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107TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
107–389

MAKING TECHNICAL CORRECTIONS TO LAWS PASSED BY THE 106TH CONGRESS RELATED TO PARKS AND PUBLIC LANDS, AND FOR OTHER PURPOSES

APRIL 9, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 3853]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3853) to make technical corrections to laws passed by the 106th Congress related to parks and public lands, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. LACKAWANNA VALLEY HERITAGE AREA.

Section 106(a) of the Lackawanna Valley National Heritage Area Act of 2000 (Public Law 106–278; 114 Stat. 816; 16 U.S.C. 461 note) is amended to read as follows:

"(a) AUTHORITIES OF MANAGEMENT ENTITY.—For purposes of preparing and implementing the management plan, the management entity may—

"(1) make grants to, and enter into cooperative agreements with, the State and political subdivisions of the State, private organizations, or any person; and

"(2) hire and compensate staff.".

SEC. 2. HAWAIIAN SPELLING ERRORS.

Section 5 of the Act entitled "An Act to add certain lands on the island of Hawaii to the Hawaii National Park, and for other purposes", as added by Public Law 99–564 (100 Stat. 3179; 16 U.S.C. 392c) is amended by striking "Hawaii Volcanoes" each place it appears and inserting "Hawai'i Volcanoes".

99–006

SEC. 3. "I HAVE A DREAM" PLAQUE AT LINCOLN MEMORIAL.

Section 2 of Public Law 106–365 (114 Stat. 1409) is amended by striking "and expand contributions" and inserting "and expend contributions".

SEC. 4. WILD AND SCENIC RIVERS AND NATIONAL TRAILS.

(a) WILD AND SCENIC RIVERS.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by redesignating paragraph (162), pertaining to White Clay Creek, Delaware and Pennsylvania, as paragraph (163);

(2) by designating the second paragraph (161), pertaining to the Wekiva River, Wekiwa Springs Run, Rock Springs Run, and Black Water Creek, Florida, as paragraph (162);

(3) by designating the undesignated paragraph pertaining to the Wildhorse and Kiger Creeks, Oregon, as paragraph (164); and

(4) by redesignating the third paragraph (161), pertaining to the Lower Delaware River and associated tributaries, New Jersey and Pennsylvania, as paragraph (165) and by moving the margins of such paragraph 2 ems to the left.

(b) NATIONAL TRAILS.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) by redesignating the second paragraph (21), pertaining to the Ala Kahakai National Historic Trail, and enacted by Public Law 106–509 as paragraph (22); and

(2) by moving the margins of paragraphs (21) and (22) 2 ems to the left.

SEC. 5. JAMESTOWN 400TH COMMEMORATION COMMISSION.

The Jamestown 400th Commemoration Commission Act of 2000 (Public Law 106–565; 114 Stat. 2812; 16 U.S.C. 81 note) is amended—

(1) in section 2(a)(5), by striking "State";

(2) in sections 2(b), 3(3), and 4(h), by striking "State" and inserting "Commonwealth" each place it appears;

(3) in section 3, by striking paragraph (5) and inserting the following:

"(5) COMMONWEALTH.—The term 'Commonwealth' means the Commonwealth of Virginia, including agencies and entities of the Commonwealth."; and

(4) in section 4(b)(1), by striking "16" and inserting "15".

SEC. 6. ROSIE THE RIVETER-WORLD WAR II HOME FRONT NATIONAL HISTORICAL PARK.

The Rosie the Riveter/World War II Home Front National Historical Park Establishment Act of 2000 (Public Law 106–352; 114 Stat. 1371; 16 U.S.C. 410ggg et seq.) is amended—

(1) in section 2(b), by striking "numbered 963/80000" and inserting "numbered 963/80,000";

(2) in section 3(b)(1), by striking "the World War II Child Development Centers, the World War II worker housing, the Kaiser-Permanente Field Hospital, and Fire Station 67A," and inserting "the Child Development Field Centers (Ruth C. Powers) (Maritime), Atchison Housing, the Kaiser-Permanente Field Hospital, and Richmond Fire Station 67A,"; and

(3) in section 3(e)(2), by striking "the World War II day care centers, the World War II worker housing, the Kaiser-Permanente Field Hospital, and Fire Station 67," and inserting "the Child Development Field Centers (Ruth C. Powers) (Maritime), Atchison Housing, the Kaiser-Permanente Field Hospital, and Richmond Fire Station 67A,".

