

(C) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) IN GENERAL.—On the request of the Commission, the head of any Federal agency may detail, on a reimbursable or non-reimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from States (including subdivisions of States); and

(ii) reimburse States for services of detailed personnel.

(5) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(6) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(f) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(g) FACIA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) NO EFFECT ON AUTHORITY.—Nothing in this section supersedes the authority of the State, the National Park Service, or the Association for the Preservation of Virginia Antiquities, concerning the commemoration.

(i) TERMINATION.—The Commission shall terminate on December 31, 2008.

# SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

## COLORADO CANYONS NATIONAL CONSERVATION AREA AND BLACK RIDGE CANYONS WILDERNESS ACT OF 2000

The Senate proceeded to consider the bill (H.R. 4275) to establish the Colorado National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes.

The bill (H.R. 4275) was read the third time and passed.

## LAND CONVEYANCE AND SETTLEMENT, SAN BERNARDINO NATIONAL FOREST, CALIFORNIA TO KATY

The Senate proceeded to consider the bill (S. 2111) to direct the Secretary of Agriculture to convey for fair market value 1.06 acres of land in the San Bernardino National Forest, California, to KATY 101.3 FM, a California Corporation, which had been reported by the Committee on Energy and Natural Resources with an amendment as follows:

(Strike out all after the enacting clause and insert the part printed in italic)

### SECTION 1. LAND CONVEYANCE AND SETTLEMENT, SAN BERNARDINO NATIONAL FOREST, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—Subject to valid existing rights and settlement of claims as provided in this section, the Secretary of Agriculture shall convey to KATY 101.3 FM (in this section referred to as “KATY”) all right, title and interest of the United States in and to a parcel of real property consisting of approximately 1.06 acres within the San Bernardino National Forest in Riverside County, California, generally located in the north ½ of section 23, township 5 south, range 2 east, San Bernardino meridian.

(b) LEGAL DESCRIPTION.—The Secretary and KATY shall, by mutual agreement, prepare the legal description of the parcel of real property to be conveyed under subsection (a), which is generally depicted as Exhibit A-2 in an appraisal report of the subject parcel dated August 26, 1999, by Paul H. Meiling.

(c) CONSIDERATION.—Consideration for the conveyance under subsection (a) shall be equal to the appraised fair market value of the parcel of real property to be conveyed. Any appraisal to determine the fair market value of the parcel shall be prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisition and approved by the Secretary.

(d) SETTLEMENT.—In addition to the consideration referred to in subsection (c), upon the receipt of \$16,600 paid by KATY to the Secretary, the Secretary shall release KATY from any and all claims of the United States arising from the occupancy and use of the San Bernardino National Forest by KATY for communication site purposes.

(e) ACCESS REQUIREMENTS.—Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)) or any other law, the Secretary is not required to provide access over National Forest System lands to the parcel of real property to be conveyed under subsection (a).

(f) ADMINISTRATIVE COSTS.—Any costs associated with the creation of a subdivided parcel, recordation of a survey, zoning, and planning

approval, and similar expenses with respect to the conveyance under this section, shall be borne by KATY.

(g) ASSUMPTION OF LIABILITY.—By acceptance of the conveyance of the parcel of real property referred to in subsection (a), KATY, and its successors and assigns will indemnify and hold harmless the United States for any and all liability to General Telephone and Electronics Corporation (also known as “GTE”) KATY, and any third party that is associated with the parcel, including liability for any buildings or personal property on the parcel belonging to GTE and any other third parties.

(h) TREATMENT OF RECEIPTS.—All funds received pursuant to this section shall be deposited in the fund established under Public Law 90-171 (16 U.S.C. 484a; commonly known as the Sisk Act), and the funds shall remain available to the Secretary, until expended, for the acquisition of lands, waters, and interests in land for the inclusion in the San Bernardino National Forest.

