S. HRG. 108–69

BUFFALO SOLDIERS; PROTECTION OF PALEONTOLOGICAL RESOURCES; HIBBEN CENTER; BOUNDARIES AT GUNNISON; KRIS EGGLE CENTER; LEWIS AND CLARK CENTER; AND CARTER G. WOODSON HOME

HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS

OF THE

COMMITTEE ON

ENERGY AND NATURAL RESOURCES

UNITED STATES SENATE

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

ON

S. 499	**S. 1060**
S. 546	**H.R. 255**
S. 643	**H.R. 1012**
S. 677	**H.R. 1577**

JUNE 10, 2003

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BUFFALO SOLDIERS; PROTECTION OF PALEONTOLOGICAL RESOURCES; HIBBEN CENTER; BOUNDARIES AT GUNNISON; KRIS EGGLE CENTER; LEWIS AND CLARK CENTER; AND CARTER G. WOODSON HOME

TUESDAY, JUNE 10, 2003

U.S. SENATE,
SUBCOMMITTEE ON NATIONAL PARKS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:35 p.m. in room SD–366, Dirksen Senate Office Building, Hon. Craig Thomas presiding.

OPENING STATEMENT OF HON. CRAIG THOMAS, U.S. SENATOR FROM WYOMING

Senator THOMAS. The committee will come to order. Sorry I am a little late. We are glad you are here, and welcome representatives from the Departments of the Interior and Agriculture for today's National Parks Subcommittee hearing. Our purpose is to hear testimony regarding five Senate bills and three bills from the House, S. 499, a bill to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers; S. 546, a bill to provide for the protection of resources on Federal lands; S. 643, a bill to authorize the Secretary of the Interior with the University of New Mexico to construct and occupy the Hibben Center for Archaeological Research; S. 677, a bill to revise the boundary of Black Canyon of the Gunnison Park in Colorado; S. 1060 and H.R. 1577, to designate a Visitors' Center at Oregon Pipe Cactus Monument in Arizona as Kris Eggle Visitor Center; H.R. 255, a bill to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretive Center in Nebraska; and finally H.R. 1012, a bill to establish the Carter Woodson Home National Historic Site in the District of Columbia.

I thank all the witnesses today from the agencies, and we are especially happy to have Representative Norton with us, if you would care to proceed, Representative.

[A prepared statement from Senators Hagel, Kyl, and McCain follow:]

PREPARED STATEMENT OF HON. CHUCK HAGEL, U.S. SENATOR FROM NEBRASKA

Mr. Chairman, thank you for including H.R. 255 in today's hearing on national parks. I support H.R. 255, a House-passed resolution authorizing the Secretary of the Interior to grant an easement (to Otoe County, Nebraska) that will allow the county to build an access road to the Missouri River Basin Lewis and Clark Interpretive Trails and Visitors Center. The Visitors Center is now under construction at a site adjacent to Nebraska City, Nebraska. I offer this statement in support of this legislation.

This legislation was originally introduced by my Nebraska House colleague, The Honorable Doug Bereuter during the 107th Congress, and was passed by the House on May 14, 2003.

H.R. 255 will allow Otoe County to build an access road from State Highway Route 2 to the Lewis and Clark Interpretive Center. In May, I wrote a letter to the Subcommittee Chairman, Mr. Thomas, urging an expedited hearing process for this bill, as Congress had already authorized the construction of the Visitors Center in Nebraska City.

To begin construction of the road, the Secretary of the Interior must grant an easement to the county. The cost of constructing and maintaining the road will be paid for with funds available to Otoe County, Nebraska. The National Park Service has informed Otoe County that it lacks the requisite authority to cede a road right-of-way. H.R. 255 grants this authority.

Over the next several years, millions of Americans are expected to travel across the country to sites along the Lewis and Clark trail, including the sites in Nebraska. The Nebraska City Lewis and Clark Interpretive Center will fill an important role during this bicentennial commemoration. It focuses on the flora and fauna that the explorers encountered during their travels.

The Center in Nebraska City is scheduled to be completed in early 2004 with the grand opening set for July 30, 2004. The opening will coincide with the Lewis and Clark signature event in Nebraska at historic Fort Atkinson, the site of the famous "Council Bluff" in Nebraska where Lewis and Clark had their first council with Native American leaders.

H.R. 255 will play a very vital role in permitting access to the new Lewis and Clark Interpretive Center. I am pleased to support this legislation and ask my colleagues on the Senate Energy Committee to support this effort as well.

Thank you.

PREPARED STATEMENT OF HON. JON KYL, U.S. SENATOR FROM ARIZONA

Thank you, Chairman Thomas, for allowing me to say a word in support of S. 1060, legislation to rename the visitors' center at Organ Pipe Cactus National Monument in Arizona after Kris Eggle, a 28-year-old National Park Service ranger who was killed in the line of duty on August 9, 2002. Kris was killed while pursuing an illegal drug smuggler from Mexico attempting to cross U.S. park lands.

Kris was an outstanding young man from Cadillac, Michigan who was an Eagle Scout, National Honor Society student, and valedictorian of his 1991 graduating class at Cadillac High School.

In his employment with the National Park Service, Kris was elected president of his class at the Federal Law Enforcement Training Center. He completed his work there at the top of his class, and was awarded the National Park Service Director's Award for outstanding achievement.

Designating the visitors' center at Organ Pipe Cactus National Monument, Arizona, as the Kris Eggle Visitors' Center would be a fitting tribute to a dedicated public servant, and it would promote awareness of the great risks taken each day by the law-enforcement officers who patrol our public lands.

PREPARED STATEMENT OF HON. JOHN MCCAIN, U.S. SENATOR FROM ARIZONA

Mr. Chairman and members of the Subcommittee, thank you for scheduling today's hearing to consider S. 1060, legislation to rename the visitors' center at Organ Pipe Cactus National Monument in Arizona after the brave law enforcement ranger who tragically lost his life in the line of duty, Kris Eggle.

Kris Eggle was born and raised in Michigan where he grew up with honors in sports and academics. As a former Eagle Scout and athlete, he loved the outdoors and dedicated his life to public service as a National Park Service ranger. He served at the Sleeping Bear Dunes National Lakeshore and Organ Pipe Cactus National Monument where he was stationed in 2000. He was proud of his work, despite the

dangers of his job, because he believed he was making a difference. Last August, at the young age of 28, Kris was brutally murdered while pursuing an illegal drug smuggler from Mexico attempting to cross U.S. park lands.

The legislation I am sponsoring, along with Senators Stabenow and Levin, is a modest but important bill to recognize and commemorate not only the life of the brave officer, Kris Eggle, but also to utilize the visitors' center at the Park to develop an educational exhibit for park visitors to raise awareness about the risk and dedication of all public land management law enforcement officers.

Working at a National Monument, National Park or Fish and Wildlife Refuge would not normally be considered a dangerous position; however, along the nation's borders in Arizona, public land officers often wear camouflage, carry assault rifles and chase drug smugglers as their position also involves the responsibility of serving in the front-line of war on drugs and illegal immigration. Organ Pipe Cactus National Monument, while renowned for its spectacular views of organ pipe cactus and desert terrain, is also among the most dangerous public parks along the border.

I have visited the Arizona border many times, but during a recent trip, I was struck by the statement of a Fish and Wildlife officer working at the Buenos Aires National Wildlife Refuge who stated the problems of controlling the border very simply and emphatically, he said "we do not have control of our border." We are in a crisis situation and more than words are necessary to ensure that other lives are not sacrificed.

The family of Kris Eggle should realize that his work to protect the park and the U.S. border will not go unrecognized and will be a constant reminder of the nation's fundamental duty to homeland security. We ask an enormous responsibility and commitment from these young men and women, and we should answer that call with the highest protection and honor.

S. 1060 is companion legislation to a bill that recently passed the House of Representatives, H.R. 1577, as sponsored by Representative Tancredo. Considering that the substance of the two bills is nearly identical, except for a few minor technical changes that are reflected in the House-passed bill, I am requesting that this subcommittee consider approving H.R. 1577 in order to move the legislation expeditiously.

I am thankful to young people like Kris Eggle whom are committed to a public duty higher than their own self-interests, and I hope this Committee will move this legislation quickly so that all Americans can also leans his story and appreciate the commitment of these noble men and women.

STATEMENT OF HON. ELEANOR HOLMES NORTON, DELEGATE FROM THE DISTRICT OF COLUMBIA

Ms. NORTON. Thank you very much, Mr. Chairman, members of the committee. Mr. Chairman, may I first say how much I appreciate your moving so expeditiously on this bill after the House passed it last month. The bill would allow the National Park Service to take the home of a great American historian, Carter G. Woodson, and convert it into a site so that Americans could see his home.

Carter G. Woodson was a remarkable man, the second African American to receive a Ph.D from Harvard University, and when you consider that he was born in 1875, you perhaps get some sense of what an outstanding scholar he was. His home is located in the historic Shaw area. Dr. Woodson not only discovered, as it were, African American history as a serious scholarly pursuit, he published his own works. It was a time in our country where few publishers would publish serious works of black history, and so he became, in addition to a historian of great repute, an entrepreneur who published his own books and journals and successfully marketed them.

There is not a member of the House and the Senate who does not commemorate Black History Month in some way or the other. Black History Month stems from Negro History Week, which was started by Dr. Woodson as a way to encourage people to learn

about black history and to study it. He invented American historiography, Black American historiography, and it became a serious subject under his leadership.

Mr. Chairman, I am only going to summarize my testimony and ask that my full testimony be put in the record.

Senator THOMAS. It will be included.

Ms. NORTON. The National Park Service would administer this site the way it administers, for example, the Frederick Douglass Home. I am very pleased that this bill has already stimulated the rehabilitation of the entire block on which it is located in historic Shaw. The rest of the block is mostly owned by a historic church in our town, Shiloh Baptist Church. They are going to take the other townhouses and create senior independent living housing and keep the historic facade of the rowhouses just as the Carter G. Woodson House is kept.

The house is already an architectural landmark. In 1976 it was declared a national historic landmark. It was built in 1890. It is a three-story Victorian. Dr. Woodson himself was a remarkably brilliant and versatile American, and spent his entire life uncovering African American history and then created an organization, the Association for the Study of African American Life and History, which itself will be located in the house, the house in which he did his work, and so the house will be a lived-in home of black history, and I assure you, a place where many of the 20 million people who come to the District of Columbia will want to visit.

We make a mockery of Black History Month by celebrating it every year when the home of Dr. Woodson is boarded up and in a shambles. Dr. Woodson was the son of former slaves, had no formal education in his native Canton, Virginia until he was 20 years old, when he moved to West Virginia, went to Berea College, then got his bachelor's and master's at the University of Chicago, and then went on to Harvard.

At the time that he wrote and did his work, there were widespread ignorance and overt and commonly demeaning racial stereotypes about African Americans, so he set out to do something about it, using his discipline and his training, and what, in effect, he did was to bring history to bear, where prejudice and racism had held sway, and ultimately, this kind of work cleared the way for civil rights legislation that was to pass decades later.

The depth and breadth of Dr. Woodson's work is hard to overstate. He trained the researchers in this home. He organized the budget. He did the fundraising, and he did the scholarly work all in this home which is now crumbling, termites have invaded it, water seeps in, it is a fire hazard to the surrounding buildings. I believe that the passage of the Carter G. Woodson Home National Historic Site Establishment Act of 2003—the long name it has been given—would not only honor a great American scholar, it would continue to do what Dr. Woodson himself did, which was to help Americans discover and appreciate their own history.

Thank you again, Mr. Chairman, for your work, for the adroit work of your staff, for the personal attention you have paid to this bill.

[The prepared statement of Ms. Holmes Norton follows:]

PREPARED STATEMENT OF HON. ELEANOR HOLMES NORTON, DELEGATE FROM THE DISTRICT OF COLUMBIA

Mr. Chairman, I very much appreciate your initiative in so quickly scheduling a hearing on H.R. 1012 to establish the Carter G. Woodson National Historic Site consisting of the home of the great American historian who almost single-handedly created the study of African-American history as a serious discipline and initiated the appreciation of Black history now known as Black History Month. Dr. Woodson, only the second black Harvard Ph.D in our country did his groundbreaking scholarship and created and directed the Association for the Study of African-American Life and History (ASALH) from his home in the historic Shaw area of the District of Columbia that is the subject of this hearing. Remarkably, at a time when most publishers would not publish works of serious scholarship concerning black history, Dr. Woodson became an entrepreneur as well as a scholar, published his own books and journals, and successfully marketed them.

Mr. Chairman, I dare say, there is not a Member of the House or Senate who does not commemorate in some way Black History Month annually in her state or his district. Yet, the home from which Dr. Woodson did his outstanding work here stands boarded up, as if to mock these celebrations. The Woodson home is a historic site because of the work that was done there and the influence of Dr. Woodson on American history and historiography and because his work helped bring changes in American attitudes concerning black people and ultimately changes in the legal status of African-Americans in our country.

Congress passed my previous bill, H.R. 3201, the Carter G. Woodson Home National Historic Site Study Act, in 2000, to begin the process of making the property at 1538 Ninth Street, NW a national historic site within the jurisdiction of the National Park Service. The NPS study, as mandated by the legislation, is required before the NPS can take control of a property. The study determined that the Woodson Home is suitable and feasible for designation as a unit of the park system following the transfer of title from its current owner, the Association for the Study of African-American Life and History.

The bill before the Senate, H.R. 1012, was passed by the House on May 14. It would authorize the NPS to "preserve, protect and interpret for the benefit, education and inspiration of present and future generations" the home where Woodson lived from 1915 to 1950. This legislation also authorizes the NPS to rehabilitate adjacent properties on either side of the home to facilitate tourism. ASALH, which Woodson founded, also would be housed on the site, as it was originally.

I am particularly pleased that rehabilitation of the entire block has been stimulated by this legislation to rehabilitate the Woodson home. The NPS would work with Shiloh Community Development Corporation, established by Shiloh Baptist Church, which owns almost all of the property on the block of the Woodson home. The Shiloh Corporation intends to convert the block of homes to senior independent living housing, maintaining the historic facade of the row houses.

The significance of Dr. Woodson's home was recognized in 1976, when it was designated as a National Historic Landmark. With the bill before you, an architectural landmark would be saved and preserved and the nation's pride and purpose in celebrating Black History Month would no longer be marred by neglect of the home of the founder of the commemoration and of the study of black history itself.

