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Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable ELIZABETH DOLE, a Senator from the State of North Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Spirit of God, from generation to generation, people of faith speak of Your greatness. You sit enthroned in majesty. Your glory covers all the Earth. Thank You for the strength You give to all who love You and for the blessings You bestow upon America.

Today, we join with our Jewish Senators and staff in celebrating Rosh Hashanah, ''the head of the year.'' As we joyously recall the creation of the world, we ask that You would stir us to repentance and bring us into a closer relationship with You.

Bless all of our Senators and their staffs. May their words and deeds honor You. Guide them in righteous paths that will keep our Nation strong. Equip them to conduct the work of freedom with justice and humility. Give them the contentment that comes from knowing and serving You. We pray in Your majestic Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ELIZABETH DOLE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 15, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ELIZABETH DOLE, a Senator from the State of North Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mrs. DOLE thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Madam President, I will be brief this morning because we will get started immediately with our business for the day. Chairman STEVENS is having an Appropriations Committee markup, and we want to accommodate that important work today. We have made real progress on the appropriations bills thus far, and we will continue to do so both in committee as well as here on the Senate floor.

In a moment, we will begin the Military Construction appropriations bill under the agreement that we reached last night. We expect that bill to take an hour or less this morning. I will be discussing with the Democratic leadership a time for the vote on passage of that measure, and I will be able to make that announcement shortly.

We will also be discussing other agreements relative to the appropriations measures, and we hope to reach consent on several of those items today.

ORDER OF PROCEDURE

Mr. FRIST. Madam President, I now ask unanimous consent that following the disposition of the Military Construction appropriations bill today, the Senate proceed to a period of morning business, with the first 30 minutes under the control of the majority and the second 30 minutes under the control of the minority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROSH HASHANAH

Mr. FRIST. Madam President, as the Chaplain just mentioned, and as we all know, the Jewish new year, Rosh Hashanah, is one of the holiest days of the year in the Jewish faith. For the Jewish people, Rosh Hashanah marks the anniversary of the creation of the world. It is a day for contemplation and prayer—and, indeed, we just opened our proceedings today with prayer—to look forward to the year ahead and to reflect on past deeds and to ask for God's forgiveness.

So as so many prepare to celebrate their holy day, I think we should all take that opportunity to reflect on what this holiday represents to all of us, something we do every day and in a global sense, as we look at humanity broadly.

APPROPRIATIONS AND INTELLIGENCE REFORM

Mr. FRIST. Madam President, I thank, again, the chairman and ranking member—Senator THAD COCHRAN—for doing a tremendous job over the last week on the Homeland Security appropriations bill. It was a tremendous accomplishment. As we set out our business before the Senate last week, before we adjourn, we will focus on the issues that are important to America—the safety and security of the American people. We are going to continue that shortly with the Military Construction appropriations bill.

We were able to take up and complete Homeland Security. Right now as

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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we meet, we are looking at intelligence reform in this body through both the task force and through the Governmental Affairs Committee as intelligence reform applies to the executive branch. The leadership task force that is chaired by Senator MCCONNELL and Senator REID is meeting now and will be making some announcements later today. And the Governmental Affairs Committee, I know there is a press conference later today to update people with regard to the reform that is underway. Not this week but the week after, the Senate we will be devoted to that reform.

Let me close by thanking everyone for their hard work in completing the Homeland Security bill late last night. The specifics of the schedule for the next several days I will have more to say about later this morning.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2005

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to consideration of S. 2674, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2674) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

AMENDMENTS NOS. 3660 AND 3661

The ACTING PRESIDENT pro tempore. Under the previous order, the managers' amendments are agreed to.

The amendments (Nos. 3660 and 3661) were agreed to, as follows:

AMENDMENT NO. 3660

(Purpose: To direct the Defense Department to assess the impacts on the military family housing program if the family housing privatization limitation is not eliminated)

At the appropriate place, insert the following:

SEC. . (a) ASSESSMENT OF BUDGET AUTHORITY LIMITATION ON MILITARY HOUSING PRIVATIZATION INITIATIVE.—(1) The Secretary of Defense shall assess the impacts on the military family housing program of having the total value of contracts and investments undertaken under the Military Housing Privatization Initiative reach the limitation on budget authority for the initiative specified in section 2883(g) of Title 10, United States Code.

(2) The assessment shall include: an estimate of the appropriations and period of time necessary to provide the level and quality of housing contemplated under the Military Housing Privatization Initiative in the event that limitation in 10 USC 2883(g) is not eliminated and the potential impact on military families if the limitation is not eliminated.

(b) The Secretary of Defense shall, no later than December 31, 2004, provide to the congressional defense communities a report of the assessment required by subparagraph (a).

(c) MILITARY HOUSING PRIVATIZATION INITIATIVE DEFINED.—In this section, the term ''military housing privatization initiative'' means the programs and activities undertaken under the alternative authority for the acquisition and improvement of military housing under subchapter IV of chapter 169 of title 10, United States Code.

AMENDMENT NO. 3661

(Purpose: To make available additional funds for the Commission on Review of Overseas Military Facility Structure of the United States)

At the appropriate place, insert the following:

SEC. 131. Of the amount appropriated by this Act, $1,500,000 shall be available to the Commission on Review of Overseas Military Family Structure of the United States.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour of debate equally divided.

The Senator from Texas.

Mrs. HUTCHISON. Madam President, I yield such time as he needs to the distinguished chairman of the Homeland Security Appropriations Committee, who did such a wonderful job this week passing our Homeland Security appropriations bill that is going to fund homeland security for all of our country, after which I would like to reclaim the floor for the Military Construction Subcommittee report.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I thank the distinguished Senator from Texas for yielding briefly to me.

I take this opportunity to thank the staff members who worked so hard on the appropriations subcommittee for homeland defense for helping ensure the passage of the bill and handling the bill in such a professionally competent way. They all reflected credit on the Senate by their professional way of handling their duties. It was because of their hard work that we successfully completed action on the bill last night. I commend them all.

On our side of the aisle, Rebecca Davies is the chief clerk of that subcommittee. She is assisted ably by Carol Cribbs, Les Spivey, James Hayes, Kimberly Nelson, and Avery Forbes. The staff members who served on the minority side were equally professional and helpful in carrying out their duties.

I commend Senator BYRD for his cooperation with our efforts to complete action on the bill. I especially thank Senator REID, the assistant leader, who was actively involved on the floor helping to ensure the orderly flow of amendments. I am very grateful for his assistance as well.

My good friend Senator TED STEVENS of Alaska was here when he was needed during the handling of that bill, and without his guidance and good judgment on several occasions, we would not have successfully completed action on the bill last evening.

But for all Senators who cooperated with us on time agreements and the like, I express my deepest appreciation and thank them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I am very pleased to bring forward for the Senate's consideration the fiscal year 2005 Military Construction appropriations bill. I am also pleased to be joined by the ranking member of the Military Construction Subcommittee, Senator FEINSTEIN from California. We have worked very closely on this bill. That has been our tradition. We have never had a problem with our Military Construction bill. Frankly, we have done some very important work and begun to help the Department of Defense shape the military for the future.

Our bill provides, including $5.3 billion for military construction, $4.2 billion for military family housing; $166 million for NATO infrastructure, and $246 million for base realignment and closure costs.

Although the military construction needs continue to exceed resources available, I am very pleased that the bill provides a significant increase over last year's funding. I believe the bill we have on the floor today attends both to the President's most pressing priorities and to the concerns of Senators.

Since September 11, 2001, we have made great demands on our military personnel as they have waged the global war on terror. The sacrifices have been widely shared, but the demands have been particularly acute for our Reserve components who have faced deployments on a scale and for durations unprecedented in the post-World-War II era. Facilities support for the Guard and Reserve have traditionally failed to keep pace with need.

I am pleased that this year the administration increased the request for Reserve component funding by 68 percent. Even this higher figure, however, is not adequate and the bill adds an additional $194 million or 31 percent more for critically needed projects in the Guard and Reserve. We believe this bill does a very good job of providing the resources needed to accomplish our military mission. But nothing is so critical to the mission as the people who carry it out, particularly in a time in which so much is being asked of them. For that reason, we have paid particular attention to projects that enhance the quality of life of our military members and their families.

The bill provides over $1 billion for construction of new modern barracks, $188 million for design and construction of new hospital and medical facilities, and $11 million for child development centers to serve our military families. It also provides a 9-percent increase over last year for family housing construction operations and maintenance.

Because we are concerned about the quality of life of our military families, I want to comment briefly on a provision that is addressed in our bill and is very important to meeting the needs in the future for military housing. In 1996,

Congress passed legislation to provide the Defense Department with authority to enter into partnerships with private entities for the acquisition and management of military family housing. Because the initiative was unprecedented, the budget authority for the program was capped at $850 million, pending an evaluation of the program's success. The success has been striking.

To date, the Department of Defense has awarded 34 privatization projects comprising 63,200 housing units. Another 63 projects involving 116,000 housing units in 37 States and the District of Columbia are pending. The program has accelerated significantly the elimination of inadequate housing for our Armed Forces and has placed thousands of military families in better housing far sooner than would have been possible otherwise. Customer satisfaction with privatized housing is extremely high, and the Defense Department estimates the program will decrease long-term housing costs by 10 to 15 percent due to more efficient maintenance. The Department expects to reach the statutory cap late this fall, and the cap must be raised or the program would end. However, the Congressional Budget Office has decided to change its methods for scoring the additional authority, counting not just the annual appropriations required to fund the Government's contribution to privatized housing but also all the estimated benefits that accrue to the Government over time.

Effectively, the CBO intends to score the additional authority to enter into partnerships as though there were no partnerships, and the Government was paying for all of the new housing itself and paying for it all this year. That approach, besides seriously overstating the Government's expenditures for housing, negates any advantage of privatized housing over traditional military construction.

Public-private partnerships are relatively new, and we recognize CBO is struggling to account for them properly. We acknowledge the appeal of a theoretically comprehensive accounting of Federal financial activities. But the practical reality of CBO's proposed approach will be prolonged substandard housing for tens of thousands of our military families, with not a dollar difference in the amount of money Government is spending. So we are not going to allow that to stand.

I hope a sensible solution to this issue will prevail. We are going to continue to work with the Budget Committee, CBO, the Armed Services Committee, and in our own Military Construction conference. In the meantime, there is an amendment that is now part of our package that will direct the Defense Department to assess the impact on our military families if we fail to resolve this issue and, by doing so, put a marker down to address the issue in conference if it is not settled elsewhere.

Last year this bill differed from the administration's request in only one significant way, and that was overseas construction. The administration was in the early stages of its global posture review and there were many uncertainties about the future of the U.S. military presence overseas. Today, the Department's vision is clearer. The Department has made significant progress in thinking about the future of our overseas military facilities and, over the recess, began to publicly disclose some of that thinking. They have made a major step in the right direction. The Independent Overseas Basing Commission created by last year's Military Construction Appropriations bill is up and running and has begun its assessment of overseas infrastructure needs. The commission's work will help inform our evaluation of our overseas construction requirements.

I and my colleague, Senator FEINSTEIN, have visited numerous military installations all over the world. I know our colleagues have as well. I am certain they have found the same thing we have—that the needs at these installations almost always outstrip the resources we are able to direct to them. Although most of the needs are eventually addressed, sometimes the urgency of the requirement isn't fully appreciated here in Washington, where the budget requests are being prepared.

This bill provides funding for a number of projects which are badly needed at particular installations and are in the future years defense plan, but which were not included in this year's budget request. All of them have been carefully screened by the military services to ensure that they meet urgent military requirements; all are top priorities for installation commanders, and all have been authorized in the Senate version of the Defense authorization bill. A significant percentage of them support our Guard and Reserve forces, and I am pleased we were able to include them in this bill. They are a priority.

The bill before the Senate was approved by the Committee on Appropriations on a unanimous vote of 29–0. I thank my ranking member, Senator FEINSTEIN, for her cooperation and counsel throughout this process, and compliment her staff, Christina Evans and B.G. Wright, who have worked so cooperatively with my staff in preparing this bill. My staff, Dennis Ward and Sean Knowles, also have done a terrific job. They have traveled to the bases where we have requests to find out for themselves that these requests are needed and how we can best meet the needs of all of the military installations in our country and where our troops are based overseas. I so appreciate their professionalism and support.

I am pleased to offer the 2005 Military Construction appropriations bill for the Senate's consideration.

I yield the floor to my colleague, Senator FEINSTEIN.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I am pleased to join my chairman, Senator HUTCHISON, in recommending the 2005 Military Construction appropriations bill to the Senate. I thank her because it has been quite wonderful for me to work with her over the years. We have exchanged positions, ranking and chairman, on this subcommittee. I think we have always worked in a collegial and very productive way. Her leadership has been outstanding and I, for one, am very grateful. I also thank Senator STEVENS and Senator BYRD for their leadership and assistance in guiding this bill through committee and to the floor.

America's men and women in uniform need all the support we can give them, so expeditious consideration of defense bills, such as this one, sends an important signal of support to our troops. I know both Senator HUTCHISON and I want to send that signal.

The President's budget request for MilCon was $9.55 billion. That was only 2.5 percent over last year's enacted level. But with the support of Chairman STEVENS and Senator INOUYE, the committee was able to add another $450 million to meet the urgent construction needs of our active and reserve military bases.

As Senator HUTCHISON indicated, one issue that dominated discussion in the 2005 Military Construction program is the question of how to rescue the military family housing privatization initiative from running out of budget authority. I agree very much with my chairman. By accelerating the pace at which new family housing can be provided, the program has had a tremendous impact on the quality of life for thousands of military families. The question is, what do we do now? This year, the subcommittee was faced with that dilemma because we will shortly be out of money. So as the chairman said, we hope the authorizing committee—the Budget Committee as well as the Armed Services Committee—can find a solution to this problem by the time this bill is in conference.

Again this year, the subcommittee was faced with a still evolving proposal for realigning our overseas military force structure. I want to take a couple of minutes to discuss it because I think it is important. Last year, the Defense Department unveiled a preliminary plan for a major restructuring of forces in Europe and Korea, a plan that has now evolved into a wide-ranging global rebasing plan. The President publicly announced the plan last month, noting that 60,000 to 70,000 troops currently stationed overseas would return home over the next decade. Unfortunately, the administration offered few other details about the plan, and it appears some key basing decisions remain unresolved. This year's budget request included more than $700 million for overseas military construction.

The planning and rebuilding of military facilities is a complicated process, constrained by long lead times, and the

lack of a fully developed basing plan by the Department of Defense has hampered the subcommittee's ability to make prudent and informed decisions about overseas military construction.

For this reason, several proposed overseas construction projects were deleted from the Senate bill pending a clearer understanding of how they might be affected by the global basing plan.

It is clear the Department is continuing to fine-tune and adjust its global realignment plan. Although the President has announced plans to realign and significantly reduce the number of U.S. troops stationed overseas, the committee has received no requests from the Defense Department that would support moving forces back to the United States; nor has the Defense Department provided Congress with any cost estimate or timetable for its global restructuring plan. It is said that ''the devil is in the details'' and we do need those details. Only when the Defense Department provides Congress with a comprehensive, well-reasoned plan will the committee have a sufficient understanding of the associated military construction requirements to proceed with confidence.

Until the Defense Department completes its overseas basing review and presents a plan to Congress, projects supporting activities that may be subject to further change should remain on hold. I think we are both in agreement on that.

The Overseas Basing Commission that Senator HUTCHISON led, and I supported, was established last year. That, we hope, will provide some valuable insights for Congress regarding this process. We have given this matter great consideration, and I commend Senator HUTCHISON for laying out the position of the subcommittee so clearly and completely in the report accompanying our bill. I very much agree with that.

I thank Chairman Hutchison and the members of the Appropriations staff, Dennis Ward and Sean Knowles, for their hard work on this bill. I also thank my Appropriations staff, Christina Evans and B. G. Wright, sitting to my left, and my personal staff, Michael Schiffer and Chris Thompson, who does our appropriations, for their contributions.

The work of the Military Construction Subcommittee enhances our Nation's efforts to build quality facilities for our military men and women, and I urge my colleagues to approve this bill.

Mr. President, I want the chairman to know that at the appropriate time, I would like to enter into a colloquy between Senator NELSON and myself, to which the chairman has agreed.

Mrs. HUTCHISON. Mr. President, this would now be the appropriate time because I know of no speakers.

Mrs. FEINSTEIN. There is one, and I would like to yield a few minutes to the Senator from Delaware, if I may, Senator CARPER.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I thank Senator FEINSTEIN for yielding to me at this time. I wish to express my appreciation on behalf of everyone at Dover Air Force Base for project funds that are included in this bill.

Is this an appropriate time for me to make that statement?

Mrs. FEINSTEIN. Certainly.

Mr. CARPER. I will proceed. Dover Air Force Base has been in existence a half century or more. The oldest control tower on any Air Force base in America, as far as I am aware, is at Dover Air Force Base. There has been a request for a number of years to try to replace that tower and put in new technology to provide better safety control of our aircraft on the Delmarva Peninsula.

The committee sought to include that project last year and was unable to do so for the 2004 funding cycle. Senator FEINSTEIN has been terrific in making sure it was included in the funding for this year. I express my gratitude to her and to Senator HUTCHISON for that inclusion.

The importance of airlift today is great. We have, as my colleagues know, operations in Iraq and Afghanistan, supporting our personnel in Nigeria, Haiti—all over the world. The importance of airlift is only going to grow in the years ahead because of the redeployment of our forces, as we bring folks home and the need in the future to deploy them through airlift, and if we want to do it quickly, airlift is the key. Bases where we provide airlift today will only be more critical to our Nation's military security. There are a lot of Air Force bases. I do not know of any base on the east coast that does more in terms of providing the lift for our men, women, troops, materiel, and equipment than Dover Air Force Base.

Within a few weeks, we are going to be breaking ground at Dover Air Force Base for a new aerial port. This is a new huge modernized cargo warehouse through which equipment will move from ground transportation, truck and rail, onto aircraft to be shipped all around the world, and, in other cases, off the aircraft to the port, and distributed through this country. It is a huge project. It was funded in the 2004 budget, and we break ground in a few days. We are excited about it. And we are finally seeing the oldest control tower in the Air Force being replaced by a modern, technologically current tower.

There are 5,000 people who work at Dover Air Force Base. Many are families. A lot of their loved ones are abroad. Today they are all over the world. Their housing is not especially good. I believe there is some money in this Military Construction bill to help us on the housing side as well.

For all of that and for all the families at Dover Air Force Base, for those of us who know how important the base is to our military readiness, we say our heartfelt thanks.

Mrs. FEINSTEIN. Mr. President, before I yield back the remainder of my time, I would like to thank the Senator from Delaware for his comments. The control tower at Dover Air Force Base, which is I think about a $9 million appropriation, was on their ask list in 2004. Unfortunately, we could not do it, so we made it a high priority this year. I know both Senator HUTCHISON and I were really pleased to be able to do it.

It is very nice for the Senator from Delaware to come to the floor to say thank you. Very few do that. It is appreciated. I thank the Senator very much.

Mr. CARPER. Mr. President, speaking not only for myself, I know I speak for Senator BIDEN as well, for both of us.

Mrs. FEINSTEIN. I thank the Senator.

Mrs. HUTCHISON. Mr. President, before Senator FEINSTEIN yields the floor, in case she has anything else to say, I say to the Senator from Delaware that he was very persistent last year. We did everything to try to help him with that last component of the increase in the capacity for Dover. We were not able to do that last year.

Senator FEINSTEIN did make it her highest priority this year. I want the Senators from Delaware to know that. I supported it fully, but we did remember that the Senator had pressed hard.

Every one of us knows the great role that Dover Air Force Base plays in our military. They have one of the hardest jobs in all of our military, and that is the comforting of families when their loved ones are returned home, many times no longer alive in body but certainly in spirit. That is a huge job that is done beautifully at Dover. We appreciate that.

We have added to the capacity of Dover Air Force Base that has such an important place in our military facilities throughout our whole country. We thank the Senator from Delaware for coming to the floor of the Senate to reemphasize that importance. I thank him very much.

Mrs. FEINSTEIN. Mr. President, I believe I can yield back the remainder of our time.

Mr. REID. Mr. President, before the Senator from California yields back her time, may I be recognized?

Mrs. FEINSTEIN. Absolutely.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I had some meetings this morning and was not planning on coming to the Chamber, but walking through the Senate today took me back to when I went to law school.

When I went to law school in a very large class at George Washington University, as I recall, we had two women in that very large class. When I took the bar in Nevada after having graduated from law school, I think we had one woman who took the bar.

It has been a while since I went to law school and took the bar but not that long, and the face of America has changed dramatically. Since I have come to the national legislature, the

face of the legislature has changed dramatically. The biggest change and I believe the most positive change that has taken place is women. Half the people going to law school today are now women. There are significantly larger numbers of women in the Congress than when I came here 22 years ago.

When I first saw this Military Construction Appropriations subcommittee, this big important committee, being chaired by two women, I was so impressed I gave a little speech at that time.

I cannot express my satisfaction of walking into this Chamber and seeing two women in charge of something as important as this Subcommittee on Appropriations. The legal profession—I have only picked that one area—and the second area I pick is the national legislature, are much better places as a result of women being involved, and there is no better example of that than these two wonderful human beings, the Senator from Texas and the Senator from California, who lead us on this committee.

I hope people watching understand what a message this sends. It is said young girls are shunted aside because they do not have proclivities to go into science; let them do other things; let them become teachers and nurses—they have different kinds of minds. They are not scientists.

One of the people I worked with, a brilliant man, told me women would never be able to be lawyers because their briefcases were too heavy. All of these old ideas are gone and these young girls who are hopefully watching or hear about this should focus on these two women who are leading us on this multibillion-dollar bill.

I am so, I guess, enthralled with it. Walking into this Chamber and seeing these women lead this committee, I know—and I say this wherever I go, if I have the opportunity—we do much better work as a result of women becoming more a part of our legislative body. As far as I am concerned, there are no two better Senators than these two women who are on the Senate floor today directing what we should do in spending for our military construction throughout the world.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, the Senator from Nevada appeared on the floor and said similar words a year ago. I never expected he would come back a second time and do that again. I had his words printed up and gave a copy to my chairman and put one copy in my memory book. What should not be so rare, but I guess is rare, is the fact that women can do this work, women can participate in the great public policy debates of our day, women can work together, they can be effective and I think the fact that that is now becoming the given is important.

The message Senator REID sent to young women who may be out there saying, could I do this job some day, is absolutely, yes, if they get an education.

The old proverbial myths that women cannot work together or women are jealous or women are this or women are that are not true. We are living examples of this, both Republican and Democratic women in the Senate. It is one of the great treats of our service that we are able to share, develop collegiality, be real professionals, and care about the people we represent.

It is a great pleasure for me to hear and see the Senator from Nevada saying these things, and also, as I said before, to be able to work with Senator HUTCHISON. We have become good friends in the process. We do not always agree, but that does not matter. The point is there is a basic integrity and a commitment to do the right thing for the people we represent and the people in the military.

So I thank Senator REID and my thanks to my chairman. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank Senator REID for his very kind words. It means a lot to Senator FEINSTEIN and myself that he would come to the floor and recognize the job we are doing. It is very thoughtful and we appreciate it very much.

Once again, I think we have a good bill that has taken into consideration the priorities of our military, our administration, and the Senators who all came together to put a bill on the floor that would address the needs in a fair and balanced way throughout our country, and I thank my colleague from California. We have a great working relationship, which shows in the bill because it passed unanimously out of the committee, and I think it will pass unanimously out of the Senate. Hopefully we can go forward to start the construction projects October 1, the beginning of fiscal year 2005.

I yield back the remainder of my time.

FLORIDA NATIONAL GUARD HURRICANE DAMAGE

Mr. NELSON of Florida. Mr. President, would the Senators from Texas and California be willing to engage me in a colloquy?

Mrs. HUTCHISON. I would be pleased to engage in a colloquy with the Senator from Florida.

Mrs. FEINSTEIN. I would also be willing to engage in a colloquy with my friend from Florida.

Mr. NELSON of Florida. Mr. President, I have come to the floor today to speak about the Florida National Guard and the damage to their critical facilities as a result of Hurricanes Charley and Frances. Although no armory or readiness center was lost to total destruction, there are many significant problems to over thirty facilities that need immediate attention. I am concerned that funds are made immediately available to fix buildings to ensure that they are not exposed to further damage and that the Florida National Guard can return to its high readiness in their home stations.

I have received the assurances of LTG Steve Blum, Chief of the National Guard Bureau, that the $5 million necessary to make repairs to Florida's armories is already available in contingency accounts and will be released for obligation as soon as practical. Accordingly, I will not seek additional funds in the military construction bill for this purpose.

The Florida National Guard has performed its State and Federal missions superbly over the last 2 years. At home and overseas the Florida National Guard has time and again been there for the people of the United States and Florida. We owe them our total support in the fastest possible repair of their facilities so that they can remain ready for all that we will continue to ask them to do in the days ahead.

Mrs. HUTCHISON. I thank the Senator from Florida for bringing this issue to the attention of our committee and the Senate. Contingency funds exist to support the requirements of the Florida National Guard and I am confident they will have what they need when they need it.

Mrs. FEINSTEIN. I also thank the Senator from Florida for bringing this to our attention. I appreciate his sharp attention to the needs of Florida in this time of crisis, his determined efforts on behalf of their relief, and his unwavering support of the Florida National Guard.

Mr. NELSON of Florida. I thank the distinguished chairman and ranking member for their interest and I look forward to working with them on the range of issues that confront Florida in its recovery from these hurricanes.

The PRESIDING OFFICER. All time having been yielded back, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 4837, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4837) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the text of the Senate measure is substituted for the House bill. The question is on the engrossment of the amendment and the third reading of the bill.

The bill was read the third time.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business to be equally divided, with the

first 30 minutes under the control of the majority leader or his designee and the second 30 minutes under the control of the minority leader or his designee.

Who yields time?

Mrs. HUTCHISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUING THE FIGHT AGAINST ANTI-SEMITISM

Mr. VOINOVICH. Mr. President, I rise today to call attention to the disturbing rise in anti-Semitism that the world has witnessed during the last several years. I believe it is important that Senator FRIST, Senator SANTORUM and others have come together to highlight the urgent need to take action to combat this serious problem.

As a public official and private citizen, I have had the opportunity to visit the State of Israel on six separate occasions. I will never forget the time that I spent at Yad Vashem in Jerusalem in 1980, and on several other visits. Nor will the images that I saw at the Diaspora Museum in Tel Aviv ever leave my mind. Those experiences truly brought home to me the horrors of the Holocaust, and the role that anti-Semitism played in leading to the Holocaust. I vowed that I would do everything in my power to prevent this from ever happening again. Quite frankly, as I have said before, this is something that I never thought I would see again in my lifetime.

In May 2002, following a disturbing number of anti-Semitic incidents in Europe, I joined members of the Helsinki Commission in a hearing to examine the rise of anti-Semitic violence in Europe. I was shocked by the reports that I heard. Today, the news is equally as disturbing. Even during the last month, we have seen numerous acts of anti-Semitism, which some of my colleagues will be referencing today. I will also name a few:

In Paris, France, on August 14, 2004, anti-Semitic graffiti, including a sign saying ''death to Jews'' and a swastika, was found scrawled on a wall on the grounds of Notre Dame Cathedral;

In Wellington, New Zealand, on August 6, 2004, a Jewish chapel was destroyed by fire and up to 90 Jewish headstones were pulled out of the ground and smashed at a cemetery, on the outskirts of the nation's capital;

In Calgary, Canada over the night of August 22, 2004, vandals sprayed swastikas and anti-Semitic messages on a condominium complex a block from the Calgary Jewish Center;

In the Czech Republic on August 10, 2004 more than 80 tombstones were overturned at a Jewish cemetery; and

In Birmingham, United Kingdom, during the night of August 22, 2004, sixty Jewish gravestones were destroyed in a local cemetery. Community officials reported that stickers with the logo of a Neo-Nazi group were found on some of the stones.

It is also important to stress that we are not exempt here in the United States. At the end of March, the Anti-Defamation League released a report on anti-Semitic incidents that took place in the United States in 2003. In total, ADL counted more than 1,500 acts of anti-Semitism here at home. According to their count, 25 of these incidents occurred in my own State.

Last month, I met with a group of individuals in my home state to discuss concern with growing anti-Semitism. There was general consensus that this is, in fact, a problem in our own communities. Our conversation underscored the need to do all that we can to make the fight against anti-Semitism a priority in the United States, just as we redouble our efforts to encourage other countries to take action.

We should recognize positive efforts underway to promote tolerance and understanding, both at home and abroad. I am encouraged by action that is taking place in Ohio to work toward this end. For instance, last year, community leaders in Cleveland came together to form an organization called ''Ishmael and Isaac.'' This program brings together members of Ohio's Jewish and Muslim communities in an effort to raise money for the medical needs of Israelis and Palestinians.

Other efforts to promote diversity and anti-bias education are critical if we are to succeed in creating more accepting and tolerant environments in cities and towns across the country. For instance, the Anti-Defamation League's ''A World of Difference Institute'' provides hands-on training and education programs that are used to promote tolerance and counter messages of hate in schools and universities, as well as corporations and law enforcement agencies in 29 cities in the United States and 14 other countries. Such programs should continue, and they deserve our full support.