SEC. 7. VICKSBURG CAMPAIGN TRAIL BATTLEFIELDS.

The Vicksburg Campaign Trail Battlefields Preservation Act of 2000 (Public Law 106–487; 114 Stat. 2202) is amended—

(1) in section 2(a)(1), by striking "and Tennessee" and inserting "Tennessee, and Kentucky";

(2) in section 3(1), by striking "and Tennessee," and inserting "Tennessee, and Kentucky,"; and

(3) in section 3(2)—

(A) by striking "and" at the end of subparagraph (R);

(B) by redesignating subparagraph (S) as subparagraph (T); and

(C) by inserting a new subparagraph (S) as follows:

"(S) Fort Heiman in Calloway County, Kentucky, and resources in and around Columbus in Hickman County, Kentucky; and".

SEC. 8. HARRIET TUBMAN SPECIAL RESOURCE STUDY.

Section 3(c) of the Harriet Tubman Special Resource Study Act (Public Law 106–516; 114 Stat. 2405) is amended by striking "Public Law 91–383" and all that follows through "3501)" and inserting "the National Park System General Authorities Act (16 U.S.C. 1a–5)".

SEC. 9. PUBLIC LAND MANAGEMENT AGENCY FOUNDATIONS.

Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall qualify for General Service Administration contract airfares.

SEC. 10. PERSONAL WATERCRAFT TIME EXTENSION.

The grace period described in the final rule issued on March 21, 2000 (65 Fed. Reg. 15,077 (2000)), regarding personal watercraft use within certain units of the National Park System, is extended until December 31, 2004, for all 21 of the park areas specifically identified in the rule.

SEC. 11. POPULAR NAMES.

(a) NATIONAL PARK SERVICE ORGANIC ACT.—The Act of August 25, 1916 (16 U.S.C. 1 et seq.; popularly known as the "National Park Service Organic Act") is amended by adding at the end the following new section:

"SEC. 5. This Act may be cited as the 'National Park Service Organic Act'.".

(b) NATIONAL PARK SYSTEM GENERAL AUTHORITIES ACT.—Public Law 91–383 (16 U.S.C. 1a–1 et seq.; popularly known as the "National Park System General Authorities Act") is amended by adding at the end the following new section:

"SEC. 14. This Act may be cited as the 'National Park System General Authorities Act'.".

SEC. 12. PARK POLICE INDEMNIFICATION.

Section 2(b) of the Act of November 6, 2000, (Public Law 106–437; 114 Stat.1921) is amended by striking "the Act" and inserting "of the Act".

PURPOSE OF THE BILL

The purpose of H.R. 3853 is to make technical corrections to laws passed by the 106th Congress related to parks and public lands, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

On a regular basis, the National Park Service (NPS) will submit to the National Parks, Recreation, and Public Lands Subcommittee a list of technical changes necessary to correct bills that have recently become law. H.R. 3853 reflects technical changes requested by the Administration for bills approved during the 106th Congress as well as a request to extend the General Services Administration contract airfares to employees of foundations established by Congress to solicit private sector funds on behalf of federal land managers. In addition, the bill extends the grace period for continued personal watercraft (PWC) use in certain parks of the National Park System for up to two years to allow the NPS to complete 21 Environmental Assessments to determine if PWC use should continue.

