

Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4228) and the amendments made by that section are repealed.

(d) WATER RIGHTS.—Nothing in this section strengthens, diminishes, or has any other effect on water rights held by any person or entity.

### SEC. 3. LAND RECLASSIFICATION.

(a) Within 6 months of the date of enactment of this Act, the Secretaries of Agriculture and Interior shall identify any Oregon and California Railroad lands (O&C lands) subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. sec. 1181f) within the boundary of the special resources management area described in section 1 of this Act.

(b) Within 18 months of the date of enactment of this Act, the Secretary of the Interior shall identify public domain lands within the Medford, Roseburg, Eugene, Salem and Coos Bay Districts and the Klamath Resource Area of the Lakeview District of the Bureau of Land Management approximately equal in size and condition as those lands identified in subsection (a) but not subject to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. sec. 1181a-f). For purposes of this subsection, "public domain lands" shall have the meaning given the term "public lands" in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702), but excluding therefrom any lands managed pursuant to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a-f).

(c) Within 2 years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress and publish in the Federal Register a map or maps identifying those public domain lands pursuant to subsections (a) and (b) of this section. After an opportunity for public comment, the Secretary of the Interior shall complete an administrative land reclassification such that those lands identified pursuant to subsection (a) become public domain lands not subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. Sec. 1181f) and those lands identified pursuant to subsection (b) become Oregon and California Railroad lands (O&C lands) subject to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a-f).

### SEC. 4. ENVIRONMENTAL RESTORATION.

(a) IN GENERAL.—In order to further the purposes of this Act, there is hereby authorized to be appropriated \$10,000,000 under the provisions of section 323 of the FY 1999 Interior Appropriations Act (P.L. 105-277) for Clackamas County, Oregon, for watershed restoration, except timber extraction, that protects or enhances water quality or relates to the recovery of species listed pursuant to the Endangered Species Act (P.L. 93-205) near the Bull Run Management Unit.

### HARRIET TUBMAN SPECIAL RESOURCE STUDY ACT

The Senate proceeded to consider the bill (S. 2345) to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, NY, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause and insert the part printed in italic.

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Harriet Tubman Special Resource Study Act".

### SEC. 2. FINDINGS.

Congress finds that—

(1) Harriet Tubman was born into slavery on a plantation in Dorchester County, Maryland, in 1821;

(2) in 1849, Harriet Tubman escaped the plantation on foot, using the North Star for direction and following a route through Maryland, Delaware, and Pennsylvania to Philadelphia, where she gained her freedom;

(3) Harriet Tubman is an important figure in the history of the United States, and is most famous for her role as a "conductor" on the Underground Railroad, in which, as a fugitive slave, she helped hundreds of enslaved individuals to escape to freedom before and during the Civil War;

(4) during the Civil War, Harriet Tubman served the Union Army as a guide, spy, and nurse;

(5) after the Civil War, Harriet Tubman was an advocate for the education of black children;

(6) Harriet Tubman settled in Auburn, New York, in 1857, and lived there until 1913;

(7) while in Auburn, Harriet Tubman dedicated her life to caring selflessly and tirelessly for people who could not care for themselves, was an influential member of the community and an active member of the Thompson Memorial A.M.E. Zion Church, and established a home for the elderly;

(8) Harriet Tubman was a friend of William Henry Seward, who served as the Governor of and a Senator from the State of New York and as Secretary of State under President Abraham Lincoln;

(9) 4 sites in Auburn that directly relate to Harriet Tubman and are listed on the National Register of Historic Places are—

(A) Harriet Tubman's home;

(B) the Harriet Tubman Home for the Aged;

(C) the Thompson Memorial A.M.E. Zion Church; and

(D) Harriet Tubman Home for the Aged and William Henry Seward's home in Auburn are national historic landmarks.

