Funds authorized to be appropriated to the Secretary for the purposes of—

(A) cooperative agreements under subsection (b) shall be expended in the ratio of one dollar of Federal funds for each four dollars of funds contributed by non-Federal sources; and

(B) construction, restoration, and rehabilitation of visitor and interpretive facilities (other than annual operation and maintenance costs) shall be expended in the ratio of one dollar of Federal funds for each one dollar of funds contributed by non-Federal sources.

(2) For the purposes of this subsection, the Secretary is authorized to accept from non-Federal sources, and to utilize for purposes of this Act, any money so contributed. With the approval of the Secretary, any donation of property, services, or goods from a non-Federal source may be considered as a contribution of funds from a non-Federal source for the purposes of this subsection.

(d) **ACQUISITION OF REAL PROPERTY.**—For the purposes of the park, the Secretary may acquire only by donation lands, interests in lands, and improvements thereon within the park.

(e) **OTHER PROPERTY, FUNDS, AND SERVICES.**—The Secretary may accept donated funds, property, and services to carry out this Act.



**SEC. 5. GENERAL MANAGEMENT PLAN.**

Not later than the end of the second fiscal year beginning after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the park and shall implement such plan as soon as practically possible. The plan shall be prepared in accordance with section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a-7(b)) and other applicable law.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—Except as provided in subsection (b), there are authorized to be appropriated such sums as may be necessary to carry out annual operations and maintenance with respect to the park.

(b) **EXCEPTIONS.**—In carrying out this Act—  
(1) not more than \$2,000,000 may be appropriated for construction, restoration, and rehabilitation of visitor and interpretive facilities, and directional and visitor orientation signage;

(2) none of the funds authorized to be appropriated by this Act may be used for the operation or maintenance of the Schooner Ernestina; and

(3) not more than \$50,000 annually of Federal funds may be used for interpretive and educational programs for the Schooner Ernestina pursuant to cooperative grants under section 4(b).

**ABRAHAM AMENDMENT NO. 3577**

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

At the appropriate place, insert the following new section:

**SEC. . SLEEPING BEAR DUNES NATIONAL LAKE-SHORE.**

(a) Section 2(a) of the Act entitled "An Act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes," (16 U.S.C. 460X-x14) is amended:

By deleting the period following the words "Department of the Interior"; and

By adding the following at the end thereof: "except that—

"(1) certain land shall be taken out of the land area now comprising the Sleeping Bear Dunes National Lakeshore which land is a parcel of land in part of Government Lots 2 and 3, the East ½ of the Southeast ¼ of Section 11, also part of East ½ of Section 14, T29N, R14W, Glen Arbor Township, Leelanau County, Michigan, more fully described as follows:

"The North 982 feet of the Northeast ¼ of the Southeast ¼ of said section 14, and the East ½ of the Northwest ¼ of the Northeast ¼ of said section 14, (being part of Government lot 1), and that part of the East ½ of the Northeast ¼ of said section 14, lying West of the centerline for Thoreson Road, Also the South 1759 feet of that part of Government lots 2 and 3, and the East ½ of the Southeast ¼ of said Section 11, all being part of T29N, R14W, Glen Arbor Township, Leelanau County, Michigan.

"Subject to all applicable building, use restrictions and easements, if any, affecting the premises.

"Also subject to final survey of the above in accordance with Michigan Act 132, P.A. of 1970, as amended.

"Further subject to rights of the public over and across Thoreson Road.

"(2) certain land shall be added to the land area now comprising the Sleeping Bear

Dunes National Lakeshore which land is a parcel of land in part of the West ½ of Section 23, also part of the SE¼ of Section 22, all in T29N, R14W, Glen Arbor Township, Leelanau County, Michigan, more fully described as:

"Beginning at the Southeast corner of said Section 22; thence N88°55'30"W 1320.48 feet along the South line of said Section 22 to East ½ line of said Section 22; thence along William B. Batzer Jr., R.L.S., Surveys 8325 and 83025-B by the following (7) courses; thence N00°40'45"E 33.00 feet along said East ½ line, N80°34'20"E 115.50 feet; N70°51'20"E 172.09 feet; N61°51'20"E 181.87 feet; N41°25'20"E 230.80 feet; N63°02'45"E 514.60 feet; N28°57'25"W 600.62 feet to the South bank of the North part of the Crystal River; thence along said river bank by the following (6) courses; N42°18'19"E 102.13 feet (recorded as N40°03'30"E 102.07 feet; N58°07'35"E 219.82 feet; N42°09'40"E 215.48 feet; N54°20'35"E 121.36 feet; N46°10'10"E 107.67 feet; N34°05'25"E 46.08 feet to the East line of said Section 22; thence leaving said South bank S01°19'55"W 347.84 feet along said East line to the South bank of the South part of said Crystal River; thence along said river bank by the following (4) courses; N48°48'30"E 168.46 feet, N40°56'15"E 168.77 feet; N55°24'10"E 99.10 feet; N43°30'00"E 154.21 feet; thence leaving said South river bank S56°45'50"E 350.00 feet; thence N41°49'50"E 400.00 feet; thence S56°44'25"E 412.99 feet to the West ½ line of said Section 23; thence leaving said William B. Batzer, Jr. Survey Northerly along said West ½ line to the East-West ¼ line of said Section 23; thence Westerly along said East-West ¼ line and County Road No. 675 to a point where the most Easterly channel of the Crystal River passes under County Road No. 675; thence along a Nicholas M. O'non R.L.S. Survey of December 5, 1986, Job No. 8668-23 GA 2914 by the following (3) courses along the center thread of said river N41°13'48"E 273.78 feet; N17°09'18"E 405.85 feet; thence leaving said center thread N89°43'02"W 253.56 feet to a point on the old centerline of State Highway M-22; thence Northerly along the centerline of State Highway M-22, by the following (5) courses; thence N35°02'58"E, along said old centerline, a distance of 12.66 feet to the existing centerline of State Highway M-22 and a point on a 516.00 foot radius curve to the right; thence Northeasterly along said centerline and curve, an arc distance of 109.88 feet (chord bearing and distance of N53°19'13"E, 109.67 feet) to the point of tangency of said curve; thence N59°25'16"E, along said centerline, a distance of 156.38 feet to the point of curvature of a 400.00 foot radius curve to the left; thence Northeasterly along said centerline and curve, an arc distance of 215.55 feet (Delta of 31°26'55", along chord bearing and distance of N43°41'48"E, 216.81 feet) to the point of tangency; thence N27°58'11"E, (Also, recorded as N27°19'23"E) along said centerline, a distance of 528.10 feet to an extension of the South line of Chamberlain's unrecorded plat of Glen Arbor Beach Subdivision; and the South boundary live of South Beach Condominium recorded in Liber 243, Pages 63-74; thence Easterly approximately 38.39 feet along said South boundary line extended to the Easterly right-of-way line of State Highway M-22 and the Southwest corner of a survey by Gosling Czubak Associates, Inc., Job No. 87025.12; thence N27°19'23"E 633.21 feet along said right-of-way; thence along said right-of-way 79.72 feet on the arc of a curve to the right (Rad.=110.24 feet, I=40°26'00", Chord=N48°02'23"E 77.99 feet); thence N68°45'23"E 106.17 feet along said right-of-way; thence S00°42'53"E 174.11 feet; thence N89°17'07"E 217.57; thence S41°18'01"E 122.39 feet; thence S01°31'50"E 370.00 feet; thence N88°28'10"E (previously recorded as

N88°34'00"E 220.3 feet more or less to a point on the North-South ¼ line of Section 23; thence Southerly along said North-South ¼ line to the South ½ line of said Section 23; thence Westerly along said South ½ line to the West ½ line of said Section 23; thence Southerly along said West ½ line to the Point of Beginning.

"Subject to the correlative rights of the owners along the Crystal River..

"Together with riparian rights between the shore courses and the center thread of Crystal River.

"Subject to all applicable building, use restrictions and easements, if any, affecting the premises..

"Also subject to final survey of the above in accordance with Michigan Act 132, P.A. of 1970, as amended."

Section 8(a) of the Act is amended to read as follows:

(1) By deleting the period following the word "Act" at the end of the first sentence; and

(2) By adding the following at the end thereof: "except that the land to be taken out of and added to the land area now comprising the lakeshore shall, within 120 days after the date hereof, be conveyed by an exchange of deeds. The Secretary is instructed to and shall have the authority to effect this exchange but shall not have the authority to otherwise dispose of the land to be taken out of or to acquire the land to be added to the lakeshore pursuant to the amendments hereinabove."

