

the legislation, not just title II, as the gentleman from Alaska [Mr. YOUNG] knows—the legislation excludes any Federal lands that would generate income or would be expected to generate income for the Federal Government.

This restriction appears in the bill in three separate instances and represents a major hurdle for the acquisition of base closure property by anybody in those circumstances, including Hawaiian homeland.

Second, I pointed out that the CBO and the Department of Defense expect that any reuse of the Barbers Point land would generate income for the Federal Government. I should also note that Barbers Point is the only site in Hawaii that is eligible for reuse under the base closure process. Given the fact that no lands that could generate revenue for the Federal Government would be eligible for acquisition under this bill, a transfer of Barbers Point land to the Department of Hawaiian Home Lands does not appear to be a question.

Finally, I understand the Department of Defense has raised a concern that H.R. 402 might disadvantage the interests of base reuse committees in Hawaii. Let me reassure my colleagues, there is no legislative language to that effect, nor no intent to that effect or in this regard. This concern is without substance.

As I pointed out earlier, we have a rather unique situation at the Barbers Point Naval Air Station in which the most recent base closure report proposal had a modification to the previous base closure decision.

I will tell the Members what that modification is. It is to ensure that the Navy keeps the beaches, the recreational beaches. I have an idea, Mr. Speaker and Mr. HEFLEY, that this whole thing has been generated because there they are afraid that possibly some objections might be raised that the beaches in and the cottages attendant to the beaches might somehow fall into the hands of the Hawaiian people.

I will state for the record here that I voted for the Base Closure Commission report, the modified report, in which it says the two beaches—and I can name the beaches for you, I have them here, Nimitz Beach and White Plains Beach, beach recreational areas. That is the modification, to retain them, that they will be in there.

All I am asking for is access to them. I am perfectly content to have the Navy retain the beaches in Hawaii as vital to the necessary strategic military importance of the United States in the Pacific. But to have an entire bill that has been worked out in good faith on a bipartisan basis for the better part of 2½ years, to be objected to at this point or subject to some kind of scrutiny other than on the basis of the merits, seems to be outrageous.

The Navy can have the beaches. Can we please have the bill?

That was a rhetorical pause. Maybe we could exchange beaches, Mr. Speak-

er, for some beaches in Alaska, perhaps above the Arctic Circle. Do you think they would be interested in that exchange?

Mr. YOUNG of Alaska. Mr. Speaker, I am confident the Navy would not be interested in beaches in Alaska.

Mr. Speaker, I again stress for my colleagues to vote for this legislation. It is long overdue.

I am very concerned, as the gentleman from Hawaii has mentioned, that at this late date that these questions might arise. It is an example, I think, of some incompetency down in the department, and I say that with some reservation in the sense I cannot blame everybody, maybe just one enthusiastic individual. I know Secretary Dalton has been talked to. I had hoped that there would be a total turndown of this and I expect that before we do vote on this legislation, if we vote on this legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, in 1921 Congress enacted the Hawaiian Homes Commission Act to preserve and protect a way of life for native people on the Islands of Hawaii. The act put aside approximately 200,000 acres of land for the exclusive use and benefit of native Hawaiians. The purpose was to use these lands as a homesteading program to return native Hawaiians to their lands.

Unfortunately, the program was destined to fail from the outset. Between 1921 and 1959 when Hawaii became a State, the program was administered by the Federal Government through a succession of territorial Governors. During Federal control, large portions of the lands were withdrawn. All the best and most productive lands were taken, leaving mostly marginal lands which couldn't support housing or agriculture. The native Hawaiian community received no benefit from the lands taken.

In 1984 much of the land was returned but the Federal Government both continued to retain the best lands and provided no compensation for lost use.

Title II of H.R. 402 sets up a process whereby the Federal Government can exchange Federal lands within the State of Hawaii as a means of settling claims against the United States. The Secretary of the Interior would also be authorized to convey lands to the Department of Hawaiian Home Lands as compensation for lost use of those lands.

To be honest, I wish this bill went further and demanded back the valuable lands stolen from the native Hawaiians against the directive of the Congress. However, I defer to the wisdom of the only native Hawaiian to serve in the U.S. Senate, my good friend the Senator of Hawaii who authored this legislation. I also want to commend my colleagues Mr. ABERCROMBIE and Mrs. MINK for their efforts in moving this legislation.

I urge my colleagues to support this bill.

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

Mr. YOUNG of Alaska. Mr. Speaker, I urge passage of this very important legislation for the good of all.

