

say anywhere in the Constitution the Federal Government can force anybody to buy anything, including health insurance. It is not there.

Some have said, what about car insurance? The States, not the Feds, regulate car insurance so drivers can pay for third-party injuries. And driving is a privilege, not a right.

A better example would be if the Feds forced the people to buy a car from GM. "Government Motors" would pick the car they want the citizens to buy, then tax them to pay for it. That is unconstitutional. So is forcing people to buy health insurance.

Thomas Jefferson said, "The Federal Government is our servant, not our master." It is about time we put government in its place.

And that's just the way it is.

ARMY SPECIALIST KYLE WRIGHT

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise today to pay tribute to Army Specialist Kyle Wright, a 22-year-old from Romeoville, Illinois, who was killed in combat on January 13 while serving our country during his first tour of duty in Afghanistan.

Specialist Wright followed in his father's and grandfather's military footsteps by enlisting in the Army, and did so out of a strong desire to advance the freedoms and liberties of women in Afghanistan, a cause very close to my heart.

He joined the Army after graduating in 2006 from Romeoville High School, where, even as a young man, he demonstrated his love for this country by serving in the Marine Corps Junior Reserve Officers Training Corps.

He was passionate, honorable, and loved by all who knew him, his family, his girlfriend, and his fellow soldiers. His dedication to women's rights in Afghanistan was inspired by his sisters, his mother, stepmother, and grandmother. And his dedication to upholding the American ideals and freedoms he believed in knew no bounds.

I would like to extend my deepest condolence to the Wright family and to all who knew this brave soldier. Our Nation lost a true hero with Specialist Wright's passing. He will be missed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

CASTLE NUGENT NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 2010

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3726) to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3726

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 "Castle Nugent National Historic Site Establishment Act of 2010".

SEC. 2. DEFINITIONS.

In this Act:

(1) **HISTORIC SITE.**—The term "historic site" means the Castle Nugent National Historic Site established in section 3.

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

SEC. 3. CASTLE NUGENT NATIONAL HISTORIC SITE.

(a) **ESTABLISHMENT.**—There is established as a unit of the National Park System the Castle Nugent National Historic Site on the Island of St. Croix, U.S. Virgin Islands, in order to preserve, protect, and interpret, for the benefit of present and future generations, a Caribbean cultural landscape that spans more than 300 years of agricultural use, significant archeological resources, mangrove forests, endangered sea turtle nesting beaches, an extensive barrier coral reef system, and other outstanding natural features.

(b) **BOUNDARIES.**—The historic site consists of the approximately 2,900 acres of land extending from Lowrys Hill and Laprey Valley to the Caribbean Sea and from Manchenil Bay to Great Pond, along with associated submerged lands to the three-mile territorial limit, as generally depicted on the map titled "Castle Nugent National Historic Site Proposed Boundary Map", numbered T22/100,447, and dated October 2009.

(c) **MAP AVAILABILITY.**—The map referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(d) **ACQUISITION OF LAND.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary is authorized to acquire lands and interests in lands within the boundaries of the historic site by donation, purchase with donated or appropriated funds, or exchange.

(2) **U.S. VIRGIN ISLAND LANDS.**—The Secretary is authorized to acquire lands and interests in lands owned by the U.S. Virgin Islands or any political subdivision thereof only by donation or exchange.

SEC. 4. ADMINISTRATION.

(a) **IN GENERAL.**—The Secretary shall administer the historic site in accordance with this Act and with laws generally applicable to units of the National Park System, including—

(1) the National Park Service Organic Act (39 Stat. 535; 16 U.S.C. 1 et seq.); and

(2) the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) **SHARED RESOURCES.**—To the greatest extent practicable, the Secretary shall use the resources of other sites administered by the National Park Service on the Island of St. Croix to administer the historic site.

(c) **CONTINUED USE.**—In order to maintain an important feature of the cultural landscape of the historic site, the Secretary may lease to the University of the Virgin Islands certain lands within the boundary of the historic site for the

purpose of continuing the university's operation breeding Senepol cattle, a breed developed on St. Croix. A lease under this subsection shall contain such terms and conditions as the Secretary considers appropriate, including those necessary to protect the values of the historic site.