We cannot be silent and stand on the sidelines as anti-Semitism festers at home and abroad. At sunset today, Jewish people across the world will begin the observance of Rosh Hashanah, marking the beginning of a New Year. It is my sincere hope that in this new year, the United States and members of the international community will make a renewed effort to stamp out anti-Semitism wherever it exists.

In recent months, the United States has taken significant steps in the fight against anti-Semitism. In April, Secretary of State Colin Powell traveled to Berlin for a conference of the Organization for Security and Cooperation in Europe—OSCE—dedicated to the fight against anti-Semitism.

At that conference, 55 participating states of the OSCE pledged to take action. During the conference, a strong declaration was agreed to, which outlines steps that will be taken to address anti-Semitism. Mr. President, I ask unanimous consent that this be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Distinguished delegates,

Let me sum up the proceedings of this Conference in what I would like to call ''Berlin Declaration''.

Based on consultations I conclude that OSCE participating States,

Reaffirming the Universal Declaration on Human Rights, which proclaims that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, religion or other status,

Recalling that Article 18 of the Universal Declaration on Human Rights and Article 18 of the International Covenant on Civil and Political Rights state that everyone has the right to freedom of thought, conscience and religion,

Recalling also the decisions of the OSCE Ministerial Councils at Porto and Maastricht, as well as previous decisions and documents, and committing ourselves to intensify efforts to combat anti-Semitism in all its manifestations and to promote and strengthen tolerance and non-discrimination,

Recognizing that anti-Semitism, following its most devastating manifestation during the Holocaust, has assumed new forms and expressions, which, along with other forms of intolerance, pose a threat to democracy, the values of civilization and, therefore, to overall security in the OSCE region and beyond,

Concerned in particular that this hostility toward Jews—as individuals or collectively—on racial, social, and/or religious grounds, has manifested itself in verbal and physical attacks and in the desecration of synagogues and cemeteries,

1. Condemn without reserve all manifestations of anti-Semitism, and all other acts of intolerance, incitement, harassment or violence against persons or communities based on ethnic origin or religious belief, wherever they occur;

2. Also condemn all attacks motivated by anti-Semitism or by any other forms of religious or racial hatred or intolerance, including attacks against synagogues and other religious places, sites and shrines;

3. Declare unambiguously that international developments or political issues, including those in Israel or elsewhere in the Middle East, never justify anti-Semitism;

In addition, I note that the Maastricht Ministerial Council in its Decision on Tolerance and Non-Discrimination, tasked the Permanent Council ''to further discuss ways and means of increasing the efforts of the OSCE and the participating States for the promotion of tolerance and non-discrimination in all fields.''In light of this Ministerial Decision, I welcome the April 22 Permanent Council Decision on Combating Anti-Semitism and, in accordance with that Decision, incorporate it into this Declaration.

1. The OSCE participating States commit to:

Strive to ensure that their legal systems foster a safe environment free from anti-Semitic harassment, violence or discrimination in all fields of life;

Promote, a appropriate, educational programmers for combating anti-Semitism;

Promote remembrance of and, as appropriate, education about the tragedy of the Holocaust, and the importance of respect for all ethnic and religious groups;

Combat hate crimes, which can be fuelled by racist, xenophobic and anti-Semitic Propaganda in the media and on the Internet;

Encourage and support international organization and NGO efforts in thee areas;

Collect and maintain reliable information and statistics about anti-Semitic crimes, and other hate crimes, committed within their territory, report such information periodically to the OSCE Office for Democratic Institutions and human Rights (ODIHR), and make this information available to the public;

Endeavour to provide the ODIHR with the appropriate resources to accomplish the tasks agreed upon in the Maastricht Ministerial Decision on Tolerance and Non-Discrimination;

Work with the OSCE Parliamentary Assembly to determine appropriate ways to review periodically the problem of anti-Semitism;

Encourage development of informal exchanges among experts in appropriate fora on best practices and experiences in law enforcement and education;

2. To task the ODIHR to:

Follow closely, in full co-operation with other OSCE institutions as well as the United Nations Committee on the Elimination of Racial Discrimination (UNCERD), the European Commission against Racism and Intolerance (ECRI), the European Monitoring Centre on Racism and Xenophobia (EUMC) and other relevant international institutions and NGOs, anti-Semitic incidents in the OSCE area making use of all reliable information available;

Report its findings to the Permanent Council and to the Human Dimension Implementation Meeting and make these findings public. These reports should also be taken into account in deciding on priorities for the work of the OSCE in the area of intolerance; and

Systematically collect and disseminate information throughout the OSCE area on best practices for preventing and responding to anti-Semitism and, if requested, offer advice to participating Stats in their efforts to fight anti-Semitism;

This decision will be forwarded to he Ministerial Council for endorsement at its Twelfth Meeting.

Mr. VOINOVICH. As this document makes clear, the OSCE, through its Office of Democratic Institutions and Human Rights—ODIHR, will for the first time monitor and report on acts of anti-Semitism. Moreover, the OSCE will keep track of positive steps countries are taking to address the problem. This will be high on the agenda at the OSCE Ministerial this December, and, next spring, Spain will host a meeting to follow-up on the specific recommendations made at the Berlin Conference, and to exercise oversight of the progress ODIHR is making in complying with the Berlin Declaration.

I have encouraged Secretary Powell to ensure that the United States not only supports these efforts, but that we do all that we can to make certain that the OSCE has the resources necessary to effectively do the job that it has been called upon to do to monitor anti-Semitism. I have been assured by our Ambassador to the OSCE, Stephan Minikes, that the United States will in fact do all that it can to support the work of the OSCE in this regard. Ambassador Minikes has also assured me that the OSCE, with the help of the United States and other member countries, has the funding it needs to begin this crucial work. It is not enough to pass Declarations and to have tables. What we need to do is give the organization that is supposed to get the job done, the money and the resources.

While I had hoped to attend the Berlin Conference on anti-Semitism at the invitation of Secretary Powell, I was unable to be at this historic gathering due to pressing business here in the Senate. However, while the conference was underway, an article that I co-authored with a leading member in the fight against anti-Semitism in the German Bundestag, Professor Gert Weisskirchen, ran in the Washington Post.

Mr. President, I ask unanimous consent that this article, entitled ''Halting the New Hatred,'' be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 28, 2004]

HALTING THE NEW HATRED

Two years ago members of Congress and the German Bundestag launched a joint project that will come to fruition this week in Berlin. More than 500 representatives from the 55-nation Organization for Security and Cooperation in Europe (OSCE) are meeting to formulate an action plan to tackle the growing problem of anti-Semitism.

Today anti-Semitism is no longer directed solely against Jews an individuals. ''Israel, in effect, is emerging as the collective Jew among nations,'' writes Mortimer B. Zuckerman in U.S. News & World report. The old conspiracy theories, prejudices and ''world domination'' fantasies are emerging in new guises and are exploiting the conflict between Israelis and Palestinians.

While the ''old'' anti-Semitism sought to stigmatize Jews as individual threats to local coexistence, the ''new'' anti-Semitism seeks to stigmatize Israel as a collective threat to global coexistence. At the core of the new anti-Semitism is the ''Auschwitz Lie''—that the Holocaust was invented as an excuse for Jews to converge on Palestine in order to oppress Arabs and conquer the world.

In both its old and new forms, anti-Semitism is merely an attempt to divert attention from the perpetrators' motives for committing acts of violence and injustice. In fighting anti-Semitism we must turn our attention toward strengthening peace and justice. The real battle against anti-Semitism lies ahead of us, and it will affect the foundations of our democracies.

Globalization is bringing ideas, cultures and lifestyles into contact—and sometimes conflict—with one another in new and unusual ways. Our task is to determine how our political systems can shape the outcome in a positive way. Will we be tolerant enough to create space for differences, and allow them to develop and flourish? Globalization means that we all have a shared fate.

Anti-Semitism is a problem for every OSCE state, because it seeks to break down the pillars of our societies: rule of law, equality, decency, tolerance and faith. Its violence is felt by all, regardless of faith. Its most diabolical offspring is terrorism, a force that in its embrace of death tears down everything in its path. Its aim is to destroy all that is humane.

In Berlin we will build on last year's groundbreaking OSCE conference in Vienna, where governments expressed their willingness to take action. In Berlin we must concentrate on specific steps to which governments and societies commit themselves: collecting and analyzing data on hate crimes, training police and educating children for tolerance, and measuring the effectiveness of these steps. Rather than asking if we can afford to take such steps, we should ask whether we can afford not to when the costs of inaction are so great.

We are not fighting anti-Semitism solely in order to protect Jewish people, although the safety of any one group is intrinsic to the safety of all. We are waging this battle because we want to ensure that we do not again sink into barbarity—and we will win this struggle. Democracy is stronger than hate.

Mr. VOINOVICH. As we wrote then:

We are not fighting anti-Semitism solely in order to protect Jewish people, although the safety of any one group is intrinsic to the safety of all. We are waging this battle because we want to ensure that we do not again sink into barbarity—and we will win this struggle. Democracy is stronger than hate.

Today, I continue to repeat this message. We cannot become complacent in the fight against anti-Semitism. There is too much at stake.

I remain in close contact with the State Department to encourage our highest-ranking diplomats to make the fight against anti-Semitism a top priority in our bilateral relationships and interaction with international organizations such as the OSCE, the European Union and the United Nations.

At the end of last month, Under Secretary of State for Political Affairs Marc Grossman sent me a letter, in which he outlined some of the positive steps that our Government is taking to combat anti-Semitism. This includes our work with the OSCE, as well as efforts taken by United States Ambassadors and other officials in countries throughout the world. This is a priority, now, for our Ambassadors all over the world. Mr. President, I ask unanimous consent that a copy of this letter be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNDER SECRETARY OF STATE
FOR POLITICAL AFFAIRS,
Washington, August 24, 2004.

Hon. GEORGE V. VOINOVICH,
U.S. Senate.

DEAR SENATOR VOINOVICH: This is to follow up our conversation concerning the Department's efforts to combat anti-Semitism.

This Administration recognizes that anti-Semitism is a serious human rights problem and is strongly committed to fighting it. We are taking the following steps to combat anti-Semitism and related violence, using the range of tools at our disposal to advance human rights standards and norms.

Reporting: Two annual reports (the ''International Religious Freedom Report'' and the ''Country Reports on Human Rights Practices'') describe in detail both the trend of anti-Semitism throughout the world as well as the specific anti-Semitism incidents that have occurred during the reporting period. The Department formally reports on anti-Semitism every six months. These reports are posted on embassy websites for public

dissemination. In our instructions for the 2004 Country Report, we have made explicit the guidelines for reporting acts of violence against Jewish people and Jewish community institutions. Embassies have supplied detailed information on the level of anti-Semitism in their host country.

Demarches and Interventions: Our embassies abroad regularly press host countries on combating anti-Semitism, particularly in Europe where anti-Semitism has increased significantly during the past few years. Our ambassadors are very involved in this effort. We also maintain close contact with the local Jewish communities.

OSCE: The Department took the lead in convincing the OSCE to sponsor two conferences on combating anti-Semitism (in Vienna in June 2003, in Berlin in April 2004). Secretary Powell participated in the Berlin Conference. As a result of those conferences, the OSCE is implementing a process to monitor and report in a consistent manner on anti-Semitism incidents within the OSCE region.

These conferences were the first multilateral gatherings devoted solely to this subject and also the first to deal with anti-Semitism as a human rights issue. They have substantially increased awareness of this serious problem and the need to take strong steps to deal with it.

The United States also supports a third anti-Semitism meeting, scheduled for 2005 in Spain, to assess implementation by member states of the OSCE commitments.

Public Diplomacy: Department officers regularly address this issue in speeches to foreign audiences, the American public and in testimony before the Congress (see enclosure). The issue of anti-Semitism was a core component of testimony before the Congress on several occasions in recent months.

Holocaust Task Force: In 2003–2004, the United States chaired the Task Force for International Cooperation on Holocaust Education, Remembrance and Research. This group now comprises 18 countries that promote understanding of the Holocaust as a means to prevent a recurrence of the hatred that resulted in that tragic event.

Speaking Out: Our Chiefs of Mission in Europe and Eurasia are under specific instructions to be both vigilant and vocal in denouncing anti-Semitism, and they do so.

Multilateral Efforts: The United States has been successful in including anti-Semitism language in several resolutions of the United Nations Commission on Human Rights (UNCHR). We will continue to press for inclusion of such language at the UNCHR and elsewhere.

I hope this overview of Department of State efforts to combat anti-Semitism is helpful to you. Please do not hesitate to contact me if I can be of further assistance. We want to work closely with you to end anti-Semitism.

Sincerely,

MARC GROSSMAN.

THE DEPARTMENT OF STATE AND COMBATING ANTI-SEMITISM

The Department of State has been deeply involved in combating anti-Semitism. Policy level officials most frequently involved in our efforts to stem the tide of anti-Semitism include the Secretary, Deputy Secretary, Under Secretary for Political Affairs, the Assistant Secretary for European and Eurasian Affairs, the Assistant Secretary for Democracy, Human Rights and Labor, the Special Envoy for Holocaust Issues and the Ambassador-at Large for International Religious Freedom.

These officials regularly testify before the Congress and make public speeches calling attention to anti-Semitism and the need to combat it.

The Special Envoy for Holocaust Issues heads up the staff level work on this issue and coordinates closely with U.S. NGOs. He works particularly closely with the U.S. Ambassador to the OSCE who has represented the United States in the preparations for the separate OSCE conferences on anti-Semitism in Vienna in June 2003 and in Berlin in April 2004.

The Bureau of Democracy, Human Rights and Labor produces two annual reports (International Religious Freedom, Country Report on Human Rights Practices), both of which include extensive coverage of anti-Semitism and anti-Semitic incidents.

Our ambassadors abroad and their staffs engage with host countries on this issue. Ambassadors have mentioned their concern about anti-Semitism in the host country during their initial meetings with the Prime Minister. Our ambassadors speak out forcefully and meet with visiting representatives of American Jewish organizations to review anti-Semitism trends.

Senior-level Department officials and officers travel from Washington to our posts in Europe and Eurasia. They meet with representatives of Jewish communities to discuss their concerns first-hand and to demonstrate Washington's strong interest.

The Vienna and Berlin OSCE conferences were largely the result of efforts by the United States to have the OSCE focus on anti-Semitism. Secretary Powell addressed the Berlin conference.

The conferences and a decision by the December 2003 Ministerial Council led to the establishment of an OSCE program to monitor and report on anti-Semitic developments in the OSCE region. The Conferences also sensitized all of the participants to the reality of the increased level of anti-Semitism in Europe in recent years and also generated considerable publicity on the issue.

The Department of State also works assiduously to include this issue in resolutions of the United Nations and its subsidiary bodies. In 2003, the U.S. delegation succeeded in getting language on anti-Semitism into the UN Commission on Human Rights resolution on the Elimination of All Forms of Religious Intolerance. In 2004, the Department of State again succeeded in getting mention of the issue in the resolution on the Elimination of All Forms of Religious Intolerance and also in the resolution on The Incompatibility between Democracy and Racism.

Mr. VOINOVICH. Mr. President, the United States Government should be commended for the good work that is being done to raise awareness regarding growing anti-Semitism, both at home and abroad. However, our work is not done.

Earlier this year, I introduced Senate Bill 2292, the Global Anti-Semitism Review Act of 2004. This legislation requires the State Department to enhance its reporting on anti-Semitism worldwide. It requires the State Department to submit to Congress a report on anti-Semitism this November. This report must include detailed information for each country, including, first, a description of physical violence against or harassment of Jewish people or community institutions, such as schools, synagogues, or cemeteries, that occurred in that country, and, second, the response of the government of that country to such attacks;

What are they doing about that?

Third, actions by the government of that country to enact and enforce laws relating to the protection of the right to religious freedom with respect to Jewish people; and finally, the efforts by that government to promote anti-bias and tolerance education.

Following the report this November, my legislation requires enhanced reporting on anti-Semitism in two existing annual reports: the International Religious Freedom Report and the Human Rights Report.

The Senate passed this critical legislation with strong, bipartisan support on May 7, 2004. Twenty-four of my colleagues joined me as co-sponsors. This underscores the high priority that the United States Senate has given to the fight against anti-Semitism.

It is my sincere hope that the House of Representatives will soon pass this legislation, so that we can see the President sign the Global Anti-Semitism Review Act into law this year. We must do all that we can to move toward the goal of zero-tolerance of anti-Semitism in the world today. The United States must be the leader.

I want my colleagues to know that I made a vow back in 1982 that if the ugly head of anti-Semitism rose, I would do everything in my power to make sure that we cut it off.

I want my colleagues to know this is a passion with me, and I hope it becomes a passion with them. It is important to the world, and it is important to the United States of America.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, let me start by thanking my colleague from Ohio for his passion and for his commitment on this issue. As you know, my colleague from Ohio is very tenacious when he digs into something. It is easy in many ways, perhaps, for me to speak about anti-Semitism. I am of the Jewish faith. It is a very personal issue for me, but if we just talk about it, it is not enough.

I have been through Yad Vashem, which is the museum on the Holocaust in Israel. And there is part of Yad Vashem that is dedicated to the righteous gentiles, those not of the Jewish faith who showed great courage and at times risked their lives and were outspoken in opposition to the Holocaust and helped the Jewish people and other victims of the Holocaust.

I have a deep and profound respect for my colleague from Ohio for all that he has done. That passion is real. It is reflected in all he does, and it is greatly appreciated by all of us concerned about this issue.

Mr. COLEMAN. Mr. President, over 200 year ago, it was written:

> The condition upon which God hath given liberty to man is eternal vigilance; which condition if he break, servitude is at once the consequence of his crime and the punishment of his guilt.

Mr. Jefferson came up with the short version: Eternal vigilance is the price of liberty.

The message is clear and it is urgent. We need to be constantly on the look out for hatred of any kind. And like the spouting of a dangerous weed, we need to deal with it when it is small and before it grows.

That is why a number of us have taken the floor to call attention to a disturbing rise in incidents of anti-Semitism. This is not a fringe expression of free speech. It is the leading edge of danger that has appeared all too often in the last 2,000 years of human history.

One of the ironies of this subject lies in the word ''anti-Semitic.'' In common usage it means prejudice or bigotry against Jews. But when you look up the root word ''Semite,'' you see it refers to members of the Jewish and Arab peoples. Strictly speaking to be ''anti-Semitic'' could mean expressing hatred of Arabs.

That illustrates an important point. A statement of hatred against any group of people should be abhorred by freedom loving people from every group. Because hatred has a way of spreading and hurting people all around its intended target.

As Dr. King wrote in his famous letter from the Birmingham jail, ''Injustice anywhere is a threat to justice everywhere.''

Six million Jews were killed in Europe during the Holocaust. We vowed we would never let it happen again.

But the new millennium has brought to Europe a wave of anti-Semitism unlike anything we have seen since the 1930s.

In France, which is home to Europe's largest Jewish community—with about 600,000—there have been and continue to be more anti-Semitic attacks than elsewhere in Europe. Just last month the Jewish cemetery in Lyon was spray-painted with swastikas, and other anti-Semitic symbols. In Paris this spring, a 12-year-old girl coming out of a Jewish school was attacked by two men who carved a swastika into her face.

Excuses abound for the rise in European anti-Semitism: The changing demography of Europe, as more Muslim immigrants arrive; anger about the renewed Intifada between Israel and the Palestinians; anti-Americanism or anti-globalism manifest as anti-Semitic behavior; and a resurgence of Neo-Nazis and skinhead movements.

At the end of the day, though, there is simply no excuse. Anti-Semitism takes many forms: defaming of Jewish cemeteries; arson of synagogues and Jewish schools; Holocaust denial or inadequate Holocaust education; biased media coverage; and graffiti that says ''Sharon=Hitler.'' This comparison is not only grossly unfair to the Israeli Prime Minister, but more ominously minimizes what Hitler did and stood for. Ominously in this country, we have seen bumper stickers making similar comparisons with our President.

The winning entry in the British Political Cartoon Society's 2003 competition was a picture of Ariel Sharon eating the head of a Palestinian baby with a burning city in the background. ''What's wrong,'' reads the caption, ''you've never seen a politician kissing a baby?''

This is not humor, this is hate.

Some will say, ''Surely a person can criticize the policies of the Israeli government without being an anti-Semite?'' And the answer is of course, yes.

But when criticism of Israel is so prevalent and one-sided, when fully one-third of votes at the U.N. General Assembly criticize Israel and Israel only, when a European public opinion poll finds Israel to be considered the top threat to world peace—ahead of North Korea or Iran, when a U.N. conference in South Africa on racism devolves into a diatribe against Israel—and only Israel, when even non-violent responses by the government of Israel to defend its citizens against terrorism are disparaged, then you have a problem.

Natan Sharansky—a great man for his advocacy for the Soviet Jews and today an Israeli government official—has talked about three ways to determine whether criticism of Israel rises to the level of anti-Semitism. He talks about three Ds: Demonization, double standards, and delegitimization:

Demonization—when Israeli actions are blown so far out of proportion that the account paints Israel as the embodiment of all evil;

Double Standards—when Israel is criticized soundly for things any other government would be viewed as justified in doing, like protecting its citizens from terrorism;

Deligitimization—a denial of Israel's right to exist or the right of the Jewish people to aspire to live securely in a homeland.

When European criticism of Israel is so one-sided and so filled with exaggeration, it reflects a broader bias. And while this kind of criticism of Israel may not always equal anti-Semitism, it certainly creates an atmosphere that tolerates and breeds anti-Semitism.

In recent years, Europe has seen a marked increase in anti-Semitism, but Europe is not alone. Anti-Semitism abounds in the Middle East. It abounds in the Nadrasas, the schools, that teach hate. We have our own problems here in the United States, particularly on our college campuses. And one of the deadliest acts of terror in South America remains the 1994 bombing of the AMIA Jewish Community Center in Argentina—a crime for which not one perpetrator has yet been brought to justice.

The good news is that things in Europe have improved in the last year, and the key to that improvement is leadership.

The Organization of Security and Cooperation in Europe has held important conferences on anti-Semitism. My colleague from Ohio has talked about that, introducing into the RECORD some of the evidence of the works which have drawn attention to anti-Semitism and those that have led to the identification of anti-Semitism as a specific human rights issue as well as a commitment to track anti-Semitic incidents in order to build a better understanding of the problem.

French President Jacques Chirac, to his credit, has said when a Jew is attacked in France, it is an attack on the whole of France. He is right, not just because it is so morally repugnant to target any one group for this kind of violence and hate but because Jews are the canary in the coal mine. Remember, Hitler was not satisfied to simply wipe out the Jews; he set his sights on the disabled, gypsies, Blacks, and others.

Let me reflect about the situation in the United States, particularly on our college campuses. College is supposed to be a place where young people are exposed to diverse experiences and other peoples. Tragically, anti-Semitism in America has found a home on college campuses. There, anti-Semitism at times is fashionable and politically correct. We can forget about diversity of opinion when it comes to Israel.

On our campuses, anti-Semitism looks like virulently anti-Israel professors of Middle Eastern studies; harassment of Jewish students; pro-Palestinian rallies have crossed the line into anti-Semitism, with slogans like ''Hitler did not finish the job;'' fliers around campuses depicting Palestinian children slaughtered according to Jewish rites under American license; vandalism of Hillel buildings at Rutgers in September of this year, at UC Berkeley in the winter of 2002, at the University of Colorado in March of 2002 and again in September of that year.

The poster behind me is of a photograph taken at Cornell University: Weapons of mass destruction. Leader is a war criminal. U.N. resolution occupies foreign countries, with a notation ''bomb Israel.''

It crosses the line. This is not about free speech. This is about hate. This is not something we should see on college campuses, but we do, far too often. That is unfortunate. That is wrong.

A professor at UC Berkeley presented the following course description for a poetry class:

> The brutal Israeli military occupation of Palestine [ongoing] since 1948, has systematically displaced, killed, and maimed millions of Palestinian people. And yet from under the brutal weight of occupation, Palestinians have produced their own culture and poetry of resistance . . . This class takes as a starting point the right of Palestinians to fight for their own self-determination.

That is for a poetry class. And the posting ends with the suggestion, ''Conservative thinkers are encouraged to seek other sections.''

In 2001 to 2002, anti-Semitic incidents at college campuses increased to a worrisome 24 percent, according to the Stephen Roth Institute at Tel Aviv University.

I read an account of a Berkeley student, Micki Weinberg, who was walking

to campus September 12, 2001, the day after the horrific attacks on our Nation. At the entrance to the campus there were huge sheets of blank paper spread out at an impromptu memorial for students, faculty, and others to write thoughts. He saw a message written in big letters. Micki Weinberg set out to add his own thoughts, until he saw one message written in big letters: ''It's the Jews, stupid.''

In closing, I return to the idea that hatred against Jewish people is everyone's concern. I was in Israel a couple weeks ago. The vision that this President has and so many have had is Israel living side by side with a Palestinian state, people free to live their lives and raise their families and grow up with the sense of safety and security. That is what it is about. Safety and security is a prelude to peace and people living together, but the level of hatred, which in the end is a denial of the existence of Israel, simply goes too far. That level of hatred is spread throughout Europe. It has spread to college campuses. It is wrong.

The Reverend Martin Niemoller was a Lutheran pastor living in Germany in the 1930s. His words should be taken to heart by all:

> First they came for the Communists, and I didn't speak up, because I wasn't a Communist. Then they came for the Jews, and I didn't speak up, because I wasn't a Jew. Then they came for the Catholics, and I didn't speak up, because I was a Protestant. Then they came for me, and by that time there was no one left to speak up for me.

We have seen genocide in Europe. We have seen it in Rwanda. We are seeing it today in Sudan. We need to speak up against hatred wherever it rears its head because it literally threatens everyone. The question is, How do we get the hate genie back in the bottle? The genie is out. There is too much hatred. We see it all around us. We see it certainly in what we are seeing today with anti-Semitism. We are seeing it on the American political scene. We have to get the genie of hate back in the bottle. We can do it by educating. We can do it by strengthening our families. We can do it by strengthening our faith, by doing what we are doing today, speaking out on the floor in the hallowed Halls of this great institution and telling the people of this country and telling the people of this world that anti-Semitism is wrong, that we must do all in our power to speak out and make sure it stops. And when it does, the world will be a safer and better place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I am pleased to be in the Senate today with my colleague, NORM COLEMAN. NORM is one of my esteemed new colleagues and can speak with considerable insight on the issue of anti-Semitism, as he hails from the Jewish faith and genealogy. I honor him for being down here speaking about an issue that has been a cancer in the human soul for a long time, and that is anti-Semitism.

I learned at my mother's knee to fight against bigotry and discrimination. I am not Jewish. I was born into the Mormon faith to Mormon parents who in our history knew something of persecution. In fact, many of my Jewish families are surprised to learn that extermination orders have actually been ordered before, even before the pogroms that have beset the tribes of Judah. They were once issued by a Governor of Missouri on the Mormon pioneers, and they set about exterminating them and drove them literally from what was then the United States.

So as a young boy, I had an interest in history. I would watch newsreels of what had recently happened in Germany to the Jewish people. I had a particular sensitivity to that and, again, learned from my mother to befriend the children of Israel.

But what besets the human heart in the form of anti-Semitism is ancient in its origin, even prophesied in Jewish history and Scripture. This morning, as I contemplated Rosh Hashanah, which is the new year, the beginning of the world in the Jewish calendar, I turn to a verse of Scripture that I remember reading many times throughout my life, and that is in the 49th chapter of Genesis where the prophet Jacob is giving blessings to his twelve sons. We know the names of Abraham, Isaac, and Jacob, and Jacob had four wives. His first wife was Leah, and Leah bore him a number of sons, but one of them was named Judah. The blessing that Jacob gave to Judah is very instructive. He says:

> Judah, thou art he whom thy brethren shall praise: thy hand shall be in the neck of thine enemies; thy father's children shall bow down before thee.
>
> Judah is a lion's whelp: from the prey, my son, thou art gone up: he stooped down, he couched as a lion, and as an old lion; who shall rouse him up?
>
> The sceptre shall not depart from Judah, nor a lawgiver from between his feet, until Shiloh come; and unto him shall the gathering of the people be.

If you can break down that language, you will understand that Judah was a leader among the sons of Jacob, and in this patriarchal blessing he was given a leadership role, and he was to be, and his descendants, something of a thorn in the neck of his enemies.

The Torah is full of promises, predictions, prophecies of the Diaspora, of the affliction of the Tribe of Judah. Indeed, there are places in the Torah where it says that all nations will be turned against Israel. The question for us, as human beings and as Americans, is, do we turn against Israel?

I have regarded it as one of the important cornerstones of American foreign policy, that since the Holocaust in the Second World War, the American Nation has stood by the Tribe of Judah in the form of the State of Israel, defended its right to exist, and been an ally to it in its darkest days.

The feelings of anti-Semitism in this world, they ebb and they flow. But I would suggest to you, and all listening, Mr. President, that anti-Semitism is something of a barometer of the human heart. And when we have those feelings, we are on the wrong side. We need not have those feelings. We must not have those feelings because if too many Americans do, the American Nation will join other nations who turn on the State of Israel and the Tribe of Judah.