### SEC. 3. STUDY CONCERNING SITES IN AUBURN, NEW YORK, ASSOCIATED WITH HARRIET TUBMAN.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a special resource study of the national significance, feasibility of long-term preservation, and public use of the following sites associated with Harriet Tubman:

(1) Harriet Tubman's Birthplace, located on Greenbriar Road, off of Route 50, in Dorchester County, Maryland.

(2) Bazel Church, located 1 mile South of Greenbriar Road in Cambridge, Maryland.

(3) Harriet Tubman's home, located at 182 South Street, Auburn, New York.

(4) The Harriet Tubman Home for the Aged, located at 180 South Street, Auburn, New York.

(5) The Thompson Memorial A.M.E. Zion Church, located at 33 Parker Street, Auburn, New York.

(6) Harriet Tubman's grave at Port Hill Cemetery, located at 19 Fort Street, Auburn, New York.

(7) William Henry Seward's home, located at 33 South Street, Auburn, New York.

(b) INCLUSION OF SITES IN THE NATIONAL PARK SYSTEM.—The study under subsection (a) shall include an analysis and any recommendations of the Secretary concerning the suitability and feasibility of—

(1) designating one or more of the sites specified in subsection (a) as units of the National Park System; and

(2) establishing a national heritage corridor that incorporates the sites specified in subsection (a) and any other sites associated with Harriet Tubman.

(c) STUDY GUIDELINES.—In conducting the study authorized by this Act, the Secretary shall

use the criteria for the study of areas for potential inclusion in the National Park System contained in Section 8 of P.L. 91-383, as amended by Section 303 of the National Park Omnibus Management Act ((P.L. 105-391), 112 Stat. 3501).

(d) CONSULTATION.—In preparing and conducting the study under subsection (a), the Secretary shall consult with—

(1) the Governors of the States of Maryland and New York;

(2) a member of the Board of County Commissioners of Dorchester County, Maryland;

(3) the Mayor of the city of Auburn, New York;

(4) the owner of the sites specified in subsection (a); and

(5) the appropriate representatives of—

(A) the Thompson Memorial A.M.E. Zion Church;

(B) the Bazel Church;

(C) the Harriet Tubman Foundation; and

(D) the Harriet Tubman Organization, Inc.

(e) REPORT.—Not later than 2 years after the date on which funds are made available for the study under subsection (a), the Secretary shall submit to Congress a report describing the results of the study.

The amendment (No. 4295) was agreed to, as follows:

AMENDMENT NO. 4295

(Purpose: To make a technical correction)

On page 7, line 24, strike "Port Hill Cemetery," and insert in lieu thereof "Fort Hill Cemetery;"

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2345), as amended, was read the third time and passed, as follows:

S. 2345

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

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(4) during the Civil War, Harriet Tubman served the Union Army as a guide, spy, and nurse;

(5) after the Civil War, Harriet Tubman was an advocate for the education of black children;

(6) Harriet Tubman settled in Auburn, New York, in 1857, and lived there until 1913;

(7) while in Auburn, Harriet Tubman dedicated her life to caring selflessly and tirelessly for people who could not care for themselves, was an influential member of the community and an active member of the Thompson Memorial A.M.E. Zion Church, and established a home for the elderly;

(8) Harriet Tubman was a friend of William Henry Seward, who served as the Governor of and a Senator from the State of New York and as Secretary of State under President Abraham Lincoln;

(9) 4 sites in Auburn that directly relate to Harriet Tubman and are listed on the National Register of Historic Places are—

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**SEC. 3. STUDY CONCERNING SITES IN AUBURN, NEW YORK, ASSOCIATED WITH HARRIET TUBMAN.**

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- (1) designating one or more of the sites specified in subsection (a) as units of the National Park System; and
- (2) establishing a national heritage corridor that incorporates the sites specified in subsection (a) and any other sites associated with Harriet Tubman.

(c) STUDY GUIDELINES.—In conducting the study authorized by this Act, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in Section 8 of P.L. 91-383, as amended by Section 303 of the National Park Omnibus Management Act ((P.L. 105-391), 112 Stat. 3501).