Section 8(e) of the Act is amended to read as follows:

(1) By deleting the period following the word "encumbrances" at the end of the section; and

(2) By adding the following at the end thereof: "except condemnation may not be used to acquire the land to be added, pursuant to the amendment hereinabove, to the land area now comprising the lakeshore."

**THOMAS AMENDMENT NO. 3578**

(Ordered to lie on the table.)

Mr. THOMAS submitted an amendment intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

At the end of the amendment, add the following:

**SEC. 02. CONVEYANCE OF CERTAIN PROPERTY TO THE STATE OF WYOMING.**

(a) **CONVEYANCE.**—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall convey to the State of Wyoming without reimbursement, all right, title, and interest of the United States in and to the property described in subsection (b) for use by the State for the purposes described in subsection (c). The property shall be conveyed as is.

(b) **DESCRIPTION OF PROPERTY.**—The property referred to in subsection (a) is the property commonly known as "Ranch A" in Crook County, Wyoming, consisting of approximately 680 acres of land including all real property, buildings, and all other improvements to real property, and all personal property including art, historic light fixtures, wildlife mounts, draperies, rugs, and furniture.

(c) **USE AND REVERSIONARY INTEREST.**—

(1) **Use.**—The property conveyed to the State of Wyoming under this section shall be used by the State for the purposes of—

(A) fish and wildlife management or education, or both; or

(B) maintaining and using through State or local agreements, or both, the historical interests and significance of facilities on the

property consistent with applicable Federal and State laws.

(2) REVERSION.—If the property is used for a purpose not described in paragraph (1), all right, title, and interest in and to the property shall revert to the United States.

#### STEVENS AMENDMENT NO. 3579

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, *supra*; as follows:

On page , line , of the amendment, insert the following new section:

#### SEC. . PAYMENT IN LIEU OF TAXES.

(a) Section 6901(2) of title 31, United States Code, is amended to read as follows:

“(2) ‘unit of general local government’ means—

“(A) a county (or parish), township, borough, or city (where the city is independent of any other unit of general local government), that—

“(i) is within the class or classes of such political subdivisions in a State that the Secretary of the Interior determines to be the principal provider or providers of governmental services within the State; and

“(ii) is a unit of general government, as determined by the Secretary of the Interior on the basis of the same principles as were used by the Secretary of Commerce on January 1, 1983, for general statistical purposes. The term ‘governmental services’ includes, but is not limited to, those services that relate to public safety, the environment, housing, social services, transportation, and governmental administration;

“(B) the State of Alaska, for any land within that State which is not within the boundaries of a governmental entity under subparagraph (A);

“(C) the District of Columbia;

“(D) the Commonwealth of Puerto Rico;

“(E) Guam; and

“(F) the Virgin Islands.”.

(b) Section 6902(a) of title 31, United States Code, is amended to read as follows:

“(a) The Secretary of the Interior shall make a payment for each fiscal year to each unit of general local government in which entitlement land is located, as set forth in this chapter. Except for the State of Alaska for entitlement land described in section 6901(2)(B), a unit of general local government may use the payment for any governmental purpose. The State of Alaska shall distribute any payment received for entitlement land described in section 6901(2)(B) to home rule and general law cities within Alaska (as such cities are defined by the State).”.

#### BUMPERS AMENDMENTS NOS. 3580–3583

(Ordered to lie on the table.)

Mr. BUMPERS submitted four amendments intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, *supra*; as follows:

#### AMENDMENT NO. 3580

Strike subsection 2008(a) of the substitute and insert the following:

“(a) RELEASE.—Except for the areas retained in wilderness study status pursuant to subsection (b), the Congress hereby finds and directs that all public lands in Utah administered by the Bureau of Land Management pursuant to the Federal Land Policy and Management Act of 1976 which have not been designated as wilderness by this title or pre-

vious Acts of Congress, have been adequately studied for wilderness designation pursuant to section 603 of such Act and are no longer subject to the requirements of section 603(c) of such Act pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.”

#### AMENDMENT NO. 3581

Strike subsection 2002(i) of the substitute and insert the following:

“(i) ACCESS.—Reasonable access, including the use of motorized equipment where necessary and customarily or historically employed, shall be allowed on routes within the areas designated wilderness by this title in existence as of the date of enactment of this Act for the exercise of valid existing rights. Such routes may be maintained, repaired, and replaced to the extent necessary to maintain their present function, design, and serviceable operation, so long as such activities have no increased adverse impacts on the resources and values of the wilderness areas than existed as of the date of enactment of this title.”

#### AMENDMENT NO. 3582

On page 152, line 12 of the substitute, delete “Title.” and insert in lieu thereof, “title, so long as such activities have no increased adverse impacts on the resources and values of the wilderness areas than existed as of the date of enactment of this title.”

#### AMENDMENT NO. 3583

Strike Section 2008 of the Murkowski substitute and insert the following:

#### “SECTION 2008. WILDERNESS RELEASE.

“(a) RELEASE.—Except for the areas identified in subsection (b), the Congress hereby finds and directs that all public lands in Utah, administered by the Bureau of Land Management pursuant to the Federal Land Policy and Management Act of 1976 (FLPMA), which have not been designated as wilderness by this Act or previous Acts of Congress, have been adequately studied for wilderness designation pursuant to section 603 of FLPMA (43 U.S.C. 1782) and are no longer subject to the requirement of section 603(c) of FLPMA pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness. Such lands shall be managed in accordance with FLPMA and land management plans prepared pursuant thereto.

“(b) CONTINUING WILDERNESS STUDY AREAS.—The following wilderness study areas which are under study status by States adjacent to the State of Utah shall continue to be subject to the provisions of section 603(c) of FLPMA (43 U.S.C. 1782(c)):

(1) Bull Canyon (UT-080-419/CO-010-001);

(2) Wrigley Mesa/Jones Canyon/Black Ridge Canyon West (UT-060-116/UT-060-117/CO-070-113A);

(3) Squaw/Papoose Canyon (UT-060-227/CO-030-265A); and

(4) Cross Canyon (UT-060-229/CO-030-265).

“(c) FURTHER DESIGNATIONS.—Public lands in the State of Utah which are not designated as wilderness by this or previous Acts of Congress or retained in wilderness study status by this Act shall not be managed solely for the purpose of protecting their status for potential inclusion in the National Wilderness Preservation System: *Provided, however*, That this subsection shall not be construed to preclude the Secretary from managing public lands in the State of Utah (in accordance with FLPMA and applicable land use plans) for the purpose of protecting their natural, scenic, wildlife, riparian, primitive or recreational values, even if

such management would protect an area's wilderness characteristics.”

#### FAIRCLOTH AMENDMENT NO. 3584

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, *supra*; as follows:

At the end of the substitute amendment add the following:

#### TITLE —LABOR

#### SEC. 1. NULLIFICATION OF ORDER.

An executive order, or other rule or order, that—

(1) prohibits Federal contracts between the United States and a contractor;

(2) requires the debarment of a contractor from an award of a Federal contract; or

(3) imposes other sanction on a contractor, on the basis that such contractor or organization unit thereof has permanently replaced lawfully striking employees of such contractor shall have no force or effect.

#### FEINGOLD AMENDMENTS NOS. 3585–3587

(Ordered to lie on the table.)

Mr. FEINGOLD submitted three amendments intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, *supra*; as follows:

#### AMENDMENT NO. 3585

On page 147, strike lines 2 through 14 and insert the following:

(a) MANAGEMENT.—Subject to valid existing rights, the wilderness areas designated by this title shall be administered by the Secretary in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in those provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of enactment of this Act.

#### AMENDMENT NO. 3586

Beginning on page 153, strike line 18, and all that follows through page 155, line 2.

#### AMENDMENT NO. 3587

Beginning on page 156, strike line 1 and all that follows through page 157, line 4, and insert the following:

#### SEC. 2008. WILDERNESS STUDY AREA STATUS.

Wilderness study areas administered by the Bureau of Land Management in the State of Utah shall be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

#### DOLE (AND OTHERS) AMENDMENT NO. 3588

(Ordered to lie on the table.)

Mr. DOLE (for himself, Mr. COVERDELL, and Mr. FORD) submitted an amendment intended to be proposed by them to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, *supra*; as follows:

At the appropriate place in the amendment, insert the following:

#### TITLE —NICODEMUS NATIONAL HISTORIC SITE

#### SEC. 01. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the town of Nicodemus, in Kansas, has national significance as the only remaining western town established by African-Americans during the Reconstruction period followings the Civil War;

(2) the town of Nicodemus is symbolic of the pioneer spirit of African-Americans who dared to leave the only region they had been familiar with to seek personal freedom and the opportunity to develop their talents and capabilities; and

(3) the town of Nicodemus continues to be a viable African-American community.