COMMITTEE ACTION

H.R. 3853 was introduced on March 5, 2002, by Congressman George Radanovich (R–CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation, and Public Lands. On March 7, 2002, the Subcommittee met to mark up the bill. Congressman Rush Holt (D–NJ) offered an amendment to strike section 10 (relating to PWCs) from the bill. It was not adopted by a rollcall vote of 7 to 10 as follows:

COMMITTEE ON RESOURCES
U.S. House of Representatives
107th Congress
National Parks, Recreation, and Public Lands

Date: March 7, 2002 Convened: 10:02 a.m.
Roll No. 1 Adjourned: 10:46 a.m.
Meeting on: **Amendment #1 to H.R. 3853**
☐Attendance ☐ Voice Vote [x] Roll Call Vote Total Yeas 7 Nays 10

	YEA	NAY	PRESENT		YEA	NAY	PRESENT
Mr. Radanovich, *Chairman*		x		Mr. Holt	x		
Ms. Christensen	x			Mr. Cannon		x	
Mr. Gallegly				Mr. McGovern	x		
Mr. Kildee	x			Mr. Schaffer			
Mr. Duncan				Mr. Acevedo-Vilá		x	
Mr. Faleomavaega				Mr. Gibbons		x	
Mr. Hefley		x		Ms. Solis			
Mr. Pallone				Mr. Souder			
Mr. Gilchrest		x		Ms. McCollum	x		
Mr. Tom Udall	x			Mr. Simpson		x	
Mr. Jones, *Vice Chair*		x		Mr. Tancredo		x	
Mr. Mark Udall	x						
Mr. Thornberry		x					
				Total	7	10	

The bill was then ordered favorably reported to the Full Committee by voice vote.

On March 20, 2002, the Full Resources Committee met to consider the bill. Congressman Radanovich offered an amendment in the nature of a substitute that corrected two drafting errors in the original text and added a new section requested by the Administration on NPS police indemnification. Congressman Wayne Gilchrest (R–MD) offered and withdrew an amendment which reduced the grace period for PWCs to one year. Congressman Rush Holt offered an amendment to the Radanovich amendment to strike section 10 (relating to PWCs) from the bill. The Holt amendment was not adopted by a rollcall vote of 18 to 24 as follows:

COMMITTEE ON RESOURCES
U.S. House of Representatives
107th Congress

Date: March 20, 2002

Convened: 10:36am
Adjourned: 1:42pm

Meeting on: **H.R. 3853, Amendment (#2A) by Mr. Holt to the Amendment in the Nature of A Substitute (#2) offered by Mr. Radanovich**

☐ Attendance ☐ Voice Vote ☒ Roll Call Vote Total Yeas 18 Nays 24

	Yea	Nay	Present		Yea	Nay	Present
Mr. Hansen, UT, Chairman		✓		Mr. Jones, NC		✓	
Mr. Rahall, WV	✓			*Mr. Kind, WI*		✓	
Mr. Young, AK				Mr. Thornberry, TX		✓	
Mr. Miller, CA				*Mr. Inslee, WA*	✓		
Mr. Tauzin, LA				Mr. Cannon, UT		✓	
Mr. Markey, MA	✓			*Mrs. Napolitano, CA*	✓		
Mr. Saxton, NJ				Mr. Peterson, PA			
Mr. Kildee, MI	✓			*Mr. Tom Udall, NM*	✓		
Mr. Gallegly, CA		✓		Mr. Schaffer, CO		✓	
Mr. DeFazio, OR				*Mr. Mark Udall, CO*	✓		
Mr. Duncan, TN				Mr. Gibbons, NV		✓	
Mr. Faleomavaega, AS	✓			*Mr. Holt, NJ*	✓		
Mr. Hefley, CO				Mr. Souder, IN		✓	
Mr. Abercrombie, HI				*Mr. McGovern, MA*	✓		
Mr. Gilchrest, MD		✓		Mr. Walden, OR		✓	
Mr. Ortiz, TX				*Mr. Acevedo-Vilá, PR*		✓	
Mr. Calvert, CA		✓		Mr. Simpson, ID		✓	
Mr. Pallone, NJ	✓			*Ms. Solis, CA*	✓		
Mr. McInnis, CO		✓		Mr. Tancredo, CO		✓	
Mr. Dooley, CA	✓			*Mr. Carson, OK*	✓		
Mr. Pombo, CA		✓		Mr. Hayworth, AZ		✓	
Mr. Underwood, GU	✓			*Ms. McCollum, MN*	✓		
Mrs. Cubin, WY		✓		Mr. Otter, ID		✓	
Mr. Smith, WA	✓			Mr. Osborne, NE		✓	
Mr. Radanovich, CA		✓		Mr. Flake, AZ		✓	
Ms. Christensen, VI	✓			Mr. Rehberg, MT		✓	
				Total	**18**	**24**	

The Radanovich amendment in the nature of a substitute was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 1, 2002.