(i) RECEIPTS ACT AMENDMENT.—The Act of June 15, 1938 (Chapter 438:52 Stat. 699), as amended by the Acts of May 26, 1944 (58 Stat. 227), is further amended—

(1) by striking the comma after the words “Secretary of Agriculture”;

(2) by striking the words “with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (16 U.S.C. 513),”;

(3) by inserting the words “, real property or interests in lands,” after the word “lands” the first time it is used;

(4) by striking “San Bernardino and Cleveland” and inserting “counties of San Bernardino, Cleveland and Los Angeles”;

(5) by striking “county of Riverside” each place it appears and inserting “counties of Riverside and San Bernardino”;

(6) by striking “as to minimize soil erosion and flood damage” and inserting “for National Forest System purposes”; and

(7) after the “Provided further, That”, by striking the remainder of the sentence to the end of the paragraph, and inserting “twelve and one-half percent of the monies otherwise payable to the State of California for the benefit of San Bernardino County under the aforementioned Act of March 1, 1911 (16 U.S.C. 500) shall be available to be appropriated for expenditure in furtherance of this Act.

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

The bill (S. 2111), as amended, was read the third time and passed.

## GREAT SAND DUNES NATIONAL PARK ACT OF 2000

The Senate proceeded to consider the bill (S. 2547) to provide for the establishment of the Great Sand Dunes National Park and the Great Sand Dunes National Preserve in the State of Colorado, and for other purposes, which had been reported by 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 “Great Sand Dunes National Park Act of 2000”.

### SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Sand Dunes National Monument in the State of Colorado was established by Presidential proclamation in 1932 to preserve Federal land containing spectacular and unique sand dunes and additional features of scenic, scientific, and educational interest for the benefit and enjoyment of future generations;

(2) the Great Sand Dunes, together with the associated sand sheet and adjacent wetland and upland, contain a variety of rare ecological, geological, paleontological, archaeological, scenic, historical, and wildlife components, which—

(A) include the unique pulse flow characteristics of Sand Creek and Medano Creek that are integral to the existence of the dunes system;

(B) interact to sustain the unique Great Sand Dunes system beyond the boundaries of the existing National Monument;

(C) are enhanced by the serenity and rural western setting of the area; and

(D) comprise a setting of irreplaceable national significance;

(3) the Great Sand Dunes and adjacent land within the Great Sand Dunes National Monument—

(A) provide extensive opportunities for educational activities, ecological research, and recreational activities; and

(B) are publicly used for hiking, camping, and fishing, and for wilderness value (including solitude);

(4) other public and private land adjacent to the Great Sand Dunes National Monument—

(A) offers additional unique geological, hydrological, paleontological, scenic, scientific, educational, wildlife, and recreational resources; and

(B) contributes to the protection of—

(i) the sand sheet associated with the dune mass;

(ii) the surface and ground water systems that are necessary to the preservation of the dunes and the adjacent wetland; and

(iii) the wildlife, viewshed, and scenic qualities of the Great Sand Dunes National Monument;

(5) some of the private land described in paragraph (4) contains important portions of the sand dune mass, the associated sand sheet, and unique alpine environments, which would be threatened by future development pressures;

(6) the designation of a Great Sand Dunes National Park, which would encompass the existing Great Sand Dunes National Monument and additional land, would provide—

(A) greater long-term protection of the geological, hydrological, paleontological, scenic, scientific, educational, wildlife, and recreational resources of the area (including the sand sheet associated with the dune mass and the ground water system on which the sand dune and wetland systems depend); and

(B) expanded visitor use opportunities;

(7) land in and adjacent to the Great Sand Dunes National Monument is—

(A) recognized for the culturally diverse nature of the historical settlement of the area;

(B) recognized for offering natural, ecological, wildlife, cultural, scenic, paleontological, wilderness, and recreational resources; and

(C) recognized as being a fragile and irreplaceable ecological system that could be destroyed if not carefully protected; and

(8) preservation of this diversity of resources would ensure the perpetuation of the entire ecosystem for the enjoyment of future generations.

### SEC. 3. DEFINITIONS.

In this Act:

(1) **ADVISORY COUNCIL.**—The term “Advisory Council” means the Great Sand Dunes National Park Advisory Council established under section 8(a).

(2) **LUIS MARIA BACA GRANT NO. 4.**—The term “Luis Maria Baca Grant No. 4” means those lands as described in the patent dated February 20, 1900, from the United States to the heirs of Luis Maria Baca recorded in book 86, page 20, of the records of the Clerk and Recorder of Saguache County, Colorado.