(b) PURPOSES.—The purposes of this title are—

(1) to preserve, protect, and interpret for the benefit and enjoyment of present and future generations, the remaining structures and locations that represent the history (including the settlement and growth) of the town of Nicodemus, Kansas; and

(2) to interpret the historical role of the town of Nicodemus in the Reconstruction period in the context of the experience of westward expansion in the United States.

#### SEC. 02. DEFINITIONS.

In this title:

(1) HISTORIC SITE.—The term “historic site” means the Nicodemus National Historic Site established by section 03.

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

#### SEC. 03. ESTABLISHMENT OF NICODEMUS NATIONAL HISTORIC SITE.

(a) ESTABLISHMENT.—There is established the Nicodemus National Historic Site in Nicodemus, Kansas.

(b) DESCRIPTION.—

(1) IN GENERAL.—The historic site shall consist of the First Baptist Church, the St. Francis Hotel, the Nicodemus School District Number 1, the African Methodist Episcopal Church, and the Township Hall located within the approximately 161.35 acres designated as the Nicodemus National Landmark in the Township of Nicodemus, Graham County, Kansas, as registered on the National Register of Historic Places pursuant to section 101 of the National Historic Preservation Act (16 U.S.C. 470a), and depicted on a map entitled “Nicodemus National Historic Site”, numbered 80,000 and dated August 1994.

(2) MAP AND BOUNDARY DESCRIPTION.—The map referred to in paragraph (1) and an accompanying boundary description shall be on file and available for public inspection in the office of the Director of the National Park Service and any other office of the National Park Service that the Secretary determines to be an appropriate location for filing the map and boundary description.

#### SEC. 04. ADMINISTRATION OF THE HISTORIC SITE.

(a) IN GENERAL.—The Secretary shall administer the historic site in accordance with—

(1) this title; and

(2) the provisions of law generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461 et seq.).

(b) COOPERATIVE AGREEMENTS.—To further the purposes specified in section 01(b), the Secretary may enter into a cooperative agreement with any interested individual, public or private agency, organization, or institution.

(c) TECHNICAL AND PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide to any eligible person described in paragraph (2) technical assistance for the preservation of historic structures of, the maintenance

of the cultural landscape of, and local preservation planning for, the historic site.

(2) ELIGIBLE PERSONS.—The eligible persons described in this paragraph are—

(A) an owner of real property within the boundary of the historic site, as described in section 103(b); and

(B) any interested individual, agency, organization, or institution that has entered into an agreement with the Secretary pursuant to subsection (b).

#### SEC. 05. ACQUISITION OF REAL PROPERTY.

(a) IN GENERAL.—Subject to subsection (b), the Secretary may acquire by donation, exchange, or purchase with funds made available by donation or appropriation, such lands or interests in land as may be necessary to allow for the interpretation, preservation, or restoration of the First Baptist Church, the St. Francis Hotel, the Nicodemus School District Number 1, the African Methodist Episcopal Church, or the Township Hall, as described in section 03(b)(1), or any combination thereof.

(b) LIMITATIONS.—

(1) ACQUISITION OF PROPERTY OWNED BY THE STATE OF KANSAS.—Real property that is owned by the State of Kansas or a political subdivision of the State of Kansas that is acquired pursuant to subsection (a) may only be acquired by donation.

(2) CONSENT OF OWNER REQUIRED.—No real property may be acquired under this section without the consent of the owner of the real property.

#### SEC. 06. GENERAL MANAGEMENT PLAN.

(1) IN GENERAL.—Not later than the last day of the third full fiscal year beginning after the date of enactment of this Act, the Secretary shall, in consultation with the officials described in subsection (b), prepare a general management plan for the historic site.

(b) CONSULTATION.—In preparing the general management plan, the Secretary shall consult with an appropriate official of each of the following:

(1) The Nicodemus Historical Society.

(2) The Kansas Historical Society.

(3) Appropriate political subdivisions of the State of Kansas that have jurisdiction over all or a portion of the historic site.

(c) SUBMISSION OF PLAN TO CONGRESS.—Upon the completion of the general management plan, the Secretary shall submit a copy of the plan to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

#### SEC. 07. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior such sums as are necessary to carry out this title.

#### COCHRAN AMENDMENT NO. 3589

(Ordered to lie on the table.)

Mr. COCHRAN submitted an amendment intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

At the appropriate place in the amendment, insert the following:

#### TITLE —NATCHEZ NATIONAL HISTORICAL PARK

#### SEC. 01. NATCHEZ NATIONAL HISTORICAL PARK.

Section 3 of the Act of October 8, 1988, entitled “An Act to create a national park at Natchez, Mississippi” (16 U.S.C. 4100o et seq.), is amended—

(1) by inserting “(a) IN GENERAL.—” after “SEC. 3.”; and

(2) by adding at the end the following:

“(b) BUILDING FOR JOINT USE BY THE SECRETARY AND THE CITY OF NATCHEZ.—

“(1) CONTRIBUTION TOWARD CONSTRUCTION.—The Secretary may enter into an agreement with the city of Natchez under which the Secretary agrees to pay not to exceed \$3,000,000 toward the planning and construction by the city of Natchez of a structure to be used—

“(A) by the Secretary as an administrative headquarters, administrative stie, and visitors’ center for Natchez National Historical Park; and

“(B) by the city as an intermodal transportation center.

“(2) Use for satisfaction of matching requirements.—The amount of payment under paragraph (1) may be available for matching Federal grants authorized under any other law notwithstanding any limitations in any such law.

“(3) AGREEMENT.—Prior to the execution of an agreement under paragraph (1), the Secretary shall enter into a contract, lease, cooperative agreement, or other appropriate form of agreement with the city of Natchez providing for the use and occupancy of a portion of the structure constructed under paragraph (1) (including appropriate use of the land on which it is situated), at no cost to the Secretary (except maintenance, utility, and other operational costs), for a period of 50 years, with an option for renewal by the Secretary for an additional 50 years.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$3,000,000 to carry out this subsection.”.

#### BRADLEY AMENDMENTS NOS. 3590–3649

(Ordered to lie on the table.)

Mr. BRADLEY submitted 60 amendments intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

#### AMENDMENT No. 3590

On page 147, strike lines 2 through 14 and insert the following:

(a) MANAGEMENT.—Subject to valid existing rights, the wilderness areas designated by this title shall be administered by the Secretary in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in those provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of enactment of this Act.

#### AMENDMENT No. 3591

On page 156, strike lines 2 through 16 and insert the following:

(a) FINDING.—Congress finds that all public lands in Utah administered by the Bureau of Land Management under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) not designated as wilderness by this title, or a previous Act of Congress, have been studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) RELEASE.—The lands described in subsection (a) shall not be subject to the requirement of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) that wilderness study areas be managed in a manner that does not impair the suitability of the areas for preservation as wilderness.

#### AMENDMENT No. 3592

On page 152, between lines 21 and 22, insert the following:

(f) **BENEFICIAL USES.**—Notwithstanding any provision of the laws of the State of Utah otherwise applicable to the granting and exercise of water rights, the purposes for which wilderness areas in Utah are designated under this title, as set forth in this title and the Wilderness Act (16 U.S.C. 1131 et seq.), shall be considered to be beneficial uses.

#### AMENDMENT No. 3593

On page 148, strike lines 7 through 13 and insert the following:

(d) **FISH AND WILDLIFE.**—As provided in section 4(d)(7) of the Wilderness Act, nothing in this title or in the Wilderness Act shall be construed as affecting the jurisdiction or responsibilities of the State of Utah with respect to wildlife and fish on the public lands located in that State.

#### AMENDMENT No. 3594

Beginning on page 159, strike line 2 and all that follows through page 160, line 11, and insert the following:

(2) **FEDERAL LANDS.**—The Federal lands referred to in this section are lands in Utah that are identified for disposal or exchange by the Secretary under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) **EQUAL VALUE.**—

(1) **APPRAISALS.**—Prior to the exchange of the lands identified in subsection (c), the Secretary shall ensure that appraisals of the lands are prepared.

