

**SEC. 211. FULL FAITH AND CREDIT.**

The full faith and credit of the United States is pledged to the payment of all guarantees issued under this section with respect to principal and interest.

**SEC. 212. REPORT.**

Not later than 1 year after the date on which the eligibility criteria are published in the Federal Register under section 203(a), and every 2 years thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the implementation of the loan guarantee program under section 204.

**SEC. 213. EFFECT ON THE RECLAMATION LAWS.**

(a) RECLAMATION PROJECTS.—Nothing in this title supersedes or amends any Federal law associated with a project, or a portion of a project, constructed under the reclamation laws.

(b) NO NEW OR SUPPLEMENTAL BENEFITS.—Any assistance provided under this title shall not—

(1) be considered to be a new or supplemental benefit for purposes of the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.); or

(2) affect any contract in existence on the date of enactment of this Act that is executed under the reclamation laws.

**SEC. 214. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this title, to remain available until expended.

**SEC. 215. TERMINATION OF AUTHORITY.**

(a) IN GENERAL.—Subject to subsection (b), the authority of the Secretary to carry out this title terminates on the date that is 10 years after the date of enactment of this Act.

(b) EXCEPTION.—The termination of authority under subsection (a) shall have no effect on—

(1) any loans guaranteed by the United States under this title; or

(2) the administration of any loan guaranteed under this title before the effective date of the termination of authority.

### TITLE III—REPORT ON TRANSFER OF RECLAMATION FACILITIES

**SEC. 301. REPORT.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes any impediments and activities that significantly delay the ability of the Secretary to complete timely transfers of title to reclamation facilities to qualified non-Federal entities under laws authorizing the transfers.

(b) CONSULTATION.—In preparing the report under subsection (a), the Secretary shall consult with any appropriate non-Federal parties, including reclamation water and power customers.

The SPEAKER pro tempore (Mr. PRICE of Georgia). Pursuant to the rule, the gentlewoman from Virginia (Mrs. DRAKE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

## GENERAL LEAVE

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include

extraneous material in the bill under consideration.

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

There was no objection.

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

Senate 895, introduced by Senator PETE DOMENICI, strengthens the Bureau of Reclamation rural water supply program to ensure that new projects are cost effective and efficient. The bill also gives water users access to a loan guarantee program aimed at strengthening water delivery infrastructure while improving the process to transfer many Federal projects to local entities.

At this point, I include in the RECORD an exchange of letters with Chairman BARTON of the Energy and Commerce Committee on this bill, and thank him for his cooperation in scheduling it.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON RESOURCES,

Washington, DC, December 6, 2006.

Hon. JOE BARTON,

Chairman, Committee on Energy and Commerce,  
Rayburn House Office Building, Wash-  
ington, DC.

DEAR MR. CHAIRMAN: The Committee on Resources wishes to schedule for floor consideration S. 895, a bill authored by Senator Pete Domenici to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents. This bill was passed by the Senate on November 16, 2005, by unanimous consent and referred exclusively to the Committee on Resources. The House companion measure is H.R. 4418.

Based on discussions with the Parliamentarian, it appears that the definition of "rural water supply project" contained in the bill is broad enough to encompass drinking water facilities of the type which are regulated under the Safe Drinking Water Act, a program under your committee's jurisdiction. While this is not the intended focus of the bill, and the Bureau of Reclamation, the implementing agency for the program under the bill, does not normally deal with drinking water projects, I agree that the Committee on Energy and Commerce would have a jurisdictional interest in the bill as written.

Therefore, I ask you not to seek a sequential referral of the bill so that it may be considered by the House of Representatives before we adjourn the 109th Congress later this week. This agreement in no way affects your jurisdiction over the subject matter and it will not serve as precedent for future referrals. In the very unlikely event a conference committee is convened on S. 895, I would support your request to have the Committee on Energy and Commerce represented on that conference. In addition, I would be pleased to include this letter and any response you might have in the Congressional Record when the bill is debated.

Thank you for your consideration of my request, and for all your cooperation and assistance during our mutual times as chairmen. I look forward to bringing S. 895 to the floor soon.

Sincerely,

RICHARD W. POMBO.

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON ENERGY AND COM-  
MERCE,

Washington, DC, December 6, 2006.

Hon. RICHARD POMBO,

Chairman, Committee on Resources, Longworth  
House Office Building, Washington, DC.

DEAR CHAIRMAN POMBO: I write in regards to S. 895, a bill authored by Senator Pete Domenici to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

Given the importance of moving this bill forward promptly, I do not intend to object to its consideration in the House. However, I do so only with the understanding that this procedure should not be construed to prejudice my Committee's jurisdictional interest in S. 895 or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future.