(d) **MANAGEMENT PLAN.**—Not later than three years after funds are made available for this subsection, the Secretary shall prepare a general management plan for the historic site.

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

The Chair now recognizes the gentlewoman from Guam (Ms. BORDALLO).

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 3726, sponsored by my good friend and colleague from the Virgin Islands, DONNA CHRISTENSEN, establishes the Castle Nugent National Historic Site as a new unit of the National Park System on the island of St. Croix in the United States Virgin Islands.

The lands to be included in this new historic site represent the largest undeveloped natural area remaining on the island, and there is very strong local support for protecting it as parkland for future generations.

The new park, Mr. Speaker, encompasses about 11,500 acres, three-quarters of which are submerged lands containing one of the largest and healthiest coral reef systems in the region. The National Park Service has studied the site and testified that it meets their criteria for addition to the system.

Congresswoman CHRISTENSEN is to be commended for her commitment to preserving the unique history and the culture of the beautiful island of St. Croix. So we urge our colleagues to support passage of H.R. 3726.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

We have concerns with H.R. 3726. As of today, the National Park Service has yet to complete the congressionally authorized study of this proposal. In fact, the agency has asked that we defer consideration until the study is completed.

These studies are not without cost in both personnel and funds, and they take several years to complete and can drain as much as \$500,000 from the Park Service budget. What use are these feasibility studies if we simply choose to ignore them, or, in this case, rush to pass legislation before the study can be finalized? Typically, these studies contain information that could be useful in crafting better legislation.

For example, it would be nice to know what process the National Park Service went through to consult with all private property owners who may be harmed or impacted by this designation. The National Park Service testified that the cost to acquire the private property to establish this park could be as much as \$50 million, in addition to nearly \$1 million a year to operate the park.

□ 1415

Most of us are aware of the estimated \$9 billion in maintenance backlog created currently with the National Park Service. Consequently, it becomes very difficult to justify why additional land acquisition is advisable at this particular time. How do we explain to taxpayers that, while unemployment soars, their government is conspiring to buy beach-front property in the Caribbean? Is adding these luxurious 2,900 acres to the Federal land inventory the priority of this particular Congress?

Nearly every acre of the dry land that is to be acquired is privately owned. It's our understanding the majority of this land is owned by one family. According to testimony heard by the Committee on Natural Resources, this family is supportive of the proposal and even initiated this process. We heard that it is their desire that this land not be developed, but be preserved in its current condition. It seems to me that they are in a perfect position to accomplish that goal as landowners. May I suggest that they also possess the power to determine the future of the property without any interference of Congress.

In addition, to complicate the issue further, sources within the Park Service have told us that there is discord within the family itself over whether this designation is indeed in the family's best interest. Apart from this family, we have heard nothing from the other property owners affected by this bill, both on land and in the water. Is it fair for us in Washington, D.C., to place them in a restrictive designation without their consent and also not knowing whether the consent exists or not?

It is not only these 2,900 acres of dry land that's affected by this legislation. In addition, this bill includes the park-associated submerged lands out to the 3-mile territorial limit of the Virgin Islands. This could mean that fishing in the area would be prohibited, just as it is at the Virgin Islands National Park that surrounds two-thirds of the island of St. John.

I hope that this will not impact struggling fishermen, but it is a possibility that deserves attention and has yet to be addressed, but would have, had the feasibility study been completed.

Again, these are questions that need to be answered, and I would hope that some of them will be answered in the final study when it is finally signed by Secretary Salazar. If this legislation

does move forward today, I hope the current landowners and their descendants are aware that the National Park Service will now be their zoning board.

I would also like to note that there is no "willing seller" provision in this legislation. While "willing seller" provisions are minimum at best protections, at least with this language Congress is on record that landowners should not be hounded or harassed into selling their land to the National Park Service.

I cannot in good conscience support this legislation, yet that does not guarantee the right of private property owners. Our constituents deserve better than that. If the intent of this proposal is to preserve historic landscapes, certainly that can be done locally without Federal funds, interference, or bureaucratic red tape.

So I urge my colleagues to demonstrate some fiscal responsibility and demand respect for property rights that are not yet in this bill.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Thank you, Madam Chair, for yielding.