(2) **REQUIREMENT OF EQUAL VALUE.**—To the extent practicable, any lands exchanged under this section shall be exchanged for lands of equal value. If the lands exchanged between the United States and the State of Utah, as authorized by this section, are not of equal value, the values shall be equalized in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

#### AMENDMENT No. 3595

On page 150, at the end of line 14, insert the following: “The United States shall not be liable for the condition of, or the operation, maintenance, repair, or replacement of, any access route allowed under this subsection.”.

#### AMENDMENT No. 3596

On page 152, between lines 21 and 22, insert the following:

(f) **REQUIREMENT ON SECRETARY.**—The Secretary shall protect watersheds within wilderness areas designated by this title that are located upstream of communities to maintain safe drinking water standards.

#### AMENDMENT No. 3597

Beginning on page 163, strike line 21 and all that follows through page 164, line 12.

#### AMENDMENT No. 3598

On page 163, strike lines 3 through 8.

#### AMENDMENT No. 3599

Beginning on page 147, strike line 18 and all that follows through line 6 on page 148 and insert the following:

(c) **LIVESTOCK GRAZING.**—

(1) **IN GENERAL.**—Grazing of livestock in areas designated as wilderness by this title, where established prior to the date of enactment of this Act, shall be administered in accordance with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in H.R. Rep. No. 617 (96th Cong., Sess. 19 ).

(2) **REVIEW OF POLICIES, PRACTICES, AND REGULATIONS.**—The Secretary shall review all policies, practices, and regulations of the Bureau of Land Management regarding live-

stock grazing in wilderness areas administered by the Bureau of Land Management in the State of Utah ensure that the policies, practices, and regulations fully conform with the implement the intent of Congress regarding grazing in those areas, as that intent is expressed in this title.

#### AMENDMENT No. 3600

On page 158, line 3, strike “The exchange” and all that follows through line 9.

#### AMENDMENT No. 3601

Beginning on page 159, strike line 6 and all that follows through page 160, line 11, and insert the following:

(d) **LAND EXCHANGES FOR EQUAL VALUE.**—

(1) **REQUIREMENT.**—The lands exchanged pursuant to this section shall be of approximately equal value, as determined by the Secretary utilizing nationally recognized appraisal standards. If the values are not approximately equal, the Secretary and the State of Utah shall either agree to modify the lands to be exchanged or shall provide for a cash equalization payment to equalize the values. Any cash equalization payment shall not exceed 25 percent of the value of the lands to be conveyed.

(2) **DISPUTE RESOLUTION.**—If the Secretary and the State of Utah are unable to agree to the appraised value of a certain tract or tracts of land, the appraisal, appraisals, or appraisal issues in dispute and a final determination of value shall be resolved through a process of bargaining or submission to arbitration in accordance with section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)).

#### AMENDMENT No. 3602

On page 148, strike lines 14 through 20 and insert the following:

(e) **PROHIBITION OF BUFFER ZONES.**—Congress does not intend that designation of an area as wilderness by this title will lead to the creation of protective perimeters or buffer zones around the area. That nonwilderness activities or uses can be seen or heard from areas within a wilderness area shall not preclude such activities or uses up to the boundary of the wilderness area.

#### AMENDMENT No. 3603

On page 149, strike lines 6 through 16.

#### AMENDMENT No. 3604

Beginning on page 149, strike line 17 and all that follows through line 14 on page 150.

#### AMENDMENT No. 3605

On page 150, line 6, strike “or customarily or” and insert “, customary, and”.

#### AMENDMENT No. 3606

On page 152, strike lines 13 through 21.

#### AMENDMENT No. 3607

Beginning on page 151, strike line 9 and all that follows through page 152, line 21, and insert the following:

#### SEC. 4. STATE WATER ALLOCATION AUTHORITY.

Nothing in this title constitutes an express or implied claim or denial on the part of the Federal Government of any exemption from the water laws of the State of Utah.

#### AMENDMENT No. 3608

Beginning on page 151, strike line 9 and all that follows through page 152, line 21, and insert the following:

#### SEC. 4. WATER RIGHTS.

(a) **RESERVATION.**—

(1) **IN GENERAL.**—With respect to each wilderness area designated by this title, Con-

gress reserves a quantity of water sufficient to fulfill the purposes of this title.

(2) **PRIORITY DATE.**—The priority date of the water rights reserved under paragraph (1) shall be the date of enactment of this Act.

(b) **PROTECTION OF RIGHTS.**—

(1) **IN GENERAL.**—The Secretary and all other officers of the United States shall take such steps as are necessary to protect the rights reserved by subsection (a).

(2) **FILING OF CLAIM.**—The requirement imposed by paragraph (1) shall include the filing by the Secretary of a claim for the quantification of the water rights reserved by subsection (a) in any present or future appropriate stream adjudication in the courts of the State of Utah—

(A) in which the United States is or may be joined; and

(B) that is conducted in accordance with section 208 of the Act of July 10, 1952 (66 Stat. 560, chapter 651; 43 U.S.C. 666) (commonly known as the “McCarran Amendment”).

(c) **NO RELINQUISHMENT OR REDUCTION.**—Nothing in this title relinquishes or reduces any water rights reserved or appropriated by the United States in the State of Utah on or before the date of enactment of this Act.

(d) **NO PRECEDENT.**—

(1) **SPECIFIC TO STATE OF UTAH.**—The Federal water rights reserved by this title are specific to the wilderness areas located in the State of Utah designated by this title.

(2) **NO EFFECT ON OTHER LAW.**—Nothing in this title relating to reserved federal water rights—

(A) establishes a precedent with regard to any future designation of wilderness; or

(B) constitutes an interpretation of any other Act or any designation of wilderness made under any other Act.

#### AMENDMENT No. 3609

On page 153, strike lines 7 through 17 and insert the following:

#### SEC. 2005. CULTURAL, ARCHAEOLOGICAL, AND PALEONTOLOGICAL RESOURCES.

The Secretary shall provide for the protection and interpretation of cultural, archaeological, and paleontological resources located within areas designated as wilderness by this title.

#### AMENDMENT No. 3610

Beginning on page 153, strike line 18 and all that follows through page 155, line 2, and insert the following:

#### SEC. 2006. MILITARY ACTIVITIES.

Nothing in this title precludes low-level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over wilderness areas designated by this title.

#### AMENDMENT No. 3611

Beginning on page 162, strike line 16 and all that follows through page 163, line 3, and insert the following:

“(3) **PROVISIONS RELATING TO FEDERAL LANDS.**—

“(A) **ADJUSTMENT OF VALUE TO REFLECT REVENUE SHARING RIGHTS.**—The value of Federal lands transferred to the”.

#### AMENDMENT No. 3612

On page 168, strike lines 6 through 22 and insert the following:

(c) **EQUAL VALUE.**—Prior to the exchange of lands identified in subsection (b), appraisals of the lands shall be prepared. Any exchange of lands shall be for lands of equal value. If the lands exchanged between the United States and the State of Utah, as authorized by this section, are not of equal value, the

values shall be equalized in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

AMENDMENT No. 3613

Beginning on page 153, strike line 18, and all that follows through page 155, line 2.

AMENDMENT No. 3614

Strike title 1.

AMENDMENT No. 3615

Strike title 2.

AMENDMENT No. 3616

Strike title 3.

AMENDMENT No. 3617

Strike title 4.

AMENDMENT No. 3618

Strike title 5.

AMENDMENT No. 3619

Strike title 6.

AMENDMENT No. 3620

Strike title 7.

AMENDMENT No. 3621

Strike title 8.

AMENDMENT No. 3622

Strike title 9.

AMENDMENT No. 3623

Strike title 10.

AMENDMENT No. 3624

Strike title 11.

AMENDMENT No. 3625

Strike title 12.

AMENDMENT No. 3626

Strike title 13.

AMENDMENT No. 3627

Strike title 14.

AMENDMENT No. 3628

Strike title 15.

AMENDMENT No. 3629

Strike title 16.

AMENDMENT No. 3630

Strike title 17.

AMENDMENT No. 3631

Strike title 18.

AMENDMENT No. 3632

Strike title 19.

AMENDMENT No. 3633

Strike title 20.

AMENDMENT No. 3634

Strike title 21.

AMENDMENT No. 3635

Strike title 22.

AMENDMENT No. 3636

Strike title 23.

AMENDMENT No. 3637

Strike title 24.

AMENDMENT No. 3638

Strike title 25.

AMENDMENT No. 3639

Strike title 26.

AMENDMENT No. 3640

Strike title 27.

AMENDMENT No. 3641

Strike title 28.

AMENDMENT No. 3642

Strike title 29.

AMENDMENT No. 3643

Strike title 30.