So, for me, I guess you can discern from my remarks this is a principle of faith, it is a belief that I hold deeply, that part of my public service has, as a cornerstone, friendship to the Jewish people. So as I contemplate what is happening in the world today, as nations turn against Israel again, I am determined to push back. And I am determined to speak out against vicious lies that have been told for centuries against the Jewish people. I would like to share a few of them with you.

I touched briefly upon the depravity of the Second World War, that resulted in the misery and death of 6 million Jews. Yet that spirit that led to such a policy exists in some places even still. Unfortunately, it exists in many of the lands of the Middle East.

Let me give you a few examples.

In November and December of 2002, Egypt aired on state television a series based on the forged and notorious anti-Semitic tract, the so-called ''Protocols of the Elders of Zion.'' The ''Protocols of the Elders of Zion'' is a fraudulent document that reported the alleged proceedings of a 19th century conference of Jews during which they discussed plans to overthrow Christianity and control the world. It has been proven a fraud time and again. Yet some governments of civilized nations continue to propagate this heinous lie.

The Saudi Government daily newspaper Al-Riyadh, in a March 2002 article titled ''The Jewish Holiday of Purim,'' charged that Jews used the blood of non-Jewish youngsters in preparing their pastries for the Purim holiday.

To be precise, the columnist writes:

> Before I go into the details, I would like to clarify that the Jews' spilling human blood to prepare pastry for their holidays is a well-established fact, historically and legally, all throughout history. This was one of the main reasons for the persecution and exile that were their lot in Europe and Asia at various times.

That is a hideous lie. Yet it is reported in a newspaper in Saudi Arabia.

Also reported in this same paper, Al-Riyadh, a Saudi Crown Prince remarked to a gathering of leading government officials and academics in Jeddah that ''Zionists'' and ''followers of Satan'' are to blame for recent terrorist attacks in the kingdom of Saudi Arabia, in particular, a May 1 terrorist attack on foreign oil workers in the city of Yanbu that killed 6 people and injured 25.

This was done by al-Qaida, not the Jews. Yet a Crown Prince of Saudi Arabia felt to blame it on the Jews. Specifically, the Crown Prince said: ''Zionism is behind everything.''

Another issue, a journal titled ''The Muslim Soldier,'' which is published by the Religious Affairs Department of the Saudi Armed Forces, recently contained an article claiming:

> The majority of revolutions, coups d'etat, and wars which have occurred in the world, those that are occurring, and those that will occur, are almost entirely the handiwork of the Jews. They turned to [these methods] in order to implement the injunctions of the fabricated Torah, the Talmud, and the ''Protocols [of the Elders of Zion],'' all of which command the destruction of all non-Jews in order to achieve their goal—namely, world domination.

Again, these are disgusting lies that are propagated supposedly by Syria's people.

The author of an article in an Egyptian Government daily titled ''The Lie About the Burning of the Jews'' defended his piece on Egyptian television by saying:

> This article was scientific research, which relied on many European and American sources concerning this lie, one of the lies upon which the State of Israel was established—the lie about the burning of the Jews in the Nazis' ovens.

I have been to those ovens. I have been to Auschwitz. I have seen the pictures. I have seen the ashes. Any representation like that must be refuted in places like this.

And in Syria, according to the State Department's 2003 International Religious Freedom Report, the:

> Government primarily cites tense relations with Israel as the reason for barring Jews from government employment and for exempting them from military service obligations.

Despite the fact that state-sponsored anti-Semitism is more prevalent in the Arab world, it unfortunately exists in other countries as well. In certain states of India, schools are required to use textbooks that condone Nazism, including detailing its achievements and omitting any reference to Nazi extermination policies or concentration camps.

In Belarus, anti-Semitic literature is sold in government buildings and in stores directly connected with the Belarusian Orthodox Church.

The fact that this kind of hatred exists in the hearts of some people is something that we unfortunately are unable to control. But what we can do, what we must do, is express our distaste and indeed our revulsion that governments around the world feel it is appropriate to promote such hatred.

At the G–8 summit in Sea Island, Georgia, this June, President Bush reached out to our allies to establish a Partnership with the Broader Middle East and North Africa in an effort to advance freedom, democracy, and prosperity in the region. I support the President's approach for peace in the Middle East, and I believe it will only occur if the countries at stake are working together.

So I ask, if governments are actively supporting anti-Semitism and even, at times, the destruction of the Jewish state, how will they be able to convince their populations that peaceful coexistence with Israel is an appropriate course of action? How will they expect their children to live in harmony with their Jewish peers? How will they ever reconcile their malevolent views of the Jewish people?

State-sponsored anti-Semitism around the world is a sinister fact with potentially devastating consequences. We must work tirelessly to highlight its insidious nature at every opportunity. And there are many friends in the Jewish community who ought to be thanked for their efforts to try to stem the tide of anti-Semitism: Specifically, Jess Hordes and Abe Foxman at the Anti-Defamation League for their work on this vital front as well as many of my colleagues here who stand in the Senate to bring attention to this issue.

Anti-Semitism cannot take root unless it starts in our hearts individually. If it starts in our hearts individually, it goes to our homes, our neighborhoods, our schools, and then it hits into our governments. That America never be one of those governments turned against Israel is my hope and my prayer.

I yield the floor.

Mr. BUNNING. Mr. President, as the Senate prepares to adjourn for the Jewish holiday of Rosh Hashanah, I would like to address a recent rise in anti-Semitic events abroad.

In the 50 years since the atrocities committed against the Jewish people in Europe during World War II, we have seen other occasional incidents of anti-Semitism. While anti-Israelism and anti-Semitism are regrettably still commonplace in the Middle East, recent events in France and Indonesia have shown us these feelings of intolerance are on the rise internationally.

Israel has a unique position in the modern world. Its cities and landmarks are sacred to Christian, Jewish, and Muslims cultures. And today, as throughout much of recorded history, it is a land struggling to find peace. Yet despite the conflicts of history and culture, Israel has had the courage to stand strong with the United States of America as an ally in the war on terror and a pillar of strength in an unstable region.

Anti-Semitism, racism, and bigotry all serve to undermine the efforts of peace loving people throughout the world. These misguided prejudices are chains that hold us back from compromise and harmony. The people of America, Europe, the Middle East, and Southeast Asia should not accept the anti-Semitism that has become all too prevalent in the world. As we work toward peace it is important that people from all nations approach international relations with an open mind.

I am pleased that my colleagues in the Senate have brought attention to the growing problem of anti-Semitism in the world today. As several of our colleagues celebrate the Jewish New Year this coming week, let us all take the time to think about ways we can promote understanding and acceptance.

The PRESIDING OFFICER. The minority leader.

ROSH HASHANAH

Mr. DASCHLE. Mr. President, this evening, Jewish families and communities will come together to celebrate Rosh Hashanah, the Jewish New Year, and offer their prayers for a sweet and peaceful year ahead.

Growing up in Aberdeen, my family was close to three Jewish families, the Franks, Feinsteins, and the Preds. They introduced me to the Rosh Hashanah celebration. I have always remembered the warmth of their celebration as well as the generosity and friendship they offered to a young Catholic boy growing up in the neighborhood.

I wanted to take this opportunity to extend my wishes for a Shana Tova, a good year, to my friends in the Jewish community across the country and around the world.

This year, Rosh Hashanah arrives at an auspicious anniversary. This month, we mark the 350th anniversary of the first Jewish settlement in America.

In September of 1654, a small ship carrying 23 Jews from Brazil arrived at the southern tip of Manhattan.

They had been told of a new land founded in the name of religious freedom. So this small group of settlers set out across the ocean to find a home where they could live in peace and follow the tenets of their faith and the dictates of their conscience.

As has been the case with so many immigrants of every faith, from every part of the world and every generation since, they found that home in America.

Throughout the generations, the American Jewish community has been a leader in the effort to ensure that the fundamental American value of religious freedom is honored and protected.

While the history of the American Jewish community offers this Rosh Hashanah a special sweetness, the Jewish community and its friends welcome the High Holy Days with a certain anxiety, as well.

While Israel has taken important steps toward increasing its own security, Israeli families still live under the shadow of terrorism, and the Palestinian Authority has yet to take concrete steps to end the violence.

Just 2 weeks ago, two simultaneous attacks by Hamas suicide bombers took the lives of 16 Israelis. It came as a terrible reminder of the fear that continues to pervade the lives of Israelis.

In addition, friends of Israel have also watched with growing concern as Iran, which is sworn to the destruction of the Jewish state, takes steps toward becoming a nuclear power.

The instability in Iraq, if not brought under control, may one day threaten

the stability of that entire region, including Israel.

At the same time, Jews throughout the world have watched as the terrible specter of anti-Semitism re-emerges in Europe. Jewish cemeteries have been vandalized. Synagogues and Jewish schools have been the targets of terrorism. School children have been attacked for no other reason than they were identified as Jews.

At the recent Berlin Conference on Anti-Semitism held by the Organization for Security and Cooperation in Europe, Elie Wiesel expressed the shock and surprise shared by many of us who hoped that Europe could not so soon forget the history and lessons of the Holocaust.

''Had any pessimist told me,'' Wiesel said, ''that in my lifetime, I would hear stories of Jews in Berlin or Paris being advised by friends not to wear a [skullcap] in the street so as not to attract hostility and peril, I would not have believed it. But it now has become reality.''

Wiesel concluded by warning the conferees that ''the history of Nazism teaches us that hatred is like cancer. It often grows underground, and when detected it is too late. If unchecked immediately, it will invade its natural surroundings. What began in the mind will destroy the brain. Then the heart.''

The OSCE's Berlin Declaration, calling for a coordinated, international response against the crimes of anti-Semitism and racism, was an important step forward for Europe and the world. But its words must be backed with real action and commitment.

It is not enough to speak out against racist attacks. Wherever the crime of anti-Semitism is committed, the world has a shared responsibility to ensure the perpetrators are punished.

Therefore, I have asked the U.S. Commission on International Religious Freedom to follow through on each of the recommendations of the Berlin Declaration.

In addition, later today Senator DODD and I will send a letter to the Commission calling on it to investigate why 10 years after the bombing of the Jewish Community Center in Buenos Aires, none of the terrorists responsible have been brought to justice.

The United States must make a clear statement. If you wish to be a member of the family of nations, you cannot turn a blind eye to the violence of anti-Semitism and racism.

We are all bound by a common obligation to fight for justice and to fight for peace. And in a way, Rosh Hashanah can serve as a reminder of these shared responsibilities.

This year also represents another anniversary celebrated by Americans and the American Jewish community in particular. 2004 marks the centennial of the birth of one of America's greatest writers and storytellers, Isaac Bashevis Singer.

In a story entitled, ''Joy,'' Singer tells of a Rabbi from a small Russian village who suffers the loss of each of his six children. His faith is shaken, and he turns his back on his tradition and community. On the eve of Rosh Hashana, he sees a vision of his youngest daughter who had died many years earlier, and his faith is restored. He immediately goes to the synagogue and asks to speak. Because of the lunar calendar, Rosh Hashana always coincides with the new moon. So he asks, what is the meaning of the fact that ''the moon is obscured on Rosh Hashanah?''

The answer, he says, is that ''on Rosh Hashana one prays for life, and life means free choice, and freedom is mystery. . . . If hell and paradise were in the middle of the marketplace, everyone would be a saint.

''Of all the blessings bestowed on man, the greatest lies in the fact that God's face is hidden from him.

''Men are the children of the Almighty, and He plays hide and seek with them. He hides His face, and the children seek Him, while they have faith that He exists.''

In a way, the search that Singer speaks of connects us all. Individually and as a nation we try to find the wisdom and the courage to do what is right, and to extend justice here at home and throughout the world.

The way may not always be clear. But alongside our friends in the Jewish community, this Rosh Hashana we can recommit ourselves to creating a world where no one, anywhere in the world, suffers the kind of persecution and violence that led that small band of Jewish settlers to flee half way across the world more than 350 years ago. The memory of their voyage and the beginning of Rosh Hashana remind us of this historic aspect of our Nation's role in the world, and call us back to our duty.

VIOLENCE AGAINST WOMEN ACT

Mr. DASCHLE. Mr. President, today marks the 10th anniversary of the Violence Against Women Act. We are also coming up on the 2nd anniversary of the loss of two champions of the fight to end domestic violence.

Senator Paul Wellstone was a key leader in the bipartisan effort to pass the Violence Against Women Act. And, as she was in every great cause he took on, Sheila Wellstone was Paul's indispensable partner. Paul and Sheila's commitment to ending domestic violence continues today through the work of Wellstone Action and the Sheila Wellstone Institute. This morning, Paul and Sheila's work was recalled at a gathering here in the Capitol of people who are working to protect America's families from domestic violence. We applaud them.

Much good has come about because of the Violence Against Women Act. There are more domestic abuse hotlines today than there were 10 years ago, and more shelters. There are more doctors, nurses, therapists, teachers, police officers, judges and others today who recognize the signs of domestic violence, and know how to help if they see those signs. We have made progress. But there is more we need to do.

Each year, more than 1 million women in America are victims of domestic violence, and more than 3 million American children witness domestic violence every year. Protecting the victims of domestic violence is essential but it is not enough. Next year, when Congress reauthorizes the Violence Against Women Act, we need to do more to prevent domestic violence, and to help the children who witness such violence. It's the only way we will ever break the cycle of violence.

In South Dakota, in Rapid City and on the Pine Ridge Reservation, a nonprofit organization called Sacred Circle is helping to break the cycle of violence by providing domestic violence prevention and intervention services. There are similar organizations doing good work in communities all across America—native and non-native, rich and poor.

On this 10th anniversary of the Violence Against Women Act, we thank those organizations for the life-saving work they are doing. We acknowledge the victims and survivors of domestic violence. And let us also vow to do even more to finally break the cycle of domestic violence.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

ROSH HASHANAH AND HOPE

Mr. KENNEDY. Mr. President, it is entirely appropriate that the Senate pause today at the celebration of Rosh Hashanah. This, the people's body—the House of Representatives and the Senate—demonstrate their great respect for a very important Jewish holiday that symbolizes so much that is important not only in terms of their faith, but also underlies a very important value and spirit of this country, and that is the spirit of hope and optimism, portrayed by the dipping of apples into honey, symbolizing that one is going to have a better, more hopeful, and sweeter year. It is a message of hope, and it reminds us of a long tradition that hope is deeply rooted in a spiritual setting. It is entirely appropriate for us as a nation as well to share that sense with our Jewish friends, and also draw lessons from that very special occasion.

So I pay tribute to all of our friends who are celebrating this spiritual holiday today and thank them again for reminding us as a nation and reminding the world of that extraordinary spirit, which is reflected in that tradition and which is symbolized today in Israel in its continued struggle for existence and for religious liberty.

Mr. President, I speak today about this issue of hope, and where it is and where it is not in terms of our own society, and what I think we should be attempting to do about it.

I believe we ought to take a look at what is being represented to the American people, particularly on the issues of the economy. Under our constitutional system, we are in a period where we will be making judgments as to the course we are charting for the future. I believe, on the one hand, that we do have a road toward hope, particularly for working families. I think the last 3 years has been a road of burden and a quaky road for hard-working Americans.

I review the record for the Senate again and for the American people as we are looking forward to these next 6 or 7 weeks and making judgments and decisions about the direction that we should follow. I don't think it is anywhere clearer than in the state of our economy and what has happened to average working Americans in our Nation. There has been an economic squeeze that has resulted in American families working harder, working longer, and falling further and further behind. It doesn't have to be this way.

We have seen at other times when we have had Presidential leadership, where we have had the strong, expanding, and growing economy, with economic growth and price stability, and the reduction of unemployment. We have seen it in most recent times under President Clinton. We saw it in the early 1960s under President Kennedy prior to the time of the Vietnam war buildup in the latter part of the 1960s.

Really, the issues of economic growth, price stability, and economic expansion is directly related to Presidential leadership. What is happening to the middle class today is an extraordinary set of pressures on working Americans that is giving them an extraordinary squeeze in terms of their sense of hope and optimism in terms of the future. I have reviewed, in the course of my discussions yesterday, what is happening in terms of the health care crisis—the fact that premiums in the area of Medicare have increased fivefold, five times the increase that seniors are receiving in their Social Security from their COLA benefits. As a result, the pressure is going onto our seniors. But if we look at this chart, which is a reflection of the last year, we will find that health insurance premiums—this is as of July 2004. We have also seen in the last month that this figure is 11.2 percent for employee-provided coverage. But in this year, private health insurance premiums have gone up 8.5 percent; the cost of tuition this year is up 14.6 percent; housing is up 7.7 percent; and what has happened to wages of workers in real terms is that they are down .9 percent.

Workers are working longer, families are working harder. Nonetheless, when you take the indicators, they need the health insurance. And more often than not, they have children they are trying to educate, and they are finding college tuition going up and the cost of housing is increasing, but their wages are not.

Yet we hear time and again that the economy is getting stronger and the economy is getting better. The President says that time and again. He said it just this last week. If you look at this, he said:

> The economy of ours is strong and it's getting stronger.

He said that on September 13 in Muskegon, MI. Since Bush took office, we have seen 250,000 jobs lost in Michigan, and 80,000 jobs lost in Colorado. This idea about the economy getting stronger has been repeated time and again over the course of this last year.

The President said there would be tax cuts for the middle class and then gave the tax cuts to the wealthy. He said those tax cuts were for economic stimulus, but we know if the President had spent the $700 billion on programs such as unemployment insurance, tax cuts for low-wage workers who really need it, instead of giving the $700 billion in tax breaks to the wealthy, 2 million more Americans would be employed today, and economic growth would have been twice as fast.

You cannot believe this administration on the economy, and you cannot trust them to do the right thing for the middle class. Middle-class working families are being squeezed in every direction by the Bush economy. And the ability of American families to live the American dream is increasingly out of reach with each passing year as they find it harder and harder to earn a living, pay a mortgage, pay rent, pay their medical bills, their food and energy bills, and still send their sons and daughters to college.

Yet we keep hearing only happy talk from the administration. As I mentioned, in Muskegon, MI, the President praised the economy: This economy of ours is strong and getting stronger. But still we have seen the loss of jobs. Michigan is one of 44 States that has higher unemployment today than when the recession began.

A week and a half ago at the Republican convention, the President said: We have seen a shaken economy rise to its feet. Our economy is growing again, creating jobs. Nothing will hold us back. But since the President took office, the overall number of jobs in the economy has fallen by 900,000. Since many of the new jobs created are in the public sector, the private sector is down even more, 1.7 million jobs, and manufacturing has been especially hard hit, 2.7 million jobs. President Bush has the worst job record of any administration since the Great Depression.

Vice President CHENEY has a novel approach to the economy. He said the lackluster economic indicators do not reflect reality because they do not include the hundreds of thousands who make money selling on e-Bay. That is a source that did not even exist 10 years ago. CHENEY told an audience in Cincinnati last week that 400,000 people make some money trading on e-Bay.

First the Bush administration tried to count hamburger flippers as manufacturing jobs. Now they want to call e-Bay traders an economic indicator. No wonder the Vice President told a crowd of workers in New Hampshire last week: We think we are on the right track and we are headed in the right direction.

Tell that to the more than 8 million Americans who are currently unemployed, and tell that to the 1.6 million long-term unemployed who have been out of work more than 6 months, more than double when the President took office.

We have to look at these employment figures and what has happened over the recent year. This chart shows the job growth of this President, which is the worst since World War II. These are the total job recoveries. This blue line is before 1991. This green line is an indicator of what happened with job growth from 1991 to 1993, and the red line is the current recovery. This is all from the Bureau of Economic Analysis. These are all solid figures. The fact is, we are growing in employment at a slower rate.

Let's just take the total number of jobs in our country in the private sector. In January 2001, there were 111,609,000 jobs. As of August 2004, 1.7 million jobs have been lost from 2001 to 2004, and yet we have this administration saying the economy is strong, the economy has never been better, the economy is getting stronger.

What planet is this President living on?

Let's look at what has happened in terms of the jobs that have been created. Let's look at what the pay was for the jobs that have been replaced.

Mr. President, $51,270 is the average pay for industries that are losing jobs. The new jobs, those in growing industries, pay 41 percent less. So here we have a record that is indefensible in terms of the number of jobs that are out there in the private sector, in particular, and then when we look at what the salaries are for people who are working, we find out they are getting paid less when health care costs are going through the roof, tuition is going through the roof, and rent is going through the roof.

What does this mean in real terms? What is happening to American families? What with all of these statements that are being made by this President and the Vice President out on the campaign trail, let's just look at what has been happening in our country over the last 3 years.

There are 13 million children hungry or on the verge of hunger, 8 million Americans unemployed, and nearly 3 million have lost unemployment benefits since the Republicans ended the program with $20 billion in surplus in the unemployment compensation fund that these workers paid into.

Do you hear me? These workers paid into that fund, and this administration is denying them the ability to draw on it. That is the 3 million who have lost unemployment benefits and, oh, yes, the economy is getting better.

We have 7 million low-wage workers who have been waiting 7 years for an increase in the minimum wage—7 years. I noted last night when I was watching the news that the House of Representatives, under the Republican leadership, just voted itself another pay increase, the seventh pay increase since the last time we increased the minimum wage—seven pay increases.

We cannot even get an up-or-down vote on minimum wage because of the Republican leadership in the Senate of the United States and because of the Republican President. It has only been in the last few years that this has become a partisan issue. President Nixon voted for an increase in the minimum wage. President Bush 1 voted for an increase in the minimum wage. President Reagan voted for an increase in the minimum wage. But not President Bush 2. No, no, we are not going to permit an increase in the minimum wage. We are going to give tax breaks to wealthy individuals but nothing in terms of an increase in the minimum wage.

And 6 million workers have lost overtime protections, and in spite of the fact that a bipartisan coalition in the House of Representatives and the Senate of the United States rejected that policy, they still have gone forward with it. This chart shows the votes on overtime protection. The Senate voted September 10, 2003, to reject the restrictions on overtime advanced by the administration. The House voted on October 2, 2003, 221 to 203. The Senate voted May 4, 2004, 52 to 47. The Senate voted on May 4, 99 to 0. The House voted on September 9, 2004, 223 to 193. The House of Representatives in a bipartisan vote and the Senate in a bipartisan vote said no, and still they are going ahead. And the President says they are the friends of working families?

We heard the administration trying to defend this overtime restriction that it has been long overdue and it will provide greater relief for lower income working families; they will have greater stability in their pay increases, and this is a simplification of the rules. Always look out when you hear that kind of chatter. Always look a little behind the rationale for taking such policy.

Look at this:

> The National Restaurant Association requests that the Department of Labor include chefs under the creative professional category as well as the learned professional category. . . .

That was from a National Restaurant Association letter to the Department of Labor. Here we have the National Restaurant Association urging the administration to restrict the coverage of overtime in terms of those who are working in the kitchen.

> The Department concludes to the extent a chef has primary duty of work requiring invention, imagination, originality or talent, such chef may be considered an exempt creative professional.

Here is the association asking the administration to restrict overtime, and guess what. It is just what the administration did.

The list goes on. We have other charts that indicate for other industries as well. That is illustrative. We have 4.3 million more Americans living in poverty.

There are 800,000 more children living in poverty today than 2001, 4.3 million more Americans in total living in poverty. They are against any increase in the minimum wage, cutting back on the unemployment compensation that could help these families transition, pay their mortgages, pay their bills. No, we are cutting that out. These are hard-working Americans who paid in. No, they are not going to get that. That is what they have done. But, no, the economy is strong and getting stronger. Yet there are 4.3 million more Americans who are living in poverty, 800,000 of them children.

I have given the example of what was happening for individual jobs, for contracting industries and expanding industries, the disparity in payment in the new jobs. This also affects the household income because we know now that many more women are working and they are participating in the market, too. So is it not fair to say, let us look at what has happened in household income?

Remember the first chart that showed health care going up through the roof, that showed tuition going up through the roof, that showed rent or housing going up through the roof? This is what has happened now. In the year 2000, median household income in the United States was $44,853. The median income in 2004 is $43,318. It is a drop of $1,500 for average working families in America. That is last year, and this year it goes down even further. And everything is fine for working families, for middle-income families?

The same administration, again, is against increases in minimum wage, unemployment, and against overtime. This is what results. They are shipping jobs overseas, and they support a Tax Code that the administration knows has loopholes which they refuse to close down. This is what is happening.

Let me give a couple of other indicators of what is happening to middle-income families. Look what has happened to gasoline. I do not know how it is in South Carolina, but I know how it is in Massachusetts, and that is that many workers have to drive many miles in order to get employment. That has been fairly consistent. We had great pockets of significant unemployment for years. The interstate system and rail have opened up some hope and some opportunities, and here we find out what has happened with gas. Gas has gone up 23 percent in 2004, and the wages again are down. They pay more in terms of gas.

One of the most extraordinary things that absolutely amazes me is what has happened to milk. When I was home in Massachusetts a week ago in a grocery store, milk was $4.11 a gallon. I do not know, maybe it is a little bit less in some other parts of the country, but how in the world, when one is making $5.15 an hour, does a family or a single mom afford a gallon of milk in order to provide for their child? How do they do that with milk prices going up? These are the real economic indicators.

That is why the credibility of this administration, when it says everything is rosy, the economy is fine, is no better than it was when it misrepresented the facts in Iraq. They misrepresented, distorted, deceived the American people as to what was happening in Iraq and brought us into the terrible quagmire we are facing today, and the same is true with regards to the economy. It is incompetency, and that is what has been happening.

Well, we can say, all right, Senator KENNEDY, look, there has certainly been some increase for the workers with jobs. Well, let us look at productivity. Let us look at the American workers. Is it the American workers' fault?

This chart is from the Economic Policy Institute, their analysis of data from the Bureau of Labor Statistics. This is what is happening from 2001 through 2004 in the areas of productivity and wages. Historically, when we have had an increase in productivity, we have seen wages go up. I can put five more charts up going on back to the postwar period and they would all reflect the fact that with increase in productivity, there are increased wages, but not under the Bush administration. Workers are more productive today than they have ever been, but do my colleagues think that has been reflected in wages? Absolutely not. Why? No overtime, cutting back on the overtime. And because of the minimum wage, failing to get the bump for those who are working at the lower wage. This productivity represents the greatest gap we have had since the Great Depression, and there is a squeeze on the wages of the American economy. But, no, no, this economy is strong and getting stronger.

Well, it is for some in America, and this chart indicates who the economy is getting strong and stronger for. All one has to do is look at this chart from 2001 through 2004 and see where the workers' efforts are going. I just showed what was happening in productivity. Well, look what has happened. Corporate profits, their share has gone up 65 percent. They have effectively swallowed up all of the productivity. Do my colleagues think they have shared it with the American workers? Absolutely not. They have sucked all of that productivity up in these corporate profits. What does the administration say? Look, the economy is getting along fine. It is working well. It is strong and it is getting stronger. As a result of this, it is no mystery about what has been happening in America.

This shows the pay of the average CEO. We now have the highest paid disparity between CEOs and the average

worker. The average worker makes $26,000, and the difference is 300 times, and that is what is happening.

I will show what has happened historically when I was talking about the increase in productivity, and then what we have seen is the increase in corporate earnings that has reached the record figures. Look what happened during the average last eight recoveries: Corporate profits went up 14 percent, wages 8.6 percent. That is what has happened really over the period of the last 50 years—the corporate profits went up and wages went up.

Look what has happened in the current recovery. Corporate profits are up 39.6 percent, and workers' wages lost five-tenths of 1 percent. Oh, the economy is fine.

Does it begin to have a ring, I say to my friends? Take any indicator—wages, productivity, what is happening with minimum wage, unemployment compensation, and overtime—take any indicator in terms of where working families are in this economy and they are falling further and further behind.

One of the areas that I feel so strongly about is the issue of the increase in the minimum wage. I have been proud to be a sponsor of the increases since I arrived in the Senate in the early 1960s. We have had some success, in a bipartisan way, trying to get the minimum wage up so people do not have to live in poverty. Without the increase in the minimum wage, it is now at $5.15. Its purchasing power by the year 2005 will put it at one of the lowest levels of purchasing power ever.

Who are these workers with a minimum wage? These are proud men and women, men and women of dignity. They clean out the great buildings of American industry every day. They are assistants to teachers in urban and rural areas all across this country. They work at nursing homes, looking after our parents. Our parents are in these nursing homes. These minimum wage workers are men and women of dignity. They have not gotten any increase over the period of the last 7 years, in spite of the fact we in the Congress have voted ourselves pay increases six times, and more recently in the House seven times. Over $20,000 for the individual Members of the House and Senate, but we cannot get a vote on raising the minimum wage in the Senate.

The issue of minimum wage is a women's issue, because the great majority of those who receive minimum wage are women. The great majority of the women who receive the minimum wage have children, so it is a women's issue and a children's issue. It is basically a family issue.

We hear a lot of rhetoric here about family and family values. The minimum wage is a family issue. Will these women, single women for the most part, be able to see their children? No, they have to get two or three jobs. They are lucky if they see their children at all. It is a family issue.

It is a civil rights issue because so many of those who work at the minimum wage are women of color. Women's issue, children's issue, civil rights issue—but most of all, it is a fairness issue. What the American people understand is fairness. What the American people understand is, if people are ready to work 40 hours a week, 52 weeks a year, they should not have to live in poverty and their children should not have to live in poverty, either.