Finally, I ask that you include a copy of our exchange of letters in the Congressional Record during the consideration of this bill. If you have questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

JOE BARTON,  
Chairman.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. The majority has already explained the bill, Mr. Speaker, and I would add that it presents an exciting opportunity to solve critical water problems for rural communities with unreliable or contaminated drinking water supplies.

Mr. Speaker, we support adoption of S. 895.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the Senate bill, S. 895, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "An Act to authorize the Secretary of the Interior to carry out a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents."

A motion to reconsider was laid on the table.

### NATIONAL HISTORIC PRESERVA- TION ACT AMENDMENTS OF 2006

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the Senate

bill (S. 1829) to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands, as amended.

The Clerk read as follows:

S. 1829

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

**TITLE I—SACRAMENTO-SAN JOAQUIN DELTA**

**SEC. 101. CALIFORNIA DELTA SUBVENTION.**

(a) **AUTHORITY.**—The Secretary of the Interior, acting through the Commissioner of Reclamation, shall deposit within 30 days of receipt, all funds under this title into the Fund established by Cal. Water Code section 12300(a), to be used for project reimbursement under Cal. Water Code section 12300(b)(1), as in effect before July 1, 2006.

(b) **ADMINISTRATIVE COSTS.**—The Bureau of Reclamation may use not more than 1 percent of appropriated funds to cover administrative and overhead costs.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to carry out this section \$10,000,000 for each of fiscal years 2007 through 2012. Any amounts expended under this subsection shall be considered to be non-reimbursable Federal expenditures.

**TITLE II—NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS**

**SEC. 201. SHORT TITLE.**

This title may be cited as the “National Historic Preservation Act Amendments of 2006”.

**SEC. 202. 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. 203. 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”;

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

**SEC. 204. 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. 205. 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)”;

(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. 206. 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 effec-

tiveness of Federal grant and assistance programs in meeting the purposes and policies of this Act, including recommendations with regard to appropriate funding levels.”.

**TITLE III—REPEAL OF CERTAIN LAWS PERTAINING TO THE VIRGIN ISLANDS**

**SEC. 301. REPEAL OF CERTAIN LAWS PERTAINING TO THE VIRGIN ISLANDS.**

(a) **REPEAL.**—Sections 1 through 6 of the Act of May 26, 1936 (Chapter 450; 49 Stat. 1372–1373; 48 U.S.C. 1401–1401e), are repealed.

(b) **EFFECTIVE DATE.**—This section shall be deemed to have taken effect on July 22, 1954.

**TITLE IV—NATIONAL PARK SYSTEM SPECIAL RESOURCE STUDY, NEWTONIA CIVIL WAR BATTLEFIELDS, MISSOURI**

**SEC. 401. NATIONAL PARK SYSTEM SPECIAL RESOURCE STUDY, NEWTONIA CIVIL WAR BATTLEFIELDS, MISSOURI.**

(a) **SPECIAL RESOURCE STUDY.**—The Secretary of the Interior shall conduct a special resource study relating to the First Battle of Newtonia in Newton County, Missouri, which occurred on September 30, 1862, and the Second Battle of Newtonia, which occurred on October 28, 1864, during the Missouri Expedition of Confederate General Sterling Price in September and October 1864.

(b) **CONTENTS.**—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the Newtonia battlefields and their related sites;

(2) consider the findings and recommendations contained in the document entitled “Vision Plan for Newtonia Battlefield Preservation” and dated June 2004, which was prepared by the Newtonia Battlefields Protection Association;

(3) evaluate the suitability and feasibility of adding the battlefields and related sites as part of Wilson’s Creek National Battlefield or designating the battlefields and related sites as a unit of the National Park System;

(4) analyze the potential impact that the inclusion of the battlefields and related sites as part of Wilson’s Creek National Battlefield or their designation as a unit of the National Park System is likely to have on land within or bordering the battlefields and related sites that is privately owned at the time of the study is conducted;

(5) consider alternatives for preservation, protection, and interpretation of the battlefields and related sites by the National Park Service, other Federal, State, or local governmental entities, or private and nonprofit organizations; and

(6) identify cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives referred to in paragraph (5).

(c) **CRITERIA.**—The criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5) shall apply to the study under subsection (a).

(d) **TRANSMISSION TO CONGRESS.**—Not later than three years after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. **DRAKE**) and the gentlewoman from the Virgin Islands (Mrs. **CHRISTENSEN**) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia.

Mrs. DRAKE. Mr. Speaker, with time quickly running out in the 109th Congress, the Committee on Resources has amended this bill to package several bills for consideration in the Senate.

Title I is the text of H.R. 6014 authored by Congressman RICHARD POMBO, which aims to protect levees in the highly vulnerable Sacramento-San Joaquin Delta in Central California. This bill passed the House in September.