AMENDMENT No. 3644

Strike title 31.

AMENDMENT No. 3645

Strike title 32.

AMENDMENT No. 3646

Strike title 33.

AMENDMENT No. 3647

Beginning on page 156, strike line 1 and all that follows through page 157, line 4, and insert the following:

**SEC. 2008. WILDERNESS STUDY AREA STATUS.**

Wilderness study areas administered by the Bureau of Land Management in the State of Utah shall be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

AMENDMENT No. 3648

On page 156, line 9, strike "by this Title".

AMENDMENT No. 3649

On page 166, line 22, strike "the Sand Hollow" and all that follows through page 167, line 1, and insert "lands identified for disposal or exchange by the Secretary pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).".

**NUNN AMENDMENT NO. 3650**

(Ordered to lie on the table.)

Mr. NUNN submitted an amendment intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, *supra*; as follows:

At the end of the amendment, add the following:

**TITLE —MISCELLANEOUS**

**SEC. . ASSISTANCE FOR HIGHWAY RELOCATION IN GEORGIA.**

Section 1(c) of the Act entitled "An Act to authorize and direct the National Park Service to assist the State of Georgia in relocating a highway affecting the Chickamauga and Chattanooga National Military Park in Georgia", approved December 24, 1987 (Public Law 100-211; 101 Stat. 1442), is amended by striking "\$30,000,000" and inserting "\$51,900,000".

**HUTCHISON AMENDMENT NO. 3651**

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, *supra*; as follows:

Add at the end the following:

**TITLE XXXIV—LOS CAMINOS DEL RIO NATIONAL HERITAGE AREA**

**SEC. 3401. SHORT TITLE.**

This title may be cited as the "Los Caminos del Rio National Heritage Area Act of 1996".

**SEC. 3402. FINDINGS.**

Congress finds that—

(1) along the Lower Rio Grande on the border between Texas and Mexico, from Laredo, Texas, to the Gulf of Mexico, a distinctive heritage is exhibited through resources of immense economic, natural, scenic, historical, cultural, and recreational value to the citizens of the United States and the United Mexican States;

(2) significant historical themes and resources of local, State, national, and international importance characterize the river communities and counties along the Lower Rio Grande, representing—

(A) early 16th- and 17th-century Spanish and French explorations;

(B) 18th-century river settlements founded by José de Escandón under the Spanish Crown;

(C) 18th-century ranches that gave birth to the American cowboy;

(D) Texas independence and establishment of the Republic of the Rio Grande in 1840;

(E) the first battle of the Mexican-American War at Palo Alto in 1846;

(F) the last land battle of the American Civil War, fought near the mouth of the Rio Grande in 1865;

(G) a thriving steamboat trade in the late 19th century; and

(H) the development of the Rio Grande Valley as an agricultural empire;

(3) the Lower Rio Grande is 1 of the most complex ecological systems in the United States, with 10 habitat types that host a remarkable variety of species, including 600 species of vertebrates and 11,000 species of plants;

(4) many local and regional governments, Federal and State agencies, businesses, private organizations, and citizens in the United States and Mexico have expressed a desire to work cooperatively to preserve and enhance the most significant components of the natural and cultural heritage throughout the region, while providing for sustainable growth and development; and

(5) it is in the best interest of the citizens of the United States that the Federal Government lend aid and assistance to the State of Texas and its political subdivisions, Los Caminos del Rio of Texas, Incorporated, and other agencies and organizations in developing a management plan to ensure the development, preservation, and restoration of the historical, cultural, natural, scenic, and recreational resources of the Lower Rio Grande region of Texas.

**SEC. 3403. PURPOSES.**

The purposes of this title are—

(1) to recognize the special importance of the Lower Rio Grande region as a living historical legacy of the United States and Mexico containing a wealth of cultural, historical, and heritage resources important to the development of both countries; and

(2) to provide a new conceptual framework and administrative structure for assisting the State of Texas and its political subdivisions, Federal agencies, and other organizations, and private property owners, within the United States and Mexico, in the development and implementation of integrated heritage and economic resource policies and programs that will—

(A) establish stronger, clearer connections between Federal, State, and local agencies with programs for cultural conservation, international relations, transportation, economic development, and natural systems;

(B) provide technical assistance to heritage area communities, organizations, and private property owners for historic preservation, heritage education, interpretation, tourism development, environmental restoration and community development;

(C) cultivate a consensus vision for the heritage area, based on public dialogue, that advocates intergenerational responsibility and sustainable growth in a manner that is consistent with the other purposes of the heritage area;

(D) promote international understanding and cooperation between Mexico and the United States;

(E) enhance the economic base of heritage area communities through heritage tourism, conservation, and development actions as a means of creating an entrepreneurial climate by expanding job opportunities, supporting businesses, creating capital, and increasing local tax bases;

(F) elevate cultural pride and local understanding for heritage resources through the development and management of regional interpretation and educational programs that connect people with resources, activities, and organizations; and

(G) create partnerships between public and private entities and private property owners to finance projects and initiatives throughout the Lower Rio Grande through which limited Federal, State, and local capital contributions for planning and infrastructure investments will stimulate private sector contributions.

#### SEC. 3404. DEFINITIONS.

In this title:

(1) **HERITAGE AREA.**—The term “heritage area” means the Los Caminos del Rio National Heritage Area, as determined eligible for designation under section 3405 and established by section 3406.

(2) **HERITAGE PARTNERSHIP.**—The term “heritage partnership” means the public-private administrative entity established for the heritage area under section 3407.

(3) **HERITAGE STUDY.**—The term “heritage study” means the report entitled “Los Caminos del Rio Heritage Area Study”, prepared by the task force, which contains—

(A) an inventory of natural, historical, cultural, and recreational resources along the heritage area and their relative value and significance;

(B) recommendations for the creation of a partnership that will coordinate activities within the heritage area; and

(C) strategies and proposed actions to protect and enhance the most significant and meaningful components of the natural and cultural heritage of the heritage area while providing for sustainable growth and development and protection of the rights of owners of private property in the heritage area.

(4) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the heritage area developed under section 3408.

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

(6) **TASK FORCE.**—The term “task force” means the State task force for the Los Caminos del Rio Heritage Project appointed by the Governor of the State of Texas, which is—

(A) composed of representatives of the Texas Department of Commerce, the Texas Department of Transportation, the Texas Historical Commission, and the Texas Parks and Wildlife Department; and

(B) charged with working in coordination with public- and private-sector efforts to determine efficient methods to accomplish the development of the Los Caminos del Rio Heritage Project.

#### SEC. 3405. CRITERIA FOR DESIGNATION.

An area shall be eligible for designation as a heritage area under this title only if the area meets each of the following criteria:

(1) **ASSEMBLAGE OF RESOURCES.**—The area is a cohesive assemblage of natural, historic, cultural, or recreational resources that—

(A) together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use; and

(B) are best managed through partnerships between public and private entities.

(2) **TRADITIONS, CUSTOMS, BELIEFS, OR FOLKLIFE.**—The area reflects traditions, customs, beliefs, or folklife, or any combination thereof, that are a valuable part of the story of the United States.

(3) **CONSERVATION OF NATURAL, CULTURAL, OR HISTORIC FEATURES.**—The area provides outstanding opportunities to conserve natural, cultural, or historic features, or any combination thereof.

(4) **RECREATIONAL AND EDUCATIONAL OPPORTUNITIES.**—The area provides outstanding recreational and educational opportunities.

(5) **THEMES AND INTEGRITY OF RESOURCES.**—The area has an identifiable theme, and resources important to the theme retain integrity capable of supporting interpretation.

(6) **SUPPORT.**—Residents, owners of private property included in the proposed area, nonprofit organizations, other private entities, and governments throughout the proposed area—

(A) demonstrate support for designation of the area and for management of the area appropriate to the designation; and

(B) are willing to commit to the implementation of the compact for the area as described in section 3407(e).

#### SEC. 3406. ESTABLISHMENT OF LOS CAMINOS DEL RIO NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—Subject to section 3405, the Secretary shall establish in the State of Texas the Los Caminos del Rio National Heritage Area.

(b) **BOUNDARY.**—Subject to the agreement of owners of private property included in the proposed area, the heritage area shall only be comprised of Cameron County, Hildalgo County, Starr County, Webb County, and Zapata County, Texas, as depicted on the map entitled “Los Caminos del Rio National Heritage Area”, which shall be on file and available for public inspection in the offices of the Department of the Interior in Washington, District of Columbia, and the Texas Historical Commission in Austin, Texas.

