

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT ON H.R. 2883, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-332) on the resolution (H. Res. 312) waiving points of order against the conference report to accompany the bill (H.R. 2883) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HOMESTEAD NATIONAL MONUMENT OF AMERICA ADDITIONS ACT

Mr. MCINNIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 38) to provide for additional lands to be included within the boundaries of the Homestead National Monument of America in the State of Nebraska, and for other purposes, as amended.

The Clerk read as follows:

H.R. 38

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

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Homestead National Monument of America Additions Act".*

**SEC. 2. DEFINITIONS.**

*In this Act:*

(1) **MAP.**—*The term "map" means the map entitled "Proposed Boundary Adjustment, Homestead National Monument of America, Gage County, Nebraska", numbered 368/80036 and dated March 2000.*

(2) **MONUMENT.**—*The term "Monument" means the Homestead National Monument of America, Nebraska.*

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

**SEC. 3. ADDITIONS TO HOMESTEAD NATIONAL MONUMENT OF AMERICA.**

(a) **IN GENERAL.**—*The Secretary may acquire, by donation or by purchase with appropriated or donated funds, from willing sellers only, the privately-owned property described in paragraphs (1) and (2) of subsection (b). The Secretary may acquire, by donation only, the State-owned property described in paragraphs (3) and (4) of subsection (b).*

(b) **PARCELS.**—*The parcels referred to in subsection (a) are the following:*

(1) **GRAFF PROPERTY.**—*The parcel consisting of approximately 15.98 acres of privately-owned land, as depicted on the map.*

(2) **PIONEER ACRES GREEN.**—*The parcel consisting of approximately 3 acres of privately-owned land, as depicted on the map.*

(3) **SEGMENT OF STATE HIGHWAY 4.**—*The parcel consisting of approximately 5.6 acres of State-owned land including Nebraska State Highway 4, as depicted on the map.*

(4) **STATE TRIANGLE.**—*The parcel consisting of approximately 8.3 acres of State-owned land, as depicted on the map.*

(c) **BOUNDARY ADJUSTMENT.**—*Upon acquisition of a parcel described in subsection (b), the Secretary shall modify the boundary of the Monument to include the parcel. Any parcel included within the boundary shall be administered by the Secretary as part of the Monument.*

(d) **DEADLINE FOR ACQUISITION OF CERTAIN PROPERTY.**—*If the property described in subsection (b)(1) is not acquired by the Secretary from a willing seller within 5 years after the date of the enactment of this Act, the Secretary shall no longer be authorized to acquire such property pursuant to this Act and such property shall not become part of the Monument pursuant to this Act.*

(e) **AVAILABILITY OF MAP.**—*The map shall be on file in the appropriate offices of the National Park Service.*

(f) **AUTHORIZATION OF APPROPRIATIONS.**—*There is authorized to be appropriated to carry out this Act \$400,000.*

**SEC. 4. COOPERATIVE AGREEMENTS.**

*The Secretary may enter into cooperative agreements with the State of Nebraska, Gage County, local units of government, private groups, and individuals for operation, maintenance, interpretation, recreation, and other purposes related to the proposed Homestead Heritage Highway to be located in the general vicinity of the Monument.*

The SPEAKER pro tempore (Mr. JOHNSON of Illinois). Pursuant to the rule, the gentleman from Colorado (Mr. MCINNIS) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. MCINNIS).

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

Mr. Speaker, H.R. 38 introduced by the gentleman from Nebraska (Mr. BEREUTER) would authorize the expansion of Homestead National Monument of America in Beatrice, Nebraska, by 30 acres.

The monument, which currently encompasses 189 acres, was established to commemorate the Homestead Act of 1862, one of the significant and enduring events in the western expansion of the United States. The Act granted 160 acres of free land to claimants willing to live on the frontier. The monument includes the site of one of the first homesteads claimed, located in the tallgrass prairie landscape that so many pioneers settled and traversed.

Mr. Speaker, the 30 acres would be acquired from willing sellers, two privately owned and two owned by the State of Nebraska. The bill also authorizes \$400,000 to purchase the parcels of land. The bill is supported by the National Park Service and the majority and minority of the committee.

Mr. Speaker, I urge my colleagues to support H.R. 38, as amended.

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

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this legislation. The Homestead National Monument of America was created in 1936 to commemorate the Homestead Act of 1862 and its significant role in the settlement of the American west.

The monument includes the first parcel of land claimed under the Home-

stead Act as well as the Freeman School, an original, one-room schoolhouse adjacent to that parcel. The monument is listed in the National Register of Historic Places.

H.R. 38 authorizes the Secretary to acquire two specific parcels of private property, either by donation or purchase from willing sellers, and two parcels of State-owned land, by donation only. Once the land is acquired, the Secretary would be authorized to alter the boundaries of the monument to include these new properties.