Hon. JAMES V. HANSEN,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3853, a bill to make technical corrections to laws passed by the 106th Congress related to parks and public lands.

If you wish further details on this estimate, we will pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 3853—A bill to make technical corrections to laws passed by the 106th Congress related to parks and public lands

CBO estimates that enacting H.R. 3853 would have no significant impact on the federal budget. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 3853 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

H.R. 3853 would amend several laws related to national parks and public lands. Most of these amendments would correct spelling and punctuation errors or make other nonsubstantive changes in the original laws. One provision would delay until December 31, 2004, the implementation of a ban on the use of personal watercraft in certain national parks. Under current law, unless special regulations are issued to allow those parks to allow continued use of personal watercraft, the ban would start to take effect in April 2002. Based on information from the Department of the Interior, CBO estimates that none of the bill's provisions would significantly affect federal spending.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 106 OF THE LACKAWANNA VALLEY NATIONAL HERITAGE AREA ACT OF 2000

SEC. 106. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

[(a) AUTHORITIES OF MANAGEMENT ENTITY.—The management entity may, for the purposes of preparing and implementing the management plan, use funds made available under this title to hire and compensate staff.]

(a) AUTHORITIES OF MANAGEMENT ENTITY.—For purposes of preparing and implementing the management plan, the management entity may—

(1) make grants to, and enter into cooperative agreements with, the State and political subdivisions of the State, private organizations, or any person; and

(2) hire and compensate staff.

* * * * * * *

SECTION 5 OF THE ACT OF JUNE 20, 1938

AN ACT To add certain lands on the island of Hawaii to the Hawaii National Park, and for other purposes

SEC. 5. (a) Notwithstanding any other provision of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation or exchange the land and interests therein comprising approximately 5,650 acres and identified as tract number 118/22 on the map entitles "Recommended Land Acquisition", in the [Hawaii Volcanoes] *Hawai'i Volcanoes* National Park Land Protection Plan as recommended May 17, 1985, which plan shall be on file and available for public inspection in the Office of the Director, National Park Service, Department of Interior, Washington, D.C. and the Office of the Superintended, [Hawaii Volcanoes] *Hawai'i Volcanoes* National Park, Hawaii.

* * * * * * *

(e) The real property acquired by the Secretary pursuant to this section shall be administered by the Secretary as part of [Hawaii Volcanoes] *Hawai'i Volcanoes* National Park, subject to the laws and regulations applicable to the Park.

* * * * * * *

SECTION 2 OF THE ACT OF OCTOBER 27, 2000

(Public Law 106–365)

AN ACT To provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the "I Have A Dream" speech

SEC. 2. ACCEPTANCE OF CONTRIBUTIONS.

The Secretary of the Interior is authorized to accept [and expand contributions] *and expend contributions* toward the cost of preparing and installing the plaque, without further appropriation. Federal funds may be used to design, procure, or install the plaque.

WILD AND SCENIC RIVERS ACT

* * * * * * *

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) * * *

* * * * * * *

[(161)] *(162)* WEKIVA RIVER, WEKIWA SPRINGS RUN, ROCK SPRINGS RUN, AND BLACK WATER CREEK, FLORIDA.—The 41.6-mile segments referred to in this paragraph, to be administered by the Secretary of the Interior:

(A) * * *

* * * * * * *

[(162)] *(163)* WHITE CLAY CREEK, DELAWARE AND PENNSYLVANIA.—The 190 miles of river segments of White Clay Creek (including tributaries of White Clay Creek and all second order tributaries of the designated segments) in the States of Delaware and Pennsylvania, as depicted on the recommended designation and classification maps (dated June 2000), to be administered by the Secretary of the Interior, as follows:

(A) * * *

* * * * * * *

[( )] *(164)* WILDHORSE AND KIGER CREEKS, OREGON.—The following segments in the Steens Mountain Cooperative Management and Protection Area in the State of Oregon, to be administered by the Secretary of the Interior as wild rivers:

(A) * * *

* * * * * * *

[(161)] *(165)* LOWER DELAWARE RIVER AND ASSOCIATED TRIBUTARIES, NEW JERSEY AND PENNSYLVANIA.—(A) The 65.6 miles of river segments in New Jersey and Pennsylvania, consisting of—

(i) * * *

* * * * * * *

SECTION 5 OF THE NATIONAL TRAILS SYSTEM ACT

* * * * * * *

NATIONAL SCENIC AND NATIONAL HISTORICAL TRAILS

SEC. 5. (a) National scenic and national historic trails shall be authorized and designated only by Act of Congress. There are hereby established the following National Scenic and National Historic Trails:

(1) * * *

* * * * * * *

(21) EL CAMINO REAL DE TIERRA ADENTRO.—

(A) El Camino Real de Tierra Adentro (the Royal Road of the Interior) National Historic Trail, a 404 mile long trail from the Rio Grande near El Paso, Texas to San Juan Pueblo, New Mexico, as generally depicted on the maps entitled "United States Route: El Camino Real de Tierra Adentro", contained in the report prepared pursuant to subsection (b) entitled "National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de Tierra Adentro, Texas-New Mexico", dated March 1997.

* * * * * * *

[(21)] *(22)* ALA KAHAKAI NATIONAL HISTORIC TRAIL.—

(A) IN GENERAL.—The Ala Kahakai National Historic Trail (the Trail by the Sea), a 175 mile long trail extending from 'Upolu Point on the north tip of Hawaii Island down the west coast of the Island around Ka Lae to the east boundary of Hawaii Volcanoes National Park at the ancient shoreline temple known as "Waha'ula", as generally depicted on the map entitled "Ala Kahakai Trail", con-

tained in the report prepared pursuant to subsection (b) entitled "Ala Kahakai National Trail Study and Environmental Impact Statement", dated January 1998.

* * * * * * *

JAMESTOWN 400TH COMMEMORATION COMMISSION ACT OF 2000

* * * * * * *

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) * * *

* * * * * * *

(5) in 1996—

(A) the Commonwealth of Virginia designated the Jamestown-Yorktown Foundation as the [State] agency responsible for planning and implementing the Commonwealth's portion of the commemoration of the 400th anniversary of the founding of the Jamestown settlement;

* * * * * * *

(b) PURPOSE.—The purpose of this Act is to establish the Jamestown 400th Commemoration Commission to—

(1) ensure a suitable national observance of the Jamestown 2007 anniversary by complementing the programs and activities of the [State] *Commonwealth* of Virginia;

(2) cooperate with and assist the programs and activities of the [State] *Commonwealth* in observance of the Jamestown 2007 anniversary;

* * * * * * *

SEC. 3. DEFINITIONS.

In this Act:

(1) * * *

* * * * * * *

(3) GOVERNOR.—The term "Governor" means the Governor of the [State] *Commonwealth*.

* * * * * * *

[(5) STATE.—

[(A) IN GENERAL.—The term "State" means the State of Virginia.

[(B) INCLUSIONS.—The term "State" includes agencies and entities of the State.]

(5) COMMONWEALTH.—The term "Commonwealth" means the Commonwealth of Virginia, including agencies and entities of the Commonwealth.

SEC. 4. JAMESTOWN 400TH COMMEMORATION COMMISSION.

(a) * * *

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of [16] *15* members, of whom—

(A) * * *

* * * * * * *

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

* * * * * * *

ROSIE THE RIVETER/WORLD WAR II HOME FRONT NATIONAL HISTORICAL PARK ESTABLISHMENT ACT OF 2000

* * * * * * *

SEC. 2. ROSIE THE RIVETER/WORLD WAR II HOME FRONT NATIONAL HISTORICAL PARK.