(c) **PUBLICATION OF LEGAL DESCRIPTION AND MAP.**—As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a legal description and map of the proposed boundaries of the heritage area and the date on which the boundaries will become final.

(d) **AGREEMENT OF PRIVATE PROPERTY OWNERS.**—

(1) **NOTIFICATION.**—As soon as practicable after the date of enactment of this Act, the Secretary shall provide the owner of any private property included in the proposed boundaries of the heritage area—

(A) notification that the property is proposed for inclusion in the heritage area; and

(B) information about the heritage area that will allow the owner to make an informed decision as to whether to include the owner's property in the heritage area.

(2) **WRITTEN AGREEMENT.**—The Secretary shall attempt to obtain a written agreement from the owner of any private property included in the proposed boundaries of the heritage area that the property may be included in the heritage area.

(3) **FINALIZATION DATE.**—Not later than the date published under subsection (c) as the date on which the boundaries will become

final, the Secretary shall declare the boundaries of the heritage area final.

(4) **FINAL BOUNDARIES.**—The final boundaries of the heritage area may not include any private property for which the Secretary did not obtain agreement from the owner of the property under paragraph (2).

#### SEC. 3407. HERITAGE PARTNERSHIP.

(a) **PARTICIPATION BY THE SECRETARY.**—The Secretary shall participate in an administrative entity to be known as the “heritage partnership” (which shall not constitute a partnership in a legal sense) that includes representatives of—

(1) Los Caminos del Rio of Texas, Incorporated;

(2) the Texas Department of Commerce, the Texas Department of Transportation, the Texas Historical Commission, and the Texas Parks and Wildlife Department;

(3) residents of the heritage area and owners of private property included in the area;

(4) public and private organizations dedicated to cultural conservation, community development, tourism, education, private property rights, business, interpretation, or the environment;

(5) the National Park Service and United States Fish and Wildlife Service; and

(6) pertinent entities in Mexico as ex officio members.

(b) **PURPOSE.**—The heritage partnership shall unite the task force, participating Federal agencies, Los Caminos del Rio of Texas, Incorporated, and other heritage partners in a single organization to effectively blend government technical expertise with private sector resourcefulness and understanding of local issues and values and provide essential coordination and leadership for the heritage area.

(c) **ESTABLISHMENT.**—The executive committee of the board of directors for Los Caminos del Rio of Texas, Incorporated, and the executive directors representing the task force, including the Texas Department of Commerce, the Texas Department of Transportation, the Texas Historical Commission, and the Texas Parks and Wildlife Department, or their designees, shall facilitate the establishment of the heritage partnership.

(d) **ACTIVITIES.**—

(1) **COORDINATION.**—The heritage partnership shall provide overall coordination of the various entities and funding sources relevant to the purposes of the heritage area.

(2) **MISSION.**—The primary mission of the heritage partnership shall be to—

(A) facilitate development and implementation of a management plan;

(B) provide technical assistance and leverage financial assistance for heritage area communities and resource areas;

(C) coordinate existing and potential activities and programs that encourage positive development of the region; and

(D) become a self-sustaining entity.

(e) **COMPACT.**—

(1) **DEVELOPMENT.**—The members of the heritage partnership shall develop a compact that identifies the initial partners to be involved in developing and implementing the management plan and a statement of the financial commitment of the partners.

(2) **PROHIBITION ON LAND USE RESTRICTIONS.**—The compact may not require the enactment or modification of land use restrictions.

(f) **PUBLIC MEETINGS.**—The heritage partnership shall conduct public meetings at least quarterly regarding the implementation of the management plan for the heritage area.

(g) **PROHIBITION OF ACQUISITION OF REAL PROPERTY.**—The heritage partnership may not use Federal funds received under this title to acquire real property or an interest in real property.



(h) DURATION OF ELIGIBILITY FOR ASSISTANCE.—The heritage partnership shall be eligible to receive assistance from funds appropriated under this title for a 13-year period beginning on the date on which the Secretary approves a compact under this section.

#### SEC. 3408. HERITAGE AREA MANAGEMENT PLAN.

(a) PREPARATION.—Subject to sections 3412 and 3414, the heritage partnership, in conjunction with private landowners within the heritage area, local governments, Federal and State agencies, and the public, shall develop a management plan to ensure proper management of significant cultural and heritage resources within the heritage area in a manner that is compatible with, and supportive of, natural, cultural, scenic, educational, recreational, and economic values of the resources and takes into account the existing uses of land within the area and any development already planned or in progress.

(b) COMPONENTS.—Subject to sections 3412 and 3414, the management plan shall include—

(1) recommended policies and techniques for resource management, including development of intergovernmental cooperative agreements to protect historical, cultural, recreational, scenic, and heritage resources of the heritage area in a manner that is consistent with, and supportive of, compatible economic revitalization efforts;

(2) goals, criteria, and standards applicable to the preservation and use of important cultural and heritage resources of the heritage area;

(3) a regional heritage education and interpretive plan to address the cultural and natural history of the heritage area, including actions to enhance visitor use and understanding and promote protection and awareness of the heritage area resources in schools located in the heritage area;

(4) an inventory that identifies properties in the heritage area that should be preserved, restored, managed, developed, or maintained, because of their natural, cultural, historical, or scenic significance, with recognition of the rights of private landowners and traditional land users;

(5) an implementation program for the plan that includes actions and responsibilities of the heritage partnership, local governments, and Federal and State agencies, as agreed on by the parties and private landowners within the heritage area; and

(6) a coordination and consistency component that describes the ways in which private, local, State, and Federal programs will be coordinated to promote the purposes of this title and protect the interests of private landowners within the heritage area.

(c) PRIVATE PROPERTY OWNERS NOT INCLUDED IN THE HERITAGE AREA.—The inventory under subsection (b)(4) may not include any reference to private property that was not included in the final boundaries of the heritage area under section 3406(d)(4).

#### SEC. 3409. WITHDRAWAL OF DESIGNATION.

(a) IN GENERAL.—The heritage area designation of an area under this title shall continue unless—

(1) the Secretary determines that—

(A) the heritage area no longer meets the criteria referred to in section 3405;

(B) the use, condition, or development of the area is inconsistent with the criteria referred to in section 3405, the compact for the area, or the management plan for the area; or

(C) as demonstrated by a request from the Governor of the State of Texas or a petition reflecting the interest of residents or owners of land in the area, the heritage area is no longer supported by the residents or owners of land in the area; and

(2) after making a determination referred to in paragraph (1), the Secretary submits to Congress notification that the heritage area designation of the area should be withdrawn.

(b) PUBLIC HEARING.—Before the Secretary makes a determination referred to in subsection (a)(1) regarding a heritage area, the Secretary or a designee shall hold a public hearing within the area.

(c) TIME OF WITHDRAWAL OF DESIGNATION.—The withdrawal of the heritage area designation of an area shall become final 90 legislative days after the Secretary submits to Congress the notification referred to in subsection (a)(2) regarding the area.

(d) RESTRICTIONS ON REDESIGNATION.—If the heritage area designation of any area under this title is withdrawn, the area may not be redesignated as a heritage area before the expiration of the 10-year period beginning on the date of the withdrawal. In the case of any heritage area that is redesignated, the length of time the area shall be eligible for Federal funds under this title shall be the excess (if any) of 15 years over the amount of time for which the area was previously eligible for Federal funds under this title.

#### SEC. 3410. DUTIES OF THE SECRETARY OF THE INTERIOR.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of the heritage partnership, the Secretary shall provide technical and financial assistance to the heritage partnership in the preparation and implementation of any plan or research recommended in the heritage study or management plan.

(2) LAND USE RESTRICTIONS.—The Secretary shall not, as a condition to the award of technical and financial assistance under paragraph (1), require any recipient of assistance to enact or modify any land use restriction.

(b) COORDINATION WITH MEXICO.—The Secretary may work in cooperation with the government of Mexico (including providing technical assistance) to coordinate planning, interpretation, and implementation activities as recommended in the heritage study or management plan.

#### SEC. 3411. DUTIES OF OTHER FEDERAL ENTITIES.

To avoid any decision or action by any department, agency, or instrumentality of the United States that could unfavorably affect or alter any significant resource of the heritage area having substantial natural, scenic, historical, cultural, or recreational value, the head of the department, agency, or instrumentality shall—

(1) notify the Secretary, and before taking final action with respect to implementing any such decision or action, allow the Secretary 30 days in which to present the Secretary's views on the matter;

(2) cooperate with the Secretary and the heritage partnership in carrying out their duties under this title and, to the maximum extent practicable, coordinate activities of the department, agency, or instrumentality that affect the heritage area with the carrying out of those duties; and

(3) cooperate with the heritage partnership, to the greatest extent practicable, in supporting the purposes of the heritage area.