Oh, no, says President Bush. Oh, no, says President Bush. Oh, no, says the Republican leadership. You can't even have a vote in the Senate. When we offered that minimum wage increase on the State Department reauthorization, what did our Republican friends do? No, no, we are not going to vote; we are scared of that. We pulled the bill. We pulled the bill, so you are denied the opportunity to vote on it.

America, do you hear me? That is this Bush administration and that Republican leadership. They are saying: Oh, the economy is fine. Everything is fine. This is a wonderful economy, growing stronger. What about those 7 million men and women at lower level jobs? What about those who have been on unemployment? What about all those who have given up? We thought we were one country with one history and one destiny. Oh, no.

I have described some of what I think are the basic failings of the current administration. I want to include in the RECORD today the answers to many of these failings that my friend and colleague, Senator KERRY, has proposed. He has done so during the course of the campaign. It is on the Web site. He has outlined in great detail today in Cobo Hall in Detroit. The article is in the Wall Street Journal today, ''My Economic Policy.'' He outlines what he will do to create jobs. He understands middle-class taxes and their health care costs.

I read into the RECORD yesterday what President Bush had to say about health care. I am sure he meant it in a flattering way. He said, out in Michigan: And JOHN KERRY has a program that is going to be costly. What can you expect from a Senator from Massachusetts? Ha-ha-ha. And he got some laugher out in the audience on that part.

I will tell you what I care about in health care, having battled for it for 30 years, and that is every American have the same kind of health care as President Bush has. That is what I care about. That is what JOHN KERRY cares about. You can distort it, misrepresent it, which President Bush did, and then differ with it, which he did as well. That is an easy debate technique that is used around here frequently. Let's recognize it for what it is. Distortion, misrepresentation—does this have a ring to it? You didn't get the facts when he came to Iraq, why in the world should you believe it when they distort and misrepresent JOHN KERRY's health care program?

There is a basic limitation on American people being able to buy into the kind of health care program that every Member of the Senate and House has. I wonder how many of those people, the 3,000 or 4,000 people out there listening to the President, have the same kind of benefit program we have? We pay a 25-percent premium and the taxpayers pay 75 percent. Wouldn't every American like that one?

If we are so concerned about the Federal employees' health insurance, let's give it up and go back, like every other American, except those 11 million or 12 million of us who are able to get in the Federal employees' program. How about it? Not a chance.

So until you do, let's be easy in characterizing JOHN KERRY's program. Here it is: creation of jobs, cut middle-class health care costs, restore America's competitive edge, cut the deficit, restore economic confidence. I will not read through it.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 15, 2004]

MY ECONOMIC POLICY

(By John Kerry)

As I travel across this country, I meet store owners, stock traders, factory foremen and optimistic entrepreneurs. Their experiences may be different, but they all agree that America can do better under an administration that is better for business. Business leaders like Warren Buffett, Lee Iacocca and Robert Rubin are joining my campaign because they believe that American businesses will do better if we change our CEO.

Since January 2001, the economy has lost 1.6 million private-sector jobs. The typical family has seen its income fall more than $1,500, while health costs are up more than $3,500.

Today, American companies are investing less and exporting less than they were in 2000—the first time investment and exports have been down during any presidential term in over 70 years. At the same time, our trade deficit has grown to more than 5% of the economy for the first time ever, a troublesome and unsustainable development.

The economy still has not turned the corner. Over the last year, real wages are still down and even the jobs created in the past 12 months represent the worst job performance for this period of a recovery in over 50 years. Indeed, the total of 1.7 million jobs created over the last year is weaker than even the worst year of job creation under President Clinton, and below what is needed just to find jobs for new applicants entering the work force.

Forty-three months into his presidency, George Bush's main explanation for this dismal economic record is an assortment of blame and excuses. Yet what President Bush cannot explain is how the last 11 presidents before him—Democrats and Republicans—faced wars, recessions and international crises, and yet only he has presided over lost jobs, declining real exports, and the swing from a $5.6 trillion surplus to trillions of dollars of deficits.

While the private sector will always be America's engine for innovation and job creation, President Bush has failed to take any

responsibility for missing opportunities to strengthen the conditions for investment, economic confidence and job creation.

When the economy needed short-run stimulus without increasing the long-run deficit, President Bush got it backwards, passing an initial round of tax cuts that Economy.com found had no effect in lifting us out of recession. He then passed more deficit-increasing tax cuts that Goldman Sachs described as ''especially ineffective as a stimulative measure.'' When small businesses and families needed relief from skyrocketing health-care and energy costs, he chose sweetheart deals for special interests over serious plans to reduce costs and help spur new job creation.

With the right choices on the economy, America can do better. American businesses and workers are the most resilient, productive and innovative in the world. And they deserve policies that are better for our economy. My economic plan will do the following: (1) Create good jobs, (2) cut middle-class taxes and health-care costs, (3) restore America's competitive edge, and (4) cut the deficit and restore economic confidence.

Create good jobs. I strongly believe that America must engage in the global economy, and I voted for trade opening from Nafta to the WTO. But at the same time, I have always believed that we need to fight for a level playing field for America's workers.

I am not trying to stop all outsourcing, but as president, I will end every single incentive that encourages companies to outsource. Today, taxpayers spend $12 billion a year to subsidize the export of jobs. If a company is trying to choose between building a factory in Michigan or Malaysia, our tax code actually encourages it to locate in Asia.

My plan would take the entire $12 billion we save from closing these loopholes each year and use it to cut corporate tax rates by 5%. This will provide a tax cut for 99% of taxpaying corporations. This would be the most sweeping reform and simplification of international taxation in over 40 years. In addition, I have proposed a two-year new jobs tax credit to encourage manufacturers, other businesses affected by outsourcing, and small businesses that created jobs.

American businesses are the most competitive in the world, yet when it comes to enforcing trade agreements the Bush administration refuses to show our competitors that we mean business. They have brought only one WTO case for every three brought by the Clinton administration, while cutting trade enforcement budgets and failing to stand up to China's illegal currency manipulation. That not only costs jobs, it threatens to erode support for open markets and a growing global economy.

Cut middle-class taxes and health costs. Families are being increasingly squeezed by falling incomes and rising costs for everything from health care to college. But spiraling health-care and energy costs squeeze businesses too, encouraging them to lay off workers and shift to part-time and temporary workers.

Under my plan, the tax cuts would be extended and made permanent for 98% of Americans. In addition, I support new tax cuts for college, child care and health care—in total, more than twice as large as the new tax cuts President Bush is proposing.

I have proposed a health plan that would increase coverage while cutting costs. It builds on and strengthens the current system, giving patients their choice of doctors, and providing new incentives instead of imposing new mandates.

My health plan will offer businesses immediate relief on their premiums. By providing employers some relief on catastrophic costs that are driving up premiums for everyone, we will save employers and workers about 10% of total health premiums.

Our hospitals and doctors have the best technology for saving lives, but often still rely on pencil and paper when it comes to tracking medical tests and billing. As a result, we spend over $350 billion a year on red tape, not to mention the cost of performing duplicative or redundant tests. My plan will modernize our information technology, create private electronic medical records, and create incentives for the adoption of the latest disease management.

And I won't be afraid to take on prescription drug or medical malpractice costs. We will make it easier for generic drugs to come to market and allow the safe importation of pharmaceuticals from countries like Canada. Finally, we will require medical malpractice plaintiffs to try nonbinding mediation, oppose unjustified punitive damage awards and penalize lawyers who file frivolous suits with a tough ''three strikes and you're out'' rule.

This plan will make our businesses more competitive by making our health care more affordable.

Restore America's competitive edge. America has fallen to 10th in the world in broadband technology. Some of our best scientists are being encouraged to work overseas because of the restrictions on federal funding for stem-cell research. President Bush has proposed cutting 21 of the 24 research areas that are so critical to long-term growth. We need to invest in research because when we shortchange research we shortchange our future.

My plan would invest in basic research and end the ban on stem-cell research. It would invest more in energy research, including clean coal, hydrogen and other alternative fuels. It would boost funding at the National Science Foundation and continue increases at the National Institutes of Health and other government research labs. It will provide tax credits to help jumpstart broadband in rural areas and the new higher-speed broadband that has the potential to transform everything from e-government to telemedicine. I would promote private-sector innovation policies, including the elimination of capital gains for long-term investments in small business start-ups.

To ensure we have the workers to compete in an innovation economy, we need more young people to not only enter but complete college, we need more young women and minorities to enter the fields of math and science, and we need to make it easier for working parents to get the lifelong learning opportunities they need to excel at both their current and their future jobs.

Cut the deficit and restore economic confidence. When President Bush was in New York for the Republican convention, he did not even pay lip service to reducing the deficit. His record makes even Republicans wary. From missions to Mars to a pricey Medicare bill, President Bush has proposed or passed more than $6 trillion in initiatives without paying for any of them. The record is clear: A deficit reduction promise from George W. Bush is not exactly a gilt-edged bond.

Americans can trust my promise to cut the deficit because my record backs up my word. When I first joined the Senate, I broke with my own party to support the Gramm-Rudman-Hollings deficit reduction plan, which President Reagan signed into law. In 1993, I cast a deciding vote to bring the deficit under control. And in 1997, I supported the bipartisan balanced budget agreement.

I will restore fiscal discipline and cut the deficit in half in four years. First, by imposing caps, so that discretionary spending—outside of security and education—does not grow faster than inflation. If Congress cannot control spending, it will automatically be cut across the board. Second, I will reinstitute the ''pay as you go'' rule, which requires that no one propose or pass a new program without a way to pay for it. Third, I will ask for Congress to grant me a constitutionally acceptable version of line-item veto power and to establish a commission to eliminate corporate welfare like the one John McCain and I have fought for.

I am not waiting for next year to change the tone on fiscal discipline. Every day on the campaign trail, I explain how I pay for all my proposals. By rolling back the recent Bush tax cuts for families making over $200,000 per year, we can pay for health care and education. By cutting subsidies to banks that make student loans and restoring the principle that ''polluters pay,'' we can afford to invest in national service and new energy technologies. My new rules won't just apply to programs I don't like; they will apply to my own priorities as well.

Cleaning up President Bush's fiscal mess will not be easy, but to ensure a strong and sustainable economic future we have to make the tough choices to move America's growing deficits back in the right direction.

On Nov. 2 we will have a national shareholders meeting. On the ballot will be the choice to continue with President Bush's policies or return to the fiscal sanity and pro-growth polices that proved so successful in the 1990s. You will choose.

Mr. KENNEDY. Mr. President, I want to review again the circumstances we are facing. We have many Americans in working families working longer and working harder. The fact is, Americans work longer and harder than people in most of the industrialized world. We are one of the few—I don't know another one—where we have seen real income for working families drop, as we have seen over the period of the last 3 years.

This is an indication of a failed and flawed economic policy. No matter how many times you tell the American people that everything is rosy, that is clearly not speaking about Main Street. They may be talking about Wall Street, but they are not talking about Main Street.

When we hear the Vice President saying the lackluster economic indicators don't reflect the reality because they don't include the hundreds of thousands who ''make money selling on eBay, that is a source that didn't even exist 10 years ago,'' and when they try to characterize flipping hamburgers as ''industrial jobs,'' we are not getting the real story. We are not getting the real story on Iraq. We are not getting the real story on health care. We are not getting the real story on education. We are not getting the real story on the economy.

I hope the American people will pay careful attention over the next 6 weeks and try to understand the real story. When they do, I believe JOHN KERRY will have their support.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

MORNING BUSINESS

Ms. LANDRIEU. Madam President, I ask unanimous consent that there be a period of morning business for debate up to 90 minutes, with the first 45 minutes under the control of the Democratic leader and the remaining time under the control of the majority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

HURRICANES

Ms. LANDRIEU. Madam President, I rise to speak this morning about a very important issue for the country, particularly for the gulf coast region and the State of Louisiana.

Madam President, as you know, although your State of Alaska is not located in the southern part of the Nation, you and other members of society are well aware of the devastation that occurred to our coastal communities, whether on the eastern coast or southeastern coast or the central gulf.

As is the case this morning, Hurricane Ivan, a category 4 hurricane bearing down on the gulf coast region, according to the latest weather reports and indications based on good research that is being done here by many of our Federal agencies, we can somewhat predict the path of the hurricane. With our most sophisticated systems, radar and weather tracking, pinpointing with some accuracy, there is a projection of where this killer storm, this major storm, may hit. It seems as though it has turned north and is headed right now to the Mississippi-Alabama line, but it could move within the next 12 hours to the east or to the west.

As we wrap up our business here in Washington, the entire gulf coast, and the State I represent, Louisiana being one of those Gulf Coast States, Mississippi and Alabama and the panhandle of Florida, is under a mandatory evacuation. Why? It is because this is a huge storm. It is a category 4. We hope and pray, and there are some indications, that it will change to a category 3. But it is a major storm with high winds of 165 miles per hour.

It is not the first time a storm of this size or intensity has hit the gulf coast. We know by reading history. Several decades ago, some of us actually lived through extremely powerful and killer storms like Camille or Betsy in Louisiana and other States throughout the gulf coast that proved to be very dangerous, with loss of life and billions of dollars in property loss.

We don't have to be reminded that Florida has just been hit in the last 3 weeks twice already. This one will be of historic devastation in Florida, having had three hurricanes hit in such a short period of time.

I want to speak this morning about what we can do here in Washington a little better, with a little more energy, with a little more focus to help the people in Louisiana and throughout the gulf coast area. Not only do they deserve our help, but because of the energy industry and the economic benefits they bring to the whole country, they not only need our help, they deserve our help. They deserve our attention.

As I have stated, the hurricane is to make landfall sometime in early Thursday morning, sometime between 1 a.m. and 6 or 7 a.m.

The people of Louisiana know the devastation this kind of storm can bring. Let me show a picture because I think a picture is worth a thousand words. While this looks terrible and horrible—and it is very frightening, as you can see a woman, standing water rising over her waist, trying to get to safety—this is not a hurricane. This is only a tropical storm. This was Tropical Storm Isidore that hit the gulf coast in 2002. This wasn't a category 1 hurricane. We are talking about severe devastation when a category 3 or category 4 or category 5 hurricane pushes that water out of the gulf, out of Lake Ponchartrain into the tremendously populated areas around the gulf coast.

This is what people have been fleeing from for the last 36 hours. When I say fleeing, I mean all of the interstates going north out of Mississippi, Alabama, and Louisiana, and interstates going west, as people try to leave the east and head for safety toward Houston. They have been, at times, in bumper-to-bumper traffic for hours. People can walk faster than the rate the cars are moving. Luckily, the Governors of these States are very skilled and able, the local elected officials have been through this many times and were quick to see the danger, even though the path could not be predicted, and were quick to call for evacuations days ago. This morning, we received reports that the highways are clearing in some parts along the Gulf of Mexico. Some families spent yesterday 12, 13, 14 hours in automobiles, going less than 5 miles per hour as they tried to find safety and shelter all along the gulf coast to flee a storm of this magnitude.

Again, this is not a picture of a hurricane. This is a tropical storm. That is why people are fleeing in the gulf area.

I will speak for a moment about energy and about what the gulf coast contributes to the energy independence and energy security of this Nation. As millions of people have been leaving their homes to flee to higher ground, 442 rigs or platforms have been deserted by companies in the Gulf of Mexico. When I say deserted, not just, of course, left to wreak havoc, but they have been tied down, secured, supported. All nonessential emergency personnel have had to move out of the Gulf of Mexico. This evacuation represents 50 percent of the manned rigs and platforms in the gulf.

Right now, oil and gas from the Gulf of Mexico and coastal Louisiana represents 60 percent of the entire Gulf of Mexico production. For the time being, that has been shut down because of Ivan. I have discussed with Members of this Senate the importance of our LOOP facility. The Louisiana Offshore Oil Port sits right out on the Continental Shelf, near Port Fourchon Louisiana, and is a superport responsible for the entrance of 1 million barrels of oil a day.

We are in Iraq, in an important battle, but part of our objective there is to secure an oil supply for the region and for the Nation and to use that for the betterment of the people of Iraq, for their growth and development and the security and stability of the world, as well as to fight for other issues. We are fighting to get 1 to 3 million barrels out of Iraq, and right here in the Gulf of Mexico, today, we have a facility that has virtually been shut down because of a hurricane. Nearly a million barrels is being imported in this country, and exported, a year.

Port Fourchon is a small port that sits at the very edge of Highway 1. It is unbelievable to view the picture. This is Highway 1 in Tropical Storm Isidore. That was another storm, not a hurricane. This damage occurs in a tropical storm. We cannot see the highway because it is covered with water. The highway leads down to the gulf. Port Fourchon, the LOOP facility, is right off of this shore where 18 percent of the offshore oil and gas revenues flow into this country through this little road called LA 1 that we have been fighting now for several years. With the leadership of Senator MURRAY and Senator REID and others, Senator JEFFORDS and Members on the Republican side, as well, we have been able to get a designation as a special highway, but we are still waiting for the big bucks to help with lifting this highway and expanding it so we can have a functioning port.

The hurricane is scheduled to hit Mobile or west of Mobile right now. I just spoke to the Port Fourchon Port Director and they expect this highway to be underwater by 1 p.m. today—again. This is the major route of oil and gas into the United States of America. This is Highway 1, Port Fourchon, and the LOOP facility, which is the only facility in the Nation that imports and exports oil and gas at that rate and at that level.

My point is, I hope we will again use this opportunity to focus on the critical infrastructure needs necessary for Louisiana and the gulf coast of Mississippi and Alabama primarily to protect itself not just from homeland security threats from terrorists but real threats of weather.

People might say: Senator, why did they build the port here in the first place? I understand that. If we could do it again, knowing what we know now, perhaps that would not have been done. I will speak for a minute about that because I want people to understand the argument. Men and women are here because the oil and gas is here. If we

could figure out a way to have people live in Chicago and commute every day down to the Gulf of Mexico to get the oil and gas out of the ground, then people would not have to live here, but we have not figured that out yet. So real life men and women and children and families live here. They have to live here to serve as the platform for the oil and gas that keeps the lights on all over the country. Yet we ask them time and time and time again to literally risk their lives to do so, and we cannot find a few million dollars in this budget to lift this highway so either they can get out or they can be safe.

This is a heavy rain. This occurs in a tropical storm in a heavy rain. I don't know what will happen with the hurricane. That is why people are not panicked but are most certainly concerned. This picture shows the main bayou that runs inland. The only way the rigs can get out of the gulf, they can either dock along the ports—Morgan City, New Iberia, Galveston, and come into Houston for some protection, the only way they can get in is through the Mississippi, up inland, through this bayou. They cannot get in when this bridge is down. The people cannot get out unless the bridge is down. So every time there is a storm, the local officials in my State have to say: OK, kids and families, you all go over the bridge. And they hold up the rigs. Then they let some of the rigs through, and they hold up the families trying to get out.

This is outrageous. We have money in the budget to build this bridge so we can move our infrastructure out of the gulf. And the Presiding Officer understands the magnitude of the barges, cranes, and sheer weight and size of the equipment I am talking about. It is not a Tonka toy. It is not Legos. It is big, heavy equipment that has to be moved at great danger to the men and women who have to move it to save insurance companies money, to save taxpayers money, to save shareholders money for these companies.

Let me talk about what else is going on. Louisiana wetlands are not a beach. I have spent a lot of my life growing up in the gulf area, and I have spent a lot of time on the Florida beaches, and I have never seen anything more beautiful. We in Louisiana support those beaches. We understand the tourism. We are some of the tourists that go there. But our coast is not a beach. We do not have a beach unless you want to count Grand Isle. It is beautiful and wonderful, but does not look like Destin, Florida. It is a lovely small beach. That is about the only beach we have. The rest of our coast is not a beach. It is a wetlands. It is not the wetlands of Louisiana, it is America's wetlands. It has been washing away at an alarming rate. The difference between a major hurricane coming out of the gulf in 1940 and a major hurricane coming out of the gulf this year in 2004 is we have lost thousands and thousands of acres. The size of the State of Rhode Island has been lost in the last 50 years, so the buffer has been shrinking that protects the city of New Orleans and much of the populated portions of Mississippi. That has been lost.

So the people who live on the gulf coast of Mississippi and the southern part of Mississippi and Louisiana are at greater and greater risk because those barrier islands that once existed, those acres and acres and square miles of wetlands, have been eroded. Why? For two reasons. One, we leveed the Mississippi River for commerce, not just to benefit Mississippi and Louisiana but to benefit the Midwest, the Northeast, the West, to open up trade and opportunity up and down that Mississippi River. We had no choice.

If you want to go to before the trade and go to when the country started, we had to anchor the mouth of the Mississippi to literally create the Nation—unless we wanted to stop at the Kentucky border or the Shenandoah Valley, which was a choice at one time. We could have just made the United States go from the east coast to the Shenandoah Valley, and we could have had a wonderful nation right there in the East. But we decided to go West. We decided to go all the way to the Oregon Trail with Lewis and Clark. President Jefferson had a vision, but that vision could not possibly happen without anchoring the security of the mouth of the Mississippi River. So we did. We had to basically try to tame this very wild place, very wet place, very low-lying place.

But we did it not just for ourselves; we did it for the whole Nation, with the Nation's help and support. We did not pay for everything, but we contributed a great deal. Today we continue to give billions of dollars out of the gulf coast in oil and gas revenues and taxes that go to this country. We continue to send our labor and our support and our money to this Nation. Yet time and time again, when Louisiana comes to ask, Could we please have just a portion of the revenue that we send?—we are not asking for charity; we are asking for something we earned; we are happy to share with the rest of the country to help invest in infrastructure—we are told: We cannot do it this year. We do not have enough money. It is not a high enough priority.

Well, I do not know when it is going to get to be a high enough priority. I hate to say maybe it is going to take the loss thousands of lives on the gulf coast to make this country wake up and realize in what we are under-investing. Again, we lose a football field every 30 minutes. We have lost more than 1,900 square miles in the past 70 years, and the U.S. Geological Survey predicts we will lose another 1,000 square miles if decisive action is not taken now.

Now, we have made good plans in the last several years to save the Everglades. We are well on our way to do that. We have plans underway to restore the Chesapeake Basin, which is an extremely important ecosystem to this part of the country. We have some preliminary plans underway in the Great Lakes. But no area—not the Everglades, not the Chesapeake, and not the Great Lakes—of this great Nation contributes more economically or energy-wise than the wetlands of America that lay to the south along the gulf coast. They do not compare to the energy contribution; they do not compare to the fisheries contribution; they do not compare to the commerce contribution of this Nation or the port contribution when you put it together. Yet we seem to be getting less, not more.

So we have to stop the vanishing wetlands. We have plans in Congress. We are going to continue to push, with LAMAR ALEXANDER's help, on the Energy bill. We have a new bill moving through Congress called the Americans Outdoors Act that seeks to dedicate a portion of those revenues for coastal States, even States that do not produce oil and gas off of their coast. I think we should be willing to share some of these coastal revenues for coastal-related issues. Some people disagree.

The people of Louisiana do not mind sharing. It is sort of our natural way. We are happy to do that. We do not even want it all. We just want our fair share. That is what this bill does.

We also have a bill through the WRDA legislation, which is the traditional funding for the Corps of Engineers, the Federal agency primarily responsible to keep the waterways dredged, to keep the levees up as high as possible, to work with our local flood control folks, particularly our levee boards in Louisiana, which are some of the most important public entities we have, that literally keep people dry from heavy rains and from floods and storms of this nature.

But let me also repeat, again for the record, I know every time a hurricane hits in North Carolina or South Carolina or Florida, other people who are not familiar with hurricanes say: Why do the people live along the coast? Why do we let people live along the coast? I think that is a legitimate argument that could be made for resort communities. It is not mandatory they live there. They choose to live there because, of course, the coastlines are very pleasant and beautiful places to live. In fact, Americans really agree with that because two-thirds of the entire population of the United States live within 50 miles of the coast. So that is an issue that could be debated, and we could talk about that.

But Louisiana people who live in Port Fourchon, while they enjoy living there, believe me, and while they love to shrimp and they love to fish, they are there doing a great service for this Nation, working in an energy industry and trying to dig out of the gulf the resources this country needs. Where people live along these bayous, they are fishing and they are contributing to industries. They do not have a lot of fish

in downtown New York. They do not have a lot of fish in Chicago. The only place you are going to catch fish is in the water. So you have to live there basically to catch the fish. They are living there for a livelihood.

In addition, New Orleans itself was settled as the security as this Nation grew. Now people want to say, maybe we should—if a big storm hits—just move New Orleans. I do not know how you move a major metropolitan area. But I also say this about my great city, where I grew up and have represented, still to this day—and in many different ways throughout my life—the people, the city is 9 feet generally below sea level. But we have some of the most sophisticated pumping systems in the world.

In fact, the engineers who built the pumping stations that supply New Orleans with flood control were the engineers who helped Holland and studied in Venice. We do not have halfway pumping systems. We have the best in the world. We have the best engineers, the finest pumping systems. We are an old city, and we spend a lot of our money to keep those pumping systems up to date. In fact, the Federal Government has been a major partner. I am proud to have led the effort. The Southeast Louisiana Flood Control program has invested hundreds of millions of dollars, Federal and State money, to upgrade those pumping systems. So we are not Pollyanna about this. We are not Johnny-come-lately. We have great engineers. We are smart. If fact, we have taught the world how to drain floodwaters because we have been doing it the longest, for over 300 years.

But the city can do just so much, when it has a population that is challenged. We are not the wealthiest State. We are not the richest State. We need our Federal Government to understand that we are happy to share our resources and riches with the world, but we do deserve a greater portion of these revenues to keep our people safe, to keep our infrastructure intact, and, most certainly, to be respectful of what the people of Louisiana and the entire gulf coast contribute to our national well-being and security.

I want to put up another picture. This is another picture of LA 1. This is on a day when you see the traffic backed up. Obviously, there was something wrong with the Leeville Bridge. But this is what the traffic looks like trying to get out before a hurricane: the trucks, the cars, the schoolbuses, trying to leave a place where they were working on behalf of not only themselves but on behalf of this Nation. The least we can do is send a little money to fix this highway and to keep people safe and high and dry in these storms.

Let's pray, Madam President, that Hurricane Ivan does not hit the city of New Orleans directly. I am going to submit a front-page article from the Washington Post for the RECORD. It is an article about what that might be like. One of our emergency personnel who has been working on an emergency plan has stored several thousand body bags in the event of a major flood in the city of New Orleans. Let's hope that never happens. But I have to say, as a Senator representing the State of Louisiana, the chances of it happening sometime are pretty good. If we do not improve our transportation evacuation routes, invest in protecting this infrastructure, and focusing on reinvesting some of the tremendous wealth that has been taken from this area, and reinvesting it back, we will only have ourselves to blame.

Madam President, I ask unanimous consent that the article entitled ''Awaiting Ivan in the Big Uneasy'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 14, 2004]

AWAITING IVAN IN THE BIG UNEASY

NEW ORLEANS GIRDS FOR MAJOR DAMAGE

(By Michael Grunwald and Manuel Roig-Franzia)

NEW ORLEAN, SEPT. 14.—Walter Maestri, an emergency manager here in America's most vulnerable metropolitan area, has 10,000 body bags ready in case a major hurricane ever hits New Orleans. As Hurricane Ivan's expected path shifted uncomfortably close to this low-lying urban soup bowl Tuesday, Maestri said he might need a lot more.

If a strong Category 4 storm such as Ivan made a direct hit, he warned, 50,000 people could drown, and this city of Mardi Gras and jazz could cease to exist.

''This could be The One,'' Maestri said in an interview in his underground bunker. ''You're talking about the potential loss of a major metropolitan area.''

Forecasters said Tuesday night that they expected Ivan to veer at least 70 miles east of New Orleans before making landfall early Thursday, somewhere along the Gulf Coast extremities of Louisiana, Alabama or Mississippi. But Ivan has consistently drifted farther west than their predictions. This port city's levees are designed to withstand only a Category 3 storm, and officials begged residents to evacuate the area ''if you have the means.''

By evening, the city's few escape routes were spectacularly clogged, and authorities acknowledged that hundreds of thousands of residents would not get out in time. The stranded will not be able to turn to the Red Cross, because New Orleans is the only city in which the relief agency refuses to set up emergency storm shelters, to ensure the safety of its own staff. Even if a 30-foot-high wall of water crashes through the French Quarter—Maestri's worst-case scenario—stranded residents will be on their own.

New Orleans is often described as a disaster waiting to happen—it is mostly below sea level, practically surrounded by water, artificially kept dry by pumps and levees, rapidly losing its natural storm protection. But rarely have its leaders sounded so afraid that the wait could be over soon.

''I'm terrified,'' said Windell Curole, director of the South Lafourche Levee District in the swampy bayous south of the city. ''I'm telling you, we've got no elevation. This isn't hyperbole. The only place I can compare us to is Bangladesh.''

More than 100,000 Bangladeshis died in a 1991 storm, and Curole is genuinely afraid that a similar tragedy could strike New Orleans, most of which sits six to eight feet lower than the surrounding waters of the Mississippi River, Lake Pontchartrain and the Gulf of Mexico. Ivan is the strongest storm to threaten the region since Hurricane Betsy nailed New Orleans in 1965. It brought more than $7 billion in havoc at a time when southern Louisiana was less populated and less exposed.

