

□ 1445

The wilderness designation made by H.R. 5059 is clean and would result in the protection of 10,800 acres of forest land. As such, we have no objection to the adoption of the legislation by the House today.

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

Mr. PEARCE. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Speaker, once again I thank my colleagues from Guam and New Mexico for their support of this legislation. Like Congressman BASS's bill previously, my bill expands by nearly 11,000 acres the Sandwich Range Wilderness Area in the central part of the White Mountain National Forest.

The Forest Service in the State of New Hampshire, working once again with environmental groups, with businesses involved in the forest products industry, developed a comprehensive plan for the management of the White Mountain National Forest. Both of these wilderness proposals have seen fit to have garnered the support of everyone in New Hampshire that I am aware of.

The Forest Service plan had absolutely no appeals and is in the process of being implemented. The legislation that myself and Congressman BASS have separately proposed would implement the two wilderness proposals and, as I have repeatedly stated, has received no objections.

It is certainly my hope, and I appreciate the support of my colleague on the other side of the aisle, as well as my colleague from New Mexico, for this legislation, should go forward this afternoon. It will protect the New Hampshire environment. It will also serve the forest products industry in my State. And I would urge my colleagues in the strongest possible way to vote for both of these bills later on today, despite the call for a vote potentially by my colleague on the other side of the aisle.

Mr. VAN HOLLEN. Mr. Speaker, I rise to explain my votes in opposition to H.R. 5059 and H.R. While I agree with the substance of these bills, I strongly opposed the decision of the House Republican leadership to use these important bills as part of an effort to play politics with the environment. The Republicans had an opportunity to vote on the New England Wilderness Act (S. 2463), bipartisan legislation passed by the Senate last week that would designate wilderness areas in both New Hampshire and Vermont.

Instead they chose to separate the New Hampshire wilderness areas into two pieces of legislation and refused to include the Vermont wilderness in either bill. They apparently did this to hand a victory to the Republican representative from New Hampshire but deny Rep. SANDERS a legislative win on the eve of his upcoming Senate election in Vermont. Shame on them. By putting these bills on the Suspension Calendar, the Republican leadership ensured that wilderness bills in New Eng-

land will not be signed into law this year as it is virtually impossible to reconcile the differences between the House and Senate bills given the amount of time left in this legislative session.

The New England Wilderness Act enjoys the full backing of the two states' bicameral, tripartisan delegation. It is disappointing that in the final days of this Congress, Republicans are abusing their power and the American people are paying the price.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

Mr. PEARCE. Mr. Speaker, I have no additional speakers, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 5062.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. BORDALLO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS OF 2006

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5861) to amend the National Historic Preservation Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5861

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 "National Historic Preservation Act Amendments of 2006".

SEC. 2. HISTORIC PRESERVATION OFFICER RESPONSIBILITIES.

Section 101(b) of the National Historic Preservation Act (16 U.S.C. 470a(b)) is amended by adding at the end the following:

"(7) The State Historic Preservation Officer shall have no authority to require an applicant for Federal assistance, permit, or license to identify historic properties outside the undertaking's area of potential effects as determined by the Federal agency in accordance with the regulations implementing section 106.

"(8) If the State Historic Preservation Officer, Tribal representative, or Tribal Historic Preservation Officer fails to respond within 30 days after an adequately documented finding of 'no historic properties affected' or 'no adverse effect' as provided in the regulations implementing section 106, the Federal agency may assume that the State Historic Preservation Officer or Tribal Historic Preservation Officer has no objection to the finding."

SEC. 3. ADDITIONAL CRITERIA FOR CERTIFICATION OF LOCAL GOVERNMENTS TO CARRY OUT NATIONAL HISTORIC PRESERVATION ACT.

Section 101(c)(1) of the National Historic Preservation Act (16 U.S.C. 470a(c)(1)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (F);

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) agrees that it shall not use any eligibility determination regarding the inclusion of any property or District on the National Register to initiate local regulatory requirements unless the entity provides full due process protection to the owner or owners of the property or District through a hearing process; and"; and

(4) in the matter below the subparagraphs, by striking "through (E)" and inserting "through (F)".

SEC. 4. HISTORIC PRESERVATION FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended by striking "2005" and inserting "2015".

SEC. 5. ADVISORY COUNCIL ON HISTORIC PRESERVATION.

(a) MEMBERSHIP.—Section 201 of the national historic preservation act (16 U.S.C. 470i) is amended—

(1) in subsection (a)(4), by striking "four" and inserting "seven";

(2) in subsection (b), by striking "(5) and (6)" and inserting "paragraph (6)"; and

(3) in subsection (f), by striking "Nine" and inserting "Eleven".

(b) FINANCIAL AND ADMINISTRATIVE SERVICES.—Section 205(f) of such Act (16 U.S.C. 470m(f)) is amended to read as follows:

"(f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior or, at the discretion of the Council, such other agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance or by reimbursement from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the head of the agency or, in the case of a private entity, the authorized representative of the private entity that will provide the services. When a Federal agency affords such services, the regulations of that agency for the collection of indebtedness of personnel resulting from erroneous payments, prescribed under section 5514(b) of title 5, United States Code, shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of that agency for the administrative control of funds under sections 1513(d) and 1514 of title 31, United States Code, shall apply to appropriations of the Council. The Council shall not be required to prescribe such regulations."

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 212(a) of the Act (16 U.S.C. 470t(a)) is amended by striking "for purposes of this title not to exceed \$4,000,000 for each fiscal year 1997 through 2005" and inserting "such amounts as may be necessary to carry out this title".

SEC. 6. EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS IN MEETING PURPOSES AND POLICIES OF THE NATIONAL HISTORIC PRESERVATION ACT.