It is our understanding that this expansion will allow the National Park Service to better protect the monument's historic resources from potential flood damage and aid in interpretation of the site.

Mr. Speaker, I support passage of H.R. 38.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of H.R. 38, a bill this Member re-introduced on January 3, 2001, as during the prior 106th Congress, this Member introduced the same legislation.

This Member would like to begin by thanking the distinguished gentleman from California (Mr. RADANOVICH), the Chairman of the National Parks, Recreation, and Public Lands Subcommittee, and the distinguished gentleman from the Virgin Islands (Mrs. CHRISTENSEN), the ranking Member of the Subcommittee, for their work in bringing this bill to the Floor. This Member would also like to express his appreciation to the distinguished gentleman from Utah (Mr. HANSEN), the Chairman of the Resources Committee, and the distinguished gentleman from West Virginia (Mr. RAHALL), for their efforts to move this legislation forward.

This legislation, the Homestead National Monument of America Additions Act, is a straightforward bill. It is also noncontroversial. The bill would simply adjust the boundaries of Homestead National Monument of America and allow a small amount of additional land to be included within its boundaries. It is also important to note that the funding necessary to implement this bill was appropriated last fiscal year.

The legislation being considered today reflects the recommendations in the recently completed General Management Plan (GMP) calling for a minor boundary expansion for Homestead National Monument. Unfortunately, the current visitor center is located in a 100-year flood plain. The acquisition of land outside the existing boundaries as recommended in the GMP would allow a new "Homestead Heritage Center" to be constructed outside the floodplain. This location would offer greater protection to the Monument's collections, interpretive exhibits, public research facilities, and administrative offices.

As the bill makes clear, the land for the Heritage Center would be acquired on a willing-seller basis. It is this Member's understanding that all of the individuals who would be involved in the boundary adjustment have expressed a willingness to sell for a negotiated price.

Homestead National Monument of America commemorates the lives and accomplishments of all pioneers and the changes to the land and the people as a result of the Homestead Act of 1862, which is recognized as one of the

most important laws in U.S. history. This Monument was authorized by legislation enacted in 1936. The FY96 Interior Appropriations Act directed the National Park Service to complete a General Management Plan to begin planning for improvements at Homestead. The General Management Plan, which was completed last year, made recommendations for improvements that are needed to help ensure that Homestead is able to reach its full potential as a place where Americans can more effectively appreciate the Homestead Act and its effects upon the nation.

Homestead National Monument of America is truly a unique treasure among the National Park Service jewels. The authorizing legislation makes it clear that Homestead was intended to have a special place among Park Service units. According to the original legisla-

tion: It shall be the duty of the Secretary of the Interior to lay out said land in a suitable and enduring manner so that the same may be maintained as an appropriate monument to retain for posterity a proper memorial emblematic of the hardships and the pioneer life through which the early settlers passed in the settlement, cultivation, and civilization of the great West. It shall be his duty to erect suitable buildings to be used as a museum in which shall be preserved literature applying to such settlement and agricultural implements used in bringing the western plains to its present state of high civilization, and to use the said tract of land for such other objects and purposes as in his judgment may perpetuate the history of this country mainly developed by the homestead law.

Clearly, this authorizing legislation sets some lofty goals. This Member believes that H.R. 38 would help the Monument achieve the potential which was first described in its authorizing legislation.

This Member urges his colleagues to support H.R. 38.

Mr. UDALL of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McINNIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. JOHNSON of Illinois). The question is on the motion offered by the gentleman from Colorado (Mr. McINNIS) that the House suspend the rules and pass the bill, H.R. 38, as amended.

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

A motion to reconsider was laid on the table.

#### JAMES PEAK WILDERNESS AND PROTECTION AREA ACT

Mr. McINNIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1576) to designate the James Peak Wilderness and Protection Area in the Arapaho and Roosevelt National Forests in the State of Colorado, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1576

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

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "James Peak Wilderness and Protection Area Act".*

#### SEC. 2. WILDERNESS DESIGNATION.

(a) *INCLUSION WITH OTHER COLORADO WILDERNESS AREAS.—Section 2(a) of the Colorado Wilderness Act of 1993 (Public Law 103-77; 107 Stat. 756; 16 U.S.C. 1132 note) is amended by adding at the end the following new paragraph:*

*"(21) Certain lands in the Arapaho/Roosevelt National Forest which comprise approximately 14,000 acres, as generally depicted on a map entitled 'Proposed James Peak Wilderness', dated September 2001, and which shall be known as the James Peak Wilderness."*

(b) *ADDITION TO THE INDIAN PEAKS WILDERNESS AREA.—Section 3 of the Indian Peaks Wilderness Area and Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (Public Law 95-450; 92 Stat. 1095; 16 U.S.C. 1132 note) is amended by adding at the end the following new subsections:*