#### SEC. 3412. NO EFFECT ON LAND USE REGULATION.

(a) NO EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this title modifies, enlarges, or diminishes any authority of Federal, State, or local government to regulate any use of land as provided for by law.

(b) NO ZONING OR LAND USE POWERS IN THE HERITAGE PARTNERSHIP.—Nothing in this title grants powers of zoning or land use to the heritage partnership.

#### SEC. 3413. FISHING AND HUNTING SAVINGS CLAUSE.

(a) NO DIMINISHMENT OF STATE AUTHORITY.—Establishment of the heritage area does not diminish the authority of the State of Texas to manage fish and wildlife inside or outside the heritage area.

(b) NO CONDITIONING OF APPROVAL AND ASSISTANCE.—Neither the Secretary nor any other Federal agency may—

(1) make any limitation on agriculture, hunting, fishing, or trapping a condition for the approval of a compact or the determination of eligibility for assistance under this title; or

(2) make any such limitation a condition for the receipt, in connection with the heritage area, of any other form of assistance.

#### SEC. 3414. PUBLIC PROPERTY PROTECTION.

(a) LIMITATION ON INCLUSION OF PUBLIC PROPERTY IN HERITAGE AREAS.—

(1) IN GENERAL.—No property owned by a unit of local government shall be included in the heritage area unless the local government agrees that the property may be included and notifies the Secretary of the agreement in writing.

(2) REMOVAL.—If at any time after inclusion of property in the heritage area owned by a unit of local government the local government that submitted a notification under paragraph (1) requests to be removed from the heritage area, the members of the heritage partnership shall revise the compact to exclude the property from the heritage area.

(b) PROHIBITION OF ASSISTANCE IF HERITAGE PARTNERSHIP EXERCISES ZONING OR LAND USE POWERS.—The Secretary may not provide grants or technical assistance under this title with respect to any heritage area if the heritage partnership for such area possesses or exercises any zoning or land use regulation powers.

(c) PRIVATE PROPERTY.—

(1) IN GENERAL.—Nothing in this title—

(A) requires an owner of private property to participate in or be associated with the heritage area or to permit public access to the private property; or

(B) modifies any provision of State law with regard to public access to or use of private land.

(2) LIMITATION ON INCLUSION IN HERITAGE AREAS.—No privately owned property shall be included in the heritage area unless the owner of the property agrees to include the property under section 3406(d).

(3) CONSENT OF OWNERS.—A Federal employee may not enter or otherwise take an action on private property to carry out this title without the written consent of the owner of the property.

(4) ACQUISITION OF PROPERTY.—A heritage partnership for the heritage area may not acquire real or personal property, or any interest in the property, without the written consent of the owner of the property.

(5) PROPERTY VALUES.—A Federal agency or employee may not take an action under this title that would diminish the value of private property.

(6) REMOVAL.—

(A) IN GENERAL.—If at any time after inclusion of privately owned property in the heritage area the owner of the property requests to be removed from the heritage area, the members of the heritage partnership shall revise the compact to exclude the property from the heritage area.

(B) FINALIZATION.—Exclusion of private property under subparagraph (A) shall be final on the mailing to the Secretary of a written request by the owner to be removed from the heritage area.

(d) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—No provision of this title shall be construed to modify any authority of Federal, State, or local government to regulate land use.

(e) NOTIFICATION ON MAPS.—All maps and brochures prepared under this title shall specify any lands within the heritage areas that are private lands.

**SEC. 3415. EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS.**

This title does not—

(1) require the imposition of any environmental, occupational, safety, or other regulation, standard, or permit process that is different from those that would be applicable had the heritage area not been established;

(2) require the imposition of any Federal or State water use designation or water quality standard on uses of, or discharges to, waters of a State or waters of the United States, within or adjacent to a heritage area, that is different from those that would be applicable had the heritage area not been established;

(3) affect the continuing use and operation, repair, rehabilitation, expansion, or new construction of water supply facilities, water and wastewater treatment facilities, stormwater facilities, public utilities, and common carriers;

(4) authorize or imply the reservation or appropriation of water or water rights; or

(5) abridge, restrict, or alter any applicable rule, regulation, standard, or review procedure for the permitting of facilities within or adjacent to the heritage area.

**SEC. 3416. MULTIPLE USE SAVINGS CLAUSE.**

(a) NO DIMINISHMENT OF STATE AUTHORITY.—This title does not diminish the authority of the State of Texas to manage fish and wildlife, including the regulation of fishing and hunting within the heritage area.

(b) NO CONDITIONING OF COMPACT AND ASSISTANCE.—The Secretary may not require limitations on any multiple use on Federal land (including oil and gas, exploration and production, timbering, grazing, mining, irrigation, recreation, fishing, hunting, or trapping) as a condition for approval of a compact under section 3407 or the provision of technical or financial assistance under section 3410.

**SEC. 3417. REPORT.**

On or before the last day of the 5th fiscal year beginning after the date of enactment of this Act and of each 5th year thereafter, the Secretary shall submit to Congress a report on the status and accomplishments of the heritage area.

**SEC. 3418. AUTHORIZATION OF APPROPRIATIONS.**

(a) HERITAGE PARTNERSHIP.—There are authorized to be appropriated to the heritage partnership to carry out its duties under this title such sums as are necessary for each fiscal year.

(b) LIMITATION.—Assistance under this title for a management plan may not exceed 75 percent of the cost for such plan.

(c) SECRETARY.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this title.

**SEC. 3419. EXPIRATION OF AUTHORITIES.**

The authorities contained in this title shall expire on September 30 of the 15th fiscal year beginning after the date of enactment of this Act.

**BINGAMAN AMENDMENT NO. 3652**

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to amendment No. 3564 proposed by Mr. MURKOWSKI to the bill H.R. 1296, supra; as follows:

Purpose: To modify the boundaries of the White Sands National Monument and the White Sands Missile Range, New Mexico, to modify the boundary of the Banderlier National Monument, New Mexico, and for other purposes.

At the appropriate place, add the following:

**TITLE —**

**SECTION 1. MODIFICATION OF BOUNDARIES OF WHITE SANDS NATIONAL MONUMENT AND WHITE SANDS MISSILE RANGE.**

(a) PURPOSE.—The purpose of this section is to effect an exchange between the Secretary of the Interior and the Secretary of the Army of administrative jurisdiction over the lands described in subsection (c) in order to facilitate administration of the White Sands National Monument and the White Sands Missile Range.

(b) DEFINITION.—In this section:

(1) MISSILE RANGE.—The term “missile range” means the White Sands Missile Range, New Mexico, administered by the Secretary of the Army.

(2) MONUMENT.—The term “monument” means the White Sands National Monument, New Mexico, established by Proclamation No. 2025 (16 U.S.C. 431 note) and administered by the Secretary of the Interior.

(c) EXCHANGE OF JURISDICTION.—The lands exchanged under this Act are the lands generally depicted on the map entitled “White Sands National Monument, Boundary Proposal”, numbered 142/80,061 and dated January 1994, comprising—

(1) approximately 2,524 acres of land within the monument that is under the jurisdiction of the Secretary of the Army, which are transferred to the Secretary of the Interior;

(2) approximately 5,758 acres of land within the missile range abutting the monument, which are transferred to the Secretary of the Interior; and

(3) approximately 4,277 acres of land within the monument abutting the missile range, which are transferred to the Secretary of the Army.

(d) BOUNDARY MODIFICATION.—The boundary of the monument is modified to include the land transferred to the Secretary of the Interior and exclude the land transferred to the Secretary of the Army by subsection (c). The boundary of the missile range is modified accordingly.

(e) ADMINISTRATION.—

(1) MONUMENT.—The Secretary of the Interior shall administer the lands transferred to the Secretary of the Interior by subsection (c) in accordance with laws (including regulations) applicable to the monument.

(2) MISSILE RANGE.—The Secretary of the Army shall administer the lands transferred to the Secretary of the Army by subsection (c) as part of the missile range.

(3) AIRSPACE.—The Secretary of the Army shall maintain control of the airspace above the lands transferred to the Secretary of the Army by subsection (c) as part of the missile range.

(f) PUBLIC AVAILABILITY OF MAP.—The Secretary of the Interior and the Secretary of the Army shall prepare, and the Secretary of the Interior shall keep on file for public inspection in the headquarters of the monument, a map showing the boundary of the monument as modified by this Act.