(a) * * *

(b) AREAS INCLUDED.—The boundaries of the park shall be those generally depicted on the map entitled "Proposed Boundary Map, Rosie the Riveter/World War II Home Front National Historical Park" [numbered 963/80000] *numbered 963/80,000* and dated May 2000. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

* * * * * * *

SEC. 3. ADMINISTRATION OF THE NATIONAL HISTORICAL PARK.

(a) * * *

(b) COOPERATIVE AGREEMENTS.—

(1) GENERAL AGREEMENTS.—The Secretary may enter into cooperative agreements with the owners of [the World War II Child Development Centers, the World War II worker housing, the Kaiser-Permanente Field Hospital, and Fire Station 67A,] *the Child Development Field Centers (Ruth C. Powers) (Maritime), Atchison Housing, the Kaiser-Permanente Field Hospital, and Richmond Fire Station 67A,* pursuant to which the Secretary may mark, interpret, improve, restore, and provide technical assistance with respect to the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions under which the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes, and that no changes or alterations shall be made in the property except by mutual agreement.

* * * * * * *

(e) ACQUISITION.—

(1) * * *

(2) OTHER FACILITIES.—The Secretary may acquire, from willing sellers, lands or interests in [the World War II day care centers, the World War II worker housing, the Kaiser-Permanente Field Hospital, and Fire Station 67,] *the Child Development Field Centers (Ruth C. Powers) (Maritime), Atchison Housing, the Kaiser-Permanente Field Hospital, and Richmond Fire Station 67A,* through donation, purchase with donated or

appropriated funds, transfer from any other Federal agency, or exchange.

* * * * * * *

VICKSBURG CAMPAIGN TRAIL BATTLEFIELDS PRESERVATION ACT OF 2000

* * * * * * *

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there are situated along the Vicksburg Campaign Trail in the States of Mississippi, Louisiana, Arkansas, [and Tennessee] *Tennessee, and Kentucky* the sites of several key Civil War battles;

* * * * * * *

SEC. 3. DEFINITIONS.

In this Act:

(1) CAMPAIGN TRAIL STATE.—The term "Campaign Trail State" means each of the States of Mississippi, Louisiana, Arkansas, [and Tennessee,] *Tennessee, and Kentucky,* including political subdivisions of those States.

(2) CIVIL WAR BATTLEFIELD.—The term "Civil War battlefield" includes the following sites (including related structures adjacent to or thereon)—

(A) * * *

* * * * * * *

(R) the site of the start of Greirson's Raid and other related sites, LaGrange, Tennessee; [and]

(S) Fort Heiman in Calloway County, Kentucky, and resources in and around Columbus in Hickman County, Kentucky; and

[(S)] *(T)* any other sites considered appropriate by the Secretary.

* * * * * * *

SECTION 3 OF THE HARRIET TUBMAN SPECIAL RESOURCE STUDY ACT

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

(a) * * *

* * * * * * *

(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 [Public Law 91–383, as amended by section 303 of the National Park Omnibus Management Act (P.L. 105–391; 112 Stat.

3501)] *the National Park System General Authorities Act (16 U.S.C. 1a–5).*

* * * * * * *

SECTION 5 OF THE ACT OF AUGUST 25, 1916

AN ACT To establish a National Park Service, and for other purposes

SEC. 5. This Act may be cited as the "National Park Service Organic Act".

SECTION 14 OF THE ACT OF AUGUST 18, 1970

(Public Law 91–383)

AN ACT To improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes

SEC. 14. This Act may be cited as the "National Park System General Authorities Act".

SECTION 2 OF THE ACT OF NOVEMBER 6, 2000

AN ACT To permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes

SEC. 2. INDEMNIFICATION.

(a) * * *

(b) TECHNICAL AMENDMENT.—Paragraph (5) of section 10(c) [the Act] *of the Act* of August 18, 1970 (Public Law 91–383; 16 U.S.C. 1a–6(c)) (as redesignated by subsection (a)(2)), is further amended—

(1) by striking "(5) the" and inserting "The"; and

(2) by moving the text flush and 2 ems to the left.