(d) CONSULTATION.—In preparing and conducting the study under subsection (a), the Secretary shall consult with—

- (1) the Governors of the States of Maryland and New York;
  - (2) a member of the Board of County Commissioners of Dorchester County, Maryland;
  - (3) the Mayor of the city of Auburn, New York;
  - (4) the owner of the sites specified in subsection (a); and
  - (5) the appropriate representatives of—
    - (A) the Thompson Memorial A.M.E. Zion Church;
    - (B) the Bazel Church;
    - (C) the Harriet Tubman Foundation; and
    - (D) the Harriet Tubman Organization, Inc.
- (e) REPORT.—Not later than 2 years after the date on which funds are made available for the study under subsection (a), the Secretary shall submit to Congress a report describing the results of the study.

**RECALCULATING FRANCHISE FEE OWED BY FORT SUMTER TOURS, INC.**

The Senate proceeded to consider the bill (S. 2331) to direct the Secretary of

the Interior to recalculate the franchise fee owed by Fort Sumter Tours, Inc., a concessioner providing service to Fort Sumter National Monument, SC, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike out all after the enacting clause and insert the part printed in italic.

**SECTION 1. ARBITRATION REQUIREMENT.**

*The Secretary of the Interior (in this Act referred to as the "Secretary") shall, upon the request of Fort Sumter Tours, Inc. (in this Act referred to as the "Concessioner"), agree to binding arbitration to determine the franchise fee payable under the contract executed on June 13, 1986, by the Concessioner and the National Park Service, under which the Concessioner provides passenger boat service to Fort Sumter National Monument in Charleston Harbor, South Carolina (in this Act referred to as "the Contract").*

**SEC. 2. APPOINTMENT OF THE ARBITRATOR.**

(a) **MUTUAL AGREEMENT.**—Not later than 90 days after the date of enactment of this Act, *The Secretary and the Concessioner shall jointly select a single arbitrator to conduct the arbitration under this Act.*

(b) **FAILURE TO AGREE.**—*If the Secretary and the concessioner are unable to agree on the selection of a single arbitrator within 90 days after the date of enactment of this Act, within 30 days thereafter the Secretary and the Concessioner shall each select an arbitrator, the two arbitrators selected by the Secretary and the Concessioner shall jointly select a third arbitrator, and the three arbitrators shall jointly conduct the arbitration.*

(c) **QUALIFICATIONS.**—*Any arbitrator selected under either subsection (a) or subsection (b) shall be a neutral who meets the criteria of section 573 of title 5, United States Code.*

(d) **PAYMENT OF EXPENSES.**—*The Secretary and the Concessioner shall share equally the expenses of the arbitration.*

(e) **DEFINITION.**—*As used in this Act, the term "arbitrator" includes either a single arbitrator selected under subsection (a) or a three-member panel of arbitrators selected under (b).*

**SEC. 3. SCOPE OF THE ARBITRATION.**

(a) **SOLE ISSUE TO BE DECIDED.**—*The arbitrator shall determine—*

- (1) *the appropriate amount of the franchise fee under the Contract for the period from June 13, 1991, through December 31, 2000, in accordance with the terms of the Contract; and*
- (2) *any interest or penalties on the amount owed under paragraph (1).*

(b) **DE NOVO DECISION.**—*The arbitrator shall not be bound by any prior determination of the appropriate amount of the fee by the Secretary.*

(c) **BASIS FOR DECISION.**—*The arbitrator shall determine the appropriate amount of the fee based upon the law in effect on the effective date of the Contract and the terms of section 9 of the Contract.*

**SEC. 4. EFFECT OF DECISION.**

(a) **RETROACTIVE EFFECT.**—*The amount of the fee determined by the arbitrator under section 3(a) shall be retroactive to June 13, 1991.*