(g) WAIVER OF LIMITATION UNDER PRIOR LAW.—Notwithstanding section 303(b)(1) of the National Parks and Recreation Act of 1978 (92 Stat. 3476), land or an interest in land that was deleted from the monument by section 301(19) of the Act (92 Stat. 3475) may be exchanged for any non-Federal land within the boundaries of any unit of the National Park System in the State of New Mexico, may be transferred to the jurisdiction of any other Federal agency or to the State or a political subdivision of the State, without monetary consideration, or may be administered as public land, as the Secretary considers appropriate.

**SEC. 2. BANDELIER NATIONAL MONUMENT.**

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) under the provisions of a special use permit, sewage lagoons for Banderlier National Monument, established by Proclamation No. 1322 (16 U.S.C. 431 note) (referred to in this section as the “monument”) are located on land administered by the Secretary of Energy that is adjacent to the monument; and for public inspection in the headquarters of the monument, a map showing the boundary of the monument as modified by this Act.

(g) WAIVER OF LIMITATION UNDER PRIOR LAW.—Notwithstanding section 303(b)(1) of the National Parks and Recreation Act of 1978 (92 Stat. 3476), land or an interest in land that was deleted from the monument by section 301(19) of the Act (92 Stat. 3475) may be exchanged for any non-Federal land within the boundaries of any unit of the National Park System in the State of New Mexico, may be transferred to the jurisdiction of any other Federal agency or to the State or a political subdivision of the State, without monetary consideration, or may be administered as public land, as the Secretary considers appropriate.

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(A) under the provisions of a special use permit, sewage lagoons for Banderlier National Monument, established by Proclamation No. 1322 (16 U.S.C. 431 note) (referred to in this section as the “monument”) are located on land administered by the Secretary of Energy that is adjacent to the monument; and

(B) modification of the boundary of the monument to include the land on which the sewage lagoons are situated—

(i) would facilitate administration of both the monument and the adjacent land that would remain under the administrative jurisdiction of the Secretary of Energy; and

(ii) can be accomplished at no cost.

(2) PURPOSE.—The purpose of this section is to modify the boundary between the monument and adjacent Department of Energy land to facilitate management of the monument and Department of Energy land.

(b) BOUNDARY MODIFICATION.—

(1) TRANSFER OF ADMINISTRATIVE JURISDICTION.—There is transferred from the Secretary of Energy to the Secretary of the Interior administrative jurisdiction over the land comprising approximately 4.47 acres depicted on the map entitled “Boundary Map, Banderlier National Monument”, No. 315/80,051, dated March 1995.

(2) BOUNDARY MODIFICATION.—The boundary of the monument is modified to include the land transferred by paragraph (1).

(3) PUBLIC AVAILABILITY OF MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the Lands Office at the Southwest System Support Office of the National Park Service, Santa Fe, New Mexico, and in the Superintendent's Office of Banderlier National Monument.

**DOLE AMENDMENT NO. 3653**

Mr. DOLE proposed an amendment to the motion to commit to the Committee on Finance the bill H.R. 1296, supra; as follows:

Strike the instructions in the pending motion and insert in lieu thereof “To report back by April 21, 1996 amendments to reform welfare and Medicaid effective 1 day after the effective date of the bill.”

**DOLE AMENDMENT NO. 3654**

Mr. DOLE proposed an amendment to amendment No. 3653 proposed by him

to the motion to Commit to the committee on Finance the bill H.R. 1296, supra; as follows:

Strike all after the first word in the amendment to the instructions to the pending motion and insert in lieu thereof "Report back by April 21, 1996 amendments to reform welfare and Medicaid effective 2 days after the effective date of the bill."

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 11 a.m. on Tuesday, March 26, 1996, in open session, to receive testimony on atomic energy defense activities under the purview of the Acting Under Secretary, Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 26, 1996, to conduct a nominations hearing on the following nominees: the Honorable Alan Greenspan, of New York, to be Chairman of the Board of Governors of the Federal Reserve System; the Honorable Alice Rivlin, of Pennsylvania, to be a Governor and serve as Vice Chairman of the Board of Governors of the Federal Reserve System; and Laurence Meyer, of Missouri, to be a Governor of the Board of Governors of the Federal Reserve System. Witnesses will include Ralph Nader, consumer advocate.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, March 26, 1996 session of the Senate for the purpose of conducting a hearing on the fiscal year 1997 NASA budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 26, 1996, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, March 26, 1996, at 9:30 a.m. for a hearing on the IRS oversight.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Select Com-

mittee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 26, 1996, at 2 p.m. in SH-219 to hold a closed briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Children and Families of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate at 9:30 a.m., Tuesday, March 26, 1996, for a hearing on "Filling the Gap: Can Private Institutions Do It?"

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON SEAPOWER

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet on Tuesday, March 26, 1996, at 2:30 p.m., in open session, to receive testimony on the Department of the Navy's Marine Corps programs in review of the Defense authorization request for fiscal year 1997 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONGRATULATING THE AMERICAN LEGION POST NO. 88 IN LOUDON, NH ON THEIR 50TH ANNIVERSARY

Mr. SMITH. Mr. President, I rise today to pay tribute to the American Legion Post No. 88 in Loudon, NH on their 50th anniversary.

On January 18, 1946, the American Legion Post No. 88 applied for their first charter. Exactly a month later, the members of Post No. 88 held their first meeting and began planning activities for the community. The original Post No. 88 application had 15 names including H.L. Annis, C.H. Derby, C.B. Hall, S.B. Hall, W.G. Harrison, Laura A. Hayward, R.C. Lovering, W.L. Manchester, G.P. Marcotte, H. McCoy, P.E. Morrill, P.W. Ordway, L.C. Palmer, D.P. Reardon and D.B. Stuart. W.L. Manchester was first the Commander of Post No. 88. This milestone of 50 years is a significant accomplishment for all the post members.

The members of Post No. 88 have become an integral part of the Loudon community and donate hundreds of hours of service to their community each year. So many veterans, children and needy families have been touched by the assistance these legionnaires provide through their volunteer work. They visit fellow veterans in local hospitals, coordinate youth programs and are involved with numerous Boy Scout and 4-H groups who use the post headquarters for meetings. Post No. 88 also participates in the nationwide legion efforts which include: sponsoring students for both Boys and Girls State,

sponsoring poster contests that focus on patriotism in local schools, writing and mailing letters to American troops in Bosnia, recycling, collecting eyeglasses for the needy, helping the elderly with housing, and making quilts for at-risk children. All the members of Post No. 88 deserve a special word of appreciation for serving the Loudon and Concord communities so diligently. Many people have greatly benefited from their goodwill and charity.

Fifty years ago, Post No. 88 opened its doors to the town of Loudon. Just last month, exactly 50 years later, a special anniversary program for Post No. 88 was held in the original building on South Village Road. In fact, one of charter members of the auxiliary unit, Marion Stuart, attended the ceremony.

We are truly fortunate to have such a caring group of individuals at the American Legion Post No. 88. For half a century, these members have exemplified goodwill and concern for their needy neighbors and their efforts will no doubt continue for the next 50 years. As a veteran, I congratulate Post No. 88 on their steadfast service to Loudon and Concord. New Hampshire is truly indebted to the Loudon American Legion Post No. 88.

#### NATIONAL DOMESTIC VIOLENCE HOTLINE

● Mr. WELLSTONE. Mr. President, 2 weeks ago, I came to the floor to announce the realization of another component of our initiative to prevent violence against women—the national domestic violence hotline. At that time, I indicated that I would come to the floor every day for 2 weeks, whenever my colleagues would be kind enough to give me about 30 seconds of time, to read off the 800 number of the hotline.

The toll-free number, 1-800-799-SAFE, will provide immediate crisis counseling, and local shelter referrals to women across the country, 24 hours a day. There is also a TDD number for the hearing impaired, 1-800-787-3224.

Mr. President, roughly 1 million women are victims of domestic violence each year and battering may be the single most common cause of injury to women—more common than auto accidents, muggings, or rapes by a stranger. According to the FBI, one of every two women in America will be beaten at least once in the course of an intimate relationship. The FBI also speculates that battering is the most under-reported crime in the country. It is estimated that the new hotline will receive close to 10,000 calls a day.

I hope that the new national domestic violence hotline will help women and families find the support, assistance, and services they need to get out of homes where there is violence and abuse.

Mr. President, once again, the toll-free number is 1-800-787-3224, for the hearing impaired.●