*"(c) The approximately 2,232 acres of Federal lands in the Arapaho/Roosevelt National Forest generally depicted on the map entitled 'Ranch Creek Addition to Indian Peaks Wilderness' dated September 2001, are hereby added to the Indian Peaks Wilderness Area.*

*"(d) The approximately 963 acres of Federal lands in the Arapaho/Roosevelt National Forest generally depicted on the map entitled 'Fourth of July Addition to Indian Peaks Wilderness' dated September 2001, are hereby added to the Indian Peaks Wilderness Area."*

(c) *MAPS AND BOUNDARY DESCRIPTIONS.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture (hereafter in this Act referred to as the "Secretary") shall file with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and a boundary description of the area designated as wilderness by subsection (a) and of the area added to the Indian Peaks Wilderness Area by subsection (b). The maps and boundary descriptions shall have the same force and effect as if included in the Colorado Wilderness Act of 1993 and the Indian Peaks Wilderness Area and Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act, respectively, except that the Secretary may correct clerical and typographical errors in the maps and boundary descriptions. The maps and boundary descriptions shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture and in the office of the Forest Supervisor of the Arapaho/Roosevelt National Forest.*

#### SEC. 3. DESIGNATION OF JAMES PEAK PROTECTION AREA, COLORADO.

(a) *FINDINGS AND PURPOSE.—*

(1) *FINDINGS.—The Congress finds the following:*

(A) *The lands covered by this section include important resources and values, including wildlife habitat, clean water, open space, and opportunities for solitude.*

(B) *These lands also include areas that are suitable for recreational uses, including use of snowmobiles in times of adequate snow cover as well as use of other motorized and nonmotorized mechanical devices.*

(C) *These lands should be managed in a way that affords permanent protection to their resources and values while permitting continued recreational uses in appropriate locales and subject to appropriate regulations.*

(2) *PURPOSE.—The purpose of this section is to provide for management of certain lands in the Arapaho/Roosevelt National Forest in a manner consistent with the 1997 Revised Land and Resources Management Plan for this forest in order to protect the natural qualities of these areas.*

(b) *DESIGNATION.—The approximately 16,000 acres of land in the Arapaho/Roosevelt National*

*Forest generally depicted on the map entitled "Proposed James Peak Protection Area", dated September 2001, are hereby designated as the James Peak Protection Area (hereafter in this Act referred to as the "Protection Area").*

(c) *MAP AND BOUNDARY DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and a boundary description of the Protection Area. The map and boundary 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 map and boundary description. The map and boundary description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture, and in the office of the Forest Supervisor of the Arapaho/Roosevelt National Forest.*

(d) *MANAGEMENT.—*

(1) *IN GENERAL.—Except as otherwise provided in this section, the Protection Area shall be managed and administered by the Secretary in the same manner as the management area prescription designations identified for these lands in the 1997 Revision of the Land and Resource Management Plan for the Arapaho/Roosevelt National Forest and the Pawnee National Grasslands. Such management and administration shall be in accordance with the following:*

(A) *GRAZING.—Nothing in this Act, including the establishment of the Protection Area, shall affect grazing on lands within or outside of the Protection Area.*

(B) *MINING WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Protection Area and all land and interests in land acquired for the Protection Area by the United States are withdrawn from—*

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

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

(iii) *the operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.*

*Nothing in this subparagraph shall be construed to affect discretionary authority of the Secretary under other Federal laws to grant, issue, or renew rights-of-way or other land use authorizations consistent with the other provisions of this Act.*

(C) *MOTORIZED AND MECHANIZED TRAVEL.—*

(i) *REVIEW AND INVENTORY.—Not later than two years after the date of the enactment of this Act, the Secretary, in consultation with interested parties, shall complete a review and inventory of all roads and trails in the Protection Area on which use was allowed on September 10, 2001, except those lands managed under the management prescription referred to in subparagraph (F). During the review and inventory, the Secretary may—*

(I) *connect existing roads and trails in the inventoried area to other existing roads and trails in the inventoried area for the purpose of mechanized and other nonmotorized use on any lands within the Protection Area as long as there is no net gain in the total mileage of either roads or trails open for public use within the Protection Area; and*

(II) *close or remove roads or trails within the Protection Area that the Secretary determines to be undesirable, except those roads or trails managed pursuant to paragraph (2) of this subsection or subsection (e)(3).*

(ii) *AFTER COMPLETION OF INVENTORY.—After completion of the review and inventory required by clause (i), the Secretary shall ensure that motorized and mechanized travel within the Protection Area shall be permitted only on those roads and trails identified as open to use in the inventory or established pursuant to subparagraph (D).*

(D) *NEW ROADS AND TRAILS.—No new roads or trails shall be established within the Protection*