(3) **MAP.**—The term “map” means the map entitled “Great Sand Dunes National Park and Preserve”, numbered 140/80,032 and dated September 19, 2000.

(4) **NATIONAL MONUMENT.**—The term “national monument” means the Great Sand Dunes

National Monument, including lands added to the monument pursuant to this Act.

(5) **NATIONAL PARK.**—The term “national park” means the Great Sand Dunes National Park established in section 4.

(6) **NATIONAL WILDLIFE REFUGE.**—The term “wildlife refuge” means the Baca National Wildlife Refuge established in section 6.

(7) **PRESERVE.**—The term “preserve” means the Great Sand Dunes National Preserve established in section 5.

(8) **RESOURCES.**—The term “resources” means the resources described in section 2.

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

(10) **USES.**—The term “uses” means the uses described in section 2.

### SEC. 4. GREAT SAND DUNES NATIONAL PARK, COLORADO.

(a) **ESTABLISHMENT.**—When the Secretary determines that sufficient land having a sufficient diversity of resources has been acquired to warrant designation of the land as a national park, the Secretary shall establish the Great Sand Dunes National Park in the State of Colorado, as generally depicted on the map, as a unit of the National Park System. Such establishment shall be effective upon publication of a notice of the Secretary's determination in the Federal Register.

(b) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) **NOTIFICATION.**—Until the date on which the national park is established, the Secretary shall annually notify the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives of—

(1) the estimate of the Secretary of the lands necessary to achieve a sufficient diversity of resources to warrant designation of the national park; and

(2) the progress of the Secretary in acquiring the necessary lands.

(d) **ABOLISHMENT OF NATIONAL MONUMENT.**—(1) On the date of establishment of the national park pursuant to subsection (a), the Great Sand Dunes National Monument shall be abolished, and any funds made available for the purposes of the national monument shall be available for the purposes of the national park.

(2) Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to “Great Sand Dunes National Monument” shall be considered a reference to “Great Sand Dunes National Park”.

(e) **TRANSFER OF JURISDICTION.**—Administrative jurisdiction is transferred to the National Park Service over any land under the jurisdiction of the Department of the Interior that—

(1) is depicted on the map as being within the boundaries of the national park or the preserve; and

(2) is not under the administrative jurisdiction of the National Park Service on the date of enactment of this Act.

### SEC. 5. GREAT SAND DUNES NATIONAL PRESERVE, COLORADO.

(a) **ESTABLISHMENT OF GREAT SAND DUNES NATIONAL PRESERVE.**—(1) There is hereby established the Great Sand Dunes National Preserve in the State of Colorado, as generally depicted on the map, as a unit of the National Park System.

(2) Administrative jurisdiction of lands and interests therein administered by the Secretary of Agriculture within the boundaries of the preserve is transferred to the Secretary of the Interior, to be administered as part of the preserve. The Secretary of Agriculture shall modify the boundaries of the Rio Grande National Forest to exclude the transferred lands from the forest boundaries.

(3) Any lands within the preserve boundaries which were designated as wilderness prior to the

date of enactment of this Act shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103-767; 16 U.S.C. 539i note).

(b) **MAP AND LEGAL DESCRIPTION.**—(1) As soon as practicable after the establishment of the national park and the preserve, the Secretary shall file maps and a legal description of the national park and the preserve with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the legal description and maps.

(3) The map and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) **BOUNDARY SURVEY.**—As soon as practicable after the establishment of the national park and preserve and subject to the availability of funds, the Secretary shall complete an official boundary survey.

### SEC. 6. BACA NATIONAL WILDLIFE REFUGE, COLORADO.

(a) **ESTABLISHMENT.**—(1) When the Secretary determines that sufficient land has been acquired to constitute an area that can be efficiently managed as a National Wildlife Refuge, the Secretary shall establish the Baca National Wildlife Refuge, as generally depicted on the map.

(2) Such establishment shall be effective upon publication of a notice of the Secretary's determination in the Federal Register.

(b) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the United States Fish and Wildlife Service.

(c) **ADMINISTRATION.**—The Secretary shall administer all lands and interests therein acquired within the boundaries of the national wildlife refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and the Act of September 28, 1962 (16 U.S.C. 460k et seq.) (commonly known as the Refuge Recreation Act).