Today, I rise to speak on behalf of H.R. 3726, a bill that I introduced to establish the Castle Nugent National Historic Site on St. Croix, in my district in the U.S. Virgin Islands. The introduction of this bill continues an effort started in 2006 to build upon that great precedent set by our Forefathers when Yellowstone in Wyoming became the first national park. The establishment of Castle Nugent National Historic Site would provide an excellent opportunity to preserve a very special and unique landscape for the people of St. Croix and visitors to the islands for generations to come.

H.R. 3726 calls for the preservation of 2,900 acres, which include a Caribbean dry forest, pristine coastal barrier coral reef system, and a pre-Columbian, as well as a post-European, settlement. The property has a long agricultural history dating back to the 1730s, when the Danish estate house, now listed on the National Register of Historic Places, was constructed. The farm is one of the last working cattle ranches on St. Croix and one of the ranches instrumental in the development and exportation of Senepol cattle throughout the Caribbean and the rest of the world.

H.R. 3726 would ensure the continued rearing of Senepol cattle with a provision that guarantees a continued relationship with the University of the Virgin Islands to support ongoing scientific research. In addition to guaranteeing the protection of one of the most ecologically sensitive areas on the island, H.R. 3726 would also preserve a rich part of our historic and cultural past by preserving the archaeological remains of the indigenous inhabitants of St. Croix.

The family which owns the majority of this property has been incredibly patient—the pressure to sell their land to developers has been overwhelming—and yet they have continued to try to do what they feel, and I agree, is best for all concerned. There is no intent here to interfere with privately held property. The sole purpose of this bill is to protect and preserve the historic, cultural, and environmental assets and the opportunity for the people of the Virgin Islands as well as their fellow Americans to continue to enjoy the area and to preserve it for future generations.

Even the person who purchased about 400 acres of this property a few years back is on record in support of preserving this area. Longtime neighbors of Castle Nugent support the bill. Both the Bush and Obama administrations have supported this designation every step of the way. The current administration has testified that the study is completed and that it fully supports the designation that we're seeking. The designation is supported by my constituents, including some of those who originally questioned the expansion of the park. As far as I'm aware, no one is challenging the conclusion of the study or the wisdom of preserving the area.

There's no substantive reason to oppose the legislation. The bill contains no intergovernmental mandates, as defined in the Unfunded Mandates Reform Act; would impose no cost on State, local, or tribal governments; and would impose no private sector mandates either, as defined in the UMRA. This is a beautiful and important cultural and natural resource that is in danger of being lost to the Nation's public forever. If we don't move forward, there's a real risk that when the study is formally transmitted to Congress, supporting the designation, the land will already have been sold and condominium owners will be the only people who ever get to visit the area.

At this time, I'd like to take the opportunity to thank Chairman RAHALL and Subcommittee Chairman GRIJALVA for their support in ushering this bill through the Resources Committee. I'd also like to thank the numerous community members who wrote in support of this bill, including our national park superintendent, Mr. Joel Tutein; Mr. Olasee Davis, who traveled from the Virgin Islands to testify in favor of the bill; the Gasperi family, and to thank them again for their patience in holding out for this day; and the Trust for Public Lands, who's given them their support.

I just wanted to add a few other things. While it would be ideal to wait until spring when the study would be formally transmitted to Congress, there are certain examples where this committee and the Congress have moved forward with designations before studies were completed or, in some cases, without studies at all. I'd just like to mention two examples. The legislation designating President Reagan's boyhood home in Illinois and the

Oklahoma City Memorial were enacted without studies at all. Both were sponsored by Members from the other side of the aisle. So precedent has been set for bills to be acted on prior to the study being completed or even without studies.

In addition, on November 17, I want to just remind my colleagues that the National Park Service testified in the committee to the fact that Castle Nugent has met their criteria for suitability and national significance. We're confident in the National Park Service's testimony and that the final opinion will reflect what was testified to; but it is necessary for us to act expeditiously, as there is risk of losing the property if we don't move quickly.

Mr. BISHOP of Utah. In closing, whether this cattle ranch becomes part of our national inventory or not may indeed be a good idea. But one of the things I think we are saying right now is the scope these processes have to go through—and the process does become important. Poor process produces poor policy. What we are arguing in this particular case is if we should allow the process to go through to its completion. There are questions that still have to be asked that yet have a quantified answer to them. Neighbors may be in support, but we want those things quantified, which should be part of the process that is there.