The doomsayers are quick to add a caveat: Ivan might not turn out to be The One. The National Hurricane Center expects the storm to swerve toward the area between Gulfport, Miss., and Mobile, Ala. Officials in Louisiana, Alabama, Mississippi and the Florida Panhandle were urging residents Tuesday to leave coastal areas. ''I beg people on the coast: Do not ride this storm out,'' Mississippi's Gov. Haley Barbour (R) said.

A dozen coastal casinos were shuttered in Mississippi, and Barbour's evacuation order for coastal areas was mandatory. In Alabama, Gov. Bob Riley (R) ordered evacuations from Gulf Shores, Orange Beach and Fort Morgan, and some towns postponed runoff elections scheduled for Tuesday. Evacuation was mandatory in parts of Escambia, Bay and Walton counties in Florida, and most schools in the Panhandle were closed.

Most scientists, engineers and emergency managers agree that if Ivan does spare southern Louisiana this time, The One is destined to arrive some day. The director of the U.S. Geological Survey has warned that New Orleans is on a path to extinction. Gregory W. Stone, director of the Coastal Studies Institute at Louisiana State University, frets that near misses such as Hurricane Georges—a Category 2 storm that swerved away from New Orleans a day before landfall in 1998—only give residents a false sense of security. The Red Cross has rated a hurricane inundating New Orleans as America's deadliest potential natural disaster—worse than a California earthquake.

''I don't mean to be an alarmist, but the doomsday scenario is going to happen eventually,'' Stone said. ''I'll stake my professional reputation on it.''

The main problem with southern Louisiana is that it is dangerously low, and getting lower. The levees that imprisoned the Mississippi River into its shipping channel and helped make New Orleans one of the world's busiest ports have also prevented the muddy river from spreading sediment around its delta.

As a result, southern Louisiana is sinking into the Gulf, losing about 25 square miles of coastal marshes and barrier islands every year. Those marshes and islands used to help slow storms as they approached New Orleans; computer simulations now predict that the loss of these natural storm barriers will increase storm surges and waves by several feet.

On a seaplane tour of the region Tuesday, Gerald M. Duszynsi, assistant secretary of the Louisiana Department of Natural Resources, pointed out an area near the tiny bayou town of Leesville, where he fished for redfish and flounder 25 years ago. Once a solid patch of green tidal marsh, it is now mostly open water, with a few strips and splotches of green.

''This used to be perfect, and now look at it,'' Duszynski said. ''The buffer is gone. Now even the little storms give a big influx.''

Louisiana's politicians, environmentalists and business leaders have been pushing for a $14 billion coastal restoration project to try to bring back those lost marshes and islands—in order to help protect New Orleans as well as an oil and gas industry that handles nearly a third of the nation's supply.

The Bush administration forced the state to scale down its request to $1.2 billion last year, and a Senate committee authorized $375 million. But Mark Davis, executive director of the coalition to Restore Coastal

Louisiana, believes that even if Ivan bypasses the region, its scary approach could help galvanize support for a more comprehensive fix.

''We're running out of tomorrows,'' Davis said. ''God willing, if there's still a southern Louisiana next week, I'm not talking about the politics of the possible anymore. It's now a question of which side are you on: Do you support the obliteration of a region, or do you want to try to save it?''

On Tuesday, though, most local officials were thinking more about the potential danger than the potential opportunity. If Ivan does pound New Orleans tidal surges could leave the city underwater for months, since its pumps can remove only about an inch every hour, creating a ''toxic soup'' of chemicals, rodents, poisons and snakes.

The local officials said they could not order a mandatory evacuation in a city as poor as New Orleans in which more than 100,000 residents have no cars, but they urged people to find some way to escape. ''If you want to take a chance buy a lottery ticket,'' said Jefferson Parish President Aaron Broussard. ''Don't take a chance on this hurricane.''

New Orleans Mayor C. Ray Nagin seemed flustered as he pleaded with his constituents to flee, at one point suggesting that they take shelter in area hospitals. Visitors were also urged to find somewhere else to go—including 10,000 conventioneers in town for the annual meeting of the National Safety Council

''This is not a drill,'' Nagin said. ''This is the real deal.''

But the logistics of exit are quite formidable in the Big Easy. In 1998, as more than 300,000 people fled Hurricane Georges, Interstate 10 turned into a parking lot. Similar miles-long snarls unfolded Tuesday. Flights were canceled and the airport prepared to close. The town that gave the world ''A Streetcar Named Desire'' idled its streetcars.

The underlying problem, Maestri said, is that the city never should have been built in the first place. It is a teriffic location for business but a lousy location for safety.

''The Chamber of Commerce gets really mad at me when I say this, but does New Orleans get rebuilt?'' Maestri asked. The answer, he said could very well be no.

I thank the Chair for the time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LACK OF DIRECTION

Mr. LAUTENBERG. Madam President, I rise to voice deep concern about what is happening in our war with Iraq, what is happening within our country, and a lack of direction that is pronounced as far as I am concerned.

We hear the political debate that goes on: What is your plan for getting us out of Iraq? Well, what is yours?

Since our Commander in Chief is in charge, I would think that he would lead the country and lead the direction of the campaign, telling the American people about when it is we are going to be able to expect our troops to come home, when these families will be reunited.

Last week, the 33rd soldier from New Jersey died in Iraq. Our country has now lost a total of 1,018 of our troops in Iraq. Of these deaths, 877 troops have died since the President announced that major combat operations in Iraq were over, finished. He made that announcement during a political appearance on an aircraft carrier on May 1, 2003.

If we look at this picture, we see our sailors lined up. I know what they are thinking. I was a veteran, and I remember so vividly when I was on a ship bound for Japan after serving in Europe and the war suddenly ended and how relieved I was. I was concerned for myself, of course, but I was concerned for my brothers and sisters in arms as well. So these sailors are standing at attention, and there were rousing cheers when the President made his statement. And he boldly declared: ''Mission accomplished.''

It turned out to be more theater than reality. The mission accomplished debacle is illustrative of President Bush's failure to execute a coherent plan to win the war in Iraq. Even after reaching a thousand dead, President Bush has not come forward with a plan. We have not heard one word about when those troops are expected to come home. When will the fighting really stop? When can we look at the situation in Iraq and say, good grief, it is finally resolved? Every day more and more people are killed, and many are Americans. But lots of times the structure in Iraq promotes this kind of dispute and violence.

I say to President Bush, stop this killing. Our troops are putting their lives on the line for our country.

The President refuses to show the kind of leadership we need to have in a time of war. Even as the fighting continues, we hear promises that somehow or other it is going to get better, when in fact the situation has worsened.

I ask my colleagues: What are we doing there? What is our plan? What kind of a government do we think we are going to see there? We have sort of turned it over to the Iraqis, but since that turnover has been made the violence and the numbers killed each day has accelerated. I don't know whether anyone here knows what, if any, our plans are. As the killing continues overseas, the President is inviting a new risk to begin here at home.

Madam President, this Senate, the Congress, failed to extend the life of the assault weapons ban. Ultimately, the failure to extend this law falls on the desk of President Bush. He has not done anything—not lifted a finger—to urge the Republican leaders to extend this ban. As a matter of fact, in earlier days, he said he would sign a bill. But he knows very well, and all America knows very well, if he doesn't encourage the Republican leadership to present a bill, there is no bill to sign. So all kinds of boastful comments can be made about how he would sign it, but to my knowledge he never has picked up the phone and called the leadership of the House or Senate and said we need a bill, we don't want these crazy weapons around our country.

Assault weapons are semiautomatic, civilian versions of weapons designed for military use. They are the weapons of choice of criminals and terrorists because they are capable of holding large-capacity magazines that allow a shooter to fire up to 150 shots without having to reload.

These weapons are specifically designed for military use in order to kill greater numbers of people more effectively and quickly.

This placard illustrates some of the new products available at local gun stores, thanks to the President's lack of leadership. We took an action here that said we would like to continue the ban, but it fell when the House refused to deal with it.

We could not find weapons of mass destruction in Iraq, and we are finding weapons that easily destroy lives right here at home. FBI statistics show that one in five law enforcement officers slain in the line of duty were killed by an assault weapon. That is why police officers across the country are outraged that we did not extend this ban. Why in the world we need these weapons, I cannot figure out. Who do we please when we say let's have these automatic weapons on our streets in New York? For what purpose? Target shooting? Shooting deer? Maybe shooting neighbors. Maybe drug dealers, yes. Maybe policemen. That is who gets shot when these guns are available.

The International Association of Chiefs of Police, the Fraternal Order of Police, the International Brotherhood of Police Officers, the Major Cities Chiefs Association, the Major County Sheriffs Association—every one of them want us to extend the assault weapons ban. But our ears were closed.

Madam President, these law enforcement officers put their lives on the line every day, and they should not have to face criminals armed with an Uzi pistol or an AK–47 rifle, a Street Sweeper, or a TEC–9 pistol during a drug bust or school shooting. This Nation should never forget the school shooting at Columbine High School in Littleton, CO, where two teenage students, using a TEC-DC9 assault pistol and other weapons, went on a shooting rampage that killed 12 other students and a teacher. Who can ever forget the pictures of the students hanging out the windows begging for mercy, begging for a way to escape the rampage that was taking place?

We should never forget it. But we don't want to do anything about it; that is the tragedy. Nor should the Nation forget another school shooting in Stockton, CA, in 1989, where an AK–47 was used in a schoolyard full of kids, firing over 100 rounds in less than 2 minutes and killing 5 children and wounding 29 others.

Then there is the issue of terrorism. If anyone thinks for a second that the

expiration of the assault weapons ban will not be noticed by foreign terrorists, then we are hiding our heads in the sand.

Found in the ruble of a terrorist training camp in Afghanistan was a manual. It is entitled, ''How Can I Train Myself for Jihad?''

The placard contains a quote from that manual:

> In other countries, e.g., some states of the USA, South Africa, it is perfectly legal for members of the public to own certain types of firearms. If you live in such a country, obtain an assault rifle legally, preferably AK–47 or variations, learn how to use it properly and go and practice in the areas allowed for such training.

That is training on how to kill innocent people.

This placard also says:

> ''How Can I Train Myself for Jihad,'' a guide originally published on the Azzam.com, a website dedicated to the worldwide jihad (now shut down). The guide was found in the ruins of a terrorist training center south of Kabul, Afghanistan, after it was destroyed by U.S. air strikes in late 2001.

Those are the people who want to get their hands on these weapons. Those are the people who say that the United States is easy pickings if you want to buy a gun and kill a lot of people.

Terrorists know, they are aware of our weak gun laws. It just became weaker. For all of President Bush's statements on terrorism, he has chosen to stand with the NRA rather than protecting our communities from this brand of terror.

In my view, the President's behavior on the assault weapons ban is one of those things we call a flip-flop. It is when you say one thing and do something else. We saw an angry U.S. Senator on the floor of the convention a couple of weeks ago when he said that the worst thing to do is say something and do nothing. That is his definition of a flip-flop.

This is a flip-flop of the worst order. It endangers our families, our children, and our Nation's law enforcement officers. I wish it were not so, and apparently there is not going to be any going back on the assault weapons ban. I wish there were a way to resurrect it. We are where we are. What we have done is we have encouraged the sale of these weapons. I heard there are gun manufacturers who were preparing for a burst of sales activity when these weapons were available. I ask myself: Who wants to buy these kinds of weapons? What are they going to do with them? They are going to endanger our families and our kids and other innocents. That is what they are going to do.

It is too bad because we are now in the midst of a terrible situation with the war, with the casualties continuing to escalate, and with a situation totally out of control in Iraq. I was there shortly before the government was turned over to an interim group to be followed by an election in January. The fact is that it does not look like there is going to be an election in January. I heard statements from those in leadership in Iraq who suggest an election might be tough to hold. But one thing is for sure, this is not a mission accomplished. This is a mission that is still underway, and the cost is terrible.

I went to visit some wounded from Iraq at Walter Reed a few weeks ago, after a burial at Arlington Cemetery, to meet young people who will never function the way they used to. There was a man who was blinded from an attack who said to me: I will never see my 28-month-old daughter, but I still want to hold her.

That is the condition that continues to develop each and every day: Over 1,000 killed, many more thousands wounded, and we just hope and pray they will recover and we will be able to conclude this effort in Iraq successfully but quickly.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent that I might proceed as if in morning business.

The PRESIDING OFFICER. We are in morning business.

LEGITIMACY OF NEWS STORIES

Mr. BENNETT. Mr. President, if I might reminisce for a moment as a predicate for what I am about to say. I go back to a time in my career when I was the center of considerable national press attention. The occasion was the 1970s. The issue was Watergate. I will not bother to describe why I was there; I will just tell my colleagues of a phone call I received one night just before the ''Evening News with Walter Cronkite'' came on CBS.

A reporter called me to say that Dan Rather was going to be speaking about me that night, and he read to me the piece that had been written for Dan Rather to give on the evening news. Frankly, it terrified me because if it had been delivered in just the way it was read to me on the phone, it would have destroyed my business, destroyed my career, made it impossible for me to continue to represent the various clients I had in my public relations and consulting firm.

I said that to the reporter. I said: This is terrible, it is not true, and you will destroy my career. We had a brief conversation about the details of what it is he had in his report, and he said, well, I see your point, I will do the best I can, and hung up at about 10 minutes before the news broadcast was to begin.

As anyone can understand, I watched the news with great interest that night, and Walter Cronkite began by saying: Tonight, Dan Rather has important new information about the Watergate scandal that he will be bringing us from Washington. It was about 20 minutes after the hour when he got around to Rather, and Dan Rather then gave a report, mentioned me by name but said the things that I had said to the reporter, along with some of the things he had already prepared. It was not a pleasant experience for me, but it was nowhere near what it sounded as if it would be some half hour before.

Within 10 minutes after the news broadcast ended, the phone rang again at my home, and it was Dan Rather. I thanked him for paying attention to the points I was trying to make, and he said: Well, you had a strong advocate, referring to the reporter who had been talking to me. Then he said: I have been in this town long enough to know the difference between a legitimate news story that has somehow come out and a situation that is being laid on me for the purpose of getting the information forward. He said: Mr. BENNETT, this was not a legitimate news story. This is something that was laid on me by someone who obviously wishes you ill. Who do you think your enemies might be in this situation?

We then had that discussion. That is neither here nor there, but obviously I always will remember that time. We do remember the times in our lives when trauma comes upon us. I remembered it fondly, with respect for Dan Rather and his willingness to listen to something other than the preconception that had been handed to him, and for his journalistic instinct to tell him that this just might not be a legitimate story, this just might be something that someone was feeding to him for a purpose and a hidden agenda.

We now know about the great controversy that has surrounded the documents that have come forward with respect to President Bush's service in the Texas National Guard. I regret, from my personal experience, to find that this newsman whom I have respected all these years is in the center of this particular controversy. It would seem to me that this time, Dan Rather's instinct has failed him. The instinct that told him some 30 years ago, again in his words, that ''something was being laid on him'' deserted him this time. It is very clear that documents were forged, they were laid on him, and this time he bit.

I do not join in the chorus that is arising on talk radio and elsewhere that he must somehow be driven from the air. I don't think he deserves that. But I do think this is a cautionary tale and we need to spend a little time talking about it because it represents a new phenomenon in the information age where someone has used information-age technology to forge documents and then insert those forged documents and the false information they contain into the political debate at a time that is crucial.

This is the first indication I know of where we have seen that sort of thing,

a deliberate attempt on the part of a forger to change the course of an election and a situation where respected organizations, such as the Boston Globe and CBS News, have been conned by that forger and have become unwitting participants in foisting a forgery and a fraud upon the electorate.

I believe I am something of an expert on forgery. In this same period of time, back in the 1970s, I worked for Howard Hughes. I was working for the Hughes organization when we had two of the most significant forgery attempts of the last century. The first one was the autobiography of Howard Hughes. The second one was the will of Howard Hughes.

We now know, looking back, that the autobiography of Howard Hughes was written by a man named Clifford Irving, who had never met Howard Hughes, never spoke to him, never had any contact with him at all. But, perhaps a parallel to today's situation, two very respected and prestigious national organizations bought the Clifford Irving forgery, paying $1 million to Clifford Irving for that manuscript. McGraw-Hill Publishing Company was going to publish the book, and Time-Life, the publishers of Time and Life magazines, now part of Time Warner, was going to publish excerpts from the book.

I won't go into the details of that, but I do remember very clearly when the leading investigative reporter for Life magazine came into my office to discuss the Howard Hughes autobiography, and I said to him there is no way in the world that Howard Hughes has ever met Clifford Irving. That is absolute, provable, irrefutable. Clifford Irving and Howard Hughes had never, ever met each other.

The reporter said to me: That may be true. Irving is probably lying about how he got the manuscript, but the manuscript itself is genuine. The evidence is overwhelming.

I said: What evidence?

He said: The handwriting experts. The handwriting experts have looked at the handwriting on the note that Clifford Irving put forward—supposedly written by Howard Hughes—validating the manuscript, and he said the handwriting experts are unanimous, Howard Hughes wrote that note.

Now we know, of course, Howard Hughes did not write that note. Clifford Irving wrote that note.

In the course of his trial, one of the prosecutors said to Clifford Irving: Is it really possible that you were the man who wrote that note? Is it really possible that you had the skills of forgery so that you could write something that would fool the best experts in the country on handwriting analysis?

Clifford Irving took a legal pad, wrote out a letter from Howard Hughes to this particular prosecutor, signed it ''Howard Hughes,'' and handed it over to him. The prosecutor had it framed and it is hanging on his wall.

One of the major lessons I learned from that experience is that the experts can be wrong. The experts can be fooled. A good forger who concentrates in the right area can, in fact, come up with forgeries that can get by some forensic experts.

I don't think that is the case with the forgeries with respect to President Bush's Texas National Guard service. I think the forgeries are fairly clumsy and the expert that CBS has quoted validated only the signature and not the document as a whole.

But the thing I have learned from dealing with the Hughes forgeries, the fake autobiography and the fake will, is that one must look at a forgery not only for the forensic side of it but also for the content and ask this fundamental question whenever something magically appears: Why did this appear at this particular time?

If, indeed, Howard Hughes was planning to write an autobiography, why did it appear just after there was a major shakeup in the Hughes organization and there was a tremendous amount of publicity about Howard Hughes' reclusiveness? Isn't that coincidence a little bit too close?

The will that would have left hundreds of millions of dollars to a service station attendant in the state of Utah, why did that appear just as the press was reporting that Howard Hughes had died without signing a will? What caused this to come forward at just that moment? Isn't that content suspicious? Doesn't that suggest that somebody has an agenda that is not just a coincidence?

The third area of forgery with which I am familiar says exactly the same thing. I had friends with whom I went to college who were killed by the forger-murderer Mark Hoffman. Mark Hoffman earned his living over decades forging documents that had relationship to the Mormon Church.

Looking back on it, now that Hoffman is in jail, we should have recognized, once again, the great coincidence that these documents would come forward at just the right time. There would be scholars who would be speculating as to whether the founder of the church had any connection with folk magic, and suddenly, at just the right time, documents saying that he did have connections with folk magic began to appear. We now know they were forged. They came from Mark Hoffman. They were created out of whole cloth.

But they seemed logical because of the context in which they came.

The application of that to these documents relating to President Bush is obvious.

Why, if these documents have been sitting in the records of the Texas National Guard for all of these years, did they suddenly come forward with exactly the right amount of validation of the accusations that are being made by President Bush's opponents at just the right time in the campaign when the Kerry campaign seemed to need a little boost?

That alone, once again, in historic context, says be on your guard. That alone should have alerted Dan Rather's journalistic instincts that this is not really a legitimate leak. This is something somebody is laying on him for the purpose of their own agenda.

The rest of the press has gone in after all of the forensic evidence.

I looked at it with great interest because of my background in forgery. I agreed that the memos that are purported to be true do not fit with the memos that are written in the Texas National Guard. I agree that the typeface is suspect. I agree there can be no explanation other than forgery for the fact that someone sat down at a modern computer and recreated the memo exactly. You cannot do that with memos that are typed on typewriters. You have to go back to the original typewriter to recreate a memo and have it match exactly.

I agree with all of the forensic evidence, and I agree that there is absolutely no question that this is a forgery.

But instead of wallowing in the delight of having caught the Boston Globe or CBS in their gullibility, having caught them in the mistake of having bought this whole thing, let us ask the more fundamental question: Who did it? Who is concerned with the campaign to such a degree that they are willing to falsify documents and peddle them to national media organizations?

I have heard three explanations. There are people who have speculated on this. Frankly, the speculation in its own way can add to the poison of this situation.

The first speculation I heard was that it was done by supporters of President and Senator CLINTON. As they put it, the Clinton supporters want to make sure KERRY didn't win so that the 2008 nomination would be open to Senator CLINTON, and they are the ones who forged the documents and then put them forward in a way that they knew would be embarrassing to the Kerry campaign.

The second speculation is that Karl Rove did it; that the Republicans are the ones who did this; that this is a Republican dirty trick; that they are so anxious to destroy KERRY they are willing to forge documents and foist them onto an unsuspecting CBS and Boston Globe.

The third explanation, to me, is the only one that makes any sense, which is that there is an overzealous KERRY supporter, or, if you will, a Bush hater who is really stupid. This was a really dumb thing for someone who supports Senator KERRY to have done.

I cannot believe it was done by anyone in the Kerry campaign because they are smarter than that. But very often in politics we have the experience called up from my father when someone was trying to help him in the campaign: I can take care of my enemies, may the Good Lord save me from my friends.

But someone who wanted Bush to lose and KERRY to win said if the documents to support the charge on the National Guard issue aren't there, I will see that they are there. I will do it anonymously. This will be my contribution to the campaign.

It is a really stupid thing to do. But I believe that is the explanation of where this came from.

Stupidity trumps Machiavelli almost every time when you are looking for an explanation.

However, I think everyone ought to focus on finding out who did it. Until we do find out who did it, we will continue to poison the atmosphere with the suggestion that maybe the Clintons did it, maybe Karl Rove did it, or the Republicans played a dirty trick. We know there are other forces at work.

We owe it to clear the atmosphere by finding out who it is that forged these documents.

Back to my own history, we cleared the atmosphere with respect to Howard Hughes when we found out and made public the fact that the H.R. Hughes to whom the million-dollar payment was made by McGraw Hill was, in fact, Clifford Irving's wife. She opened a Swiss bank and told them her name was Helga R. Hughes, and asked McGraw Hill to please make the checks out to H.R. Hughes. And then Clifford Irving's wife deposited them into her account. Naturally, the signature card that endorsed the check H.R. Hughes matched the signature card in the bank because Clifford Irving wrote them. Once we knew that, then the air was cleared.

The air was cleared with respect to the Howard Hughes will and who wrote the will. When Melvin Dumar, the service station attendant who would have inherited $100 million from Howard Hughes, exclaimed he knew nothing about it, yet was surprised when he came forward and was confronted in court by the fact that his thumbprint was on the will inside a sealed envelope when the will was found. Again, the air was cleared, and there was no more mystery as to where this came from.

The air was cleared with Mark Hoffman and all of the documents that he forged when the murders occurred and we found out that he was trying to cover up his forgery by killing people who were in a position to expose him.

The air needs to be cleared here. We should not just stop at snickering at newspapers and television stations that seem to have been taken in. We should go deeper than that and find out who actually did it. Then we can lay to rest the conspiracy theory that says it came from all of these other places.

I end as I began by saying, over the years, I have always had a warm spot in my heart and a great sense of respect for Dan Rather because of the way he treated a story in which I was a principal some 30 years ago. I know he is a journalist with the highest professional standards. I extend to him my regrets at this time that his journalistic instincts failed him, and he didn't realize this was one that was being laid on him in the hope that he would be taken in. I hope he will recover from this. I know at some point he will recognize that he was taken in and step forward and make that acknowledgment clear.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I have enjoyed listening to my friend from Utah. He always speaks eloquently and brings a different insight than most of us can to issues. It is a remarkable saga which he recounts. It also makes me think that here we are, 6 weeks before a Presidential election, which all parties are describing as one of the most important in our history, when we are at war and we have significant issues of health care, immigration—we could make a list a mile long—and jobs, can we keep our jobs in the competitive marketplace, and the dominant issue of the moment is the media covering the media about something that might or probably didn't happen 30 years ago.

My hope is that we recognize that Senator KERRY served, President Bush served, and they both supported the war in Iraq. It is now at the forefront of American consciousness. And the question before us in the Presidential race is which one of these men is the best prepared to be Commander in Chief to lead us into the future? My hope is the media coverage would be more on those issues, more on the future. I don't want to hear too much more about what happened 30 years ago.

The distinguished occupant of the chair was heroic in his service 30 years ago. We admire that. But he spent most of his time looking toward the future, as I do mine, and I think the American people do. We are not elected to CBS president of the United States.

It is my hope that whatever the circumstances, if they made a mistake, admit it—we politicians have learned the hard way that is the best thing to do—and get on with it. Talk about 30 years from now, instead of the media covering the media about what happened 30 years ago or what might not have happened 30 years ago.

Earlier, the Senator from Louisiana, Ms. LANDRIEU, came to the Chamber and talked primarily about the devastating hurricane in New Orleans. Having lived in New Orleans a year, at the time of another great hurricane in 1965, I know how difficult that is going to be for New Orleans, Mobile, and that part of the world. Our hearts and support are with the people of the gulf coast. We are thinking about them and their families and hope they are safe.

LAND AND WATER CONSERVATION FUND

Mr. ALEXANDER. The Senator from Louisiana also mentioned the 40th anniversary of the Land and Water Conservation Fund. She and I intended today to speak together about that. She spoke about it and she will have more to say. She has worked very hard on it for the last several years.

I take a few minutes in honor of the 40th anniversary of what we call the Land and Water Conservation Fund, or the LWCF in this country. Forty years ago, in September of 1964, President Johnson signed legislation establishing the fund. It has been an important factor in preserving open spaces in our country ever since.

The idea began under a Republican President, President Eisenhower, who signed legislation creating a commission to determine what should be done to preserve outdoor space for recreation. Then a Democratic President, President Kennedy, submitted legislation to Congress creating the Land and Water Conservation Fund. In submitting the draft legislation, President Kennedy wrote:

> The Nation needs a land acquisition program to preserve both prime Federal and State areas for outdoor recreation purposes. . . . In addition to the enhancement of spiritual, cultural, and physical values resulting from the preservation of those resources, the expenditure for their preservation are a sound financial investment.

Shortly thereafter, it passed the House by a vote voice and the Senate with only one vote in opposition. Then President Johnson signed it into law. This is an idea that has had bipartisan support from the very beginning.

Since that time, 40 years ago, 37,300 Land and Water Conservation Fund State grants, totalling more than $3 billion, have been instrumental in preserving 2.3 million acres and building 27,000 recreational facilities. For example, one park that was preserved by grants from the LWCF is Fall Creek Falls in Tennessee. Grants from the fund totalling $376,000 helped acquire land and built facilities at this spectacular park, which I have visited many times, boasts the highest waterfall in North America east of the Rocky Mountains. Chances are pretty good many parks we have hiked would not even exist if it were not for the Land and Water Conservation Fund.

Yet since the early 1980s, the Land and Water Conservation Fund has been consistently shortchanged of funding. During most of the 1980s and 1990s, funding levels were kept to about one-third of the authorized level—$300 million of $900 million authorized, for example. By the late 1990s, funding for State grants under the Land and Water Conservation Fund was cut to zero.

In recent years, we have seen some improvements. Funding for State grants averaged about $100 million since 2001, but it is not hard to do better when you are doing nothing.

While funding has declined, demand for conserved areas has dramatically increased. Since the Land and Water Conservation Fund was first established, the population of the United

States has grown by more than 40 percent. A growing population puts pressure on open spaces in two ways: First, more people want to enjoy the great outdoors so they need more space for it; second, more land is being used for other purposes—such as new subdivisions, shopping malls, office buildings, and more—which makes open space more scarce, especially in areas where most of us live. The demand for parks and open space is higher than ever before, especially for city parks, the parks down the street in which we walk, run and enjoy the outdoors.

How can we fund conservation efforts in the time of tight budgets? The Americans Outdoors Act of 2004, which Senator MARY LANDRIEU and I introduced in the Senate earlier this year, provides the answer.

The act provides a reliable stream of funding by collecting what we call a conservation royalty on revenues from drilling for oil and gas on offshore Federal lands. It uses this conservation royalty to fully fund three existing Federal programs. First, the State side of the Land and Water Conservation Fund is $450 million annually. Second, the Wildlife Conservation Fund is $350 million annually. And third, Urban Parks Initiatives is $125 million annually. It also provides 500 million additional dollars each year for coastal impact assistance including wetlands protection.

This new conservation royalty is not such a new idea at all. It is modeled after the existing State royalty for onshore oil and gas drilling created in the Mineral Lands Leasing Act of 1920. The act gives 50 cents of every dollar from drilling onshore—and in the case of Alaska, 90 cents out of every dollar—as a royalty to the State in which the drilling occurs.

In a similar way, our Americans Outdoors Act of 2004 would create a conservation royalty of about 25 percent for revenues of the funds collected from offshore drilling on Federal lands. Some of the royalty would go to States such as Texas where the drilling occurs. More would go to all States for parks, game and fish commissions, and projects funded by the Land and Water Conservation Fund.