Dr. Woodson himself was a remarkably brilliant, versatile American. He is recognized in his profession as a distinguished historian who established African-American history as a discipline and spent a lifetime uncovering the contributions of African-Americans to our nation's history. He founded and performed his work through the Association for the Study of Negro Life and History (ASNLH), which has since been renamed the Association for the Study of African-American Life and History. Among its enduring accomplishments, ASNLH, under Dr. Woodson's leadership, instituted Negro History Week in 1926, to be observed in February during the week of the birthdays of Abraham Lincoln and Frederick Douglass. Today, of course, Negro History Week, which was mostly celebrated in segregated schools, like my own here in the District when I was a child, and in Historically Black Colleges and Universities, has gained support and participation throughout the country among people of all backgrounds as Black History Month.

The son of former slaves, Woodson's personal educational achievements were extraordinary in themselves, especially for a man who was denied access to public education in Canton, Virginia, where Woodson was born in 1875. As a result, Dr. Woodson did not begin his formal education until he was 20 years old after he moved to Huntington, West Virginia, where he received his high school diploma two years later. He then entered Berea College in Kentucky, where he received his bachelor's degree in 1897. Woodson continued his education at the University of Chicago,

where he earned his A.B. and M.A. degrees, and then got his Ph.D from Harvard University.

During much of Dr. Woodson's life, there was widespread ignorance and very little information concerning African-American life and history. With his extensive studies, Woodson almost single-handedly established African-American historiography.

Dr. Woodson's research literally uncovered black history and helped to educate the American public about the contributions of African-Americans to the nation's history and culture. Through painstaking scholarship and historical research, his work helped reduce the stereotypes captured in pervasively negative portrayals of black people that have marred our history as a nation. To remedy these stereotypes, Dr. Woodson in 1915, founded ASNLH. Through ASNLH, Dr. Woodson dedicated his life to educating the American public about the contributions of black Americans to the nation's history and culture. His work in bringing history to bear where prejudice and racism had held sway played an important role in reducing prejudice and making the need for civil rights remedies clear.

To assure publication, under Dr. Woodson's leadership, ASNLH in 1920 also founded the Associated Publishers, Inc. for the publication of research on African-American history. Dr. Woodson published his seminal work, *The Negro in Our History* (1922), and many others under Associated Publishers, and the publishing company provided an outlet for scholarly works by numerous other black scholars. ASNLH also circulated two periodicals: the *Negro History Bulletin*, designed for mass consumption, and the *Journal of Negro History*, which was primarily directed to the academic community.

Out of his Ninth Street home, Dr. Woodson trained researchers and staff and managed the organization's budget and fundraising efforts while at the same time pursuing his own extraordinary discoveries in African-American history. The three-story Victorian style house, built in 1890, served as the headquarters of ASNLH into the early 70's, well after Dr. Woodson's death in 1950. However, it has been unoccupied since the early 80's, and today, it stands boarded up and badly in need of renovation. The walls inside the house are crumbling, there is termite infestation, water seeps through the roof during heavy rainstorms, and the house also constitutes a fire hazard jeopardizing adjacent buildings. This house is a priceless American treasure that must not be lost.

Passage of the Carter G. Woodson Home National Historic Site Establishment Act of 2003 would not only honor a great American scholar. It would continue Dr. Woodson's seminal work of helping Americans to discover and appreciate their own history. Again, I appreciate your work, Mr. Chairman, in moving the bill toward that destination.

Senator THOMAS. Thank you very much. We appreciate your being here. Would you like an opening statement, Senator? If we have no questions, either of you, thank you very much, then, Representative Norton. We appreciate you coming.

Ms. NORTON. Thank you, Mr. Chairman.

STATEMENT OF HON. DANIEL K. AKAKA, U.S. SENATOR FROM HAWAII

Senator AKAKA. Mr. Chairman, thank you for scheduling this hearing. This afternoon's agenda includes several bills affecting specific areas throughout the Nation. Some of these bills are from the last Congress, and for the most part, I feel they are noncontroversial. I hope we will be able to move them quickly through the committee and the Senate.

I would like to take a moment to address one of the bills, and that was a bill left over from last year. It is S. 546, the Paleontological Resources Preservation Act. I introduced this bill earlier this year along with my colleagues, Senators Wyden, Campbell, and Feinstein on the committee. There currently are eight cosponsors. This bill is identical to legislation the committee considered last Congress. That bill was reported unanimously out of committee and passed the Senate by unanimous consent as part of a larger package of public land bills.

Mr. Chairman, I introduced this bill to establish a national policy for managing and protecting fossil resources on Federal lands. The bill will help ensure a more consistent Federal policy instead of the patchwork of statutes and regulations that currently apply. S. 546 incorporates the recommendations of the Department of the Interior, the Forest Service, and the Smithsonian Institution in a report they issued 3 years ago assessing fossil management on Federal lands.

While the intent of this bill is to provide a standardized Federal policy, it does not impose new restrictions on casual collecting on fossil resources. In fact, the bill specifically authorizes the land management agencies to allow casual collecting of common invertebrate and plant fossils without the need for a permit if it is consistent with applicable land management laws.

During the committee mark-up process last Congress, we made several changes in response to concerns and suggestions made by the affected agencies and the public. While I believe we have addressed the primary issues, I would be pleased to work with members of the committee to clarify any other issues that may arise.

Mr. Chairman, I ask unanimous consent to include several statements supporting the bill in the hearing record, including letters from the Society of Vertebrate Paleontology, the American Association of Museums, the Western Interior Paleontological Society, and Dry Dredgers, Incorporated, a group of amateur fossil collectors.

Thank you very much, Mr. Chairman.

Senator THOMAS. Thank you very much.

Senator Campbell.

STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL, U.S. SENATOR FROM COLORADO

Senator CAMPBELL. Thank you, Mr. Chairman. Thank you for holding this hearing and letting me speak to my bill, S. 677, that has somewhat of a long name, the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Boundary Revision Act of 2003.

Senator THOMAS. Ooh.

[Laughter.]

Senator CAMPBELL. This bill continues on a bill that I started years ago, about 16 or 17 years ago, in fact, more than that, 18 years ago on the House side, and I worked 15 years to have it passed, which basically upgraded the Black Canyon of the Gunnison National Monument to national park status, and I appreciate your help in those years we worked on it together, and I am pleased that this bill that we are discussing here today expands the park and national conservation area, but I am particularly happy about the methods which are being proposed to allow the expansion to be done in a manner that certainly benefits the local landowners.

This bill seeks to protect the critical view sheds and resources by working cooperatively with three local ranch families who have been good stewards of their land for years. Unfortunately, they have recently hit hard financial times, like many ranchers have Nationwide, Mr. Chairman, and have been considering selling off their parcels. However, to their credit and thinking forward, they

put preserving the integrity of the park over subdividing the land and building condominiums. They have agreed not to sell outright, but instead to look forward to some rather innovative alternatives, thus requiring today's bill.

In short, the three landowners in question entered into either equal-value land swaps or they agreed to conservation easements across their land. Their livelihoods are preserved within this legislation as well, since the legislation requires the grazing rights be retained throughout their lifetimes. As many of my colleagues know, nothing gets a Westerner's back up more than the question of water rights, so if they suspect water rights could be in jeopardy, it starts an immediate fight out West, as you know in your State, Mr. Chairman. That is why the language has been written into the bill to ensure the Bureau of Reclamation retains jurisdiction and access to water delivery facilities.

My previous legislation did not intend to affect the Bureau of Reclamation jurisdiction in any way, and neither does this boundary modification today. The Black Canyon of the Gunnison Gorge is a national treasure. The park's combination of geological wonders and diverse wildlife make it one of the most unique natural areas in North America, so I certainly appreciate your doing the hearing and I look forward to the passage of this bill.

Thank you, Mr. Chairman.

Senator THOMAS. Okay. Thank you, Senator.

All right, we are ready now for panel 1, please. We have Thomas Ross, Assistant Director, Recreation and Conservation, National Park Service; Christopher Kearney, Deputy Assistant Secretary, Policy, Management and Budget, Department of the Interior; and Elizabeth Estill, Deputy Chief, Programs, Legislation and Communication, U.S. Forest Service, Department of Agriculture.

Okay, Mr. Ross, would you like to begin, sir?

STATEMENT OF D. THOMAS ROSS, ASSISTANT DIRECTOR, RECREATION AND CONSERVATION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY JESSE JUEN

Mr. ROSS. Yes, sir. Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on a number of bills, starting with S. 499. The Department supports efforts to honor the Buffalo Soldiers. However, in order to meet the President's initiative to eliminate the deferred maintenance backlog, we must continue to focus our resources on caring for existing areas in the National Park System. As such, we cannot support the provision in S. 499 that could transfer the memorial to the National Park Service one year after the establishment. The Department believes it would be more appropriate for a memorial or monument commemorating the Buffalo Soldiers to be operated and maintained by the State of Louisiana, the city of New Orleans, or a suitable nonprofit corporation.

Because of these concerns and others raised by the American Battle Monuments Commission, the administration recommends that Senate 499 not be enacted. We have no objection to the building of a memorial to the Buffalo Soldiers in New Orleans provided that an appropriate method of non-Federal financing and construct-

ing of such a memorial is identified, and that it would be financed, operated and maintained by the State of Louisiana, the city of New Orleans, or a suitable nonprofit corporation.

My next testimony, Mr. Chairman, is on S. 643, a bill to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico. The Department of the Interior supports S. 643 as the completion of the Hibben Center would be the final step in carrying out the Federal Government's responsibility for the protection of the archaeological resources that were collected during the Chaco Project in the 1970's. Although there are significant costs associated with this legislation, the bill directly supports a key park mission by authorizing a better curatorial facility for park resources. This is consistent with protecting natural and cultural resources within the National Park System. This project will also involve partnership between two national parks, Chaco Culture National Historic Park, and Aztec Ruins National Monument.

The next testimony, Mr. Chairman, is on S. 677, a bill to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado and for other purposes. The Department of the Interior supports S. 677 with minor amendments to the legislation. The bill authorizes additions to both Black Canyon of the Gunnison National Park through three separate easement or exchange transactions in Gunnison Gorge National Conservation Area, NCA. We believe that the bill as introduced has a couple of confusing and unneeded sections, and we have identified that language in our testimony.

The next testimony, Mr. Chairman, is on S. 1060 and H.R. 1577 to designate the visitors' center at the Organ Pipe Cactus National Monument in Arizona as the Kris Eggle Visitor Center. The Department supports the legislation and appreciates the recognition by members of Congress for the work of all National Park Service employees, especially those involved in law enforcement.

Both bills call for the visitors' center at Organ Pipe Cactus National Monument to be named for Kris Eggle. Kris was an outstanding young man, a dedicated NPS law enforcement officer who died in the line of duty nearly a year ago while assisting in the arrest and capture of drug smugglers crossing into the United States from Mexico.

My next testimony, Mr. Chairman, is on H.R. 255 to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretive Center. The Department supports H.R. 255 as passed by the House. This bill would grant an easement by the National Park Service to Otoe County, Nebraska, for the construction and maintenance of an access road from State and county roads to the Lewis and Clark Interpretive Trails and Visitors' Center in Nebraska City, Nebraska. The design, construction, and maintenance of this access road is to be done at no expense to the Federal Government.

Finally, Mr. Chairman, my testimony will conclude with H.R. 1012, a bill to establish the Carter G. Woodson Home National Historic Site in the District of Columbia. The Department recognizes

the appropriateness of establishing the Carter G. Woodson Home as a unit of the National Park System. The site was found to be nationally significant, as well as suitable and feasible for addition to the system, in a study conducted by the National Park Service and sent to Congress earlier this year. However, we recommend that the committee defer action on H.R. 1012 during the 108th Congress.

The administration is continuing to place a priority on reducing the National Park System's deferred maintenance backlog, and wants to ensure that funding is not diverted to pay for the cost of a new unit of the National Park System, which would include acquiring and rehabilitating property along with operating and maintaining the site.

Mr. Chairman, that completes my testimony. I would be pleased to answer any questions you or the members of the committee may have.

[The prepared statements of Mr. Ross follow:]

PREPARED STATEMENT OF D. THOMAS ROSS, ASSISTANT DIRECTOR, RECREATION AND CONSERVATION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

S. 499

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 499. This bill would authorize the American Battle Monuments Commission to establish a memorial in the State of Louisiana to honor the Buffalo Soldiers.

The Department supports efforts to honor the Buffalo Soldiers. However, in order to meet the President's Initiative to eliminate the deferred maintenance backlog, we must continue to focus our resources on caring for existing areas in the National Park System. As such, we cannot support the provision in S. 499 that could transfer the memorial to the National Park Service one year after establishment. The Department believes that it would be more appropriate for a memorial or monument commemorating the Buffalo Soldiers to be operated and maintained by the State of Louisiana, the City of New Orleans, or a suitable nonprofit corporation. Because of these concerns, and others raised by the American Battle Monuments Commission, the Administration recommends that S. 499 not be enacted.

S. 499 authorizes the American Battle Monuments Commission to establish a memorial to honor the Buffalo Soldiers on federal land in the city of New Orleans, Louisiana or its environs, or on land donated by the city or the State. The bill would require the Commission to solicit and accept contributions sufficient for the construction and maintenance of the memorial and would establish a fund in the U.S. Treasury for depositing and disbursing these contributions. One year after the establishment of the memorial, the Commission is authorized to transfer any remaining amounts in the fund and title to and responsibility for future operation and maintenance of the memorial to, at the option of the Commission, the National Park Service or another appropriate governmental agency or other entity.

Following the Civil War, Congress passed legislation to increase the size of the Regular Army. On July 28, 1866, Congress raised the number of cavalry regiments from six to ten and the number of infantry regiments from nineteen to forty-five. The legislation stipulated that two of the new cavalry regiments and four of the new infantry regiments were to be composed of black men.

In compliance with the new law, the Ninth and Tenth Cavalry Regiments and the Thirty-eighth, Thirty-ninth, Fortieth, and Forty-first U. S. Infantry Regiments were organized. Three years later, when the army reduced the number of infantry regiments, these four new regiments were combined into the Twenty-fourth and Twenty-fifth U.S. Infantry.