There should be private property rights in this particular document for the protection of private property owners, and that should be boilerplate language we add in all legislation—not just this, but the rest that comes through. The question that we should be asking, which is what the study should be asking as well, is not necessarily do we go forth in this particular one but should we look at this as the only way of preserving or moving forward on this cattle ranch in the future? Is this indeed the best way? Are there other concepts that could be used? And should this be the \$50 million budget priority of this particular Congress? Those are the types of questions that should have been answered in the committee before this bill moved forward, and that's what we asked in committee and we're asking again on the floor.

This may indeed be the proper use of turning this former cattle ranch into a national asset, but there are still questions that should have been asked in a proper process to make sure that this is the right policy at this particular time. And that's why we have objections to this particular bill, not necessarily the substance of it, but the manner and mechanism of what we are doing, because there are still too many unanswered questions.

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

Ms. BORDALLO. Mr. Speaker, I again urge the Members to support the bill, H.R. 3726, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3726, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

BLM CONTRACT EXTENSION ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3759) to authorize the Secretary of the Interior to grant economy-related contract extensions of a certain timber contracts between the Secretary of the Interior and timber purchasers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3759

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

SECTION 1. QUALIFYING TIMBER CONTRACT OPTIONS.

(a) DEFINITIONS.—In this section:

(1) QUALIFYING CONTRACT.—The term “qualifying contract” means a contract that has not been terminated by the Bureau of Land Management for the sale of timber on lands administered by the Bureau of Land Management that meets all of the following criteria:

(A) The contract was awarded during the period beginning on January 1, 2005, and ending on December 31, 2008.

(B) There is unharvested volume remaining for the contract.

(C) The contract is not a salvage sale.

(D) The Secretary determined there is not an urgent need to harvest under the contract due to deteriorating timber conditions that developed after the award of the contract.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of Bureau of Land Management.

(3) TIMBER PURCHASER.—The term “timber purchaser” means the party to the qualifying contract for the sale of timber from lands administered by the Bureau of Land Management.

(b) MARKET-RELATED CONTRACT EXTENSION OPTION.—Upon a timber purchaser's written request, the Secretary may make a one-time modification to the qualifying contract to add 3 years to the contract expiration date if the written request—

(1) is received by the Secretary not later than 90 days after the date of enactment of this Act; and

(2) contains a provision releasing the United States from all liability, including further consideration or compensation, resulting from the modification under this subsection of the term of a qualifying contract.

(c) REPORTING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report detailing a plan and timeline to promulgate new regulations authorizing the Bureau of Land Management to extend and renegotiate

timber contracts due to changes in market conditions.

(d) REGULATIONS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall promulgate new regulations authorizing the Bureau of Land Management to extend and renegotiate timber contracts due to changes in market conditions.

(e) NO SURRENDER OF CLAIMS.—This section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (b).

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

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, the Nation's recent economic downturn has dramatically affected the forest products industry, especially those companies reliant on wood from Federal lands. Currently, the Forest Service has several options for helping timber companies amend the terms of timber contracts that are no longer economically viable. However, the Bureau of Land Management does not have the same authorities.

H.R. 3759, introduced by our distinguished colleague from Oregon, Representative DEFAZIO, would help rural economies and struggling timber companies by allowing the Secretary of the Interior to add 3 years to the expiration date of certain BLM timber contracts. This authority is similar to the Forest Service authority and would enable companies to wait for a better economic climate.

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Mr. Speaker, we commend Representative DEFAZIO for his efforts to support rural communities by proposing this legislation. We support the passage of H.R. 3759 and urge its adoption by the House today.

I reserve the balance of my time.

Mr. BISHOP of Utah. I yield myself such time as I may consume.

This particular bill has been well explained by the distinguished gentlelady from Guam. Up front, I would like to say that I have basically favored this bill introduced by the distinguished gentleman from Oregon. In concept, it is a good bill, and I actually will be voting for it on the floor. However, I do want to state that there are two particular problems, once again, with the process, which are very perplexing and