The premise of this legislation is simple. If drilling for oil and gas creates an environmental impact, it makes sense to use some of the proceeds to create an environmental benefit. In 2001, the Federal Government received $7.5 billion in oil and gas revenues from Federal offshore leases. This revenue comes from the Outer Continental Shelf which supplies more oil to the United States than any other country, including Saudi Arabia.

I mentioned at the beginning this was a bipartisan idea. I should mention one other President who was involved in this idea. His name was Ronald Reagan. In 1985, President Reagan asked me to chair the President's Commission on Americans Outdoors which looked ahead for a generation to try to see what we could do now to help us—today, as it turns out, nearly 20 years later—to enjoy the great American outdoors. One of the major recommendations from President Reagan's Commission on Americans Outdoors was that we take some of the money from offshore oil drilling and devote it to wildlife preservation, to city parks, and to the State and Federal sides of the Land and Water Conservation Fund.

Senator LANDRIEU and I intend to add an amendment that includes the Federal side of the Land and Water Conservation Fund to our proposal.

Today, we celebrate 40 years of a good idea with a new suggestion for how to improve it: a conservation royalty on offshore revenues that we treat exactly the same way we have treated onshore revenues for 50 years. We give it to the States and to the Federal side of the Land and Water Conservation Fund for wildlife preservation and city parks.

Someone once said Italy has its art, England has its history, and the United States has the great American outdoors. Our magnificent land, as much as our love of liberty, is at the core of our character. It has inspired our pioneer spirit, our resourcefulness, and our generosity. Its greatness has fueled our individualism and our optimism and made us believe anything is possible. It has influenced our music, our literature, our science, and our language. It has served as our training ground for athletes and philosophers, of poets and defenders of American ideas.

So let us come together to conserve the great open spaces of our country for generations to come. That is why the generation before us—Presidents Eisenhower and Kennedy and Johnson and Reagan—worked to establish the Land and Water Conservation Fund 40 years ago. That is why we should make sure it is fully funded today. The Americans Outdoors Act will do just that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

EXTENSION OF MORNING BUSINESS

Mr. CORNYN. Mr. President, I understand that morning business is set to expire soon. I ask unanimous consent that period be extended so other Senators may speak during this extended period of morning business for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, to make sure I do not run out of time—my remarks may take a couple minutes more—I ask unanimous consent that I be allowed to speak for so much time as I may consume, not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Thank you, Mr. President.

TRIBUTE TO JUDGE REYNALDO GUERRA GARZA

Mr. CORNYN. Mr. President, I rise today to pay tribute to Judge Reynaldo Guerra Garza, who passed away yesterday in Brownsville, TX, at the age of 89. Judge Garza was the first Mexican American to serve as a Federal district court judge and a Federal appellate judge. Today, I join my fellow Texans in mourning this loss, along with his wife of 65 years, Bertha Garza, and his five children. By any measure of Reynaldo Garza's stature in the community, he was a mountain of a man.

Reynaldo Garza was born in 1915 in Brownsville, TX, a first-generation American whose parents had fled civil unrest in Mexico. It was during the Depression when he decided to become a lawyer, so he worked as a laborer for the WPA to save money for tuition at the University of Texas.

He excelled in his studies at the University of Texas and developed a great many political friendships, including a longstanding friendship with then-congressional candidate Lyndon Baines Johnson. In 1939, he graduated from the University of Texas Law School and opened his own law office in Brownsville, TX. A solo firm was financially risky for such a green young lawyer, but Reynaldo Garza strongly believed he should practice law in his community, among his family and his friends.

Reynaldo Garza served for 4 years as a gunnery sergeant in World War II and returned to Brownsville with a growing reputation as a civic leader and a brilliant lawyer. He was invited to join the largest firm in town as a partner, where he practiced commercial and insurance law for more than a decade.

When a Federal judicial vacancy came up in 1961, President John F. Kennedy nominated Reynaldo Garza to fill the seat with broad support from the Texas leadership. After being confirmed, Judge Garza plowed through a heavy 2-year backlog of cases in exceptional time. As his profile grew, Judge Garza became a symbol for many young, hard-working Hispanics to pursue their goals of leadership within the legal, business, and social community, blazing a trail for others to follow.

Those in Brownsville, TX, who saw Judge Garza as a model to follow included a junior high school student named Juliet Garcia, who became the first Mexican-American woman president of a university, and a young attorney, Federico Pena, who was to become U.S. Transportation Secretary.

Garza wrote:

> I've always said I hope I got the appointment because I was qualified, not because I was Mexican American. But I knew I had to do a good job or else my actions would reflect not only my ability, but also that of other Mexican Americans.

It was in December of 1976 when President-elect Jimmy Carter called

Judge Garza personally to ask him to join his Cabinet as Attorney General. But Judge Garza thought it was a prank call, so he simply hung up the phone. Eventually, after being convinced this was indeed the real thing, a request from the President-elect, Judge Garza gracefully declined the offer because he wanted to stay close to home and stay close to his community.

But it was in 1978, when President Carter called again, and this time offering him a nomination to serve on the Fifth Circuit Court of Appeals—after having been confirmed by the Senate—he became the first Mexican-American Federal appellate court judge. At every step of the way, Reynaldo Garza blazed a trail for others.

U.S. Ambassador to Mexico Tony Garza, who practiced law in Brownsville from 1983 until 1988, told the Associated Press today that everybody who knew Judge Garza had a story to tell. He said:

> I remember him telling me when I was a lawyer, ''Don't ever forget you'll have a lot of clients, if you're lucky, but hopefully your clients will only have one attorney.''

The Ambassador said:

> I will never forget that advice.

Judge Garza retired from active service in 1982, but he continued to serve on the Fifth Circuit Court of Appeals with a reduced workload. His last court sitting was in 2001, and he continued working as a circuit court judge until the time of his death. He never lost that dedication or belief in the importance of hard work and perseverance.

Let me share with you one additional story. This one is from the Brownsville Herald of today. It was reported:

> Garza touched many [lives] in the legal community, both professionally and personally.
>
> Undeterred by his illness, he officiated the swearing in of U.S. District Judge Ricardo H. Hinojosa in McAllen as chairman of the federal sentencing commission. The ceremony was performed in [Judge] Garza's hospital room in Brownsville on Aug. 3, Hinojosa said.
>
> [Judge] Hinojosa met [Judge] Garza when he was on the bench at the federal courthouse in Brownsville. Their two courtrooms were located on the same floor.
>
> ''Judge Garza was a great mentor and immediately made me feel at home . . . he was always ready to provide advice and counsel,'' [Judge] Hinojosa said.
>
> Hinojosa said he has admired Garza since he was a boy. He remembers attending naturalization ceremonies in Starr County, which [Judge] Garza presided over.
>
> ''I remember sitting there and not realizing that someday I would be working on the same floor as he did,'' Hinojosa said. ''He's an example of anything that is possible in this great county.''
>
> ''The rest of us have come along after him because he opened doors for us. He opened doors that remain open for the rest of us.''

Mr. President, today, I offer this salute to the memory of Judge Reynaldo Garza.

I remember when I served on the State judiciary, we were at Southern Methodist University School of Law trying to help young law students become effective advocates on a moot court panel. He and I served on the same panel. I remember his great humor, his great intelligence, and his incisive questioning.

It may seem as if Judge Garza is gone from us now, but he is still here as long as we bear his memory in our hearts, as long as we honor what he gave to us during his time here on Earth, and as long as his example inspires a child to dream of greater things.

May God bless Reynaldo Garza. And may God bless his family.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

ANTI-SEMITISM

Mr. BOND. Mr. President, today my subject is going to be one which we had hoped would not be facing us. But it still faces us today, and that is the age-old plague of anti-Semitism. Like so many other diseases, we thought it had been wiped off the face of the Earth. But it has returned in new and, unfortunately, virulent forms.

In July of this year, Australia's largest synagogue in the west coast city of Perth was defaced with anti-Semitic graffiti that read ''6 million more please with fries.'' Recently, in the United States, and at least 14 other countries, anti-Semitic incidents have been recorded, and the trend is not promising. Mass expulsions, forced conversions, bans on land ownership, job and housing discrimination all mark a people who have been singled out, not because of what they have done but because of who they are—Jews.

Now, many of us who came of age in the post-World-War-II era harbored the illusion that the last remnants of anti-Semitism perished in Hitler's gas chambers. Many believed that what American GI's discovered in Nazi concentration camps was so horrendous and shocking that it finally put an end to what historian Robert Wistrich had dubbed ''the longest hatred''—that of anti-Semitism.

Unfortunately, we are witnessing a rapid re-emergence of anti-Semitism. From the Middle East where sermons from mosques single out Jews for death; to Paris, where Jewish schools are firebombed and Jewish children are routinely attacked, to the conference against racism in Durban, South Africa, which quickly became a carnival attacking Israel; to the inordinate number of anti-Israeli resolutions in the U.N. General Assembly, to U.S. college campuses, where anti-Israel rallies become forums with chants that disintegrate into cries of ''Death to the Jews'', anti-Semitic acts have become commonplace and even fashionable once again. As Natan Sharansky wrote in Commentary magazine, November 2003, ''Israel has become the world's Jew and anti-Zionism is simply a substitute for anti-Semitism.''

In Washington, the recent attacks on Doug Feith and the so-called neo-conservatives such as Paul Wolfowitz and Richard Perle charging Jewish DoD officials with manipulating U.S. intelligence in order to ''force'' the United States to take out Saddam in Iraq contain familiar anti-Semitic overtones. The fact is the Senate Intelligence Committee, after an exhaustive review of pre-war U.S. intelligence, found absolutely no evidence of pressure being put on intelligence analysts to change their official assessments by any officer of the administration.

The Jewish state has tried in earnest to sacrifice ''land for peace''. We witnessed Prime Minister Barak's offer to Chairman Arafat: shared sovereignty over Jerusalem, Muslim control of the Temple Mount, 97 percent of the West Bank and Gaza, and a land swap in the Negev for a corridor around Jerusalem that couldn't be given away, a ''right of return'' for thousands of Palestinian refugees, and a compensatory package for those that couldn't be re-absorbed. The offer was so generous that many were privately apprehensive about what would become of Israel if Arafat were to have accepted it. Yet, Arafat walked away from the negotiating table and responded with violence which has remained unmitigated ever since. Over 1,000 innocent Israelis have lost their lives for simply riding on buses, or going out to eat pizza with their families.

Under Article 51 of the U.N. charter, a nation's primary responsibility is to protect the lives of its citizens. When Israel tried to do that, by building a defensive barrier to keep out terrorists, which has resulted in a 90 percent decrease in terrorist attacks, the U.N. General Assembly voted to refer it to the International Court of Justice, in the Hague. The ICJ declared Israel's security fence ''immoral'' and demanded that it be removed. The security fence will disrupt the Palestinian's travel, but inconvenience is not final, death is.

The ICJ decided that only Israel should be singled out for moral opprobrium—for building a security fence to defend the lives of its civilian population. This is occurring while Muslims with less dark pigment in their skin are systematically murdering Muslims with more dark pigment in their skin, in the Darfur region of the Sudan, to the tune of 1,000 a week. When a Jew or Israel is judged by a different, more stringent standard than that used to judge any other person or nation, there is just one term for it: anti-Semitism.

Unfortunately, the scourge of anti-Semitism is prolonged when the institutions we depend upon for community and regional stability are infected by it. Take for example the United Nations Relief and Works Agency, UNRWA.

The United Nations Relief and Works Agency was established in 1949 to provide humanitarian services to Arabs who left their homes during the war against Israel's independence. UNRWA is the only U.N. agency assigned to serve only one class of people, and the

only refugee agency whose mandate does not include the resettlement of its wards. Fifty-four years after its founding, UNRWA is providing assistance to the grandchildren and great-grandchildren of those who left. Soon it will be providing services to the grandchildren of the grandchildren. All other refugees are the responsibility of the U.N. High Commissioner for Refugees; who serves 21.8 million persons in 120 countries with the aim of resettling them.

This situation, unintended at first, is perpetuated now by a combination of naivete, inertia and ill design. It is responsible in large measure for the intractable nature of Palestinian and Arab claims against the State of Israel, and makes the Palestinians tools in the continuing Arab struggle to delegitimize and ultimately eliminate Israel. The difficulties created for the Palestinian people by this are legion.

With the exception of Jordan, Arab states in which they live have refused to grant citizenship to them or to their descendants born after 1948.

In some countries, Lebanon in particular, laws strictly limit the professions these persons may enter, the schools they may attend, or the places they may live.

UNRWA schools, according to the State Department, provide children with textbooks that ''contain anti-Israeli and anti-Jewish content.'' This is a mild statement. In fact, many of the texts contain exceptionally lurid and hateful propaganda.

UNRWA-administered camps are filled with weapons, as has been acknowledged by UNRWA personnel in statements to the media. The Government of Israel has charged that UNRWA warehouses have been and are being used to store weapons and bomb making material.

Each year UNRWA-financed projects, such as the Union of Youth Activities Centers, sponsor gigantic ''right of return'' rallies throughout the West Bank and Gaza, encouraging people to believe the existence of Israel is temporary and will be reversed by the U.N.

UNRWA is financed by voluntary contributions and, according to U.N. records, the United States has consistently contributed about 25 percent of UNRWA costs. In 2002, that amounted to $110 million. UNRWA is funded annually, providing an opportunity for countries to examine the mandate, propose changes, and decide whether or not it will renew funding. It is time to initiate a thorough investigation into the finances of this agency. We must work to eliminate institutional hatred as exemplified by the anti-Semitic culture resident within UNRWA.

Some will say that America would not be targeted by terrorism if it did not support Israel to the degree that it does. If we stand by and witness this hatred without intervening or supporting our democratic ally then we would become as venal as the rest of the world. Appeasement of hatred and murder would only come back to haunt us just as appeasement to terrorism in the 1980s and 1990s did on 9/11. Giving in to the prevailing, fashionable wind of anti-Semitism and anti-Zionism would directly contradict the ideals that this country has been founded upon.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

HISPANIC HERITAGE MONTH

Mrs. CLINTON. Mr. President, I rise in recognition of the start of Hispanic Heritage Month. As we embark on this month-long festivity, I am pleased to take this opportunity to celebrate the extraordinary contributions to our country that the Hispanic community embodies.

Today it is clear to all of us that Hispanic Americans are flourishing in every State in our Nation. The diversity of the population is such a tribute to the freedom and opportunity America promises.

Hispanic Americans are starting growing businesses, contributing to the safety and security of our Nation through their service in the Armed Forces, going on to college in high rates, and making a real difference in every part of American life. So there is much to celebrate during Hispanic Heritage Month 2004.

There are also serious concerns that should involve all of us—not only those who themselves are of Hispanic heritage or those like myself who are privileged to represent a very vibrant, dynamic Latino community in New York, but for all Americans—because the issues facing Hispanic Americans are the same ones that are important to every American.

I have been concerned because I think on so many fronts the record of the current administration is one that by any objective analysis is found wanting. Time and time again, the administration has promised or told us one thing, only to proceed to do something else and to establish a record of broken promises.

For example, on health care, Hispanic Americans, as all Americans, are dependent in their older years on Medicare. Medicare provides vital services to Hispanic seniors. They were listening last year as President Bush claimed his Medicare bill would benefit them. He repeated that claim in his speech at his party's political convention. And the next day, what did we see? The largest increase in Medicare premiums in history.

While Hispanic parents, like all parents, look to our public schools to help their children acquire the tools to be successful in our very competitive global economy, again, the Bush administration has proposed over and over in its budget to cut key programs such as bilingual education, dropout prevention, migrant and seasonal Head Start, and Hispanic Serving Institutions that do so much in every community across our Nation. Yet in the fiscal year 2005 budget, all of these programs are targeted for dramatic cuts. This is happening at the same time that we know the administration has continued to underfund the No Child Left Behind Act.

In New York City, we have the largest school district in the country, with a million students. That seems shocking to some of my colleagues who come from States that don't even have a million people. In very difficult circumstances, that school district is struggling to deal with the obligations imposed upon it by the No Child Left Behind Act. Among the obligations is to provide testing to children in their native language. Yet we know that is still not being fulfilled by the administration. We know there are all kinds of issues with overcrowding because we are letting people move from school to school under the transfer provision, but we don't have adequate space for them to move into. Because of the very highly concentrated Hispanic population in New York, that falls disproportionately on the children I represent. I worry that what was held out as a great promise under No Child Left Behind, because of a broken promise and a failure to fund what had been promised, the burdens of complying with that act are falling on those least able to bear them.

Perhaps most alarmingly, the President continues to tell us, against the evidence we see with our own eyes, that the economy is strong and that the budget deficit, estimated to be at least $422 billion—and more likely $445 billion—is not to be worried about. In fact, recently, on a national news program, the President was asked whether he thought the budget deficit—the highest in our history—was pretty good. The President answered, ''Yes, I do, I do.'' Well, I could not disagree more. There is nothing pretty good about a record budget surplus in 2001 being transformed into a record budget deficit. All the while, the number of Americans without health care goes up, the number of Americans in the middle class falling into poverty goes up.

Since the President took office, the number of Americans living in poverty has increased by more than 4.3 million men, women, and children. Median household income for families is down 3.4 percent. However, the picture for Hispanic Americans is even bleaker because so many of them start at the bottom of the economic ladder, where they work and strive and accomplish so much to lift themselves and their children out of poverty. So while 11.7 percent of all Americans live in poverty, 21.4 percent of Hispanics live in poverty. Last year, median income fell, on average, $63 nationally, but it dropped $864 for Hispanic families.

The list goes on and on because so many of the pillars of the American middle-class dream—a dream that sustained my family, that motivated me,

that has brought many of us to this Chamber—are beginning to erode. What does it mean if the income you get from a job is not enough to sustain yourself and your family? What does it mean for a minimum wage when you work 40 hours a week and you remain mired in poverty? What does it mean if you can get a job but it doesn't have health care benefits? What does it mean if your pension is at risk and the Pension Benefit Guaranty Corporation, the Federal Government's promise to try to guarantee those pensions, is tottering as well?

Mark my words, we are on a path that will undermine the economic viability not only of American businesses in this competitive global economy but of Americans, American families, and traditionally disadvantaged communities will suffer disproportionately.

When people sort of dismiss the importance of the Federal budget deficit, I don't know what economic text they have been studying. We know that it is inevitable that interest rates will rise, capital will be squeezed as the Government takes more and more. But what is even worse is we become increasingly dependent on foreign lenders. I for one am not enthusiastic about the fact that we borrow tens of billions of dollars from the Governments of Japan, China, and South Korea. How can we look ourselves in the mirror and know we are now the world's biggest debtor nation, and among our creditors are nations we built, we saved, we economically propped up or are our competitors strategically and economically for the future? We are setting up a house of cards. When it will begin to totter adequately for all to see, I cannot predict, but I know we are living on both borrowed money and borrowed time.

I do not wish to dampen the celebration of Hispanic Heritage Month, but none of this sounds pretty good to me. The Latino community has made so many contributions to our history, our culture, our economy, and our society. I wish every one of my colleagues could march with me in the many parades we hold in New York, celebrating the various diverse heritages that make New York the most dynamic, extraordinary place on this wonderful planet of ours. Just to see and hear the excitement, the music, the color, and the vivacity would lift your spirit.

I am so proud and honored to represent the most diverse Hispanic community in our Nation. Yet I worry that if we don't focus on what is happening in our health care system, our education system, and our economy, all Americans will wake up to find that the future is not as bright as it should be, that the promise we all feel is part of our birthright—those of us born here and those of us who came here—has somehow been undermined.

It gives me great pleasure to celebrate Hispanic Heritage Month but to ask that we do more, to ask that we pass legislation such as AgJobs, ask that we pass the DREAM Act and continue to do everything we can to ensure the promise of the American dream for Hispanic Americans and every American.

Mr. REID. Mr. President, I rise to commemorate an occasion that is becoming more important with every passing year.

In 1968, Congress designated the week of September 15 Hispanic Heritage Week. The celebration was subsequently extended to include the entire month from September 15 to October 15.

September 15 was chosen as the opening of Hispanic Heritage Month to honor the independence day of several Latin American countries including Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. The nations of Mexico and Chile also gained their independence on September 16 and 18, respectively.

Today, Hispanic Heritage Month not only recognizes and celebrates the important contributions that Latinos make to our Nation's cultural, economic, and political life, it also reminds us of the strength we draw from diversity.

People all over the world have flocked to America in search of freedom and opportunity. This has made us one of the most diverse countries on earth, and Latinos are an important part of that diversity.

Hispanics in the United States are not one monolithic, homogeneous group. In fact, they come from many different cultural and ethnic backgrounds.

Latinos in the United States can trace their ancestry to more than 20 countries and territories, spanning an area of thousands of miles, from as far north as Puerto Rico to as far south as Argentina, and encompassing a wide array of cultures and histories.

The families of some Hispanics have been in this land since the 16th Century. Others are newcomers to our Nation, drawn by the same sense of hope that has always made America a beacon for immigrants.

Some Latinos speak Spanish. Others speak only English, and many are conversant in both languages.

But taken as a whole, Latinos in the United States reflect the diversity and breadth of Hispanic culture and history.

Today, Latinos are not simply a small isolated minority group in our country; rather they take part in every aspect of American life.

Many prominent American citizens are Latinos.

People like Cesar Chavez, founder of the United Farm Workers Association; Bill Richardson, Governor of New Mexico; Julia Alvarez, internationally recognized author of ''In the Time of the Butterflies;'' and John Leguizamo, actor and 2004 recipient of the Hispanic Heritage Award in the Arts have made great social, political and artistic contributions to this Nation.

Latinos are also active in every facet of business.

They are the entrepreneurs of family companies and the CEOs of large corporations. They are bankers and builders, manufacturers and marketers.

So there is no way to stereotype Hispanics, they are simply too diverse.

But beneath that diversity, I believe there are some strong values that are shared not only by Americans with Hispanic heritage, but by Americans of all backgrounds.

We all believe in opportunity.

Every person should have a chance to realize his or her dreams.

The power of that idea has propelled the United States from an upstart nation to the most powerful country on earth. And it is just as powerful today as it was 228 years ago.

We all believe in hard work. Every individual deserves an opportunity, but then it is up to the individual to make the most of that opportunity.

And we all know that our families are a source of strength and inspiration. The love of our families sustains us, and drives us to make the world better for our children and grandchildren.

Nevada has a particularly strong historical connection to Hispanic culture. Latinos have been in my State since long before the United States gained independence.

In fact, there were Mexicans working in some of the oldest mining claims in the State and they contributed greatly to Nevada's mining industry.

One of the richest silver mines in the world, the Comstock Mine near Virgina City, was first discovered by Ignacio Paredes from the State of Sonora in Mexico.

It was Sonoran miners who introduced the use of a pan for creek bed mining, and the process known as ''dry digging'' that facilitates mining in areas where water is scarce.

Hispanics also played a role in the early days of the hospitality industry in Nevada. A man of Mexican decent by the name of Bony Aguilar is considered one of the pioneers of the tourism and entertainment industry in my State.

Originally a miner, Bony Aguilar settled in Silver Peak Marsh in 1870, where he built a resort and saloon along with a bathhouse that utilized the natural hot springs at the site.

The resort prospered and people came from across the State to enjoy the hot springs, hear Mr. Aguilar's stories, and stay at the resort.

Mexican workers played an integral role in the construction of the San Pedro, Los Angeles, and Salt Lake Railroad that gave the city of Las Vegas its beginnings.

And Mexicans were among some of the first residents of Las Vegas.

Hispanics were also involved in early ranching in Nevada. The Altube brothers, although of Spanish decent, came to Nevada via South America.

They established the Spanish Ranch in northeastern Nevada and employed

many Mexican cowboys, who were known to be some of the best in the State.

The Spanish Ranch became one of the largest ranches in the history of Nevada, encompassing 60,000 acres.

The important role of Latinos in Nevada has continued right up to this day. In 1976 a small group of Cuban Americans established the Latin Chamber of Commerce in Las Vegas with the goal of promoting the economic advancement of the Latino community and the State of Nevada.

Since then the Latin Chamber of Commerce has played an important role in Nevada's Hispanic community. Its members have successfully advocated for educational equality and equal government hiring practices.

In the Reno area, the Northern Nevada Hispanic Chamber is also a strong force for progress.

These are just a few of the contributions that Hispanics have made to Nevada.

As you can see, Hispanics have been in Nevada since before it became a State, and they continue to play an important role today both in my State and throughout the country.

I would like to commend Dr. M. L. Miranda for his pioneering scholarship of Hispanics in Nevada. Without his original research, there would be little acknowledgement of the influence of Hispanics throughout Nevada's history.

I would also like to acknowledge the many Hispanics serving in our armed forces.

This is a critical time in our Nation's history, and our troops are deployed all around the world. Many Latinos have followed the call to service, and they risk their lives every day in defense of our freedom at home.

I am sincerely grateful to all those who leave their families behind to serve their country.

On this, the first day of Hispanic Heritage Month, I am honored to have been able to share with you the stories of some of the Hispanics that helped establish the ''Battle-Born state,'' and to pay tribute to the diversity of this great Nation.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I come to the Senate floor on another topic at this moment, but I want to reflect briefly on what my colleague from New York said about the Hispanic community of New York. I would like to speak about the ones of Idaho. They are some of the most upwardly mobile, achieving communities in my State today, with great successes. They are out to become Americans, or are becoming Americans, by their ingenuity, creativity, and their energy. While I don't think they are looking for a handout, they are certainly looking for a hand up, and they are getting that. I am proud of them, and they have every reason to be proud of themselves during this month as we celebrate their heritage.

ENERGY

Mr. CRAIG. Mr. President, I come to the floor to talk about energy once again. Here we are now, with record gas and oil prices, and several of the opponents of the energy bill produced by Senator DOMENICI, myself, and others—my Democrat colleagues on the other side of the aisle—are now claiming that the bill does little, if it were passed and if it were law, to reduce our dependence upon oil or other fossil fuels. Less dependence is something we all share.

First of all, I challenge my Democratic opponents to pass the law. First pass the law, get it into production, see where it takes us, instead of simply carp and carp very loudly about energy prices and dependency on oil, and then do nothing about it except talk in political terms in a very political year.

What I am going to suggest and show you in the next few moments about one aspect of the bill—one relatively small aspect of the bill—I think argues that if the bill were law today and if it were allowed to be implemented, it would give us the opportunity to rapidly begin to decrease our dependence on foreign oil and other fossil fuels.

The one provision I am talking about in the bill by itself could reduce our dependence on gas and other foreign oils by as much as 12 billion gallons. To understand how wrong my Democratic colleagues are on this issue, let's look at the provisions of the bill that would enable loan guarantees to help kickstart the cellulose ethanol industry. Cellulose ethanol could develop very quickly as an industry and have a major impact on rural incomes and the environment as well as our energy security.

What is cellulose ethanol? Cellulose ethanol looks, smells, and acts like regular ethanol, but instead of being made from corn, it is made from what we call agricultural residues. Agricultural residues are a part of the plants for which we have no commercial productive use today. When a crop is grown—grain, for example—we use the grain for food, both animal food and human food. Some of the plant is often left on the ground to keep the soil fertile and from eroding. We call it straw. And the rest must be disposed of as a form of residue. Sometimes it is burned, sometimes it is bailed and used for livestock bedding, and a variety of other purposes. But residue is straw from which wheat and barley grow in my State and nearly every other State in the Nation. It is the corn stover, the stalks, the husks, the cobs from the Corn Belt. It is the sugar bagasse or cotton stalks from Florida or Texas. It is that residue that American agriculture produces.

Farmers often pay to dispose of this material. We have known for a long time that cellulose in this material can be transformed into hydrocarbons. Now it seems that the technology to do so is closer than ever before.

The Wall Street Journal reported on April 21 of this year that Iogen, a Canadian company, had begun to produce cellulose ethanol commercially. That ethanol produced from wheat straw is now being sold and used in small quantities in Ottawa and surrounding areas.

The cover of the August 30 issue of Fortune magazine, a magazine I hold in my hand, says ''How to Kick the Oil Habit.'' The article mentions alternative fuels as one of the four ways to kick the habit. It also focuses on Iogen and cellulose ethanol in this article. So cellulose ethanol seems to be on its way.

But why should any of us care about this? What does it have to do with our Energy bill? The Energy bill contains a provision that would allow commercial cellulose ethanol production to begin in the United States within a matter of a couple of years.

Iogen has partnered with Shell Oil, and together they want to build the world's first full-scale cellulose ethanol production facility right here in the United States. But as long as the Energy bill is stalled, so is this project. A lot of lipservice can be given, but until this Congress acts and until my colleagues on the other side of the aisle line up with us to allow this technology to come on line, there can be a lot of talk, but the dependence on foreign oil will continue.

Also stalled today would be an opportunity to begin to fill the gas tanks of Americans with a fuel that would be grown in the heartland of America. Certainly, we have and will continue to use corn-based ethanol, and the Energy bill I talk about would go a long way toward bringing more of that into production. But there is a limit as to how much corn we can dedicate to energy production.

On the other hand, with cellulose ethanol, we are not talking about small quantities. This summer, Secretary of Agriculture Ann Veneman announced the results of a study that showed there is enough agricultural residue produced on our farms to support 200 of these types of ethanol plants and that those plants could displace 7 to 10 percent of the gasoline we consume today. That is a reasonable guesstimate.