(b) **NO FURTHER REVIEW.**—*Notwithstanding subchapter IV of title 5, United States Code (commonly known as the Administrative Dispute Resolution Act), the decision of the arbitrator shall be final and conclusive upon the Secretary and the Concessioner and shall not be subject to judicial review.*

**SEC. 5. GENERAL AUTHORITY.**

*Except to the extent inconsistent with this Act, the arbitration under this Act shall be conducted in accordance with subchapter IV of title 5, United States Code.*

**SEC. 6. ENFORCEMENT.**

*A party aggrieved by the alleged failure, neglect, or refusal of another to arbitrate under this Act, or by any unreasonable delay in the*

*appointment of the arbitrator or the conduct of the arbitration, may petition the United States District Court for the District of South Carolina or the United States District Court for the District of Columbia for an order directing that the arbitration proceed in the manner provided by this Act.*

Amend the title to read: "A bill to require the Secretary of the Interior to submit the dispute over the franchise fee owed by Fort Sumter Tours, Inc. to binding arbitration."

The amendment (No. 4296) was agreed to, as follows:

AMENDMENT NO. 4296

Strike all and insert the following:

**"SECTION 1. ARBITRATION REQUIREMENT.**

*"The Secretary of the Interior (in this Act referred to as the 'Secretary') shall, upon the request of Fort Sumter Tours, Inc. (in this Act referred to as the 'Concessioner'), agree to binding arbitration to determine the franchise fee payable under the contract executed on June 13, 1986 by the Concessioner and the National Park Service, under which the Concessioner provides passenger boat service to Fort Sumter National Monument in Charleston Harbor, South Carolina (in this Act referred to as 'the Contract').*

**"SEC. 2. APPOINTMENT OF THE ARBITRATOR.**

*"(a) MUTUAL AGREEMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary and the Concessioner shall jointly select a single arbitrator to conduct the arbitration under this Act.*

*"(b) FAILURE TO AGREE.—If the Secretary and the Concessioner are unable to agree on the selection of a single arbitrator within 30 days after the date of enactment of this Act, within 30 days thereafter the Secretary and the Concessioner shall each select an arbitrator, the two arbitrators selected by the Secretary and the Concessioner shall jointly select a third arbitrator, and the three arbitrators shall jointly conduct the arbitration.*

*"(c) QUALIFICATIONS.—Any arbitrator selected under either subsection (a) or subsection (b) shall be a neutral who meets the criteria of section 573 of title 5, United States Code.*

*"(d) PAYMENT OF EXPENSES.—The Secretary and the Concessioner shall share equally the expenses of the arbitration.*

*"(e) DEFINITION.—As used in this Act, the term 'arbitrator' includes either a single arbitrator selected under subsection (a) or a three-member panel of arbitrators selected under subsection (b).*

**"SEC. 3. SCOPE OF THE ARBITRATION.**

*"(a) SOLE ISSUES TO BE DECIDED.—The arbitrator shall, after affording the parties an opportunity to be heard in accordance with section 579 of title 5, United States Code, determine—*

- "(1) the appropriate amount of the franchise fee under the Contract for the period from June 13, 1991 through December 31, 2000 in accordance with the terms of the Contract; and*
- "(2) any interest or penalties on the amount owed under paragraph (1).*

*"(b) DE NOVO DECISION.—The arbitrator shall not be bound by any prior determination of the appropriate amount of the fee by the Secretary or any prior court review thereof.*

*"(c) BASIS FOR DECISION.—The arbitrator shall determine the appropriate amount of the fee based upon law in effect on the effective date of the contract and the terms of the Contract.*

**"SEC. 4. FINAL DECISION.**

*"The arbitrator shall issue a final decision not later than 300 days after the date of enactment of this Act.*

**"SEC. 5. EFFECT OF DECISION.**

*"(a) RETROACTIVE EFFECT.—The amount of the fee determined by the arbitrator under*