These regiments were composed of white officers with black enlisted men and were reportedly nicknamed Buffalo Soldiers by the American Indians. Soldiers comprising the black regiments came from the former United States Colored Troops that served in the Civil War, the New Orleans area, the fringes of the southern states, or large northern cities. They were former slaves as well as freedmen.

Almost immediately after their establishment, units from these regiments were stationed throughout the West. In the countless battles and skirmishes that marked

the frontier Indian Wars, the Buffalo Soldiers played a significant role. Commanded by white officers, who at times resented their duty with the black regiments, the Buffalo Soldiers endured and overcame tremendous social and environmental obstacles. They faced discrimination and sometimes received inferior supplies and equipment.

The men in these regiments often found themselves in the forefront of action. For more than twenty-five years they not only engaged in battles with American Indians, but they built forts and escorted wagon trains, mail stages and railroad crews. Mapping and charting areas and locating sources of water, they were responsible for opening millions of square miles of western lands to peaceful settlement and development.

Until recent times, the Buffalo Soldiers received little recognition for their years of service on the frontier. The record of meritorious service and notable accomplishments amassed by the Buffalo Soldier regiments remain a symbol of hope and pride for all Americans. Their achievements serve as a reminder of the contributions they made to American life and culture and are the subject of a memorial at Fort Leavenworth. We support the concept of honoring the excellent service to the nation of the Buffalo Soldiers through the existing Fort Leavenworth memorial and believe further effort to educate the public on their sacrifices is a worthy goal. We have no objection to the building of a memorial to the Buffalo Soldiers in New Orleans provided that an appropriate method of non-federal financing and constructing of such a memorial is identified and that it would be financed, operated, and maintained by the State of Louisiana, the City of New Orleans, or a suitable nonprofit corporation.

S. 643

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 643, a bill to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes.

The Department of the Interior supports S. 643, as the completion of the Hibben Center would be the final step in carrying out the Federal government's responsibility for the protection the archeological resources that were collected during the Chaco Project in the 1970's. Although there are significant costs associated with this legislation, the bill directly supports a key park mission by authorizing a better curatorial facility for park resources. This legislation would authorize an appropriation of $3,772,000 for construction costs, tenant improvements and costs associated with a long-term lease for a portion of the Hibben Center at the University of New Mexico. The facility will provide for the protection of the cultural resources taken from Federal lands at Chaco Culture National Historical Park and Aztec Ruins National Monument. The project is currently on the National Park Service (NPS) five-year priority list for line item projects and passage of this legislation is necessary for Federal funds to be expended. There would be no additional annual operating or maintenance expenses to the Federal government beyond the existing level expended for the current substandard facilities.

HISTORY OF THE PROJECT

Chaco Canyon and the University of New Mexico (UNM) have been partners since Chaco Canyon National Monument was founded in 1907. From 1907 to 1949, the State of New Mexico owned sections of land within the monument's boundaries for the benefit of UNM. Since its Anthropology Department was founded in 1929, UNM has been a leader in Southwestern archaeology. The university conducted an archaeological field school in Chaco Canyon from 1929-1948 and excavated many important sites. Students from virtually every college in the country participated in these field schools. Dr. Frank C. Hibben was a teaching assistant at the UNM field school, and remained interested in Chaco throughout his long career. The UNM field schools produced extensive museum collections still held by UNM.

In 1949, the university deeded its land to the United States government. Since then, the UNM-NPS partnership has continued through a series of formal agreements to conduct research and to care for the UNM and NPS Chaco museum collections. Since 1970, the main NPS Chaco collection has been housed on the UNM campus. Today the NPS Chaco Collection contains approximately 1.5 million artifacts, representing nearly 6,000 years of prehistory and history. In 1980, Congress expanded the monument's boundaries and created Chaco Culture National Historical Park to preserve and interpret Chacoan resources and to facilitate research. Chaco Canyon is on the National Register of Historic Places and in 1987 was des-

ignated a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Site.

For the past 100 years archeologists have considered Chaco Canyon to be one of the most important pre-Columbian archaeological regions in the United States. In 1970 Congress created the Chaco Project—a multi-year, multi-disciplinary research partnership with the University of New Mexico to study Chacoan archaeology. The million-dollar project was the largest archaeological project in the country at that time, and it generated the bulk of the Chaco archaeological collections. However, the Chaco Project did not address the long-term storage needs of the collections. In 1983, UNM committed itself to providing temporary storage space for the collection until a joint UNM/NPS repository could be built. However, the UNM storage space was rapidly filled to capacity. Over the past 20 years, the collection (including office and work space) has spilled over into inappropriate and substandard spaces throughout the UNM campus.

Both the NPS and UNM have long recognized that the storage facilities provided by UNM are inadequate and do not meet DOI standards for the care of archaeological collections. The need for a repository for the cultural resources has been acknowledged in numerous planning documents for Chaco Culture NHP and Aztec Ruins NM, including the Chaco Culture National Historical Park 1985 General Management Plan, 1987 Memorandum of Agreement with the University of New Mexico, 1990 Resource Management Plan and the 1993 Collections Management Plan. In 1987, UNM and NPS museum staff began planning a new curation facility that would house the archaeological collections of both institutions and meet all federal standards. Finding funding for such a facility was the main stumbling block. In 1997, Dr. Hibben made a commitment of $3 million to help fund a new research and curation facility at UNM, and he asked Chaco Culture NHP to partner with him. In 2001, the park's project to match Dr. Hibben's funding for a new curation facility was added to the NPS Line Item Construction Program for funding in FY 2003, pending Congressional authorization. In the FY 2004 priority list this project is slated for funding FY 2006.

The Hibben Center for Archaeological Research was designed to sit adjacent to the UNM Maxwell Museum of Anthropology. The building is three stories with a full basement. During planning it was decided that UNM would occupy the basement and the ground floor; the NPS would occupy the entire second floor and three-fourths of the third floor. Due to Dr. Hibben's advanced age and failing health, UNM proceeded with the construction of the Hibben Center, which was dedicated in October 2002, a few months after Dr. Hibben's death. Dr. Hibben's funds completed the building shell and build outs of the basement and ground floor. The NPS will build out the second and third floor with passage of S. 643.

NEED FOR THE PROJECT

The current storage conditions of the world-class Chaco Museum Collection are substandard and pose a threat to the preservation and security of the artifacts and archives. The bulk of the archaeological collections are stored in a room in the UNM Anthropology Building, built in 1937. This room has no temperature or environmental controls, no smoke detection or fire suppression system, and only a rudimentary security system. Aging plumbing pipes that run through the ceiling of the room frequently leak, exposed phone and data lines pose a fire risk, and insect infestations are a constant problem. This space is currently at 99% capacity. The remainder of the NPS archaeology collection is housed in the Maxwell Museum warehouse. The conditions at the warehouse are the same, except there is no heating, cooling or ventilation system in the building at all. Lighting fixtures were finally added a few years ago. Due to the nature of the structure, rodent and insect infestations are an ongoing problem. Rodents have destroyed some of the Maxwell Museum's collections. This facility exceeded 100% capacity several years ago, and the 16' high wooden shelves are overloaded with boxes and are unsafe. The Chaco Museum Archive is housed on the third and floor levels in the stacks of UNM's Zimmerman Library, built in 1950. The stacks have no temperature or environmental controls, no fire suppression system, and no security system. The antiquated evaporative cooling system in the library fluctuates dramatically during the summer season, pouring excessively harmful humidity into the archive. Dust from the aging building covers everything. The main storage room has built-in structural shelving supports that are so closely spaced that map cases will not fit between them. One map case sits in a hallway because it will not fit through a narrow, non-code, non-ADA compliant emergency exit door. Flights of stairs link the archive storage room and the office, and there is no elevator access to the archive office.

None of the storage areas meet DOI standards set forth in 36 CFR 79, *Curation of Federally-Owned and Administered Archeological Collections* (1990) or NPS museum standards. The poor storage conditions contribute to the deterioration of the collection. The lack of adequate security puts the collection at risk especially given the large (25,000+ students), urban university setting. The lack of ADA access violates federal law. The dispersed storage, office, and workspaces make it impossible to efficiently and effectively manage or use the collection. The overcrowding of storage and workspaces makes providing research access, mandated by 36 CFR 79, extremely difficult.

BENEFIT OF THE PROJECT

The NPS is committed to supporting the Department and Secretary Norton's 4 C's initiative of cooperation, consultation, and communication, all in the service of conservation and believe this project supports that goal. Partnerships are a cost-effective way of doing business. If the NPS were to construct a new facility on its own, it would cost more than three-and-a-half times as much. Under this project, the NPS will invest now in tenant improvements and will enter into a 40-year lease with UNM at a cost of $1 dollar per year. UNM will bear the annual operations and maintenance cost. As a result, the cost of this facility to the federal government, amortized over the forty-year lease, will be $5.60 per square foot. A comparable GSA-leased space would cost $20.00 per square foot.

This project will also involve a partnership between two NPS parks: Chaco Culture NHP and Aztec Ruins National Monument. These parks share the World Heritage Site designation because of their close archaeological relationship. Under this project, Aztec Ruins NM archaeological collections will also be stored in the Hibben Center, making research of Chacoan culture more centralized and efficient.

In addition to the monetary benefits, this project will continue a collaboration which, since 1949, has been a model of Federal and state partnerships. The NPS will continue to benefit by having its Chaco Museum Collection housed in a research university setting, with the attendant advantages, while UNM will continue to benefit by having a World Heritage Site collection readily available to its faculty and students for research and training.

S. 677

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 677, a bill to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes.

The Department of the Interior supports S. 677 with minor amendments to the legislation. The bill authorizes additions to both Black Canyon of the Gunnison National Park ("Park"), through three separate easement or exchange transactions, and Gunnison Gorge National Conservation Area ("NCA"). The revision of the national park boundary would not contribute to the National Park Service ("NPS") maintenance backlog because the management and operation of the land added to the boundary would not result in any additional facilities, increased operating costs, or additional staffing. Costs involved with the land transactions are expected to be minimal. One transaction would involve the purchase of a conservation easement on 26.5 acres, estimated to cost $100,000; however, there is the possibility the owner might donate all or a portion of the value. A second transaction would include an equal value exchange. The third involves the transfer of 480 acres of isolated Bureau of Land Management (BLM) land to the NPS and then the exchange of this parcel for a conservation easement on approximately 2,000 acres. The landowner has stated he is willing to donate any difference in value.

S. 677 amends the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (Public Law 106-76). The boundary of the park would be revised to include the addition of not more than 2,530 acres and the National Conservation Area (NCA) would be expanded by approximately 7,100 acres. These additions are reflected on a new map, dated April 2, 2003, which supplements the boundary map referenced in P.L. 106-76

The bill authorizes the transfer of 480 acres of BLM land to the jurisdiction of NPS. The Secretary is authorized to acquire lands or interests in lands in accordance with P.L. 106-76 (by donation, transfer, purchase with donated or appropriated funds, or exchange) and lands cannot be acquired without the consent of the owner.

S. 677 also amends P.L. 106-76 to clarify grazing privileges within the park. If land authorized for grazing within the park is exchanged for private land, then any grazing privileges would transfer to the private land that is acquired. Also, the bill

clarifies the length of time that grazing may be conducted on park lands by partnerships.

BLACK CANYON OF THE GUNNISON NATIONAL PARK

The boundary of the park would be expanded in three transactions. The first, locally referred to as Sanburg II, is located just south of Red Rock Canyon, one of the most scenic hiking opportunities into the Black Canyon of the Gunnison. The landowner agrees with the NPS that maintaining the rural character adjacent to the Red Rock Canyon trailhead is an important part of the wilderness experience. The landowner has previously sold conservation easements in this area (authorized by P.L. 106-76 and a minor boundary revision) to The Conservation Fund, who subsequently sold to NPS. Once acquisition of a conservation easement on this 26.5 acre parcel is conveyed, the rural character of the Red Rock Canyon gateway will be insured.

The second, the proposed Bramlett transaction, would authorize the exchange of a 200-acre parcel of the Bramlett Ranch located on Grizzly Ridge, which overlooks the North Rim Road and North and South Rim overlooks. Although the landowner has proposed building cabins on the ridge top, he is willing to exchange this 200-acre parcel for land of equal value within the park and adjacent to his ranch headquarters. The equal value exchange would give the landowner land with easier access, and would add the ridgeline parcel to the park, thus protecting the natural landscape in that portion of the park.

The third boundary adjustment, the Allison exchange, is located along the East Portal Road, on the park's south rim. The landowner would exchange a combination of fee simple ownership and a conservation easement on up to 2,000 acres in return for fee simple ownership of up to 480 acres of the BLM parcel that would be transferred to NPS. The landowner has indicated that he would protect this parcel with a conservation easement should he acquire it. He has also indicated that he would donate any value above and beyond the value represented in the exchange.

The Department believes these acquisitions are important for several reasons. Combined with the land authorized by P.L. 106-76, the present and future land requirements for the park would be met. The present landowners are all willing sellers and in addition to them, this effort enjoys the support of the Montrose County Commissioners, the Montrose Chamber of Commerce, and local and national land trusts involved in the project.

S. 677 would also amend P.L. 106-76 regarding grazing within the park. P.L. 106-76 allowed for the continuation of grazing on the former BLM lands transferred to the NPS. Permits held by individuals can be renewed through the lifetime of the individual permittees. However, P.L. 106-76 requires that partnerships and corporations be treated alike regarding the termination of grazing permits. Partnerships and corporations now lose their permits upon the termination of the last remaining individual permit.

S. 677 would amend P.L. 106-76 to treat partnerships similarly to individual permit holders, allowing permits to be renewed through the lifetime of the partners as of October 21, 1999. Since the two partnerships affected are essentially family run ranching operations, the Department feels that they should be treated consistently with individual permit holders.

S. 677 would also allow grazing on land acquired in an exchange if the land being given up in the exchange currently has authorized grazing. This appears to be consistent with the intent of Congress when it authorized grazing in Public Law 106-76.