The National Historic Preservation Act is amended by inserting after section 215 (16 U.S.C. 470v-1) the following new section:

“SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS.

“(a) COOPERATIVE AGREEMENTS.—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of such program in meeting the purposes and policies of this Act. Such cooperative agreements may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this Act or that allow the Council to participate in the selection of recipients, if such provisions are not inconsistent with the statutory authorization and purpose of the grant or assistance program.

“(b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS.—The council may—

“(1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of such program in meeting the purposes and policies of this Act;

“(2) make recommendations to the head of the Federal agency that administers such program to further the consistency of the program with the purposes and policies of this Act and to improve its effectiveness in carrying out those purposes and policies; and

“(3) make recommendations to the President and the Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this Act, including recommendations with regard to appropriate funding levels.”

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

The Chair recognizes the gentleman from New Mexico.

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

Mr. Speaker, H.R. 5861, introduced by me, amends the National Historic Preservation Act to do five things:

It extends the Historic Preservation Fund to 2015 for State and tribal preservation activities.

Secondly, it reauthorizes the Advisory Council on Historic Preservation.

Third, requires certain local governments to provide full due process to property owners who object to a determination of eligibility on their property.

Fourth, it imposes a deadline on State or Tribal Historic Preservation Officers to respond to section 106 applications within 30 days of a “no adverse effects” determination.

And, fifth, prohibits a State historic preservation officer from requiring a Federal agency applicant to identify properties outside the area of potential effects.

From its auspicious start in April of 2004 as a discussion draft to the bill before us in the House today, H.R. 5861 has been the subject of more discussion and rewrite they any other bill that I have been involved with since becoming the chairman of the Subcommittee on National Parks.

While the bill may not be the final product that many envisioned, myself included, I believe H.R. 5861 represents a significant step towards improving the section 106 process under the National Historic Preservation Act by reducing some of the conflicts that exist

between the business and preservation communities and the State and Tribal Preservation Officers.

In addition, H.R. 5861 will enhance private property protections in the listing process, under the Historic Preservation Act as well as improve the operation of the Advisory Council and extend the authorization of the Historic Preservation Fund.

Finally, this bill was a truly collaborative effort. I believe it is important to take a moment to thank those individuals and organizations for their help in crafting this important bill.

First of all, Congressman TURNER of Ohio; Vince Sampson of the Resources Committee majority staff; David Watkins of the Resources Committee minority staff; Chairman John Nau of the Advisory Council on Historic Preservation; the National Conference of State Historic Preservation Officers; Sonnenschein, Nath and Rosenthal; the National Mining Association, the National Trust For Historic Preservation; CTIA, the Wireless Association; the United South and Eastern Tribes; the National Association of Tribal Historic Preservation Officers; Preservation Action; the National Stone, Sand and Gravel Association; the American Cultural Resources Association; the American Association of State Highway and Transportation Officials; and Rob Howard, from the National Park Subcommittee majority staff.

I include a letter in support of the bill from CTIA, the Wireless Association.

CTIA,

THE WIRELESS ASSOCIATION,
Washington, DC, September 25, 2006.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources,
Washington, DC.

DEAR CHAIRMAN POMBO: I want to thank you and National Parks Subcommittee Chairman Pearce for all of your diligent efforts on H.R. 5861, the National Historic Preservation Act Amendments of 2006 (NHPA) and specifically the Section 106 provisions.

As you know, in 2004 a Nationwide Programmatic Agreement (NPA) was adopted to streamline the Section 106 tower siting review process. CTIA—The Wireless Association and its member companies greatly appreciate the fine work the Committee has done to clarify the NHPA relative to the NPA.

As such, for the purposes of legislative history, under Section 800.3(c)(4) of the rules of the Advisory Council on Historic Preservation (ACHP), State Historic Preservation Officers (SHPOs) and Tribal Historic Preservation Officers (THPOs) are required to respond to a request for a review of a finding or determination regarding the impact of a proposed project within 30 days. If the SHPO or THPO fails to respond within 30 days, the agency official or its designee may proceed to the next step in the process or consult with the ACHP.

This technical amendment clarifies that this 30 day time period applies equally to SHPOs, THPOs and other tribal officials acting in the same capacity off tribal lands. Any SHPO, THPO or tribal representative acting in an official capacity that is asked to review a finding or determination of the impact (or lack thereof) of a proposed project

must respond to such a request within 30 days.

All parties acting in such a role must affirmatively express any concerns about a proposed project within 30 days of notice. If no such affirmative concern is stated, consent is assumed and the project may proceed to the next stage in the process or the ACHP may be consulted.

Again, thank you for all the conscientious work that you and your National Parks Subcommittee Staff Director, Rob Howarth, have spent on this legislation.

Sincerely,

STEVE LARGENT.

Mr. Speaker, I urge adoption of the bill, and reserve the balance of my time.

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

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Mr. Speaker, H.R. 5861 is an acceptable compromise. While it makes technical changes to the Historic Preservation Act, it includes none of the highly controversial amendments that were first proposed by the majority.

The historic preservation community, including the Advisory Council, the Trust, and the State and Tribal Historic Preservation Officers support this legislation.

Mr. Speaker, we do not oppose H.R. 5861

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 5861, 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.

EXTENDING AUTHORIZATION FOR ESTABLISHING A MEMORIAL IN THE DISTRICT OF COLUMBIA TO HONOR VETERANS

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4275) to amend Public Law 106-348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

The Clerk read as follows

H.R. 4275

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

SECTION 1. AUTHORITY FOR ESTABLISHING MEMORIAL EXTENDED.

Section 1 of Public Law 106-348 is amended—

(1) in subsection (b), by adding at the end, before the final period, the following: “, except that section 8903(e) of title 40, United