You have heard me right: If we get this industry going by simply using waste materials from America's farms, we could knock almost 10 percent off our gas imports. What does that say as to our ability to negotiate in a world market? It says a great deal because now we have leverage, and the leverage is a product being produced right here at home.

This will not happen unless we are able to implement this bill and bring it on board. Just one cellulose ethanol plant would enhance energy security by replacing a gasoline component of the crude oil imports from 2.4 to 2.9 million barrels per year; increase farm income by $25 million per year by creating economic value for residues that currently, as I said, have little to no value or are simply viewed as waste;

create economic development by creating over 1,000 new jobs during peak construction, and almost 200 new permanent jobs and about 450 spinoff jobs.

That is positive economics when you can talk in those terms, and those terms are not just talk. That is reality if we implement the Energy bill.

It would reduce net emissions of carbon dioxide by 355,000 metric tons annually and would reduce emissions of major air components targeted by the Clean Air Act.

A mature cellulose ethanol industry based on agricultural residues alone would multiply these benefits: Enhance U.S. energy security by displacing up to 10 to 12 billion gallons of gas annually, which represents 7 to 10 percent of current U.S. gas consumption; provide approximately 200 to 300 rural communities with more jobs and farmers with more income, and certainly a stronger economy for American agriculture; reduce carbon dioxide, CO2, emissions from 65 to 100 million metric tons.

We are talking about putting money into U.S. farmers' pockets instead of the pockets of the oil sheiks of the Middle East.

About 29 States currently produce ethanol, and those States clearly have the ability to produce cellulose ethanol in a tremendous way. Chart 1 shows the States that are capable of doing that. Can you imagine, instead of having only a few oil-producing States in our Nation, we would have nearly 25 States capable of producing? That is the value of this program, and adding nearly $25 million a year to the local economy. That is what we are talking about with regard to this Energy bill and what it could do.

So not only are we talking about that, but our second chart shows what is extremely important, and that is in carbon savings reported by various studies by bringing this kind of production online. Reducing demand on gasoline from foreign oil from 15 to 20 percent creates anywhere from $5 billion to $7.5 billion annually in economic growth in rural America. That is what we are talking about, and that is what I think chart 3 represents so clearly. It is tremendously important.

Here is today's gas engines, in relation to greenhouse gas emissions. Here is the diesel hybrid that we are all excited about today in hybrid production, again a decline. Here is the hydrogen fuel cell car. Our President has been leading and talking about the new hydrogen technologies for surface transportation. Then we have today's ethanol engine, today's ethanol fuel cell engine.

As a country, we are simply on hold at this moment because for 5 long years this Congress has debated but has refused to pass a comprehensive national energy policy that not only advances these technologies but incentivizes the marketplace to go after these technologies.

So when our colleagues on the other side of the aisle simply say the Energy bill will do nothing for the American consumer, I say politically and in reality, shame on them. They know better. They worked with us in trying to develop this bill over the last 5 years. It has become a bipartisan working piece in a very comprehensive way.

Today, I have taken just a small piece of that bill, the cellulose ethanol production capability of this country, and to suggest that it would reduce our dependence by 12 percent or even more, that it would improve American agriculture and put $25 million a year into the heartland of America, oh, my goodness, we cannot as a country look forward in that way, shame on us.

I hoped we could have passed a national energy bill this year. We are certainly going to in the future because the American public, I trust, is going to get fed up with paying $2.10 or more a gallon for their fuel and finding themselves increasingly dependent upon the Middle East. That is something the American consumer should not tolerate and that the American politician ought not stall out or block from happening.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

CONSERVATION ROYALTIES

Ms. LANDRIEU. Mr. President, I see my colleague from Tennessee is again on the Senate floor, and it is my pleasure this afternoon to spend a few minutes with him marking the 40th anniversary of the creation of the Land and Water Conservation Fund, a fund that has been extraordinarily helpful and useful to Governors, mayors, local elected officials, and advocates for conservation and for preservation for these 40 years.

When it was passed and signed into law by President Lyndon Johnson, it was a very farsighted and bold legislation that acknowledged that one of the great characteristics that separates America from the rest of the world, particularly the old world represented by the European countries. The essence of America, having such great expanses and great outdoors, separates it from an old world that was relatively small geographically and somewhat cramped. The United States of America has many special characteristics about it, but the one that really stands out that people of all political persuasions and from all geographic areas really appreciate and grasp is the value of the vastness of our land and the great open spaces. Our mighty rivers, our deep canyons, our extraordinary lush forests and green spaces, our breathtakingly beautiful deserts are all the things that make this country what it is.

Although the country was created this way and a great gift to all of us from the Creator, it is not going to stay this way unless we take some affirmative actions to preserve what we can, to give our people and our population places to grow, expand, earn livings, and create jobs. We have an obligation, as stewards, as the Senator said earlier, not just to our constituents but actually we have a moral obligation to the Creator who created this beauty to be good stewards of the land and the gift that has been given.

Looking at the 40th anniversary of the Land and Water Conservation Fund, while we have done a good job, while we have made a fine effort, while we can point to many success stories of the Land and Water Conservation Fund, I stand today on the 40th anniversary with the Senator from Tennessee to say that we must do better. There are terrible gaps in funding that are leaving beautiful States such as Tennessee and magnificent States such as Louisiana and other States throughout our Nation desperate for Federal help to finish the good work that was started late in the last century.

President Roosevelt, who is even credited today with being such a great visionary conservationist, was an advocate of the preservation of special places in America. That is what we come today to talk about, how important it is to recommit ourselves, on this 40th anniversary, to setting aside the proper amount of money, not more than we need but an adequate amount of money to help our Governors and our mayors and support a new effort for wildlife preservation and support our coastal areas in light of the original vision of the Land and Water Conservation Fund.

So the Senator from Tennessee and I have introduced the Americans Outdoors Act of 2004. I commend the chairman, PETE DOMENICI from New Mexico, who, in this very challenging year, has already allowed us a hearing on this bill. We look forward to working with the members of the Energy Committee, which has jurisdiction, of course, and the Department of Interior as we move this great legislation through seeking a more reliable source of funding.

We propose in our legislation to basically establish the same conservation royalty that the Federal Government now gives for onshore production of oil and natural gas. This bill will create a conservation royalty for offshore production of oil and natural gas and have it distributed in a way that complements and fulfills the promise of the Land and Water Conservation Fund. It is like saying the great wealth of this resource, of oil and natural gas, should be invested, as the Senator said, in the Federal Treasury to help economic development and building highways and the space program and should support our military.

A large percentage of these tax dollars should go for general uses, but a small percentage, 25 percent of these billions of dollars that are generated, should really go to a conservation royalty to acknowledge the creation that we have inherited, to acknowledge the

great land and water that we have inherited, and to say on this day we believe it is wrong to take and never to give back. We believe it is our political and moral responsibility to be good stewards of the wealth that is generated and to turn back a portion of that money for conservation. It is our responsibility to give to our grandchildren and great grandchildren the great gift and the great land that was given to us by our forefathers and our Presidents, both Republican and Democrat, who have argued and established this great fund.

So it is my hope, with the Senator from Tennessee, that we will be joined by other Senate leaders as we pursue this effort to find a reliable stream of revenue to create a conservation royalty that will fully fund the State side of the Land and Water Conservation Fund, a robust coastal program for the States in our Nation, and a wildlife restoration fund, as well as the urban parks component of the State side of the bill.

I think we should explore and try to look for opportunities to find a reliable stream of money for the Federal side as we continue to build and expand on public lands in the United States.

Let me say there is no one in this Senate who understands the great value of private property more than do I and the Senator from Tennessee. I go all over the world doing a lot of work on economic development and lifting people out of poverty. I have been probably to more orphanages and homes for poor children than most. Many Senators do that great work. I am well aware that, in order for countries to create wealth, owning private property and building equity in a home or getting a mortgage for a farm is essential. That is the founding essence of America. This bill we intend to reinvigorate today is not a threat to private property. It complements the great commitment we have to private property, by saying that some lands, a small portion of lands, should be in public hands. The majority should be in private hands. It is an extraordinary partnership that gives value to both.

The Land and Water Conservation Fund envisions that strong partnership making all of our land more valuable, cleaner, more user friendly, open and beautiful for us to give to future generations.

I see the Senator from Tennessee, who may want to add a few additional words. But I ask unanimous consent to have printed in the RECORD the distribution of money to the Land and Water Conservation Fund. It is not blown up, but I think the cameras at least can zoom in to see how volatile the funding has been, up and down, up and down, since 1965. Our bill attempts to equal this out by creating a conservation royalty so we can rely on these dollars and we can make good plans, spend taxpayer money well and wisely, creating beautiful bike paths and trails, helping to make more robust our park systems and our public lands for the benefit of our grandchildren in a way that complements the private sector, private property, and the economic development efforts that will continue to be underway for generations to come in this great Nation.

I also ask unanimous consent to have printed in the RECORD a news release that was issued by the Department of Interior, saying how proud they are to have distributed some money, royalties, for conservation to interior States.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATES RECEIVE MORE THAN $1 BILLION FROM SHARE OF FEDERAL MINERAL REVENUES

WASHINGTON.—Secretary of the Interior Gale Norton announced today that 36 states received more than $1 billion during 2003 as part of their share of federal revenues collected by the Department's Minerals Management Service.

The $1,096,699,888 distributed to states during the year, was nearly 46 percent more than 2002 payments to states that totaled $753 million.

''Responsible energy development on public lands and offshore areas contribute greatly to states and local governments,'' Norton said. ''The money enables local governments to fund important projects for the betterment of communities and the lives of Americans.''

The nearly $1.1 billion distributed through December of last year represents the states' cumulative share of revenues collected from mineral production on federal lands located within their borders, and from federal offshore oil and gas tracts adjacent to their shores.

''In many cases states share their revenues with counties, which apply the money to meet needs like infrastructure improvements and school funding,'' MMS Director Johnnie Burton said.

During calendar year 2003, the state of Wyoming again led all states by receiving more than $503 million as its share of revenues collected from mineral production on federal lands within its borders, including oil, gas and coal production. New Mexico's share was more than $318 million, while $62.7 million was received by the state of Colorado. Other states sharing revenues included Utah with more than $54.4 million; Louisiana with $31.5 million; Montana at $26.9 million; and California with more than $25.3 million. (Complete table provided below.)

A state is entitled to a share of the mineral revenues collected from federal lands located within that state's boundaries. For the majority of onshore federal lands, states receive 50 percent of the revenues while the other 50 percent goes to various funds of the U.S. Treasury, including the DOI Reclamation Fund. Alaska receives a 90 percent share as prescribed by the Alaska Statehood Act. States may also receive appropriations from the offshore royalty-funded Land and Water Conservation Fund to help them with park and land acquisitions.

In addition, coastal states with producing federal offshore tracts adjacent to their seaward boundaries receive 27 percent of those mineral royalties. Remaining offshore revenues collected by the Minerals Management Service are deposited in various accounts of the U.S. Treasury, with the majority of those revenues going to the General Fund.

MMS is the federal agency in the U.S. Department of the Interior that manages the nation's oil, natural gas, and other mineral resources on the outer continental shelf in federal offshore waters. The agency also collects, accounts for, and disburses mineral revenues from Federal and American Indian lands. Between 1982 and 2003, MMS distributed more than $135 billion in revenues from onshore and offshore lands, an average of more than $6 billion per year, to the Nation, States and American Indians. Nearly $1 billion from those revenues goes into the Land and Water Conservation Fund annually for the development of State and Federal park and recreation lands.

Alabama	$14,601,401
Alaska	13,126,183
Arizona	128,474
Arkansas	4,379,518
California	25,336,757
Colorado	62,703,158
Florida	387,298
Georgia	54
Idaho	1,880,786
Illinois	100,822
Indiana	6,438
Kansas	1,928,091
Kentucky	55,782
Louisiana	31,561,211
Michigan	425,844
Minnesota	17,427
Mississippi	1,231,716
Missouri	169,832
Montana	26,906,699
Nebraska	15,125
Nevada	5,015,687
New Mexico	318,768,793
North Carolina	118
North Dakota	5,139,095
Ohio	301,952
Oklahoma	3,541,950
Oregon	30,608
Pennsylvania	22,312
South Carolina	20,602
South Dakota	413,977
Texas	19,069,085
Utah	54,443,508
Virginia	2,099
Washington	815,708
West Virginia	379,821
Wyoming	503,771,957
Total	1,096,699,888

LAND AND WATER CONSERVATION FUND—STATE AND FEDERAL APPROPRIATIONS

Fiscal year	State appropriation	Federal appropriation	Total appropriation
1965	$10,375,000	$5,563,000	$16,000,000
1966	82,409,000	38,428,349	122,114,349
1967	56,531,000	36,206,591	95,006,591
1968	61,520,000	39,902,359	103,940,359
1969	44,938,000	63,991,000	111,500,000
1970	61,832,000	66,156,000	131,100,000
1971	185,239,000	168,226,000	357,400,000
1972	255,000,000	102,187,000	361,500,000
1973	181,800,000	117,721,000	300,000,000
1974	65,767,000	5,480,000	76,223,000
1975	179,880,000	121,700,000	307,492,000
1976	175,739,000	135,587,000	316,986,000
1977	175,315,000	356,286,000	537,799,000
1978	305,694,000	490,880,000	805,000,000
1979	369,602,000	360,776,000	737,025,000
1980	299,703,000	202,540,000	509,194,000
1981	173,745,000	108,282,000	288,593,000
1982	0	175,546,000	179,927,000
1983	110,819,000	220,093,000	335,093,000
1984	72,919,000	226,890,000	301,890,000
1985	71,853,000	213,130,000	286,612,000
1986	45,993,000	120,646,000	168,209,000
1987	32,700,000	175,656,000	210,626,000
1988	16,567,000	150,478,000	170,464,000
1989	16,700,000	186,233,000	206,233,000
1990	29,843,000	211,719,000	231,481,000
1991	19,748,000	308,446,000	341,671,000
1992	19,748,000	294,148,000	317,392,000
1993	24,788,000	255,437,000	283,652,000
1994	24,750,000	227,498,000	255,551,000
1995	24,703,000	188,848,000	216,795,000
1996	0	136,573,000	138,073,000
1997	0	227,498,000	159,379,000
1998	0	270,098,000	271,098,000
Title V*	0	699,000,000	699,000,000
1999	0	328,467,000	328,467,000
2000	40,000,000	419,000,000	459,000,000
2001	90,500,000	445,500,000	536,000,000
2002	144,000,000	429,000,000	573,000,000

LAND AND WATER CONSERVATION FUND—STATE AND FEDERAL APPROPRIATIONS—Continued

Fiscal year	State appropriation	Federal appropriation	Total appropriation
2003	97,000,000	313,000,000	410,000,000
2004	95,500,000	177,000,000	242,500,000
Total	3,663,220,000	8,819,816,499	12,498,986,299

*Title V Funds are supplemental to the FY 98 Appropriation.

Ms. LANDRIEU. We ask the same, that the same process that is in the law for onshore oil and gas drilling be in the law for off-shore oil and gas drilling. The onshore revenue provision has been in place since the early 1920s.

The record is clear. This, basically, is the essence of what our bill does to mark the 40th anniversary of the creation of the Land and Water Conservation Fund. Let's actually find a way to fund it. That is what our bill will do.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I commend the Senator from Louisiana. She has worked hard for 6 years on legislation like this. I am proud to join her on the 40th anniversary of the Land and Water Conservation Fund to continue its bipartisan support.

If I may ask through the Chair a question to the Senator from Louisiana. She mentions that for 50 years we have had a tradition in this country of a State royalty. In other words, if you drill for oil in Wyoming, for example, there is a royalty paid to the State of Wyoming, which is 50 cents out of every dollar of revenues.

I wonder if the Senator from Louisiana knows what amount of money that royalty produced for the State of Wyoming this year?

Ms. LANDRIEU. Yes, I do. I happen to have that document right here.

I understand the State of Wyoming, according to this document, has received over $500 million. Yes, $503,771,000 this year, which was the State royalty for Wyoming.

For the record, New Mexico received this year $318,768,000 in the same account.

Mr. ALEXANDER. I thank the Senator from Louisiana.

The Senator and I understand that those concerned about the appropriations process in the Senate have to deal with this issue. Today, under our budget rules, if we were to create a conservation royalty for offshore oil drilling and made it identical to what we have been doing for 50 years with onshore oil drilling, that would require us to treat it in a different way today than they did 50 years ago when they started it. We know that. But what we are trying to suggest is there is no real difference between creating a royalty on oil drillings or gas drillings onshore and oil or gas drillings offshore. In fact, there is a better argument for creating a conservation royalty than for creating just any old royalty for the State of Wyoming or the State of New Mexico or Arizona or Montana.

The logic is this. I am one who votes for more drilling for oil and gas because I don't like us relying so much on the Middle East for it, so I vote for that. But I don't know why we cannot agree that, if we have an environmental burden on the one hand, we cannot create an environmental benefit on the other hand.

This is a subject the Senator from Louisiana and I hope to talk over with our Members and say yes, this is an issue. We understand that. But for 50 years we have been taking 50 cents out of every dollar that comes from drilling on Federal lands onshore—90 cents in Alaska—and leaving it in the State where the drilling is done. What we are suggesting is we take about 25 cents of every dollar from offshore drilling and create a conservation royalty for the State to fund these programs the Senator talked about. We think that makes good sense, and that it is in the 40-year bipartisan tradition of the Land and Water Conservation Fund.

I am convinced there is a bipartisan conservation majority in the United States of America, and that on this legislation there will eventually be a bipartisan conservation majority in support of the Americans Outdoors Act.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

SQUEEZE ON MIDDLE-INCOME FAMILIES

Mr. DODD. Mr. President, I want to take a few minutes this afternoon and express my concern and the concern of many of us around the country about the growing squeeze that is occurring on middle-income families in the United States. This is a very alarming trend we are seeing.

I address not only that point but also the issue of what is happening with the rising level of poverty in the country, particularly poverty among our youngest citizens in the earliest ages, and the number of children being born in the United States who are being born into extreme poverty—not just living in poverty but living below half the poverty line.

When you think of the combination of the squeeze occurring on the middle income and watching the growing numbers of children living in poverty in this country, all of us ought to be supremely alarmed about those trendlines.

Add to that the fact that there now appears to be the largest single deficit in the history of the United States, and the failure to create new jobs in the country, which is the worst performance of job creation since just prior to the beginning of the Great Depression back in the 1920s. We have lost somewhere between 1 million and 1.5 million jobs in this country in the last 4 years. When you compare that to the 20 million jobs created during the 1990s, there is a startling contrast in what is happening to America's economy.

I think it is critically important in these days that the American people be well informed factually about what is occurring as we make the difficult choices in the coming days about the leadership of this Nation.

Let me begin with the middle-income squeeze because I think it is important to know what is happening to families out there. We are watching a tremendous decline in household incomes. Household incomes have fallen about 3.4 percent during the last 4 years.

Let me put that in terms of dollars and cents.

To give you some idea of the median household income in the year 2000, the median household income was almost $45,000 a year—actually $44,853. Today, that median income is now $43,318. That is a decline of $1,500 in median household income. That is a drop in earning power.

If you have merely a decline in income and also a commensurate decline in costs, you would say that is not great, but certainly given the cost of essential items that middle-income families must acquire, those prices are going down, then the declining income would not be startling. But what is happening is quite the opposite.

We have watched median household income decline by $1,500, and simultaneously watched gas prices during the same period of time go up almost 20 percent in the United States. College tuition has gone up some 28 percent in that same 4-year period, and family health care premiums have risen 45 percent just in the last 2 years by 26 percent—11 percent in 1 year and 15 percent the next. So we are watching household median income decline by $1,500, and then we are watching college tuition, health care premiums, and gasoline prices soar. This is the squeeze. This is what is happening to average families in this country.

Also, as I mentioned at the outset, we are watching jobs not being created. We are short of well over a million jobs that we need in order to maintain a growing economy. But even these jobs are not coming back. We saw 144,000 new jobs created in the month of August. That is certainly vastly improved over the 32,000 new jobs created in July. Understand that just to keep pace with the new entries into the job market we should be creating about 220,000 jobs every month. That is what we need to do in an economy such as ours with a population of almost 300 million people: You have it produce about 220,000 new jobs every month just to stay even.

When we start talking about 32,000 jobs or 144,000 jobs, while certainly 133,000 is positive news, it still is well

below what we ought to be doing if we are going to keep people working at levels that will allow them to provide for their families.

As I mentioned a moment ago, we are watching incomes decline. This is even more true when you start talking about new entrants into the job market from people who have lost a job and then go back to work. They are making about $9,000 less a year overall, putting all incomes together, than they were before.

While we are creating some new jobs, the wages these jobs are paying and the benefits being provided are very different than they were with the previous jobs held by these very same people. This is tough news.

Again, there are choices that will be made in the next 45 or 50 days.

I point out for the purposes of discussion—sometimes it all gets lost—that there are those who are claiming there is nothing to worry about, that in fact our economy is good and strong.

I noted the other day that there was a speech the President gave in Michigan when he talked about how well our economy was doing. I think it was in Muskegon, MI. He was speaking just 2 days ago:

> This economy of ours is strong, and it's getting stronger.

That was a speech given in Muskegon and Greenwood Village, CO.

Since the President has taken office, less than 4 years ago, the State of Michigan has lost 250,000 jobs. In Colorado, there has been a loss of 80,000 jobs.

I don't know how you square a statement of saying the economy is strong and getting stronger when a quarter of a million people in one of the most industrial States in the United States have lost work, and 80,000 jobs in the State of Colorado no longer exist. How is that a strong economy or a stronger growing economy? I don't see that. I don't think most Americans would.

JOHN KERRY, our colleague, who is running for the Presidency, has promised to create 10 million new jobs during the first 4 years of his administration. We need job creation in this country. We need to be talking about creating tax cuts for middle-income families and smaller businesses. That is where real growth occurs when you provide the kind of stimulus to smaller businesses and industries. They need the relief financially to modernize, to buy new equipment, to make themselves more competitive in a global economy. We need more of that kind of economic thinking than what we have seen in the last few years which has contributed to the worsening economic program at home.

I am an optimist and believe we ought to talk about good things that can happen in our country. It is very difficult to go anywhere in this country and have that kind of a conversation when people are out there struggling every day harder and harder to make ends meet, watching their incomes decline and their costs rise, and wondering how they will deal with the issues.

There are an additional 1.2 million Americans who no longer have health insurance. That number is up to 45 million in our country; it was below 44 million, but in the last year or so that number has jumped by 1.2 million. Those people are working Americans who have lost their health care coverage because of the rising premium costs of smaller and midsized businesses. Their employers are not mean spirited. They just cannot afford to maintain the cost of the health care premiums and some are dropping their employees from this kind of coverage.

So now we have working Americans who have watched their health care premiums jump tremendously. The average home health care premium in 2000 was $6,351 a year. Less than 4 years later it has jumped to well over $9,000, almost $10,000. That is staggering. Employers just do not have the resources to pay these bills. So we find now 1.2 million working families in the ranks of the uninsured in our country. That adds to our problems.

I mentioned a moment ago child poverty. I will share with my colleagues my deep and growing concern about these numbers because this worries me. This is not the America that I was raised to believe in.

We are talking about a generation of kids coming along who will have to be the best educated, best prepared our Nation has ever produced. We are now in a highly competitive marketplace in the world. When kids grew up a generation or two ago you worried, if you were in Connecticut, that you might end up competing with a young person from New Mexico or you might compete with a person in Oregon. That was what it was like in this country.

Today, for a child growing up in New Mexico or in Oregon or Connecticut, their competition will be in Beijing, it will be in Moscow, it will be in Sydney, in Johannesburg, London. A global economy will be the challenge. How well prepared is this generation coming along?

We may be in the most unique position of any generation of Americans in watching a succeeding generation be less well off, less well prepared than we were as a generation. Every other generation throughout the more than 200-year history of our country has left their children and grandchildren in a stronger position. That has been our legacy as a nation. We are now precariously close to setting back for the first time in our history where a generation coming along may not be as well prepared, particularly when the challenges are going to be greater than ever before.

I worry very much when we see the jump, by 4.3 million, of Americans living in poverty over the last 3 years. In the year 2000, of the 300 million Americans, there were 31.6 million Americans living in poverty. Today that number is close to 36 million, up 4.3 million people living in poverty in the United States. Of those numbers, we have almost 13 million of that 36 million who are children.

While the overall child poverty rate is 17.6 percent, the poverty rate for children under 5 is 20 percent. That makes the fastest growing group among the poor today, families with children under the age of 5.

Those are the facts. That is the legacy of 36 months—not quite, almost 40 months of leadership here. We are finding ourselves in worse shape.

We are fighting tooth and nail to get some resources for child care, for nutrition, for WIC programs to try to do something to assist these kids and these families. It is like pulling teeth around here to get some help for the kids who, through no fault of their own, are living in poverty. Yet the children are the ones who will be asked to defend our country, to become well educated, to provide for the strength of America in the 21st century.

I am deeply alarmed about the trendlines. We are not spending enough time addressing and talking about what we might do. This is the largest annual increase in child poverty in 10 years that has occurred in our country. Overall child poverty increased by 5.4 percent in 2003 while children living in extreme poverty increased by 11.6 percent. In fact, extreme poverty for children under 5 increased by 16.2 percent.

According to the Census Bureau, over 40 percent of children under the age of 18 who are being raised by a single mom are poor. Over half of them live in extreme poverty. That is below the poverty level.

More than half of our children under the age of five who are being raised by a single mom are poor. And, 60 percent of them—three of every five poor 5 year olds being raised by a single mother—are living in extreme poverty.

I addressed the issue of the squeeze that is occurring on middle-income families, watching the incomes decline and the costs rise. They are dramatic over the last few years. I am worried about the crushing blow that is occurring to children and the level of poverty that is occurring.

I raise these issues because we are going to have to change direction. We cannot continue the path we are on and expect these numbers to change. Every indication we have is the numbers are going to get worse and not better if we do not take dramatic steps in a different direction. I raise them today, and I pointed out earlier, and these are not personal attacks, they are choices we have to make. The candidates for President have entirely different views on how we ought to address this.

I mentioned earlier our colleague, Senator KERRY, has talked directly about tax cuts and where they ought to occur—for middle-income people, for smaller businesses; a health care plan that would start taking people off the rolls of the uninsured, put people in insurance programs and relieve them of

the fear of a child or a loved one being caught with a crippling illness or accident and bankrupting a family overnight because of their absence of insurance protection; of seeing to it that people who work overtime get paid for the overtime instead of shutting them off and depriving them of the extra income they need; of raising the minimum wage instead of depriving people of the kind of increases they need to make ends meet.

The tax incentives make a difference. Those are choices. The President says the economy is strong and getting stronger. Tell that to the 250,000 people in Michigan or the 80,000 Coloradans who have lost their jobs. I think they will agree. This is hardly getting better.

We need a change. That change will be available to people in less than 50 days.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. How much time does the Senator from New Mexico have?

The PRESIDING OFFICER. Each Senator has 10 minutes in morning business.

Mr. DOMENICI. I will use 10 and I know there is another Republican Senator who is not here but he gave me another 10. I am just kidding. We will try to get by with 10.

I say to my good friend, I am just wondering, we have a President who is in the hinterland campaigning and we have an opposition candidate from your side. I wonder, how come all of you are coming to the Senate, one after another, telling us what your candidate is going to do? Can't he tell Americans for himself? Does he need you all to come down here and give a speech every day, five or six of you, one after another, talking about what your candidate is going to do?

No, I will not yield at this point. You have been talking for a long, long time, so let me speak.

Mr. DODD. How long did the Senator from Connecticut speak?

Mr. DOMENICI. Ten minutes and I gave you 2 extra minutes.

Mr. DODD. That is a long time.

THE ECONOMY

Mr. DOMENICI. Mr. President, I have a speech on energy, but the Senator energized me so much that I want to speak a little bit about what he spoke about and then I will talk about the people in the Senate on their side of the aisle.

First, isn't it wonderful to say, fellow Americans, we need 10 million new jobs.

Senator SMITH, you own a business; you know how people get jobs, right? Your business employs them, right? If things are bad in the economy, you cannot hire more, right? What good does it do for a politician to come up here and say we need 10 million new jobs? That is true. In fact, I would say we probably could use 20, although the truth is, we do not have that many people to be hired, but we could say that.

Well, that is no plan. That is a statement. How are you going to do it? Who are you going to follow? Are you going to follow the Clinton model? They say that did all those things. There is a lot of question whether that plan did all that. But why don't Democrats say: We are going to follow the Clinton plan? The Clinton plan was to raise taxes. It just happened that the economy was recovering. And the Democrats will say: Yes, but the country got very confident once we put in the increase in taxes because they thought we were going to reduce the deficit. That is really their idea of where they got their great, new jobs. That may be true, but nobody is saying they are going to do that.

They stand up and say: We need 10 million jobs. Bush is not producing them. We need 10 million jobs. Elect our man. That will take care of it. Does anybody believe that? It used to be they would say something better. When I came to the Senate, and we would have a downturn, the Democrats would come to the floor and say: We are going to add jobs. How? They would say: We are going to spend money. Do you know what they used to do? They would put a public works jobs bill on the floor and say: We are going to build bridges. We are going to build roads. We are going to build all these things. And the American people, like big, fat suckers, would say: Let's pass it. We are going to get new jobs.