(d) **PROTECTION OF WATER RESOURCES.**—In administering water resources for the national wildlife refuge, the Secretary shall—

(1) protect and maintain irrigation water rights necessary for the protection of monument, park, preserve, and refuge resources and uses; and

(2) minimize, to the extent consistent with the protection of national wildlife refuge resources, adverse impacts on other water users.

### SEC. 7. ADMINISTRATION OF NATIONAL PARK AND PRESERVE.

(a) **IN GENERAL.**—The Secretary shall administer the national park and the preserve in accordance with—

(1) this Act; and

(2) all laws generally applicable to units of the National Park System, including—

(A) the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1, 2-4) and

(B) the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes”, approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) **GRAZING.**—

(1) **ACQUIRED STATE OR PRIVATE LAND.**—With respect to former State or private land on which grazing is authorized to occur on the date of enactment of this Act and which is acquired for the national monument, or the national park and preserve, or the wildlife refuge, the Secretary, in consultation with the lessee, may permit the continuation of grazing on the land by the lessee at the time of acquisition, subject to applicable law (including regulations).

(2) **FEDERAL LAND.**—Where grazing is permitted on land that is Federal land as of the

date of enactment of this Act and that is located within the boundaries of the national monument or the national park and preserve, the Secretary is authorized to permit the continuation of such grazing activities unless the Secretary determines that grazing would harm the resources or values of the national park or the preserve.

(3) **TERMINATION OF LEASES.**—Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the national monument or the national park or the preserve.

(c) **HUNTING, FISHING, AND TRAPPING.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary shall permit hunting, fishing, and trapping on land and water within the preserve in accordance with applicable Federal and State laws.

(2) **ADMINISTRATIVE EXCEPTIONS.**—The Secretary may designate areas where, and establish limited periods when, no hunting, fishing, or trapping shall be permitted under paragraph (1) for reasons of public safety, administration, or compliance with applicable law.

(3) **AGENCY AGREEMENT.**—Except in an emergency, regulations closing areas within the preserve to hunting, fishing, or trapping under this subsection shall be made in consultation with the appropriate agency of the State of Colorado having responsibility for fish and wildlife administration.

(4) **SAVINGS CLAUSE.**—Nothing in this Act affects any jurisdiction or responsibility of the State of Colorado with respect to fish and wildlife on Federal land and water covered by this Act.

(d) **CLOSED BASIN DIVISION, SAN LUIS VALLEY PROJECT.**—Any feature of the Closed Basin Division, San Luis Valley Project, located within the boundaries of the national monument, national park or the national wildlife refuge, including any well, pump, road, easement, pipeline, canal, ditch, power line, power supply facility, or any other project facility, and the operation, maintenance, repair, and replacement of such a feature—

(1) shall not be affected by this Act; and

(2) shall continue to be the responsibility of, and be operated by, the Bureau of Reclamation in accordance with title I of the Reclamation Project Authorization Act of 1972 (43 U.S.C. 615aaa et seq.).

(e) **WITHDRAWAL.**—

(1) On the date of enactment of this Act, subject to valid existing rights, all Federal land depicted on the map as being located within Zone A, or within the boundaries of the national monument, the national park or the preserve is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing.

(2) The provisions of this subsection also shall apply to any lands—

(A) acquired under this Act; or

(B) transferred from any Federal agency after the date of enactment of this Act for the national monument, the national park or preserve, or the national wildlife refuge.

(f) **WILDERNESS PROTECTION.**—

(1) Nothing in this Act alters the Wilderness designation of any land within the national monument, the national park, or the preserve.

(2) All areas designated as Wilderness that are transferred to the administrative jurisdiction of the National Park Service shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103-77; 16 U.S.C. 539i note). If any part of this Act conflicts with the provisions of the Wilderness Act or the Colorado Wilderness Act of 1993 with respect to the wilderness areas within the preserve boundaries, the provisions of those Acts shall control.

## SEC. 8. ACQUISITION OF PROPERTY AND BOUNDARY ADJUSTMENTS

(a) **ACQUISITION AUTHORITY.**—

(1) Within the area depicted on the map as the "Acquisition Area" or the national monument, the Secretary may acquire lands and interests therein by purchase, donation, transfer from another Federal agency, or exchange: Provided, That lands or interests therein may only be acquired with the consent of the owner thereof.