DISSENTING VIEWS

We oppose H.R. 3853. While eleven of the bill's twelve sections are noncontroversial, and therefore legitimate, technical corrections to existing statutes, section ten would overturn a federal court order governing the use of personal watercraft (PWCs) in our national parks. The inclusion of this section in an alleged "technical" corrections bill, without a single public hearing, is an abuse of the legislative process and, if enacted, would constitute an abuse of the judicial process. As a result, we urge our colleagues to join us in opposing this measure.

The first sign that section ten should not be included among a collection of simple technical corrections is the complicated and divisive history of the issue with which it deals. While we will not relate the details here (see: Stipulated Settlement Agreement, Memorandum and Order, *Blue Water Network, et al.* v. *Robert Stanton, et al.,* 00CV02093 (GK), United States District Court for the District of Columbia, April 11, 2001), the salient fact is that National Park Service (NPS) policy regarding the use of PWCs in the National Park system is no longer dictated by agency regulations. Rather, the current policy is the result of a federal court order ratifying a consent decree entered into by the National Park Service in order to settle litigation.

That litigation followed more than ten years of heated public policy debate and agency study of the resource impacts of personal watercraft. The judicial decision regarding PWCs in the National Parks considered the basic meaning of the National Park Service Organic Act and the fundamental mission of the National Park Service. Congressional involvement in such a critical policy determination should be measured, judicious and public. A provision simply resolving the issue in favor of the PWC industry, buried in a supposedly "technical" corrections bill, without public hearings, fails on every count.

Should the Congress approve H.R. 3853, the result would be an abuse of the judicial process, as well. Congressional action to effectively overturn an existing federal court order and consent decree is highly unusual. In this instance, Congress would be taking such action for the benefit of an industry lobbying organization, the Personal WaterCraft Industry Association (PWIA), which was not a party to the litigation and to the detriment of the plaintiff in the suit, Blue Water Network. Neither the PWIA nor NPS, also known as the defendant in this case, have approached the Court seeking to alter the terms of the existing order. Rather, they have pursued a legislated "Get Out of Your Consent Decree Free" card.

On the merits, the principal justification given for such Congressional intervention is unconvincing. Under the original NPS rule and the existing federal court order, PWC use is banned in all units of the National Park System. However, twenty-one units

where PWC use was most prevalent have been granted a two-year grace period, during which such use may continue. Further, the order creates a special rule-making process whereby, should the National Park Service elect to do so, PWC use may be permanently authorized in any of those twenty-one units.

The Majority argues that this legislation is necessary because the NPS will not complete the special rule-making within the grace period, meaning that the ban will take full effect for some period of time. They claim that such an outcome is contrary to the Court's intent and is a possibility only because the previous Administration failed to request adequate funding to complete the rule-making process during the grace period.

However, the alleged requirement that any special rule-making undertaken by the NPS be completed within the grace period is never mentioned in the original NPS rule, the Court's discussion of this case, nor in any of its rulings. Given that the initiation of a rule making to allow permanent PWC use in any of the twenty-one units is optional, it is certainly not the case that the work must be completed by a date certain. That the Federal District Court intended such a requirement, but neglected to include it in the order, strains credulity. Furthermore, the current Administration took office in January of 2001 but waited more than nine months before requesting additional funding for this rule-making process. Responsibility for any funding shortfalls lies squarely with the current Administration.

Once these flimsy justifications are dispensed with, the real purpose of this legislation becomes evident. Passage of this measure is more than a simple case of altering a date to allow an agency to complete its work. Rather, the PWC industry is seeking legislation to provide them a benefit not included in the consent decree: uninterrupted PWC access in these twenty-one areas. H.R. 3853 proposes to grant the industry this benefit despite the fact that to do so vandalizes an existing court order, undermines a legitimate plaintiff without judicial process and awards the PWC industry a victory in a decade-old public policy dispute.

All this without a single public hearing. H.R. 3853 should be defeated.

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