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

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion

offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and concur in the Senate amendment to H.R. 402.

The question was taken.

Mr. RICHARDSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1600

PROVIDING FOR CONSIDERATION OF H.R. 39, FISHER CONSERVATION AND MANAGEMENT AMENDMENTS OF 1995

Mr. YOUNG of Alaska. Mr. Speaker, I offer a unanimous-consent request.

The SPEAKER pro tempore (Mr. FOLEY). The Clerk will report the unanimous consent request.

The Clerk read as follows:

Mr. YOUNG of Alaska asks unanimous consent that at any time hereafter the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 39) to amend the Magnuson Fishery Conservation and Management Act to improve fisheries management, and that consideration of the bill proceed according to the following order. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the 5-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

Mr. MILLER of California. Mr. Speaker, reserving the right to object, if I might, I would enter into a colloquy with the gentleman from Alaska [Mr. YOUNG]. I would like to have the gentleman clarify a point on H.R. 39 of the Magnuson Act reauthorization.

Is it the intention of the Chairman of the Committee that we will only consider the bill under general debate today, and rise to consider the bill for amendment at some later date?

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, the gentleman is correct. Some Members are interested in offering amendments to H.R. 39 who would be unable to participate this afternoon. Therefore, it is my intent to ask that the Committee rise after conclusion of general debate and, if I may continue, with my understanding with my good friend, the gentleman from California, that eventually this bill will pass this House to get over to the Senate after we consider all amendments that are to be offered. We must proceed, because this has been sunsetted now for 1½ years, so we would like to get it done.

Mr. MILLER of California. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

SHENANDOAH VALLEY NATIONAL BATTLE FIELD PARTNERSHIP ACT OF 1995

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1091) to improve the National Park System in the Commonwealth of Virginia, as amended.

The Clerk read as follows:

H.R. 1091

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

TITLE I—RICHMOND NATIONAL BATTLEFIELD PARK

SEC. 101. MODIFICATION OF BOUNDARY.

The first section of the Act of March 2, 1936 (Chapter 113; 49 Stat. 1155), is amended to read as follows:

"SECTION 1. (a) In order to preserve the site of the 1862 Peninsula Campaign and the 1864-65 battle of Richmond, in the vicinity of Richmond, Virginia, as a national battlefield park for the benefit and inspiration of the people of the United States, there is hereby established, subject to existing rights, the Richmond National Battlefield Park (hereinafter in this Act referred to as the 'Park').

"(b) The Park shall consist of—

"(1) lands, waters, and interests therein within the area generally depicted on the map entitled 'Richmond National Battlefield Park, Land Status Map', numbered 367/92,000, and dated September 1993; and

"(2) upon donation of title acceptable to the Secretary of the Interior (and acceptance by the Secretary), the following tracts: a tract of 750 acres at Malvern Hill, a tract of 15 acres at Beaver Dam Creek, a tract of 100 acres at Cold Harbor, and a tract of 42 acres at Bethesda Church.

"(c) As soon as practicable, the Secretary of the Interior shall complete a boundary map (including tracts referred to in subsection (b)(2)) for the Park. The map required by this subsection and the map referred to in subsection (b)(1) shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior.

"(d) The Congress recognizes the national significance of the Battle of New Market

Heights and declares it to be in the public interest to ensure the preservation of the New Market Heights Battlefield so that an important aspect of American history can be interpreted to the public. The Congress directs the Secretary to work cooperatively with the Commonwealth of Virginia, the county of Henrico, Virginia, and property owners within or impacted by the battlefield area to develop alternatives to ensure implementation of these goals. The Secretary shall submit a report outlining such alternatives to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate no later than June 1, 1996."

SEC. 102. REPEAL OF PROVISION REGARDING PROPERTY ACQUISITION.

The Act of March 2, 1936 (Chapter 113; 49 Stat. 1155), is amended by striking section 2.

SEC. 103. ADMINISTRATION.

Section 3 of the Act of March 2, 1936 (Chapter 113; 49 Stat. 1156), is redesignated as section 2 and is amended by striking the period and inserting ", and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467)."

TITLE II—SHENANDOAH NATIONAL PARK

SEC. 201. MODIFICATION OF BOUNDARY.

(a) IN GENERAL.—The boundary of Shenandoah National Park is hereby modified to include only those lands and interests therein that, on the day before the date of the enactment of this Act, were in Federal ownership and were administered by the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") as part of the park. So much of the Act of May 22, 1926 (Chapter 363; 44 Stat. 616) as is inconsistent herewith is hereby repealed.