(2) Lands or interests therein owned by the State of Colorado, or a political subdivision thereof, may only be acquired by donation or exchange.

(b) **BOUNDARY ADJUSTMENT.**—As soon as practicable after the acquisition of any land or interest under this section, the Secretary shall modify the boundary of the unit to which the land is transferred pursuant to subsection (b) to include any land or interest acquired.

(c) **ADMINISTRATION OF ACQUIRED LANDS.**—

(1) **GENERAL AUTHORITY.**—Upon acquisition of lands under subsection (a), the Secretary shall, as appropriate—

(A) transfer administrative jurisdiction of the lands of the National Park Service—

(i) for addition to and management as part of the Great Sand Dunes National Monument, or

(ii) for addition to and management as part of the Great Sand Dunes National Park (after designation of the Park) or the Great Sand Dunes National Preserve; or

(B) transfer administrative jurisdiction of the lands to the United States Fish and Wildlife Service for addition to and administration as part of the Baca National Wildlife Refuge.

(2) **FOREST SERVICE ADMINISTRATION.**—

(A) Any lands acquired within the area depicted on the map as being located within Zone B shall be transferred to the Secretary of Agriculture and shall be added to and managed as part of the Rio Grande National Forest.

(B) For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Rio Grande National Forest, as revised by the transfer of land under paragraph (A), shall be considered to be the boundaries of the national forest.

## SEC. 9. WATER RIGHTS.

(a) **SAN LUIS VALLEY PROTECTION, COLORADO.**—Section 1501(a) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4663) is amended by striking paragraph (3) and inserting the following:

"(3) adversely affect the purposes of—

"(A) the Great Sand Dunes National Monument;

"(B) the Great Sand Dunes National Park (including purposes relating to all water, water rights, and water-dependent resources within the park);

"(C) the Great Sand Dunes National Preserve (including purposes relating to all water, water rights, and water-dependent resources within the preserve);

"(D) the Baca National Wildlife Refuge (including purposes relating to all water, water rights, and water-dependent resources within the national wildlife refuge); and

"(E) any Federal land adjacent to any area described in subparagraphs (A), (B), (C), or (D)."

(b) **EFFECT ON WATER RIGHTS.**—

(1) **IN GENERAL.**—Subject to the amendment made by subsection (a), nothing in this Act affects—

(A) the use, allocation, ownership, or control, in existence on the date of enactment of this Act, of any water, water right, or any other valid existing right;

(B) any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including water right held by the United States;

(C) any interstate water compact in existence on the date of enactment of this Act; or

(D) subject to the provisions of paragraph (2), state jurisdiction over any water law.

(2) **WATER RIGHTS FOR NATIONAL PARK AND NATIONAL PRESERVE.**—In carrying out this Act, the Secretary shall obtain and exercise any water rights required to fulfill the purposes of the national park and the national preserve in accordance with the following provisions:

(A) Such water rights shall be appropriated, adjudicated, changed, and administered pursuant to the procedural requirements and priority system of the laws of the State of Colorado.

(B) The purposes and other substantive characteristics of such water rights shall be established pursuant to State law, except that the Secretary is specifically authorized to appropriate water under this Act exclusively for the purpose of maintaining ground water levels, surface water levels, and stream flows on, across, and under the national park and national preserve, in order to accomplish the purposes of the national park and the national preserve and to protect park resources and park uses.

(C) Such water rights shall be established and used without interfering with—

(i) any exercise of a water right in existence on the date of enactment of this Act for a non-Federal purpose in the San Luis Valley, Colorado; and

(ii) the Closed Basin Division, San Luis Valley Project.

(D) Except as provided in subsections (c) and (d) below, no Federal reservation of water may be claimed or established for the national park or the national preserve

(c) **NATIONAL FOREST WATER RIGHTS.**—To the extent that a water right is established or acquired by the United States for the Rio Grande National Forest, the water right shall—

(1) be considered to be of equal use and value for the national preserve; and

(2) retain its priority and purpose when included in the national preserve.