GUNNISON GORGE NATIONAL CONSERVATION AREA

S. 677 also provides for the expansion of the Gunnison Gorge NCA managed by the BLM. A 5,759-acre parcel of land on the north side of the existing NCA was acquired in January 2000 from a willing seller through a land exchange. This acquisition was not completed in time to include the lands within the original NCA boundary. This parcel includes approximately five miles of the Gunnison River and provides important resource values and recreational opportunities. In addition, 1,349 acres of preexisting BLM-managed public lands adjacent to the acquisition would also be added to the NCA. The addition of these BLM lands will create a more manageable NCA boundary and provide appropriate protection and management emphasis for this area's resources.

The legislation also makes some minor boundary adjustments to the NCA. In the process of completing surveys of the lands designated as the NCA by P.L. 106-76, the BLM discovered a few inadvertent trespass situations on the NCA land. In order to resolve these issues with the local landowners in a fair and equitable manner,

slight boundary modifications need to be made so that exchanges can be effected. Without the benefit of this legislation, the BLM would be forced to take extreme punitive measures which are not in the best interest of the federal government or local landowners who previously were unaware of the encroachment issues.

WATER DELIVERY FACILITIES

With the passage of Public Law 106-76 the Uncompahgre Valley Water Users Association expressed concern that access to water and related facilities might be limited. S. 677 clarifies that the Bureau of Reclamation will retain jurisdiction over and access to all land, facilities, and roads in the East Portal and Crystal Dam areas for the maintenance, repair, construction, replacement, and operation of any facilities relating to the delivery of water and power.

We believe that the bill, as introduced, has a couple of confusing and unneeded sections. We have recommended some language to clarify these sections and request that S. 677 be amended to reflect these changes. Specifically, Section 4 (b) of the bill is repetitive of Section 5(a)(2) of Public Law 106-76. P.L. 106-76 states the methods by which the NPS may acquire lands and already requires that acquisition may only occur with willing sellers. We believe Sec. 4(b) of the bill will result in confusion when the language is enacted and codified. Therefore, we recommend eliminating this duplicative language. The proposed amendments are attached to the testimony.

Technical and clarifying amendments to S. 677, Black Canyon of the Gunnison and Gunnison Gorge National Conservation Area Boundary Revision Act of 2003

On page 2, line 13, strike "2,725 acres" and insert "2,530 acres"

On page 2, line 16, strike "dated January 21, 2003" and insert "dated April 2, 2003"

On page 2, strike lines 21 and 22, and insert "(1) by striking "Upon enactment of this title, the Secretary shall transfer" and inserting the following:"

On page 2, strike line 24, and insert "(A) IN GENERAL. On enactment of this title, the Secretary shall transfer".

On page 2, strike lines 25 and 26, and insert "(2) by adding after the first sentence of subsection (b)(1)(A), as amended by paragraph (1), the following:"

On page 3, strike line 11, and insert "(3) by striking "The Secretary shall administer" and inserting "(2) AUTHORITY. The Secretary shall administer".

On page 5, line 5, by striking "(a) Authority to Acquire Lands." and

On page 5, by striking lines 10 through 18.

On page 6, line 9, strike "dated January 21, 2003" and insert "dated April 2, 2003"

On page 6, by striking lines 11 through 22 and insert

"The Commissioner of Reclamation shall have access to and retain administrative jurisdiction over the Crystal Dam Access Road and land, facilities, and roads of the Bureau of Reclamation in the East Portal area, including the Gunnison Tunnel, and the Crystal Dam area, as depicted on the maps identified in section 4 of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 and section 2(a)(2) of this Act for the maintenance, repair, construction, replacement, and operation of any facilities relating to the delivery of water and power under the jurisdiction of the Bureau."

S. 1060 AND H.R. 1577

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 1060 and H.R. 1577, to designate the visitor center at Organ Pipe Cactus National Monument in Arizona as the "Kris Eggle Visitor Center".

The Department supports the legislation and appreciates the recognition by members of Congress for the work of all National Park Service (NPS) employees, especially those involved in law enforcement.

Both bills call for the visitor center at Organ Pipe Cactus National Monument to be named for Kris Eggle. Kris was an outstanding young man, a dedicated NPS law enforcement officer, who died in the line of duty nearly a year ago while assisting in the arrest and capture of drug smugglers crossing into the United States from Mexico.

The legislation also calls for installing an interpretive sign at the visitor center and one at the Baker Mine-Milton Mine Loop trailhead. The signs will help inform and educate the public to the critical role law enforcement officers have in protecting visitors and resources on public lands. The signs will also dedicate the trail and center to Kris. The NPS has determined that the costs to add the appropriate signage to the visitor center and install the two exhibits will be approximately $15,000. Further costs to change maps, documents and other references to the visitor center

will be incorporated when reprints are needed. None of these costs are presently part of the park's budget.

Much has been said and talked about Kris' death. The death of anyone so young is tragic, and to lose someone under these circumstances is even more so—for his family, friends, co-workers and all who care for and about National Parks. By helping the public understand the work and dedication of NPS law enforcement rangers and all NPS employees—through well-planned and designed educational exhibits and signs, perhaps we can prevent or minimize some of the dangers we all face in protecting these great American places and stories.

S. 1060 and H.R. 1577 are nearly identical. There are some differences in style and format. S. 1060 does contain a grammatical error that was corrected in the House bill. All references to "visitors' center" should read "visitor center". We look forward to working with this committee and the House to reach consensus on the language that will allow us to remember this fine young man.

H.R. 255

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H.R. 255, a bill to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretive Center.

The Department supports H.R. 255 as passed by the House. The bill would grant an easement by the National Park Service (NPS) to Otoe County, Nebraska for the construction and maintenance of an access road from state and county roads to the Lewis and Clark Interpretive Trails and Visitors Center in Nebraska City, Nebraska. The design, construction, and maintenance of the access road is to be done at no expense to the Federal government.

The Lewis and Clark Interpretive Center is currently under construction. It is scheduled to be completed in early 2004 with the grand opening set for July 30, 2004. This coincides with the Lewis and Clark signature event in Nebraska. The center will display the flora and fauna documented by the Lewis and Clark expedition across the country. The NPS recommended that the center be located in Nebraska City in 1991. That same year, the Park Service acquired a 65-acre tract of land for the center, a site adjacent to Nebraska City, Nebraska.

H.R. 255 would facilitate the granting of an easement necessary to create an access road across public land to link the center to the main roads in the area. NPS would grant the easement to the Otoe County government so that the county can construct and maintain the road to the visitor center. When completed, this access road would provide the access from both Nebraska State Highway 2 and Otoe County Road 67 for those visitors to the Missouri River Basin Lewis & Clark Interpretive Trails & Visitors Center. The bicentennial commemoration of the Lewis and Clark Corps of Discovery is expected to draw millions of Americans to sites along the trail over the next several years. This new center, a permanent facility, will be one of the stops many will make along the trail.

H.R. 1012

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 1012, a bill to establish the Carter G. Woodson Home National Historic Site in the District of Columbia.

The Department recognizes the appropriateness of establishing the Carter G. Woodson home as a unit of the National Park System. The site was found to be nationally significant, as well as suitable and feasible for addition to the system, in a study conducted by the National Park Service and sent to Congress earlier this year. However, we recommend that the committee defer action on H.R. 1012 during the 108th Congress. The Administration is continuing to place a priority on reducing the National Park System's deferred maintenance backlog and wants to ensure that funding is not diverted to pay for the cost of a new unit of the National Park System, which would include acquiring and rehabilitating property along with operating and maintaining the site.

Dr. Carter G. Woodson was a prominent American historian and is generally considered the preeminent historian of the African-American experience in the United States. Born in 1875 to former slaves, Woodson began his formal education at age 20 after being denied a public education in his home town of Canton, Virginia, and earned several degrees from institutions of higher learning. He became the second African-American, after W.E.B. DuBois, to earn a doctorate from Harvard. During much of Dr. Woodson's life, there was little information about African-American life and history. Dr. Woodson's research uncovered history that helped educate the American public about the contributions of African Americans to our Nation's history and culture.

From 1915 until 1950, Dr. Woodson lived at 1538 Ninth Street, Northwest, a Victorian-style row house built in 1890 in the Shaw neighborhood of Washington, D.C. His home was also the headquarters of the Association for the Study of Negro Life and History, which he founded. The organization, which was renamed the Association for the Study of African-American Life and History, continued to operate out of the home until 1970. The association still owns the home, but it is unoccupied and in need of restoration. The home was designated a National Historic Landmark in 1976.

The National Park Service conducted a special resource study on the Carter G. Woodson home during 2001-2002, pursuant to P.L. 106-349. The study found that in addition to being nationally significant, the site was suitable and feasible for inclusion in the National Park System. The suitability finding was based on the determination that no existing unit of the National Park System provides the opportunity to present the story of Dr. Woodson and his legacy, or interprets African-American history as a general subject. It was also based on the fact that the home offers the chance to interpret other aspects of the community in which Dr. Woodson worked and lived, which has numerous historically significant resources associated with achievements of African-Americans. The site was found feasible for inclusion, with qualifications. Along with acquiring the Woodson house itself, to make this a viable park unit, the National Park Service would need to acquire three adjacent properties to the north for administrative, interpretive, and visitor service needs, and to meet accessibility requirements. The study estimates that the one-time cost of acquiring and developing the site would be in the range of $5 million to $6.5 million, and the annual cost of operating and maintaining the site would be approximately $500,000.

H.R. 1012 provides authority for the Secretary of the Interior to establish the Carter G. Woodson home as a national historic site after acquiring a majority of the property within the proposed boundary of the unit. The boundary encompasses the Woodson home and the three adjoining houses to the north. The bill also authorizes the Secretary to enter into certain agreements. One agreement would be with the Shiloh Community Development Corporation to redevelop the property. This corporation is a non-profit organization that intends to build senior housing on the same block as the Woodson home; discussions have begun between the National Park Service and the corporation about a potential development partnership which holds the possibility of providing a cost-effective means of restoring the property.

Another potential agreement permitted by the bill would enable the Association for the Study of African-American Life and History to use a portion of the historic site for its own administrative purposes. The bill would also allow partnerships with public and private entities for the purpose of fostering interpretation of African-American heritage in the Shaw area. This provision is intended to facilitate connection of the Woodson home to other significant historical and cultural sites in the area for purposes of promoting education and tourism. These provisions are all consistent with the findings of the study.

Mr. Chairman, that concludes my statement. I would be pleased to answer any questions that you or other members of the committee may have.

Senator THOMAS. Thank you. Thank you for your brevity. That's good.

Then let's go to Mr. Kearney.

STATEMENT OF CHRISTOPHER KEARNEY, DEPUTY ASSISTANT SECRETARY FOR POLICY, MANAGEMENT AND BUDGET, DEPARTMENT OF THE INTERIOR

Mr. KEARNEY. Thank you, Mr. Chairman. Good afternoon. Thank you for the opportunity to present the Department of the Interior's views on S. 546, the Paleontological Resources Preservation Act. The Department supports the purpose of the bill, but would like to work with the committee on amendments that we provide at the end of our testimony.

In recent years, public interest in fossils has grown rapidly, and with this interest, the commercial values of fossils has also increased. The unfortunate consequence has been a loss of fossils from Federal lands through theft and vandalism and from the United States itself through international trafficking. These crimes

reduce scientific and public access to scientifically significant and instructive fossils, and destroy the contextual information critical for interpreting the fossils.

Under the agency's existing regulations and policies, vertebrate fossils may only be collected from lands under their respective jurisdictions with a permit for scientific and educational purposes. S. 546 would codify this collection policy and standardize the permitting requirements among the various agencies. It would ensure that these fossils are retained as public property and carried in suitable repositories for current and future generations of scientists and the public to study and enjoy.

Scientists use the information from specimens and repository collections to build our understanding of the history of life and physical environment on earth. Millions of visitors enjoy the displays offered by public repositories of the most spectacular and educational fossils. Many are obtained from public lands.

One exception to the permitting requirements under S. 546 is for the casual collection of certain paleontological resources for personal, scientific, educational and recreational uses. This important provision would authorize the Secretary to allow the public to casually collect common invertebrate and plant fossils without a permit on certain Federal lands.

In other words, under this bill, visitors to lands who enjoy paleontology as a hobby could continue to collect for their personal use a wide variety of plant and common invertebrate fossils. The casual collection of such fossils can be an important component of the public's enjoyment of some Federal lands and is generally consistent with scientific and educational goals. S. 546 would codify the Land Management Agency's existing prohibition on commercial fossil collecting from Federal lands, and by prohibiting such collection, this legislation ensures that vertebrate fossils on Federal lands remain in public hands, that they are not bought or sold, and that the Federal Government does not have to use taxpayer funds to purchase the resources, purchase fossils found on lands it owns.

In conclusion, Mr. Chairman, we look forward to working with the committee on our remaining questions with respect to amendments, and would be happy to answer any questions that you may have.

[The prepared statement of Mr. Kearney follows:]

PREPARED STATEMENT OF CHRISTOPHER KEARNEY, DEPUTY ASSISTANT SECRETARY FOR POLICY, MANAGEMENT AND BUDGET, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 546, the Paleontological Resources Preservation Act. The Department supports the purpose of S. 546 to protect paleontological resources on federal lands but would like to work with the Committee on the amendments provided at the end of this testimony.

S. 546 adopts the recommendation of a report submitted to Congress in May 2000, titled "Fossils on Federal and Indian Lands" (the Interagency Fossil Report). Concerned about the lack of unified policies and standards for the management of fossils on federal lands and the resulting deterioration and loss of fossils, Congress directed the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Reclamation, the Fish and Wildlife Service, the Forest Service, the National Park Service, the Smithsonian Institution and the U.S. Geological Survey to develop a report assessing the need for a unified federal management policy. During development of the report, three major themes emerged from the public comments received.

First, a majority of people who commented viewed fossils on federal lands as part of America's heritage. Second, they recommended that vertebrate fossils continue to be protected as rare and within the ownership of the federal government. Third, they supported the involvement of amateurs in the science and enjoyment of fossils, including the availability of most plant and invertebrate fossils for casual collection on lands managed by the Bureau of Land Management and the Forest Service. To meet these and other goals, the report recommended the establishment of a framework for fossil management, analogous to the Archeological Resources Protection Act of 1979 (ARPA).

Fossils are non-renewable resources which, with the exception of microfossils and those that make up commercially developed minerals, such as coal, are relatively rare and have significant scientific, educational and recreational values. Federal lands, the majority of which are in the western part of the United States, contain a rich array of plant, invertebrate and vertebrate fossils. For more than a century, land management agencies have managed fossils within their unique missions. These agencies have protected all vertebrate fossils, requiring permits for their excavation and removal, with the stipulation that the resources remain in federal ownership in perpetuity.