(b) MINOR BOUNDARY ADJUSTMENTS AND LAND ACQUISITION.—

(1) MINOR BOUNDARY ADJUSTMENTS.—The Secretary is authorized to make minor adjustments to the boundary of Shenandoah National Park, as modified by this title, to make essential improvements to facilitate access to trailheads to the park that exist on the day before the date of the enactment of this title, in cases in which there are no practicable alternatives to such adjustments.

(2) LIMITATIONS ON LAND ACQUISITION.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary may acquire lands and interests therein under this subsection only by donation.

(B) ADDITIONAL RESTRICTIONS.—When acting under this subsection—

(i) the Secretary may add to the Shenandoah National Park only lands and interests therein that are contiguous with Federal lands administered by the Secretary as part of the park;

(ii) prior to accepting title to any lands or interests therein, the Secretary shall hold a public meeting in the county in which such lands and interests are located;

(iii) the Secretary shall not alter the primary means of access of any private landowner to the lands owned by such landowner; and

(iv) the Secretary shall not cause any property owned by a private individual, or any group of adjacent properties owned by private individuals, to be surrounded on all sides by land administered by the Secretary as part of the park.

(c) MITIGATION OF IMPACTS AT ACCESS POINTS.—The Secretary shall take all reasonable actions to mitigate the impacts associated with visitor use at trailheads around the perimeter of Shenandoah National Park. The Secretary shall enlist the cooperation of the State and local jurisdictions, as appropriate, in carrying out this subsection.

SEC. 202. REQUIREMENT OF TRANSFER OF COUNTY ROAD CORRIDORS.

(a) STATEMENT OF PURPOSE.—It is the purpose of this section to permit the Commonwealth of Virginia to maintain and provide for safe public use of certain roads that the Commonwealth donated to the Federal Government at the time of the establishment of Shenandoah National Park.

(b) REQUIREMENT OF TRANSFER.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer to the Commonwealth of Virginia, without consideration or reimbursement, all right, title, and interest of the United States in and to all county road corridors that were located within the Shenandoah National Park on the day before the date of the enactment of this Act and are removed from such Park by the boundary modification made by section 201.

(c) REVERSION.—Each transfer pursuant to this section shall be made subject to the condition that if, at any time, any county road corridor so transferred is no longer used as a public roadway, all right, title, and interest in the county road corridor shall revert to the United States.

(d) DEFINITIONS.—For purposes of this section:

(1) COUNTY ROAD CORRIDOR.—The term "county road corridor" means a corridor that is comprised of any Shenandoah county road together with an amount of land, which is contiguous with the road and which is selected by the Secretary of the Interior in consultation with the Governor of the Commonwealth of Virginia, such that the total width of the corridor is 50 feet.

(2) SHENANDOAH COUNTY ROAD.—The term "Shenandoah county road" means any portion of a road that is open to public vehicle usage and that, on the date of the enactment of this Act, constitutes part of—

- (A) Madison County Route 600;
- (B) Rockingham County Route 624;
- (C) Rockingham County Route 625;
- (D) Rockingham County Route 626;
- (E) Warren County Route 604;
- (F) Page County Route 759;
- (G) Page County Route 611;
- (H) Page County Route 682;
- (I) Page County Route 662;
- (J) Augusta County Route 611;
- (K) Augusta County Route 619;
- (L) Albemarle County Route 614;
- (M) Augusta County Route 661;
- (N) Rockingham County Route 663;
- (O) Rockingham County Route 659;
- (P) Page County Route 669;
- (Q) Rockingham County Route 661;
- (R) Criser Road (to Town of Front Royal);

or

(S) the government-owned parcel connecting Criser Road to the Warren County School Board parcel.

TITLE III—COLONIAL NATIONAL HISTORICAL PARK

SEC. 301. MODIFICATION OF BOUNDARY.

Notwithstanding the provisions of the Act of June 28, 1938 (52 Stat. 1208; 16 U.S.C. 81b, 81d), limiting the average width of the Colonial Parkway, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") is authorized to include within the Colonial National Historical Park, and to acquire by purchase, donation or exchange, lands and interests in lands (with or without improvements) within the areas depicted on the map dated August 1993, numbered 333/80031A, and entitled "Page Landing Addition to Colonial National Historical Park". Such map shall be on file and available for inspection in the offices of the National Park Service at Colonial National Historical Park and in Washington, District of Columbia.