(d) **NATIONAL MONUMENT WATER RIGHTS.**—To the extent that a water right has been established or acquired by the United States for the Great Sand Dunes National Monument, the water right shall—

(1) be considered to be of equal use and value for the national park; and

(2) retain its priority and purpose when included in the national park.

(e) **ACQUIRED WATER RIGHTS AND WATER RESOURCES.**—

(1) **IN GENERAL.**—(A) If, and to the extent that, the Luis Maria Baca Grant No. 4 is acquired, all water rights and water resources associated with the Luis Maria Baca Grant No. 4 shall be restricted for use only within—

(i) the national park;

(ii) the preserve;

(iii) the national wildlife refuge; or

(iv) the immediately surrounding areas of Alamosa or Saguache Counties, Colorado.

(B) **USE.**—Except as provided in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, L.C. and Baca Grande Water and Sanitation District, dated August 28, 1997, water rights and water resources described in subparagraph (A) shall be restricted for use in—

(i) the protection of resources and values for the national monument, the national park, the preserve, or the wildlife refuge;

(ii) fish and wildlife management and protection; or

(iii) irrigation necessary to protect water resources.

(2) **STATE AUTHORITY.**—If, and to the extent that, water rights associated with the Luis Maria Baca Grant No. 4 are acquired, the use of those water rights shall be changed only in accordance with the laws of the State of Colorado.

(f) **DISPOSAL.**—The Secretary is authorized to sell the water resources and related appurtenances and fixtures as the Secretary deems

necessary to obtain the termination of obligations specified in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LLC and the Baca Grande Water and Sanitation District, dated August 28, 1997. Prior to the sale, the Secretary shall determine that the sale is not detrimental to the protection of the resources of Great Sand Dunes National Monument, Great Sand Dunes National Park, and Great Sand Dunes National Preserve, and the Baca National Wildlife Refuge, and that appropriate measures to provide for such protection are included in the sale.

#### SEC. 10. ADVISORY COUNCIL.

(a) **ESTABLISHMENT.**—The Secretary shall establish an advisory council to be known as the "Great Sand Dunes National Park Advisory Council".

(b) **DUTIES.**—The Advisory Council shall advise the Secretary with respect to the preparation and implementation of a management plan for the national park and the preserve.

(c) **MEMBERS.**—The Advisory Council shall consist of 10 members to be appointed by the Secretary, as follows:

(1) one member of, or nominated by, the Alamosa County Commission.

(2) one member of, or nominated by, the Saguache County Commission.

(3) one member of, or nominated by, the Friends of the Dunes Organization.

(4) 4 members residing in, or within reasonable proximity to, the San Luis Valley and 3 of the general public, all of who have recognized backgrounds reflecting—

(A) the purposes for which the national park and the preserve are established; and

(B) the interests of persons that will be affected by the planning and management of the national park and the preserve.

(d) **APPLICABLE LAW.**—The Advisory Council shall function in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other applicable laws.

(e) **VACANCY.**—A vacancy on the Advisory Council shall be filled in the same manner as the original appointment.

(f) **CHAIRPERSON.**—The Advisory Council shall elect a chairperson and shall establish such rules and procedures as it deems necessary or desirable.

(g) **NO COMPENSATION.**—Members of the Advisory Council shall serve without compensation.

(h) **TERMINATION.**—The Advisory Council shall terminate upon the completion of the management plan for the national park and preserve.

#### SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

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

The bill (S. 2547), as amended, was read the third time and passed.

The title was amended so as to read: "A bill to provide for the establishment of the Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge in the State of Colorado, and for other purposes."

#### HERMANN MONUMENT AND HERMANN HEIGHTS PARK IN NEW ULM, MINNESOTA

The Senate proceeded to consider the resolution (H. Con. Res. 89) recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage.