In recent years, public interest in fossils has grown rapidly and with this interest, the commercial value of fossils also has increased. The unfortunate consequence has been a loss of fossils from federal lands, through theft and vandalism, and from the United States itself, through international trafficking. These crimes reduce scientific and public access to scientifically significant and instructive fossils and destroy the contextual information critical for interpreting the fossils.

S. 546 would provide a unified federal policy to ensure that scientifically significant fossils on certain federal lands are inventoried, monitored, protected, and curated consistently, while accommodating the agencies' distinct missions. The provisions in this bill do not apply to Indian lands. As we understand it, the bill, in large measure, reflects the current practice of agencies in the management of fossils on federal land. Streamlining the practices of the various land management agencies into a unified approach will enhance overall management of fossils on federal lands by reducing public confusion and improving collaboration and cooperation among agencies, scientists, and the public.

Under the agencies' existing regulations and policies, vertebrate fossils may only be collected with a permit for scientific and educational purposes. S. 546 would codify this collection policy and standardize the permitting requirements among the various agencies, as recommended in the Interagency Fossil Report. It would ensure that these fossils are retained as public property and curated in suitable repositories for current and future generations of scientists and the public to study and enjoy. Scientists use the information from specimens in repository collections to build on our understanding of the history of life and physical environment on Earth. Millions of visitors enjoy the displays offered by public repositories of their most spectacular and educational fossils, many originating from federal lands.

One exception to the permitting requirements under S. 546 is for casual collection of certain paleontological resources for personal, scientific, educational and recreational uses. This important provision would authorize the Secretary to allow the public to casually collect common invertebrate and plant fossils without a permit on certain federal lands. In other words, under this bill, visitors to BLM lands who enjoy paleontology as a hobby could continue to collect and keep for their personal use a wide variety of plant and common invertebrate fossils. The casual collection of such fossils can be an important component of the public's enjoyment of some federal lands and is generally consistent with scientific and educational goals.

S. 546 would codify the land managing agencies' existing prohibition on commercial fossil collecting from federal lands. By prohibiting such collecting, this legislation ensures that vertebrate fossils on federal lands, a rich part of America's heritage, remain in public hands, that they are not bought or sold, and that the federal government does not have to use taxpayer funds to purchase fossils found on lands that it owns.

S. 546 would provide additional protection by prohibiting the excavation, damage, transport or sale of paleontological resources located on federal lands. Criminal penalties for these acts would be set by classification, following fine and imprisonment penalties imposed under federal law.

Keeping an appropriate inventory and monitoring are crucial components of fossil management. S. 546 would provide the Secretary with the flexibility to keep an inventory and monitor exposed fossils based on the site-specific geology and paleontology of their management units. The exposure of fossils by erosion varies, based on the type of rock in which they are found and local climate. Some fossils remain ex-

posed at the surface for decades or centuries, while others weather away soon after exposure depending on the nature of their preservation.

S. 546 would balance the need for public access to fossils with the recognition that the unlimited disclosure of certain information about particularly significant fossils can lead to the theft or vandalism of those fossils. In the National Parks Omnibus Management Act of 1998, Congress authorized the National Park Service to withhold information about the nature and specific location of paleontological resources in park units unless certain criteria were met. S. 546 would extend this same authority to the other federal land managing agencies.

Last Congress, the Department testified before this Committee in support of the purpose of S. 2727, a similar bill, while also citing a number of concerns. After the hearing, the Department provided the Committee with general comments and suggested amendments to address our concerns with the bill. We appreciate that S. 546, as introduced, includes the vast majority of our proposed amendments. At the end of this testimony, we offer additional amendments for the Committee's further consideration. We look forward to working with the Committee on these remaining issues.

As the prices of fossils rise, the federal land managing agencies will be under increasing pressure to both protect scientifically significant fossil resources and to ensure their appropriate availability to the general public. S. 546 would create a single legislative framework for paleontological resource management that will facilitate sharing of resources, personnel and partnership opportunities across agency lines.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions you or other members of the Committee may have.

Proposed Amendments for S. 546

On p. 3, line 1, after "personal" strike "(" insert ",".
On p. 3, line 2, after "recreational" strike ")".
On p. 3, line 13, after "means lands" insert "owned, controlled, or".

—clarifies the bill's inclusion of all lands (except Indian lands) managed by the Departments

On p. 4, line 14, strike "Rehabilitation" insert "Repatriation"
On p. 5, line 17, after "Federal lands" insert "owned, controlled, or".

—clarifies generally where casual collecting may be allowed

On p. 8, line 4, after "permit" insert "issued under this Act".

—ensures that the permit referenced is the permit established under this Act

On p. 8, line 8, after "Acts;" insert "Criminal"

—clarifies that Section 9 addresses criminal penalties, in contrast with Section 10 which addresses civil penalties

On p. 9, line 8, strike "Penalities" insert "Penalties"
On p. 10, line 19, after "involved.", insert ", as determined by the Secretary.".
On p. 11, line 12, strike entire subsection (b), insert:

"(b) PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.

(1) JUDICIAL REVIEW—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. The Secretary shall promptly file in such court a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) FAILURE TO PAY—If any person fails to pay a penalty under this section within thirty (30) days-

(A) after the order making the assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty,

the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person is found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing

rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

—is the standard enforcement provision found in other laws including the Clean Water Act

On p. 13, line 8, strike "may be subject to forfeiture...involved in the violation." insert

"shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture. All provisions of law relating to the seizure, forfeiture, and condemnation of property for a violation of this Act, the disposition of such property or the proceeds from the sale thereof, and remission or mitigation of such forfeiture, as well as the procedural provisions of Chapter 46 to Title 18, United States Code, shall apply to the seizures and forfeitures incurred or alleged to have been incurred under the provisions of this Act.".

—makes a distinction between civil forfeiture and ensures that criminal forfeiture only could occur upon conviction -makes clear that the protections of the Civil Asset Forfeiture Reform Act (CAFRA), an act to provide a more just and uniform procedure for Federal civil forfeitures, would apply

On p. 13, after line 17, insert new (c):

"(c) TRANSFER OF SEIZED RESOURCES. The Secretary is authorized to transfer ownership or administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes."

—allows the establishment of partnerships with schools and other entities to transfer seized resources (for example, some resources that are recovered with no record of their context may have lost value to a museum, but may still have educational value)

On p. 13, after line 18, strike entire section and insert:

"(a) Information concerning the nature or specific location of a paleontological resource the collection of which requires a permit under this Act or under any other provision of Federal law shall be withheld from the public

(1) in response to a request under subchapter II of chapter 5 of title 5, United States Code; or

(2) notwithstanding any other provision of law that would authorize release.

(b) The information described in subsection (a) shall be released if the responsible Secretary determines that disclosure would

(1) further the purposes of the Act;

(2) not create a risk of harm to or theft or destruction of the resource or the site containing the resource; and

(3) be in accordance with other applicable laws."

On p. 15, line 3, after "time" insert "under".

Senator THOMAS. Thank you.

Ms. Estill.

STATEMENT OF ELIZABETH ESTILL, DEPUTY CHIEF, PROGRAMS, LEGISLATION AND COMMUNICATION, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Ms. ESTILL. Well, thank you for the opportunity to be here today. I will provide the Department of Agriculture's comments on S. 546, the Paleontological Resources Preservation Act. During the 107th Congress, the Department supported the purpose of a very similar bill and provided some recommended changes to committee staff. I am pleased to see that some of the Department's concerns were addressed in S. 546.

The Department supports the purpose of this bill, but again, we would like to work with the subcommittee on a few additional aspects. Unified guidelines for paleontological resource management are greatly needed on National Forest System lands. Forest users are demanding opportunities for recreation, education, interpretation, and scientific study of fossils. As these legitimate demands increase, so does the amount of illegal activity like theft and vandalism.

The Forest Service currently manages paleontological resources under a patchwork of laws that don't specifically address their unique characteristics, nor do they provide adequate management and protection of the resource. In 1996, a case involving fossil theft on the National Forest System lands in California, which was prosecuted under civil law by the Department of Justice, pointed out the need for more specific statutes and regulations related to the theft of Federal fossils. It is really a big problem. Between 1991 and 1996, a third of all the fossil sites inventoried on the Ogalala National Grasslands in Nebraska were found to have been vandalized, and that is probably not an unusual statistic. The stories that those fossils could have told will now never be heard. The values lost to science and the public is poorer for it.

The Forest Service needs the additional authority that S. 546 provides to manage and protect paleontological resources. If enacted, the bill would establish noncommercial collection provisions, including permitting requirements for scientific and educational purposes using uniform and consistent criteria. An important aspect of this bill from the Forest Service's perspective is its formal recognition of casual collecting of invertebrate and plant fossils for recreational noncommercial use. It allows noncommercial recreational collecting without a permit, unless there is some overriding land use designation.

S. 546 provides uniform criminal and civil penalties for theft and damage to paleontological resources. There is some language in section 11 that specifies a maximum reward amount, and we do believe that it is better left unstated and allow the amount to be set based on the significance of each case and the need for such assistance.

Mr. Chairman, paleontological resources, especially vertebrate fossils, are heritage resources. They are evidence of the past history of life on earth. They provide opportunities for the public to learn more about ancient earth's ecosystems and the development of life from research and study of these resources. The Paleontological Resources Preservation Act would help secure the authority for the Forest Service to manage and protect all paleontological resources on the National Forest System.

This concludes my statement. I would be happy to answer any questions.

[The prepared statement of Ms. Estill follows:]

PREPARED STATEMENT OF ELIZABETH ESTILL, DEPUTY CHIEF, PROGRAMS, LEGISLATION AND COMMUNICATION, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the subcommittee, thank you for the opportunity to be here today. I am Elizabeth Estill, Deputy Chief for Programs, Legislation and Communications, USDA Forest Service. I will provide the Department's comments on S. 546, the Paleontological Resources Preservation Act.

During the 107th Congress, the Department supported the purpose of S. 2727; a similar bill also entitled the Paleontological Resources Preservation Act, and provided some recommended changes to the committee staff. I am pleased to see some of the Department's concerns addressed in S.546. The Department supports the purpose of the bill, but we would like to work with the Committee to address some of our other recommendations.

Unified guidelines for paleontological resources management and special protection for vertebrate paleontological resources are greatly needed on National Forest System lands. Forest users, amateurs and scientists alike, are demanding opportunities for recreation, education, interpretation, and the scientific study of fossils. As these legitimate demands increase so does the amount of illegal activity such as theft and vandalism. Therefore, clearly defined, consistent laws and penalties to deter theft and vandalism of fossils from federal lands are also needed.

The Forest Service currently manages paleontological resources under a patchwork of laws that do not specifically address their unique characteristics nor provide adequate management and protection of the resource. These laws include the Organic Administration Act of 1897, the Archaeological Resources Protection Act of 1979, and the Federal Cave Resources Protection Act of 1988. The later statutes only protect paleontological resources when they are associated with archeological resources, or when they occur in caves, respectively.

A consistent statutory framework will enhance overall management of paleontological resources on National Forest System lands. Between 1991 and 1996, one-third of all fossil sites inventoried in the Oglala National Grassland in Nebraska were found to have been vandalized, and as a result, valuable data was lost to science and to the public. In 1996, a case involving fossil theft on National Forest System lands in California, which was prosecuted under civil laws by the Department of Justice and ultimately settled out of court, pointed out the need for more specific statutes and regulations related to the theft of federal fossils.

S. 546 directs the Secretary of the Interior and the Secretary of Agriculture to manage and protect paleotontological resources using scientific principles. The bill recognizes the non-renewable nature of fossils and defines paleontological resources as fossilized remains preserved in or on the Earth's crust. This distinguishes these resources from archeological resources, covered under the Archaeological Resources Protection Act (ARPA); cultural items, covered under the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act (NAGPRA); and mineral resources.

If enacted, the bill would establish casual collection provisions including permitting requirements for scientific and educational purposes using uniform and consistent criteria. S. 546 recognizes that paleontological resources are federal property, and that the fossil as well as the associated field data and other records will be preserved and made available to the public. An important aspect of this bill to the Forest Service is its formal recognition of casual collecting of invertebrate and plant fossils for recreational, non-commercial use as a valid public activity on National Forests System lands for which a permit may not be required where the collecting is not inconsistent with the laws governing the management of National Forest System lands and S. 546.

S. 546 provides important uniform criminal and civil penalties for all the federal managing agencies for theft and damage of paleontological resources. Currently, there is a complex mix of laws, regulations and guidelines that have created significant jurisprudential challenges. For example, for the Forest Service, violations of regulations protecting paleontological resources are Class B Misdemeanors, punishable by up to six months imprisonment, or $5,000 fine, or both. For the Bureau of Land Management, violations are Class A Misdemeanors, punishable by up to one year imprisonment, or $100,000 fine, or both. The penalties defined in S. 546 are also consistent with recent amendments to the federal sentencing guidelines of the U.S. Sentencing Commission for increased penalties for cultural heritage resources.

S. 546 also provides that the proceeds arising from civil and criminal penalties established under the bill may be available for payment to those who provided information in investigations that lead to the civil violations or criminal convictions for which the penalties were assessed.. However, the current reward language in Section 11 provides a maximum reward amount that we believe will be ineffective in most cases. We believe that the appropriate reward amount to be offered or paid for assistance in investigations is best determined by the agency and prosecutor based on the significance of the case and assistance provided or needed. We recommend that references to any dollar amount be removed. Further, the Forest Service currently has differing regulations at 36 CFR 262.1 which regulate the payment of rewards along with other Department of Justice protocols.

Mr. Chairman, paleontological resources, especially vertebrate fossils, are heritage resources. They are evidence of the past history of life on Earth. They provide opportunities for the public to learn more about ancient Earth ecosystems and the development of life from research and study of these resources. The Forest Service is a steward of these heritage resources and is committed to their protection while providing opportunities for research, education, and recreation. The Paleontological Resources Preservation Act would help secure the authority of the Forest Service to manage and protect all paleontological resources on National Forest System lands.

This concludes my statement. I would be happy to answer questions.