Title II is the text of H.R. 5861, authored by Congressman STEVAN PEARCE, which strengthens and improves the operation of the National Historic Preservation Act. This bill also passed the House in September.

Title III, authored by Senator PETE DOMENICI and Congresswoman DONNA CHRISTENSEN, amends the Organic Act which applies to the U.S. Virgin Islands. The language, as reflected in both H.R. 59 and S. 1829, as passed by the Senate on September 29 of this year, will allow the Virgin Islands to control its property tax system. Currently, all other States and territories have this ability, and for the many residents of this territory it is important that we are able to move this provision forward.

The last title includes the text of H.R. 5978, authored by Congressman ROY BLUNT. That bill authorizes the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War, as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System. All of these bills are worthy of our consideration, and I ask for your support.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I rise in strong support of S. 1829, companion legislation to one I introduced to repeal an outdated 1936 Federal statute which limits the authority of the Virgin Islands government to assess and collect real property taxes in the territory. I will note that the Senate approved this measure as a stand-alone piece of legislation, but certain extraneous matters such as titles 1, 2, and 4 have been added to this bill by the Republican leadership which will require it to be reconsidered by the Senate.

Mr. Speaker, it is crucial that we pass S. 1829, now title III, and have it enacted into law before we adjourn for the year to prevent some of my constituents from facing the very real risk of losing their homes because the Virgin Islands government would not be able to provide them protections from the sky-high property tax bills because of the 1936 statute.

That statute was enacted to address the tax policies of the Danish era in the Virgin Islands. It was generally thought to have been repealed by the enactment of the Revised Organic Act of 1954, which created a comprehensive system within the local government with sufficient legislative powers to resolve local property tax issues without the need of Federal intervention.

S. 1829 and H.R. 59, which I introduced in the House, became necessary because 2 years ago the Third Circuit Federal Court of Appeals revived the 1936 statute, which requires that all real property be taxed at the same rate without regard to classification or use.

This decision, among other things, struck down a local statute capping the amount of any increase in the assessment of residential real property and, therefore, any increase in the property tax owed in any assessment period. It also prevents any exemptions for veterans and other groups who ought to have such a benefit.

If the 1936 law is not now repealed by Congress, it will hinder the exercise of the Virgin Islands government as conferred by the Revised Organic Act to assess, administer, and collect real property taxes in the Virgin Islands. Indeed, the 1936 statute puts at risk longstanding government policies designed to develop the economy, promote social welfare, and protect home ownership in the Virgin Islands. Without the authority to limit such increases by capping such assessments or similar methods commonly used by other jurisdictions, the now revived 1936 statute may have the anomalous result of pricing land and home ownership beyond the reach of many Virgin Islanders. It has long outlived its usefulness and now interferes with the Virgin Islands' ability to perform an essential government function.

The assessment and collection of real property taxes is fundamentally a local government issue with no Federal impact. No other State, territorial or local government is subject to such Federal restrictions.

Mr. Speaker, I would be remiss if I didn't point out my deep disappointment of the fact that we are not voting on S. 1829 as a stand-alone bill. By including additional items in the bill, it becomes possible that the repeal of the 1936 statute could not become law before Congress adjourns because of procedural complications in the other body. I hope that is not the case, because it would be extremely lamentable if, because of that result, many of my constituents would receive very high tax bills this coming January and there would be no way that they could afford to pay, and that could in fact mean the loss of their homes. So I am calling on my colleagues, whose bills were added to this otherwise simple but very significant measure, and the leadership to work with me in the remaining day or days of this Congress to save the American dream for their fellow Americans living in the Virgin Is-

lands who have, alongside citizens from all of the other districts, served this country at every level, even to the ultimate sacrifice in every war this country has fought.

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

#### GENERAL LEAVE

Mrs. DRAKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on this bill.

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

There was no objection.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. DRAKE) that the House suspend the rules and pass the Senate bill, S. 1829, as amended.

The question was taken; and (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "An Act to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands, and for other purposes."

A motion to reconsider was laid on the table.

#### UNITED STATES-MEXICO TRANSBOUNDARY AQUIFER ASSESSMENT ACT

Mrs. DRAKE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 214) to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes, as amended.

The Clerk read as follows:

S. 214

*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 "United States-Mexico Transboundary Aquifer Assessment Act".

#### SEC. 2. PURPOSE.

The purpose of this Act is to direct the Secretary of the Interior to establish a United States-Mexico transboundary aquifer assessment program to systematically assess priority transboundary aquifers.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) AQUIFER.—The term "aquifer" means a subsurface water-bearing geologic formation from which significant quantities of water may be extracted.

(2) IBWC.—The term "IBWC" means the International Boundary and Water Commission, an agency of the Department of State.

(3) INDIAN TRIBE.—The term "Indian tribe" means an Indian tribe, band, nation, or other organized group or community—