The resolution (H. Con. Res. 89) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

H. CON. RES. 89

Whereas there are currently more than 57,900,000 individuals of German heritage residing in the United States, who comprise nearly 25 percent of the population of the United States and are therefore the largest ethnic group in the United States;

Whereas those of German heritage are not merely descendants of one political entity, but of all German speaking areas;

Whereas numerous Americans of German heritage have made countless contributions to American culture, arts, and industry, the American military, and American government;

Whereas there is no recognized tangible, national symbol dedicated to German Americans and their positive contributions to the United States;

Whereas the story of Hermann the Cheruscan parallels that of the American Founding Fathers, because he was a freedom fighter who united ancient German tribes in order to shed the yoke of Roman tyranny and preserve freedom for the territory of present-day Germany;

Whereas the Hermann Monument located in Hermann Heights Park in New Ulm, Minnesota, was dedicated in 1897 in honor of the spirit of freedom and later dedicated to all German immigrants who settled in New Ulm and elsewhere in the United States; and

Whereas the Hermann Monument has been recognized as a site of special historical significance by the United States Government, by placement on the National Register of Historic Places: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, are recognized by the Congress to be a national symbol for the contributions of Americans of German heritage.*

#### NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 1999

The Senate proceeded to consider the bill (S. 1756) to enhance the ability of the National Laboratories to meet Department of Energy missions, and for other purposes, which had been reported by 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 "National Laboratories Partnership Improvement Act of 2000".*

##### SEC. 2. DEFINITIONS.

*For purposes of this Act—*

(1) the term "Department" means the Department of Energy;

(2) the term "departmental mission" means any of the functions vested in the Secretary of Energy by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law;

(3) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term "National Laboratory" means any of the following institutions owned by the Department of Energy—

(A) Argonne National Laboratory;

(B) Brookhaven National Laboratory;

(C) Idaho National Engineering and Environmental Laboratory;

(D) Lawrence Berkeley National Laboratory;

(E) Lawrence Livermore National Laboratory;

(F) Los Alamos National Laboratory;

(G) National Renewable Energy Laboratory;

(H) Oak Ridge National Laboratory;

(I) Pacific Northwest National Laboratory; or

(J) Sandia National Laboratory;

(5) the term "facility" means any of the following institutions owned by the Department of Energy—

(A) Ames Laboratory;

(B) East Tennessee Technology Park;

(C) Environmental Measurement Laboratory;

(D) Fermi National Accelerator Laboratory;

(E) Kansas City Plant;

(F) National Energy Technology Laboratory;

(G) Nevada Test Site;

(H) Princeton Plasma Physics Laboratory;

(I) Savannah River Technology Center;

(J) Stanford Linear Accelerator Center;

(K) Thomas Jefferson National Accelerator Facility;

(L) Waste Isolation Pilot Plant;

(M) Y-12 facility at Oak Ridge National Laboratory; or

(N) other similar organization of the Department designated by the Secretary that engages in technology transfer, partnering, or licensing activities;

(6) the term "nonprofit institution" has the meaning given such term in section 4 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703(5));

(7) the term "Secretary" means the Secretary of Energy;

(8) the term "small business concern" has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632);

(9) the term "technology-related business concern" means a for-profit corporation, company, association, firm, partnership, or small business concern that—

(A) conducts scientific or engineering research,

(B) develops new technologies,

(C) manufactures products based on new technologies, or

(D) performs technological services;

(10) the term "technology cluster" means a concentration of—

(A) technology-related business concerns;

(B) institution of higher education; or

(C) other nonprofit institutions, that reinforce each other's performance through formal or informal relationships;

(11) the term "socially and economically disadvantaged small business concerns" has the meaning given such term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)); and

(12) the term "NNSA" means the National Nuclear Security Administration established by Title XXXII of National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65).

#### SEC. 3. TECHNOLOGY INFRASTRUCTURE PILOT PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary, through the appropriate officials of the Department, shall establish a Technology Infrastructure Pilot Program in accordance with this section.

(b) **PURPOSE.**—The purpose of the program shall be to improve the ability of National Laboratories or facilities to support departmental missions by—

(1) stimulating the development of technology clusters that can support the missions of the National Laboratories or facilities;

(2) improving the ability of National Laboratories or facilities to leverage and benefit from commercial research, technology, products, processes, and services; and

(3) encouraging the exchange of scientific and technological expertise between National Laboratories or facilities and—

(A) institutions of higher education,

(B) technology-related business concerns,

(C) nonprofit institutions, and

(D) agencies of State, tribal, or local governments,

that can support the missions of the National Laboratories and facilities.