Senator THOMAS. Okay. Thank you. Senator, let's do this a little differently. Let's just take each bill and see if we have questions on the bill as we go. Would that be all right?

The first one I have listed is the Buffalo Soldier Act. It is my understanding that the Department is not in favor of passage of that bill, is that correct?

Mr. ROSS. That's correct, sir.

Senator THOMAS. What are your basic criteria for what belongs in a Federal park site that you indicate this one probably does not?

Mr. ROSS. Well, sir, to the best of my knowledge there has been no study of this to determine suitability or feasibility. We normally will go through a study of various areas as proposed to identify whether they are feasible, suitable, and they meet the criteria of national significance. We have not done so in this particular case.

Senator THOMAS. Okay. I suppose the criteria of national significance is a little difficult. I would like to see—do you have a list of the criteria that you could give us sometime?

Mr. ROSS. I would be glad to provide that for the record, Senator.*

Senator THOMAS. That would be great. I would like to see that.

Mr. ROSS. I might just add, Senator, by all means we recognize the significance of the Buffalo Soldiers and the contributions they made to the history of this country and the important role they played, but we would just add that to the statement, please.

Senator THOMAS. Okay. Thank you.

Senator AKAKA. Thank you, Mr. Chairman. Mr. Ross, with respect to S. 499, relating to the Buffalo Soldier Memorial, I believe you indicated that the administration does not support the bill because it provides that the National Park Service may end up having to provide for its maintenance and upkeep. As I understand the bill, the American Battle Monuments Commission would be authorized to collect private funds to build a memorial. Now, if the bill were changed to eliminate the possibility that the Park Service might have to maintain the memorial, would that address the administration's concern?

Mr. ROSS. Senator, Yes, I believe it would, because it would then preclude responsibility for it coming to the National Park Service. Again, we would point out we believe there is a significant story to talk about and to share with the American people, but we don't feel it's appropriate for the National Park Service.

Senator AKAKA. Thank you.

Senator THOMAS. The next bill is S. 546, paleontological resources—we need to amend the name, don't we, so it's easier to say——

[Laughter.]

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*The criteria has been retained in subcommittee files.

Senator THOMAS. What you mentioned, and I understand, I think, Ms. Estill, you mentioned the difficulty of enforcing regulations, or putting in the regulations. Is it a matter of describing them or enforcing them?

Ms. ESTILL. Well, we currently manage under about three different pieces of legislation, which really aren't specific to the fossil resource. One refers to other heritage resources, like archaeological resources, and we can do some undercave protection. I mean, there are a number of things that we operate under, but nothing that is really specific to this fossil resource.

One of the things this does is define it and actually clarify a lot of piecemeal actions that both agencies are taking, both Departments are taking.

Senator THOMAS. We have one of these fossil fields in Wyoming, as a matter of fact, and it's fairly large——

Ms. ESTILL. Yes, you do.

Senator THOMAS [continuing]. So I think we have a little bit of a problem enforcing, and I know the local police fly airplanes over once in a while to see what is happening, but—so, it's interesting.

Ms. ESTILL. This would help a whole lot in successful prosecution, which then would help in deterring that kind of criminal activity.

Senator THOMAS. But your intention is to define those things that are acceptable for just pick-up and those that are off?

Ms. ESTILL. Absolutely, and make it permissible with no question to allow some amateur collecting.

Senator THOMAS. I see. Okay. Senator.

Senator AKAKA. Thank you, Mr. Chairman.

Mr. Kearney, I would like to take a minute to clarify the Department of the Interior's position on S. 546. As you know, the bill is based on recommendations from a report prepared three years ago by the Department of the Interior and the Department of Agriculture. In the last Congress, the Department testified in support of the concept of the bill, but wanted additional changes. I have tried to incorporate almost all of the Department's suggestions from last year. Your testimony this afternoon reiterates that the Department again supports the purpose of the bill. As I understand your statement, the proposed amendments are all either clarifying or technical in nature. If the suggested changes are incorporated, am I correct to understand that the Department of the Interior will support the bill?

Mr. KEARNEY. I think, Senator, at this point what is important is for us to continue to work with the committee to come to a complete resolution on the array of changes that we have still, and concerns we still have, and that point, we would be in a better position to make it absolutely clear what our position is, but certainly, the purposes behind this, certainly what it is trying to achieve I think we are all absolutely in support of that, and in support of your efforts with respect to what the legislation is attempting to achieve in its purposes.

Senator AKAKA. Ms. Estill, following up on the question I just asked Mr. Kearney, you have also testified that the Department of Agriculture supports the purpose of S. 546. Your testimony suggests clarifying the reward provisions in the bill to be consistent

with existing policy. Does the Department of Agriculture also support the amendments proposed by the Department, and if your recommendations are incorporated, does the Department of Agriculture support S. 546?

Ms. ESTILL. The simple answer is yes, we still haven't worked out all of the nuances with the Department of the Interior, but in general we have very few additions or suggested changes in this at this point.

Senator AKAKA. Thank you, Mr. Chairman.

Senator THOMAS. S. 643, in addition to the Hibben Center, this is a cooperative thing between the university and the Park Service, is that correct?

Mr. ROSS. Yes, sir.

Senator THOMAS. What size of an expansion are you talking about?

Mr. ROSS. Well, Senator, this has been in the works for some time as a means, working cooperatively with the University of New Mexico, which was certainly facilitated by a very generous contribution years ago by Dr. Hibben in the amount of, I believe, $4 million to help establish this facility. The total square footage for the Hibben Center is estimated to be just under 40,000 square feet. Of that, the National Park Service would be using 14,000 feet, so about, a little bit under, I believe.

Senator THOMAS. You mean after the expansion?

Mr. ROSS. After the expansion, that would be the amount that would be used by the Park Service to store archaeological resources.

Senator THOMAS. And it's managed by the university?

Mr. ROSS. Yes, sir.

Senator THOMAS. And we're paying 37½ percent of the cost?

Mr. ROSS. We would be paying costs associated with the construction of that, plus funding to help with the ongoing maintenance of that particular facility.

Senator THOMAS. I see. Okay. S. 677 is the Black Canyon National Park and Boundary Adjustment. This is a rather significant amount of acreage—what is it, 7,000?—in the conservation area, 7,000 acres. What does a conservation area mean?

Mr. ROSS. Well, the conservation area, I believe, is a portion that is the component of the Bureau of Land Management area. Is that—I'm sorry, I'm not clear on your question.

Senator THOMAS. What is it? Is it like an easement? What are the restrictions on a conservation area?

Mr. ROSS. Well, you're referring, sir, to the BLM area?

Senator THOMAS. Apparently, the 7,000 acres, yes, that's in the conservation as opposed to the Black Canyon Park——

Mr. ROSS. Perhaps I could call a representative of the Bureau of Land Management to answer that particular question, who is more familiar with that than I am.

Mr. JUEN. The national conservation area is an area that is legislated by Congress, and it has specific provisions in it for what resources would be protected, and in there it would identify by the specific legislation what those restrictions would be, and what would be allowed, what activities would be allowed.

Senator THOMAS. So this is purchase of private land to be converted to conservation?

Mr. JUEN. Of that, most of that has already been acquired through an exchange process with private landowners where an exchange was already conducted.

Senator THOMAS. I see, so what are we talking about, then, just putting it in a category?

Mr. JUEN. Including it into the national conservation area boundary.

Senator THOMAS. I see. And the 2,700 acres is in the Park Service, then?

Mr. ROSS. Yes, sir. This would involve both the conservation area and the part administered by the National Park Service.

Senator THOMAS. This has been going on for quite a while, hasn't it, these changes in the Black Canyon?

Mr. ROSS. I believe that's correct, sir.

Senator THOMAS. I remember hearing about them every year.

Okay, any questions on that one, sir?

Senator AKAKA. No questions, Mr. Chairman.

Senator THOMAS. I guess designation of the Kris Eggle Center, that's simply a name change.

Mr. ROSS. Yes, sir.

Senator THOMAS. There doesn't seem to be any controversy about that.

Senator AKAKA. Mr. Chairman, Senator Levin has submitted a statement in support of S. 1060, the Organ Pipe Cactus National Monument Visitors' Center designation, which he has asked to be included in the record.

Senator THOMAS. Certainly. That will be included without objection.

[The prepared statement of Senator Levin follows:]

PREPARED STATEMENT OF HON. CARL LEVIN, U.S. SENATOR FROM MICHIGAN

I thank Senator McCain for introducing legislation (S. 1060), which I have recently co-sponsored, that would rename the visitor center at Organ Pipe National Monument in Arizona after Kris Eggle. As the members of the committee are aware, Kris was fatally wounded in the line of duty at Organ Pipe Cactus National Monument on August 9th, 2002 when he was shot trying to interdict drug traffickers. Kris was 28 years old.

Kris grew up in my home state of Michigan and graduated as valedictorian of Cadillac High School in 1991. An All-American cross-country runner while in high school, he attended the University of Michigan where he graduated with honors in 1995. When speaking at his funeral, his high school teammate Paul McMullen remarked of Kris, "He set the bar."

Following graduation, Kris showed the same dedication to his job with the National Park Service. Initially assigned to Sleeping Bear National Lakeshore, he was reassigned to Organ Pipe Cactus National Monument in 2000. He loved his job as a park ranger. In fact, he was so dedicated that he once missed a function at which he was to receive an award. He remarked, "I want to get back to Organ Pipe. I want to get back to my job. I want to get back to my co-workers. I want to get back and do the job that I have been hired to do."

Kris arrived at work on that fateful day anxious to get out and do his job. When Mexican police reported that armed fugitives had fled across the border into the U.S. he responded without hesitation with three U.S. border officials. Pursuing the fugitives on foot, they were able to apprehend one of them. However, in the attempt to catch the other two, Eggle was ambushed and shot by one of the suspects with an AK-47.

Much is made of the sacrifices people make for our nation. Kris made the ultimate sacrifice. Each year, over 300,000 people travel to Organ Pipe to view the dramatic

desert wilderness. Kris perished fighting to ensure that these visitors remain safe while they enjoy the beauty of one of our nation's finest parks. I can think of no better tribute to this fine young American and to the men and women like him who work in our parks and protect our borders rededicating the visitor center in his name. Again, I am grateful to Senator McCain for his initiative.

Senator THOMAS. This is the officer who was killed in an illegal crossing of the border?

Mr. ROSS. Yes, he was. Yes, and this has been something that we feel would be very appropriate to his memory. We've been in touch with his parents, who are very supportive of this, and believe this is a great way to commemorate his memory.

Senator THOMAS. About a year ago, I believe.

Mr. ROSS. Yes, sir.

Senator THOMAS. The Park Service Director was in Wyoming and had to head out for the funeral, as I recall.

Mr. ROSS. I believe she was with you, sir, on the trail ride and had to depart for the site.

Senator THOMAS. Yes, that's right. Very good.

The easement to the Lewis and Clark Interpretive Center sounds pretty reasonable. There's no question on that.

Let's see, 2003 is the Carter Woodson home. What would that become, then? That would become a National Park Service unit?

Mr. ROSS. Yes, sir, it would. If it were enacted into law, it would become a park service unit administered by the National Park Service.

Senator THOMAS. And you're supportive of that.

Mr. ROSS. No, sir.

Senator THOMAS. You're not.

Mr. ROSS. We support, in fact, that this is worthy of designation, but we also recognize that we have other commitments to deal with the operation and maintenance backlog, and we recommend a deferral on this through the next Congress, sir.

Senator THOMAS. I see. Okay. You do have a backlog.

Mr. ROSS. Yes, sir, we do have a backlog.

Senator THOMAS. All right. Any question on that?

Senator AKAKA. Mr. Chairman, no questions, but I would like to do one last thing. I would like to recognize my three interns from my office who are here in the audience from Hawaii, and I would like to ask them to stand as I call your name. Alyssa Ellis, Sean Tamura-Sato, and Vanessa Quiban. These are my interns.

Thank you very much, Mr. Chairman.

Senator THOMAS. Very good. We're happy to have you here. Someone suggested we name Senator Akaka's office after you.

[Laughter.]

Senator THOMAS. Okay, well, thank you for being here, and your assistance. Any other questions, sir?

Senator AKAKA. No questions.

Senator THOMAS. If not, the committee is adjourned.

[Whereupon, at 3:15 p.m., the hearing was adjourned.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

STATEMENT OF HON. DOUG BEREUTER, U.S. REPRESENTATIVE FROM NEBRASKA

Chairman Thomas, Senator Akaka, and members of the Subcommittee: I am pleased to have this opportunity to offer testimony in support of H.R. 255. This is a non-controversial, but very necessary bill and it has the support of the National Park Service. The legislation would simply grant an easement to Otoe County in Nebraska allowing it to build an access road to the Missouri River Basin Lewis and Clark Interpretive Trails and Visitors Center which is now under construction at a site adjacent to Nebraska City, Nebraska. The road will be built and maintained by the county.

I originally introduced this legislation during the 107th Congress when it became clear that the National Park Service could not grant this easement without congressional action. Otoe County has agreed to construct and maintain the access road. The House approved this legislation by voice vote on May 14, 2003.

When completed, the access road facilitated by H.R. 255 will lead visitors from the State Highway Route 2 Expressway to an outstanding Lewis and Clark interpretive center. The center is scheduled to be completed in early 2004 with the grand opening set on July 30, 2004, which coincides with the Lewis and Clark signature event in Nebraska at historic Fort Atkinson, the site of the famous "Council Bluff" in Nebraska where Lewis and Clark had their first council with Native American leaders.

I believe that passage of H.R. 255, will play a small, but vital role in permitting ready access to the new visitors center and thus increase the attention to the bicentennial activities. As someone with a long-standing interest in the Expedition and a co-chair of the Lewis and Clark Bicentennial Congressional Caucus, I encourage the Subcommittee to act favorably and expeditiously on this bill.

STATEMENT OF HON. PETE HOEKSTRA, U.S. REPRESENTATIVE FROM MICHIGAN

Thank you, Chairman Thomas, for allowing me to submit my testimony to the Senate Subcommittee on National Parks on H.R. 1577, a bill to designate the visitors' center at Organ Pipe Cactus National Monument, Arizona, as the "Kris Eggle Visitors' Center."

I co-sponsored H.R. 1577 with Congressman Tom Tancredo of Colorado to memorialize the life of Kris Eggle, a National Park Service Ranger who was murdered last August in Organ Pipe Cactus National Monument, a National Parks Service unit deep in the American Southwest.

The legislation designates the Organ Pipe visitors' center in Kris' name to honor his memory and legacy.

Kris was a 28-year-old National Park Ranger assigned to Organ Pipe at the time of his tragic death on Aug. 9, 2002, while helping to chase two Mexican nationals suspected to killing four people over a drug debt. Organ Pipe National Monument is considered the most dangerous National Park Service posting, according to the July 2002 survey of park rangers. Last year, Park Rangers seized nearly 750,000 pounds of drugs in the park.

In February 2003, Congressman Tancredo and I visited Organ Pipe to witness firsthand how severe conditions are at the U.S.-Mexico border that led to Kris' death. Kris was the best of the best, graduating valedictorian of Cadillac High School in 1991. He was an accomplished cross-country runner at Cadillac High School and went on to be a top cross-country runner at the University of Michigan, where he graduated with honors in 1995.

After graduation, he chose government service as the field in which he was to commit his life, and subsequently joined the National Parks Service. He started at

Sleeping Bear Dunes National Lakeshore, where he served as a ranger on both North and South Manitou Island. He had been stationed in Arizona since 2000. People who knew Kris said that he had one of the brightest futures possible in the Parks Service.

I encourage the subcommittee to move quickly on this legislation so that we can post this tribute to Kris at a place that was very special to him.

Again, Chairman Thomas, thank you for your consideration of my testimony.

STATEMENT OF HON. THOMAS G. TANCREDO, U.S. REPRESENTATIVE FROM COLORADO

Thank you for the opportunity to submit testimony to the Subcommittee in support of both H.R. 1577, and S. 160. Both bills would name the Visitor Center in Organ Pipe Cactus National Monument in Arizona for Kris Eggle, a Park Ranger who lost his life in the line of duty last summer.

I like to thank the distinguished Senator from Arizona, Mr. McCain who has been instrumental in helping to move this legislation. I would also like to thank Chairman Radanovich and Chairman Pombo on the House side for their work on fixing a few technical and drafting errors in the original version of the legislation before House passage, and I thank Senator Thomas for his willingness to allow for consideration of the bill today.

Mr. Chairman, Kris Eggle was a brilliant young park ranger in one of the most beautiful units of the National Park system, when he was killed last summer by a drug smuggler who had crossed into the United States after committing two murders in Mexico.

Last August, Kris and three U.S. Border Patrol officers responded after Mexican police reported that two armed fugitives had fled across the border into the U.S. A border patrol helicopter directed Eggle and the other officers to the location where the suspects had abandoned their vehicle. Kris pursued the smugglers on foot, apprehending one suspect before he was shot and killed. Kris was only 28 years old.

I have personally visited Organ Pipe Cactus National Monument on numerous occasions, as I know Senator McCain has. And I am certain that he would agree with me that "Organ Pipe"—as it is often called—is one of the most strikingly beautiful units in the National Park system. It is, unfortunately, also one of the most dangerous.

According to the Fraternal Order of Police, it is a hotbed of illegal activity, a major thoroughfare for illegal aliens, and an area that is used heavily by drug smugglers. Just last year, some 200,000 illegal border-crossers and 700,000 pounds of drugs were intercepted at the park. This constant danger is something that rangers like Kris—who at this very moment are patrolling the vast and remote expanses of the Monument—have unfortunately become accustomed to.

Kris, like many BLM, Parks Service, and Forest Service law enforcement officers, was on the front lines on a battlefield we pay far too little attention to. He gave his life in service to this country, and we should all be proud of his heroism, and we should not forget.

By passing this bill today, this committee can help us to both memorialize Kris' personal sacrifice to this nation, and remind the American people of the perils faced, and sacrifices made by those public lands law enforcement officers who work each day to patrol our Parks, Refuges, and Forests—particularly those located along our increasingly dangerously porous international borders.

Thank you again, Senator Thomas and members of the subcommittee.

STATEMENT OF THE SOCIETY OF VERTEBRATE PALEONTOLOGY, NORTHBROOK, IL

We are very honored to testify on behalf of our more than 2000 professional and amateur members in support of S. 546, The Paleontological Resources Preservation Act. A heightened public interest in dinosaurs and other extinct life forms has given paleontologists an unprecedented opportunity to share with the public the excitement of recent advances in this fascinating science that records the history of life on our planet. Dinosaurs and fossils are now the window through which most young children get their first introduction to science, inspiring a life-long interest in science. While it is gratifying that the public has become more interested in the history of life on our planet, and while paleontologists have been eager to share this knowledge, heightened visibility has also led to the increased commercialization and deliberate destruction of fossils. This has led to a black market trade in fossils from foreign countries (in violation of export laws) and to the theft of fossils from public and private lands in the United States.

There are several points that should be made regarding S. 546. First, the bill does not change any current aspect of access to fossils on public lands on the part of amateurs, educators, or professional scientists. It does codify into uniform guidelines current land management authority and practice. What it does do is increase the awareness of the cooperative spirit of amateurs and professionals and provides for stronger penalties for those who would destroy or permanently remove valuable fossils from our public heritage. The bill has no impact on private lands or on privately owned fossils. The bill essentially raises the ethical awareness and standards for preserving fossils that come from public lands. The legislation would adopt the basic principles endorsed by an interagency report requested by Congress published in 2000, "Report of the Secretary of Interior: Fossils on Federal and Indian Lands."

We do need stronger penalties for theft and destruction of fossils from public lands. Sadly, some of the most egregious cases of theft and vandalism have occurred on federal lands belonging to all Americans.

In 1991, the BLM discovered an illegal commercial collection taking place on federal land. The BLM contacted the Museum of the Rockies at Montana State University Bozeman and asked them to collect the specimen and hold it in the public trust. As a result of this, the most complete *Allosaurus* ever found, which this commercial collector intended to sell to a private collector overseas, now has been save for all the people of the United States. As a result of careful analysis of injuries sustained by this dinosaur and preserved in the bones, this particular specimen has yielded a treasure trove of information about how *Allosaurus* lived. The commercial collector, who had attempted to steal this fossil and the information it tells us, was never prosecuted.

Unfortunately, the American people were much less fortunate in the case of another *Allosaurus* find. In a case filed in court last fall prosecutors alleged that an *Allosaurus* skeleton was stolen from federal land southeast of Freemont Junction, Utah and sold to a Japanese buyer for $400,000. A BLM official stated at the time of the filing of the complaint that "Because it was crudely collected, we have lost any chance to study the way the skeleton lay in the ground, how it was buried, what happened to it after death, and other plants or animals that may have been buried with it. We have lost a priceless piece of America's natural heritage." According to allegations in the still pending civil complaint, Barry James was contacted by Rocky Barney of Richfield, Utah. Barney told James he had found what appeared to be an *Allosaurus* on federal land. Barney asked James if he would be interested in buying the *Allosaurus*. James told Barney he would be interested in buying the fossil and offered advice on how to excavate the dinosaur. James privately told Brown that while it was illegal to remove a fossil from federal land, it was worth the risk. If caught, they would only receive a "slap on the wrist," the complaint charges. (BLM, 2001)

The rapidly increasing commercial value of fossils has created a situation where the limited penalties that exist are not sufficient to deter illegal collecting. In the Report "Fossils on Federal and Indian Lands" it was noted that "the fines currently imposed on fossil thieves are usually low compared to the lost resources. For example, one man who had stolen fossils from a national park over a period of years was fined a total of $50." (Babbitt, 2000 p. 29)

In many cases the theft of fossils is which is occurs is so widespread and occurring so rapidly that we do not even know what is being lost. In a study commissioned by the Forest Service, it was found that almost one-third of the paleontological sites surveyed in the Oglala National Grassland showed evidence of unauthorized collecting. In 1999, the National Park Service identified 721 documented incidents of paleontological resource theft or vandalism, many involving many specimens, in the national parks between 1995 and 1998. (Babbitt, 2000 p. 28)

The increased commercial market for fossils worldwide has sometimes led to distortion of the fossil record. In some cases fossils have been altered in order to inflate their commercial value. And we have lost significant specimens from further scientific investigation and exhibit, making it harder for people to see and examine for themselves the authentic objects in our museums. It is critical that scientifically significant fossils from federal lands, i.e. that portion of the fossil record that belongs to the American people, remain in the public domain so that everyone—children and adults, amateur and professional paleontologists may benefit from this irreplaceable resource.

The fossil record is our only way of learning about the history of past life on our planet, and it is important for all Americans to have the opportunity to learn from this record. We have talked with many scientists in various disciplines, and it is amazing how many first became interested in science through their interest in dinosaurs and other fossils. For this reason we are happy to see that S. 546 calls for the establishment of a program to increase public awareness about the significance

of paleontological resources. As we confront important public policy issues including global climate change and the extinction of countless species of animals and plants the fossil record pro-ides a critical historical basis to help guide our decisions.

We would like to share a little bit of information with you about how paleontological research is done and why this legislation is essential to ensuring maximal public benefit from this research.

Many kinds of fossils, including those of most vertebrates (backboned animals), are rare for several reasons. Many organisms are not readily preserved as fossils because they do not have hard parts. Only rather unusual sedimentary rock environments preserve soft parts long enough to become fossilized. Also, organisms can only be preserved where sediments accumulate at a fairly high rate. Most organic remains are not buried fast enough to contribute to the fossil record. Vertebrate fossils are much less common than invertebrate and plant fossils across all sedimentary rocks. Although we are fortunate to have some exceptions, spectacular deposits of diverse and complete organisms are rare over the history of the earth. The majority of fossil vertebrate species are extremely rare or are represented by a single unique specimen. For these reasons the chances of any vertebrate becoming a fossil are very small. Thus, individual vertebrate fossils are extremely valuable as bearers of information about the past. Furthermore, fossils of extinct groups are not renewable. More fossils will be discovered and collected, but always from a finite supply. Importantly; more than 99% of all life-forms that have ever lived on Earth are already extinct and are only known by fossils.

The rocks in which the fossils are found provide information about ancient environments and their climates, the age of the fossils, position in a historical sequence, and paleogeographic location. Fossil assemblages provide information about ecological interactions and communities.

A fossil collected without this information has lost much of its value, and we know little more than that this animal lived and died. In contrast, when contextual data are collected and studied, we begin to understand how the animal lived and its place in the balance of nature. As paleontologists and geologists learn more ways to interpret ancient environments and ecological communities from fossil assemblages in their original context, this information becomes more and more valuable and important. These contextual data allow us to bring these animals to life for ten of millions of visitors to our museums and to the many young children who have hands-on experience with original specimens.

The understanding of evolutionary processes and relationships comes primarily from comparing the skeletons from different animals to each other. In order to do this; researchers must be able to compare new specimens with those previously unearthed. Oftentimes a new analysis many years later shows our earlier understanding was incomplete or mistaken. For example, when Dr. John Ostrom was doing research on *Deinonychus*, a dinosaur similar to the *Velociraptor* popularized in Jurassic Park, he found that a specimen thought to be a carnivorous dinosaur was actually the rare early bird *Archaeopteryx*. Ostrom's research was critical in establishing the link between dinosaurs and birds that became a proudly recited fact for every young dinosaur aficionado. Only when specimens are properly collected and permanently preserved in public institutions can researchers access these specimens in order to make these comparisons. And when these comparisons and interpretations are made, education and the general public greatly benefit by having access to this new interpretive knowledge through media reports, books, and the Internet.

Several years ago, the Society of Vertebrate Paleontology (SVP) added a Statement of Ethics to our bylaws to help the society and its members handle ethical issues such as those raised by increasing commercialization. Ted Vlamis, an SVP member and amateur paleontologist, summarized the SVP Ethics Statement and a subsequent Joint Position Statement by the Paleontological Society as follows: "The SVP Ethics Statement contains several principles that are particularly noteworthy for their public policy implications. It begins by recognizing that vertebrate fossils are usually unique or rare, and that they are part of our natural heritage. The Ethics Statement assigns to vertebrate paleontologists the responsibility of ensuring that pertinent detailed contextual data are recorded when vertebrate fossils are collected and notes that collection and preparation should be done by properly trained personnel. The importance of proper curation and the assurance of access for future researchers are recognized by the Ethics Statements' provision that scientifically significant vertebrate specimens should be curated and accessioned in institutions charged in perpetuity with conserving fossil vertebrates for scientific study and education. The Ethics Statement further recognizes the responsibility of paleontologists to expeditiously disseminate information to other paleontologists and to the general public. Perhaps the most important part of the SVP Ethics Statement from a public policy perspective is the conclusion that "The barter, sale, or purchase of scientif-

ically significant vertebrate fossils is not condoned unless it brings them into, or keeps them within, a public trust" (SVP, 1994).

In order to ensure that the SVP's public policy recommendations and initiatives regarding fossils on federal lands were also reflective of the wider paleontological community, the SVP initiated a dialogue with the Paleontological Society. Together these two scientific societies include several thousand individuals, representing more than 94% of professional paleontologists and a very large proportion of amateur paleontologists. This dialogue culminated in 1999 when the two societies issued the joint position statement Paleontological Resources on U.S. Public Lands. The PS-SVP joint statement advocates public policy which, like the SVP Ethics Statement, recognizes that fossils are part of our scientific and natural heritage. It goes on to find that fossils on public lands belong to all the people of the United States and that, as such, they need special protection, and should not be collected for commercial purposes. The joint statement concludes that the two societies strongly support actions which "protect fossils on public lands as finite natural resources; encourage responsible stewardship of fossils for educational, recreational, and scientific purposes; promote legitimate access to, and responsible enjoyment of, paleontological resources on public lands by the public and amateur paleontologists for personal use, and by the professional paleontological community, including professional paleontologists from outside the U.S.; and bring fossils from public lands into public institutions where they are available for purposes of education and scientific research" (PS and SVP, 1999)." (Summary from Vlamis, 2001)

Similarly, support comes from the American people for the provisions of S. 546. A survey of American public opinion was conducted in 1995 by Steve Gittleman of MKTG, Inc., a market research firm that has conducted over 10,000 studies since its founding in 1979. This survey of 300 American adults analyzed public responses both to a hypothetical situation involving the discovery of a fossil, and to a series of more general questions pertaining to fossils. A random calling program was utilized which gave every telephone in the US the same probability of being called. The survey results have an accuracy rate of +/–7%.

Several key points that demonstrate public support for the principles embodied in S. 546. 85.3 percent agreed with the statement that that "Fossils of animals with backbones are part of our national heritage and should be protected in much the same way that archeological remains (human artifacts) are now protected"; and, 88.0 percent agreed that "If laws are created to restrict the collection of fossils on public lands, the only people who should be allowed to collect them are people with appropriate skills for doing so and with a permit for that purpose. All the fossils that they find should go into museums and universities prepared to protect them" (Vlamis, 2001). The American people want our natural heritage preserved as a national treasure.

The membership of the SVP includes amateur as well as professional paleontologists, and fostering cooperation between these groups is a major mission of the SVP. We are pleased that S. 546 puts no new restrictions on amateur fossil collecting on federal lands—everything an amateur collector can legally do today would still be legal after the passage of S. 546. The Denver Museum of Nature and Science offers an example of the substantial cooperation that exists among scientists and amateurs. More than several hundred amateur volunteers devote over 30,000 hours each year of their time to that institution. They have collected literally thousands of specimens from public lands that have allowed our collections to grow significantly, enabling more scientific study and public awareness of paleontology. Last year alone more than a dozen of these volunteers either published a scientific paper on fossils in a peer-reviewed scientific journal or presented a paper at an annual meeting of a professional scientific society. Some of these amateurs also published on an entirely new dinosaur species previously undiscovered.

In a poll taken in 1991 of America's major museums, more than 49% of the 1.8 million specimens of dinosaurs and other fossil vertebrates in their collections were from public lands. Of the overall total, amateurs had donated more than 100,000 specimens to museums and significantly less than 1% of the specimens came from commercial collectors (Stucky and Ware, 1991).

I spoke earlier of some major problems that are occurring because of the lack of a law like S. 546. I would like to conclude by telling you about one example of the kind of cooperation between federal agencies and paleontologists. Dinosaur paleontologist Jack Homer of the Museum of the Rockies at Montana State University, Bozeman, is in the fourth year of a field study in the Charles M. Russell National Wildlife Refuge in eastern Montana. To date eight *Tyrannosaurus* rex skeletons have been discovered. The field study is yielding valuable information about this most famous of the dinosaurs and the environment in which it lived. The work of the Museum of the Rockies has made it possible for the National Museum of Natu-

ral History, Smithsonian Institution, to collect one of these specimens. Thus, our National Museum will be able to display an actual specimen of this celebrated American dinosaur for the first time. The passage of S. 546 will foster more and more opportunities like this and inspire the long-term preservation of these priceless national resources.

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APPENDIX 1

SOCIETY OF VERTEBRATE PALEONTOLOGY BY-LAW ON ETHICS

Article 9. Statement of Ethics.

Several goals for the Society of Vertebrate Paleontology follow from its mission statement (Constitution Article 1): to discover, conserve, and protect vertebrate fossils and to foster the scientific, educational, and personal appreciation and understanding of them by amateur, student and professional paleontologists, as well as the general public. Fossil vertebrates are usually unique or rare, nonrenewable scientific and educational resources that, along with their accompanying contextual data, constitute part of our natural heritage. They provide data by which the history of vertebrate life on earth may be reconstructed and are one of the primary means of studying evolutionary patterns and processes as well as environmental change.

It is the responsibility of vertebrate paleontologists to strive to ensure that vertebrate fossils are collected in a professional manner, which includes the detailed recording of pertinent contextual data (e.g. geographic, stratigraphic, sedimentologic, taphonomic).

It is the responsibility of vertebrate paleontologists to assist government agencies in the development of management policies and regulations pertinent to the collection of vertebrate fossils, and to comply with those policies and regulations during and after collection. Necessary permits on all lands administered by federal, state, and local governments, whether domestic or foreign, must be obtained from the appropriate agency(ies) before fossil vertebrates are collected. Collecting fossils on private lands must only be done with the landowner's consent.

Fossil vertebrate specimens should be prepared by, or under the supervision of, trained personnel.

Scientifically significant fossil vertebrate specimens, along with ancillary data, should be curated and accessioned in the collections of repositories charged in perpetuity with conserving fossil vertebrates for scientific study and education (e.g. accredited museums, universities, colleges, and other educational institutions)—

Information about vertebrate fossils and their accompanying data should be disseminated expeditiously to both scientific community and interested general public.

The barter, sale, or purchase of scientifically significant vertebrate fossils is not condoned unless it brings them into, or keeps them within, a public trust. Any other trade or commerce in scientifically significant vertebrate fossils is inconsistent with the foregoing, in that it deprives both the public and professionals of important specimens, which are part of our natural heritage.

APPENDIX 2

JOINT POSITION STATEMENT BY THE PALEONTOLOGICAL SOCIETY AND THE SOCIETY OF VERTEBRATE PALEONTOLOGY ON PALEONTOLOGICAL RESOURCES ON U.S. PUBLIC LANDS

The Paleontological Society and The Society of Vertebrate Paleontology are committed to increasing scientific knowledge, educational benefits, and appreciation of the natural world based on fossils—for everyone—child or adult, the general public, or amateur or professional paleontologists. Fossils are an invaluable part of our sci-

entific and natural heritage. They yield detailed information about the history, if life and of our planet, and provide lessons for the modern world and our future.

Many important fossil localities occur on U.S. public lands and belong to all people of the United States, including future generations. The Society of Vertebrate Paleontology and The Paleontological Society therefore support the development of policies and practices that can be used by different federal agencies to regulate the collection of fossils on U.S. public lands in an appropriate, clear and consistent manner.

Many fossils are common (for example, many non-vertebrate fossils) and should be allowed to be collected—in a responsible way—by any amateur or professional paleontologist, thus allowing them to experience and benefit from the excitement of discovery, recovery, identification and study. In particular, because of the benefits that derive from increased public appreciation of fossils, it is important that the participation of amateurs in paleontology is not discouraged by Federal policies and practices.

Other fossils are rare (for example, many vertebrate fossils and some non-vertebrate fossils), and require special protection, especially from destruction by vandalism or commercial exploitation. In particular, because of the dangers of overexploitation and the potential loss of irreplaceable scientific information, commercial collecting of fossil vertebrates on public lands should be prohibited, as in current regulations and policies. The commercial collecting of other paleontological resources on U.S. public lands should be strictly regulated by permit through the appropriate land management agencies. Regulations and polices regarding the collection of paleontological resources from U.S. public lands should be strictly enforced.

In this context, the Council of The Paleontological Society and the Executive Committee of The Society of Vertebrate Paleontology strongly support actions that:

i) protect fossils on public lands as finite natural resources,

ii) encourage responsible stewardship of fossils for educational, recreational, and scientific purposes,

iii) promote legitimate access to, and responsible enjoyment of, paleontological resources on public lands by the public and amateur paleontologists for personal use, and by the professional paleontological community, including professional paleontologists from outside the U.S.; and

iv) bring fossils from public lands into public institutions where they are available for purposes of education and scientific research.

AMERICAN ASSOCIATION OF MUSEUMS,
Washington, DC, June 9, 2003.

Hon. CRAIG THOMAS,
Chairman, Subcommittee on National Parks, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Hon. DANIEL K. AKAKA,
Ranking Member, Subcommittee on National Parks, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN THOMAS AND SENATOR AKAKA: On behalf of the members of the American Association of Museums which include nearly 3,000 museums and more than 10,000 museum professionals, I am writing to strongly support the passage of S. 546, the Paleontological Resources Preservation Act (PRPA).

Paleontology, like all sciences, requires that its methodology and results be repeatable and testable. For observations on fossil specimens and their geological context, this can only be done when significant fossils upon which those observations are based are placed in a public repository (museum or university) allowing access to all citizens and researchers.

The PRPA ensures that publicly owned fossils and their data are collected responsibly and maintained within the public trust. It further ensures that the American public will continue to benefit form the scientific advances made from these materials in understanding the history of life on this planet. Spectacular and educationally significant public specimens will continue to be exhibited in museums for all to enjoy.

Theft of fossils from public lands by unscrupulous individuals and groups for commercial exploitation is seriously eroding the ability of our nation's museums to educate the American people and to preserve our natural heritage for future generations.

This bill is the long-needed tool to protect this ability. I urge you and your colleagues to support this important legislation.

Sincerely,

EDWARD H. ABLE, JR.
President and CEO.

DRY DREDGERS, INC.,
DEPARTMENT OF GEOLOGY,
Cincinnati, OH, June 5, 2003.

Hon. CRAIG THOMAS,
Chairman, Subcommittee on National Parks.

As amateur paleontologists as well as officers of one of the oldest and largest associations dedicated to fossil collecting in the United States, we, the undersigned, wholly support the passage of S. 546, the "Paleontological Resources Preservation Act", a bill introduced March 6, 2003 into the Senate of the United States by Senators Akaka, Baucus, Campbell, Durbin, Feinstein, Roberts, and Leahy.

The proposed legislation addresses issues of great concern to our members, notably the protection of paleontological resources on Federal lands, the systematic compilation of paleontological data, science-based decision making, and accurate public education.

America's fossils are non-renewable, they have scientific and educational value, and there is intellectual content inherent in them that cannot be mined for profit as one might do with oil and other mineral resources. America's public paleontology resources require responsible stewardship and long-term preservation. The proposed legislation provides for such stewardship.

We strongly encourage the passage of this act.

JOHN TATE
GREG HAND

CINCINNATI MUSEUM CENTER,
Cinncinnati, OH, June 5, 2003.

Senator CRAIG THOMAS,
Chairman, Senate Subcommittee on National Parks.

DEAR SENATOR AND COLLEAGUES: As a professional paleontologist with an active interest in the rights and responsibilities of amateur paleontologists, I'm writing to say that S. 546, the "Paleontological Resources Preservation Act", is finally the bill that addresses all of our needs and the one that we can, and must, all support. I'll say it up front:

EVERYTHING THAT CAN BE DONE LEGALLY ON FEDERAL LAND TODAY, WILL BE ALLOWABLE AFTER THE PASSAGE OF THIS BILL!

That's it in a nutshell. No one should be afraid of this legislation unless they plan to steal the natural heritage of the people of the United States. It does NOT effect private land. It does NOT effect private collections. It does NOT restrict individual rights or freedoms. It REAFFIRMS that rare and scientifically significant paleontological resources in the public domain should remain the property of all Americans and thus be available for our children and for future generations. Only the illegal exploitation of public property is proscribed. Period.

What does this bill do for the amateur community? Plenty. It encourages the participation of amateurs in the stewardship of fossil treasures. It reaffirms their right, and maximizes their opportunity, to collect rocks, minerals, and common fossil invertebrates and plants on public lands where they may do so today. It lays out a uniform policy that lets all collectors know just where they stand in regard to the law, rather than their being faced with a multitude of complex and confusing policies from each federal land management agency. It also fosters paleontological education at all levels. We can all be happy with these provisions.

What does it do to protect rare fossils? It ensures that they will be collected under permit by responsible parties, both amateur and professional, and be reposited in public collections, just as is required today. It mandates that federal managers use appropriate care to inventory and monitor these resources for scientific and educational use. It requires them to increase public awareness of our fossil heritage. Just as archaeologists are consulted for archaeological resources, so now paleontologists, professional and amateur alike, will be consulted for the management of public fossil resources. Partnerships with the general public are to be encouraged. Again, these are all good things for everyone.

CINCINNATI MUSEUM CENTER,
Cinncinnati, OH, June 5, 2003.

Why is this bill needed? Firstly, to achieve all of the aims listed above. Secondly, because the theft of our country's public fossil heritage is growing and nonrenewable public resources are increasingly at risk. We all know stories of fossils commanding growing prices on the commercial market. Sadly, this is also driving a thriving black market. Fossils on public lands belong to you and me. We cannot allow them to be lost to us through theft, and increasingly, stories about high prices for fossils include stories of their theft from public lands.

Let me emphasize that this is NOT a bill to outlaw the sale of fossils. There is a legitimate place for commercial collecting and for the sale, barter, trade, and private ownership of fossils. Equally, there are stories of the great scientific and educational role that amateur and commercial collectors have played, and continue to play, for the good of paleontology. I applaud this role and expect that it will continue. This bill encourages partnership between all sectors of the community. The collecting and sale of fossils from private land is NOT effected.

However, the bill does ensure that fossils in the public domain, those that now belong to you and me, and to our children and future generations, will continue to belong to everyone. I greatly feel this need. Responsible dealers and collectors, i.e. the majority of paleontology "enthusiasts", for I prefer the original French meaning of "amateur"—one with a passion or love for a subject, feel the same way.

Fossils are non-renewable—they can't be grown like forests. Fossils have scientific and educational value—there is intellectual content inherent in them that cannot be mined for profit as one might do with oil and other mineral resources. Public paleontology resources require responsible stewardship and long-term preservation. They need protection from theft and exploitation. Fossil enthusiasts of all levels of experience must have their rights protected and enthusiasm encouraged. The "Paleontological Resources Preservation Act" does just that. Please join me in supporting it.

Sincerely,

GLENN W. STORRS, PH.D.,
Director of Science Research &
Withrow Farny Curator of Vertebrate
Paleontology.

WESTERN INTERIOR PALEONTOLOGICAL SOCIETY,
Denver, CO, June 10, 2003.

Hon. CRAIG THOMAS,
Chairman, Subcommittee on National Parks.

DEAR SIR: As President of the Western Interior Paleontological Society, I would like to express, on behalf of the over 300 members, our support of Senate Bill S. 546, the Paleontological Resources Act.

We, as amateur collectors, strongly believe that strengthening laws pertaining to collecting vertebrate paleontological materials is important because it preserves those resources for all Americans and discourages the poaching of those materials for personal gain.

Sincerely,

LOUIS H. TAYLOR, *First Vice President*
for THOMAS C. NOLAN, *President.*

WESTERN INTERIOR PALEONTOLOGICAL SOCIETY,
Denver, CO, June 9, 2003.

Hon. CRAIG THOMAS,
Chairman, Subcommittee on National Parks.

As the immediate Past President of Western Interior Paleontological Society in Denver, Colorado, please put me on record of being very much in favor of S. 546.

I believe this is good and needed legislation and hope the hearing regarding this matter will be positive by the Senate committee on June 10, 2003.

DAVID J. WARREN

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