We stopped doing that. I say to the Presiding Officer, have you ever heard of anybody doing that since you have been here? No. Do you know why? Because it does not work. By the time those new jobs would come on, do you know how many years passed, on average? Three years before they started; 7 years before they got finished. By then, there was a whole new set of problems. Right? The downturn was gone. It did not have anything to do with it, but they passed something. Or they said: Let's double all the spending in all these programs we have. That will put everybody to work.

Maybe we could get a chart here and say: We need 10 million new jobs. Let's put them to work with Government programs. We would see what that produced. The American people would say: Are you nuts? You want to spend $50 billion to put people to work? And then it would be invented work.

So the truth is, you have to say, when you talk about 10 million jobs: I have the secret of how to make the American economy grow—not how you wish it would, but how you are going to make it grow.

And I have not heard much. I have heard there is going to be more middle-income people getting tax cuts. Interesting. Has anybody put on a board how much that will cost? And will they really do it? And how much are they going to give the middle income back? And what will that do to create jobs? Most interesting. I would like to see it. Enough of that.

Second issue. Health care costs are too high. Let's take a poll. I say to Senators, put up your hand as to how many of you think health care costs are too high? I imagine you would get 100 votes. Right? One hundred Senators say health care costs are too high, health care costs are going up too much. Wonderful.

Now, let's go out to America and tell them that: I am running, and health care costs are too high. That is good. But now the question is, Are you telling us you know how to reduce the health care costs? What is your plan? What is your secret? Do you have some new way to do it? Let's hear how. I do not hear that because the one thing that is being said is, maybe the Government ought to take more people and let the Government take care of them in health care. But then, when you say, what do you want to do that for, is it that you mean you want more Government-owned and operated health care?

Now, I know when you say ''socialized medicine,'' they get very upset. But maybe you do not want socialized medicine. Maybe you only want half socialized medicine, not all of it. But, frankly, I do not see any plan. The only one I have heard about is the importation of drugs. And I am not going to argue that today. It has been argued back and forth.

I will just say, I have read everything I can about the importation of drugs and its impact on the costs of prescription drugs in America. And I guess I am prepared to say that there is very little empirical evidence that across the board, for really good kinds of medicines that are important today, and to our seniors, that in the long run, unless you physically take your body on a train or an airplane or car and drive to a foreign country and buy the prescription and bring it back, there is very little evidence that you are sure to get the right kind and that the price will be right if you ask it be shipped. Now, enough of that.

So the question is, we need 10 million more jobs. How will the Democrat Presidential candidate do it? And let's talk about it. And then we need to reduce health care costs; and let's ask, how would we do it?

Now, let me tell you, there is a lot of talk about the uninsured. Frankly, the most interesting thing is, they speak about a lot of children being uninsured. I submit that may be true. But when we were working 8 or 9 or 10 years ago on health care, I was involved. We asked some insurance companies: Well, how much does it cost to insure kids? Do you know what they said? ''We don't insure kids, children. We don't have any insurance policy that insures children.'' ''Are you kidding?'' ''Yes, we don't do that.''

Well, frankly, before that year was out, we pushed somebody. One insurance company finally put out a brochure that said: We will insure children. Do you know what. Very cheap. The thing is, most children are not covered that way. They are covered derivatively through their parents. Right? One of their parents gets a job. Their parent's job covers them and their kids. They buy insurance. They don't buy it only for themselves, they buy it for them and their children.

So, in essence, it is good to say: We need to cover more people. It is hard to say how you are going to do it. I submit if you put what the President is proposing side by side with what the Democratic candidate is saying, you at least have some very positive things you can measure that are being done that the President is proposing. The other one is untried, nice to talk about, beautiful rhetoric. But I think the President's basic ones, with some additional things added to it, will probably be the way we go as a country anyway.

Now, all the other issues that were raised by my good friend on behalf of their nominee could all be answered much the same way. So there are more poor people than there were before. Good statement. Not quite as many as they say, not quite as big a problem as they allege. But the question is, What are you going to do about it? How are you going to fix it?

Most of the time, we are down here on the floor of the Senate talking about education and the inadequacy of our education. It is most compelling to me that about 4 weeks ago, Alan Greenspan, who normally does not have anything to do with education, was being asked a question in one of our committees about the fact that we have a lot of people who are unemployed, we have a lot of people underemployed, we have very tough competition from overseas. What do we do about it, Dr. Greenspan? I say to my colleagues, he did not talk about any single American program. He did not say: Let's increase the Small Business Administration so it would help more small businesses. He did not say: Let's give a tax cut to somebody. Do you know what he said? He said: Well, if that is the case, I guess we better start educating our children better. That will do more for the unemployment, more for the underemployment than anything else: better technical education for children. I am surprised—

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. DOMENICI. I ask Senator MURKOWSKI, could I have 2 additional minutes? I say to the Senator, you are next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. But I am surprised that is not what we are talking about: How do we take that tremendous number of young people walking our streets, who are not educated, who do not have diplomas, and make them educated so they will get out of poverty? Not just coming down and saying they are but that they will get out of it. How will we be competitive? Because that kind of person will become technologically capable, and they will help make us competitive.

NEED FOR ENERGY LEGISLATION

Mr. DOMENICI. Mr. President, I said a couple weeks ago, 10 days ago, I was going to come to the floor once every day to talk about the Energy bill. I did not do that, but this is my third or fourth time.

We are rudderless, a ship that has no capacity to guide itself, when it comes to energy policy. We have a bill ready to go that can steer us to a better future. But there are still a number of Senators who refuse to hear the warning bells that require our action.

How much louder can those bells be ringing? There was a huge blackout in August in the East. A complete energy meltdown occurred in the West just a few summers ago. Oil prices are surging to record heights. Natural gas demands are increasing.

Prices of coal are higher and going up. Consumers are paying beyond the reasonable price at the gas pump. Our critical infrastructure lacks adequate investment—that is, in electricity and other things that relate to energy, refineries. Our electricity grid has no mandatory reliability rules, meaning we may have blackouts again which we thought Americans would never have again. If we pass the bill, we will be able to tell them that. Efforts to increase efficiency and renewable energy are anemic. The list can continue for a frighteningly long time unless we pass the Energy bill. I am committed to the Energy bill because it is necessary. It is the first step we must take in order to change our economy's destiny.

We can't increase domestic oil and natural gas production overnight. We can't snap our fingers and modernize our Nation's electric transmission grid. We can't expect renewable energy to appear online tomorrow. We can't move away from foreign oil toward a clean, hydrogen future all of a sudden.

We need an energy policy plan to move us forward to reach those goals. We need an energy policy in place so that businesses and investors have regulatory certainty. We need to make having an energy policy a priority.

Today, as we speak, there are events affecting our oil situation.

OPEC has decided to up its quota. Big deal. They were already producing over their last quota and are still over this most recently announced one.

Right now, OPEC is not in charge of how much a barrel of oil costs in the spot market. Why? They don't have enough capacity to weather the demands of the global market.

The weather, on the other hand, can affect the market greatly.

Hurricane Ivan is making OPEC look pretty weak. Oil prices have been volatile with each report of Ivan's predicted impact.

Right now, oil prices are just over $44. This morning the U.S. Minerals Management Service announced that 73 percent of the Gulf of Mexico oil production—that is about 1.25 million barrels of oil—and 41 percent of the gulf's gas production—about 5 billion feet of natural gas—have been shut in.

The longer the storm and its aftermath lasts, the longer imports from Venezuela will take to get to our southern ports. If refineries are shut down in Texas, Mississippi, and Louisiana due to Ivan, a 5-to-7-day delay in products getting to the market could occur.

The warning bells are ringing. We are living on the bleeding edge of supply and demand for oil, natural gas, coal, and renewable fuels. Let's get off the edge of this cliff and focus on achieving some energy security.

Instead of wringing our hands at each crisis and passing political blame around, we need to work together to get an energy policy in place. We have such a policy ready for action. It is called the energy bill. If the Democrats would agree to limit the number of amendments to about 10, we can pass this much-needed legislation. If they will not agree, then I want the American people to know for whom the bell tolls. It tolls for those that refuse to come to the floor and get this energy bill done.

Let's get to work and pass it.

I am quite surprised that when Members come to the floor of the Senate and talk about jobs, about growth, about competition, that they are not talking about energy. But they are not.

We have Hurricane Ivan, which makes OPEC look very weak. Oil prices have become very volatile, and the hurricanes, including ''Ivan the Terrible,'' are causing us to shut in huge amounts of oil all over the coastal areas because they can't leave those deep wells open in the wake of the hurricane. So they are creating another big uncertainty. I don't want to make it sound like I am only worried about energy and hurricanes; I just want to state the facts.

While we do that, I want to say that all of us, whether we come from a State far away from hurricanes, are deeply worried about what has happened and what might happen. We don't know. Nobody knows how heartfelt Americans are from the rest of the United States. We are prayerful. We are worried, and we hope and pray that what we hear about possible damage to parts of Louisiana doesn't happen. It would be without precedent if it happens—just terrible. So let energy set aside for a little bit as we look at that problem and hope we can do something to be helpful.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I appreciate being able to follow the comments of my esteemed colleague

and the chairman of the Energy Committee speaking about the importance of energy. He and I would agree that is a topic we just haven't heard enough of lately on this floor, the Energy bill and an energy policy that this country so desperately needs, whether it is Americans looking at the price they are paying for gasoline at the pump, whether it is Americans looking at our utility statements and realizing the price of natural gas is going beyond a level we feel comfortable with, just recognizing that we as a country do not have a notion, do not have a real solid policy for how our energy supply meets up with our energy demand. That is something we in Alaska have talked about for far too long. We have urged this body to move forward with an energy policy, one that makes sense.

I like to say that Alaska is prepared to be or in effect is the energy bank for the country. All we are waiting for is the opportunity to make a withdrawal from what we have in our incredible resources. But as we know, we have some issues we need to work through. Whether it is permitting issues for a natural gas pipeline, whether it is those financial incentives that make this megaproject, this $20 billion project possible so we can supply domestic reserves of natural gas to this country, we have the ability to make it happen in Alaska. We just need a little assistance from the Congress in moving forward.

We can't leave this conversation without talking about ANWR and the opportunities for us as a nation, recognizing the known reserves we have up there, recognizing that we are in a position in the State of Alaska to provide for enhanced domestic reserves of oil supplies at a time when we know the supplies are questionable from the sources we are currently receiving them, whether it is because of political instability or just declining reserves. We have an opportunity in the State of Alaska. Again, we just need the ability to move forward.

My purpose today in addressing the body is not to speak to the Energy bill or the importance of the Energy bill; it is to speak to an incident that happened this morning in the Energy Committee when we, as a committee, took up a series of land bills. It was a business meeting this morning that was designed to take up and pass, again, some land issues. It was kind of a cats and dogs type of a hearing. Most of the issues we took up were relatively noncontroversial.

We have a history in the Energy Committee of working in a very good, strong, solid bipartisan way. The committee works well together. The chairman and the ranking member work well together. We move forward on issues, it is fair to say, in a good and enviable manner. We accomplish things. So this morning was a bit of a surprise when, instead of doing the business that was before us, we had members of the Democratic Party leave, essentially stage a walkout on a business meeting of the Energy Committee.

As an individual Senator coming from my State, working on legislation that is important and, quite honestly, isolated to my State, as I am working through issues that affect Alaskans, I would ask for certain consideration from my colleagues on Alaska-related issues as we work through them. Today's episode or incident in the Energy Committee doesn't allow Alaska to move forward with a series of our issues.

So what exactly happened? We had 22 bills move through the markup without question or controversy. I had an agenda item that was a bill to resolve certain conveyances and provide for alternative land selection under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation and for other purposes, with an amendment in the nature of a substitute. I read that from this morning's agenda.

I indicated to the chairman that I had an amendment in the nature of a substitute and moved to discuss those portions of the amended bill, and the minority members of the committee proceeded to leave the committee, which left us without a quorum and no ability to move forward on the business. The business remaining were two bills I had been working, this Cape Fox bill as well as another very specific Alaska lands-related issue.

As we discussed in the committee, after our Democratic colleagues had left, one of my Republican colleagues informed me that in his 24 years on the committee, it had been the first time members of the committee had walked out, which left me, as the Republican Senator for Alaska working on these very specific Alaska pieces, to wonder: Wait a minute, I am here to represent my State on very specific Alaska issues. If I can't have my colleagues debate back and forth on the merits of the amendment, if we don't have the opportunity in these sessions to do the business that needs to be done to allow my State to move forward on these land issues, how do I move forward with legislation?

So it causes me to look back and say: Well, was there a failing on my part, on my staff's part, or on the committee's part? As we had attempted to move this legislation forward, had we failed to work in a bipartisan manner, failed to reach out in an attempt to accommodate on issues that had caused concern?

Let me speak to the two different bills we had before us. The first one related to the Cape Fox Land Entitlement Adjustment Act. Essentially, what this act is destined to do is an equity issue for an Alaska Native corporation. It allows for an exchange to resolve an inequity to the Cape Fox shareholders through a land selection process. This is a land selection process authorized under our Native Claim Settlement Act. The shareholders were denied the ability to select certain lands within 6 miles of their area. It created an inequity.

The only way this inequity can be resolved is through Federal legislation. So what we have done is created logical boundaries that improve Forest Service management. Essentially, this is a land exchange that would allow the Cape Fox shareholders to receive certain lands. It consolidated private ownership and increased the role of State government in the environmental regulatory process. It created economic opportunities for Cape Fox and Sealaska through certain leasing agreements that would be made possible. It allowed for native hire and vocational education in an area where, as I recall, the unemployment rate in that very small community is 25.6 percent, almost 420 percent of the State's unemployment rate. This is an area that can definitely use some equitable economic assistance.

So the legislation itself is good. It is sound. So the question must be, OK, did we fail to reach out? Were we not working with the other side on this?

This is not legislation that is new to the process. This is legislation that was actually passed in the 107th Congress. This is legislation that was passed through the House committee with unanimous support earlier this year.

I introduced this legislation in June of last year. In August of 2003, the Subcommittee on Public Lands and Forests held a hearing in Anchorage, AK. Subsequent to that time, we held a public hearing in Juneau, AK—a townhall meeting—in September to hear the comments and concerns of Alaskans who are located down in the area where this exchange is to take place.

After that, in March of 2004, we held another subcommittee hearing here in Washington, DC. We were then placed on the agenda in mid-March for markup—it was March 24. But there was no consensus so we began to attempt to work out a compromise to address the concerns that had been expressed by some of the environmental community, by Alaskans, and by some of our Democratic colleagues; and so what we did was we had prepared an amendment that was the amendment we were prepared to offer as a complete substitute today. That amendment would maintain the view shed in an area where we have recreational opportunities for kayakers and boaters, so we inserted an amendment to provide for view shed protection, an amendment to provide for public access; and we provided a provision that would ensure that all exchanged lands would be based on appraisal reports in accordance with the uniform appraisal standards of the Federal Land Acquisition Act.

We essentially had worked through the process. We had worked with the committee. After that markup that didn't happen in March of 2004, we had discussions with minority staff, which

had occurred prior to that intended markup date, as well as after. Those discussions continued through the third week in July of this year. We were making every effort to accommodate the concerns and considerations of the minority on this legislation yet still maintain the integrity and meet the needs of the Cape Fox Corporation and the Sealaska Corporation.

In looking at the bill and what we were intending to do, the entire intent of the Cape Fox legislation was to correct this inequity to this small southeast village, which has 431 residents, where the unemployment rate is 25.6 percent, as I indicated. So we were prepared to move forward with this legislation today. We had shared the amendment with the minority in July and, quite honestly, were stunned when the minority members walked out of that committee hearing.

I need to point out that not only did minority members walk out, which put us in a situation where we no longer had a quorum, but another minority member attempted to enter the committee room to join us in committee, when that individual was literally pushed back out of the committee room so a quorum would not be had. So not only was there a walkout but there was a lockout.

Again, it causes one to wonder. If the legislation that I am working on as a Senator from Alaska is so Alaska-specific, so Alaska-germane, and I cannot get the cooperation of colleagues to move it through even the committee process, it causes you to wonder what is going on.

Let's look at the second bill that was on the calendar this morning. Was this what was being objected to? The second piece of legislation that was before the committee was S. 1466, ''a bill to facilitate the transfer of land in the State of Alaska, and for other purposes.''

Again, what we are talking about here is entirely Alaska-specific. This legislation relates to no other State. What we are faced with in the State of Alaska, through multiple land acts, through statehood we were promised certain lands. We were promised certain lands under the Alaska Claims Settlement Act. We are a young State, only 45 years old, but we are still waiting for vast amounts of our land to be conveyed to us—the land promised at statehood.

We still have some 89 million acres of land yet to be conveyed to the State of Alaska, promised some 45 years ago. We had a hearing on this legislation—a subcommittee hearing—in Anchorage last year. I asked the agency people at the time: Given how long it has taken the Federal agencies to work through the conveyance process and kind of estimating forward, how long do you figure it will take for the State of Alaska to receive conveyance of all the land to which it is entitled? The response that I received was: Anywhere from 30 years to 300 years.

Thirty years to 300 years to get the lands that were promised to us at statehood.

Mr. President, it is absolutely unacceptable. Any other State would have said, no, this is wrong and you have to deliver on your promises.

So what are we doing? I have introduced this legislation to say: Hey, Federal Government, hey, agencies, you have a promise, you made the promise. Do the job you are required to do by law. Move through the conveyance process. I know it is complicated. I know we have overlapping land issues. It is a complicated process, but do what you need to do, and if you need additional assistance, let us know how. This is essentially legislation that helps speed up, if you will, helps expedite the process.

Let's look at a few of the provisions we are talking about here. We are clarifying and streamlining the conveyance process. We have technical amendments that move forward filing deadlines. We have a situation right now where if there is any survey that is not exactly accurate, even by a tiny amount if you are exceeded, then you basically have to start all over in terms of completing your surveys.

What we have done is get the survey down to the last hundredths of an acre and if, in fact, it is not exactly entirely precise, you do not have to start all over again.

We set final acreage for the 10 regional Native corporations.

We allow the Secretary to make certain withdrawals for two of the regional corporations which right now do not have sufficient land selection.

We are attempting to solve the problems of old ACSA-related withdrawals that closed public lands in Alaska to full operation of public land laws.

We provide that the Natives in Kaktovik are allowed to receive their full entitlement under the agreement made in 1983.

There are some people who have said: Oh, my gosh, you are opening up ANWR for oil and gas development. The authorization does not change or lift the prohibitions on oil and gas development in the refuge. This is not what this is about. This is all about the Natives in this community being able to complete their selections as all Alaska Natives should be allowed to do.

There are other technical amendments streamlining the process, the deadline for Native corporations in the State of Alaska to identify their final land priorities. There is a title that directs the Secretary of Interior to speed up the hearings appeals and probates. It establishes an Alaska-based branch office and requires the Secretary to report on the progress in implementing these land exchanges within 3 years of enactment.

It is very clear how Alaska-specific this legislation is.

Again, the question must be asked: Was there a failure, was there a problem in how we worked the committee process? Was this being rushed through the committee? Did we fail to reach out to the minority and the staff on this?

Again, I refer to the timeline. The bill was introduced last year. We held a subcommittee hearing on public lands and forest in Anchorage. We had a further subcommittee hearing in Washington, DC, in February of this year, and within a few days of that hearing, my staff met with both minority and majority committee staff members, and everyone agreed they were going to meet 1 day a week for as long as it took to work out a joint staff substitute.

We were told at that time by the minority that they were working on another Member's bill, and once they completed that, they would turn their full attention to 1466.

We made repeated requests in May, June, and the first part of July to the minority staff, and it did not result in any meetings. Meetings were later held in the latter part of July, and we made substantial progress with the assignments agreed to by the committee staff.

The minority had a number of requests for changes and concessions, looking for additional information and analysis. They offered to provide assistance with technical edits and even to draft at least one provision.

We continued to work on the bill throughout the August recess. We were incorporating all this that we were working through the committee process. We had taken massive comments from Alaskan organizations and individuals and Native organizations, working the process as the process should be worked.

We truly did make substantial headway. We were prepared this morning to move forward with a committee substitute and put forward the substance of that substitute to the minority staff on September 2. It was a good-faith effort to accommodate all the requested changes without sacrificing the goal of completing these land transfers by our 50th anniversary of statehood, or the year 2009.

As of last Friday, less than a week ago, we were hearing very positive reports about the progress we were making on both sides and truly believed we were going to be in a position to offer a joint staff substitute at today's meeting.

It was not until yesterday that we were abruptly informed no such substitute would be possible. So I proceeded with an amendment on my own, an amendment that really does reflect the very bipartisan effort that was going on in this very important bill.

Again, I need to stress the importance of this legislation: land conveyances owed to the State of Alaska since statehood, land conveyances owed to Alaska Natives since passage of the Native Claims Settlement Act, promises made by the Federal Government to Alaska that need to be promises kept.

I am very committed to my work in the Senate. I am very committed to doing my utmost best for the people of the State of Alaska. These two pieces of legislation we were prepared to take up this morning and that we were thwarted in our efforts to move forward are very important to Alaskans. They do make a difference in how we move forward with our lands.

Put your State in this position. If you do not have the ability to move forward with your lands, if you do not even know what the status of your land title is, how complicated the future is for your State. We need to get these issues resolved.

All I ask for is the ability to do my job, and my job, as we all know, requires a cooperative process. We cannot move legislation through this body if we do not have cooperation, and cooperation begins at that very beginning level, working through the committees, as we have with both of these legislations. It then moves forward to that next step—to move the legislation through the committee—so we can move it to the floor.

I am happy to engage in debate on the merits. If you do not like the amendments, if you think they can be made better, wonderful, let's make it happen, but let's at least allow the process to work. When we fail, when we as Senators abdicate the duty and say, Alaska, or whatever State, you are on your own, nothing is going to move forward, we are not doing our job.

I know this is a contentious time. We are in the middle of all the hot political debates. I am a Senator who is standing for election now. We know that causes interesting things to happen within the process. But I would certainly like to think that what we do here in the course of our work should not harm our constituents. We ought to be able to do the business that needs to be done in a cooperative manner.

I am very hopeful we will be able to move forward with not only these bills and hopefully see them on the floor of this body, but other legislation that pertains to all of us. We all come to this body with our very unique issues. They are very particular to our home States. I ask that we all respect one another in our efforts to accomplish those things that are truly very local to our States.

So I look forward to next week and an opportunity to again bring forward very important issues for my State.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

HOMELAND SECURITY APPROPRIATIONS

Mr. FEINGOLD. Mr. President, I want to add my thoughts to the debate on the Department of Homeland Security appropriations bill for fiscal year 2005.

First, I want to preface my remarks by thanking the chairman and ranking member of the Homeland Security Appropriations Subcommittee for working so diligently on this bill despite the constraints they have faced. The fight against terrorism is our number one priority, and this appropriations bill is a key component in that fight.

I also thank the Nation's first responders and the employees of the Department of Homeland Security, DHS, who work daily to protect this Nation. They are on the front lines of the fight against terrorism. They are the ones who are called on to stop and respond to any future attack upon our Nation. This bill includes important resources these brave men and women need to perform their critical tasks.

The Senate bill is a vast improvement over the President's proposed budget. It increases funding for such important things as port security, FIRE Act grants, Federal air marshals, Emergency Management Performance Grants, and the SAFER program. The Senate bill also includes funding for research and development on next generation explosive detection equipment, a priority identified by the 9/11 Commission. These are just a few examples of the many areas where the Senate bill is far superior to the administration's request.

I was also pleased that the Senate bill includes a number of amendments I sponsored. The Senate adopted my amendment requiring DHS to create a strategic transportation security plan and to base future transportation security budgets on that plan. This amendment will make sure that taxpayer dollars are spent efficiently and effectively to meet our Nation's most pressing transportation security needs, rather than the current well-intended but ad hoc method of spending. This amendment was based on one of the recommendations of the 9/11 Commission and, it is one of the first of the Commission's recommendations to be adopted by the Senate.

The Senate also adopted my amendment to extend to the Department of Homeland Security for fiscal year 2005 a provision included in the fiscal year 2004 omnibus appropriations law that requires all departments and agencies to report to Congress on purchases of foreign-made goods. It is important that the government make every effort to purchase American-made goods and that it explain to the public whenever it fails to do so.

I was also pleased that the Senate adopted my amendment requiring the Department of Homeland Security to report to Congress on its use of data-mining in fiscal year 2005. This amendment will provide the American people with critical information about the use of data-mining technology and the way highly personal information, like credit reports, travel records and other personal information, is obtained and used by our government. Periodically, after millions of dollars have been spent, we learn about a new data-mining program under development by the Federal Government. This amendment will not stop any data-mining. It simply requires the Department of Homeland Security to report to Congress on any data-mining programs it is using or developing and how these programs implicate the civil liberties and privacy of all Americans. With complete information, the American people will be able to make considered judgments about which programs should and should not go forward.

Although this bill does a lot to help protect this Nation, including providing much-needed resources for our first responders, it does not do enough. I was disappointed that many good amendments were not adopted by the Senate. For example, an amendment offered by Senator BYRD, which I cosponsored, would have canceled purchases of oil to the Strategic Petroleum Reserve and directed the $470 million in savings to critical homeland security needs. Yet the Senate rejected this amendment even though it would have helped to ease gas prices by freeing more oil for the market and provided important funding for our homeland security programs.

I also regret that this bill was so severely limited by a budget allocation that did not provide adequate funding for homeland security, choosing instead to make tax cuts its highest priority. That is why I supported several amendments that would have added funding for critical security needs. I want to point out to my colleagues that I do not take lightly my decision to vote in favor of spending more money. Fiscal responsibility is one of my highest priorities and I constantly look for ways to limit government spending. I am honored that the Concord Coalition and others have recognized me for my efforts in this regard. Although fiscal responsibility remains one of my top priorities, it is imperative that we provide the resources needed to combat terrorism.

I voted for this bill because it provides necessary funding. However, our Nation's vulnerabilities demand more, and I will continue to work to ensure that our vital homeland security needs are met.

INTELLIGENCE REFORM

Mr. KENNEDY. Mr. President, last night, the Republican majority in the Senate voted 49–45 to table an amendment I offered on intelligence reform. The amendment would have required the President to give Congress a copy of the 2001 report by the Scowcroft Commission on intelligence reform. A classified annex could be provided if necessary.

In May 2001, before 9/11, President Bush ordered a review of U.S. intelligence, and General Brent Scowcroft was named to lead a commission to provide recommendations.

The report of the Scowcroft Commission was submitted to the White House in December 2001, three months after 9/11, but it continues to be classified, despite repeated requests from Congress to release it.

The 9/11 Commissioners had full access to the Scowcroft recommendations as background for their work, and the final report from the commission drew significantly from the recommendations.

Clearly, before we act on intelligence reform later this month, Congress should also have the benefit of General Scowcroft's recommendations.

But the Republican majority blocked it. They rallied behind the President and argued that the report could not be provided because of what they called ''executive privilege.'' Frankly, that's ridiculous.

The White House did not invoke executive privilege when they gave the 9/11 Commission full access to the Scowcroft report. They did not invoke executive privilege when they allowed National Security Advisor Condoleezza Rice to testify before the 9/11 Commission.

In these cases, the administration concluded that the benefit of protecting the Nation's security outweighed other considerations about privileged information. It should have done the same in this case.

Secretary Rumsfeld told the Senate Armed Services Committee that he could not see any reason why the Scowcroft report should not be declassified. Our colleague Senator ROBERTS, chairman of the Intelligence Committee, and our colleague Senator WARNER, chairman of the Armed Services Committee, have requested the report, but it still has not been made available.

There is no compelling reason to keep this information classified. What are the White House and the Republicans in the Senate trying to protect? The Nation's security? Hardly. They are trying to protect President Bush. Why? Because President Bush had General Scowcroft's recommendations on intelligence reform for nearly 3 years and failed to act on them.

Congress needs the report, and we deserve to have it before we act on intelligence reform. We are talking about our national security, and President Bush is playing politics by stonewalling us. It is already clear that the administration sat on the Scowcroft recommendations for 3 years, and the Nation has obviously suffered because of it. Had the reforms been implemented, we very well may have known that there were no weapons of mass destruction in Iraq.

Congress and the American people deserve to know how much greater progress we could have made in the war on terrorism if President Bush had not buried the Scowcroft recommendations and allowed them to collect dust on a shelf at the White House.

VOTE EXPLANATION

Mr. NELSON of Florida. Mr. President, I was unavoidably detained during rollcall vote No. 178 on Senate amendment No. 3632 to H.R. 4567, the Department of Homeland Security appropriations bill. If present I would have voted ''aye,'' in favor of the motion to waive the Budget Act. It would not have changed the outcome of the vote.

BYRD AMENDMENT NO. 3649

Mr. ROCKEFELLER. Mr. President, I am proud to cosponsor and to speak in support of the amendment offered yesterday by my colleague from West Virginia, Senator BYRD. As members of Congress, our most sacred duty is protecting our fellow Americans. We do this in several ways, of course, by supporting our troops at home and abroad, by our oversight of the intelligence community, and now, with the creation of the Department of Homeland Security, with an annual appropriation to fund the security activities of the various agencies that make up DHS, and to fund grant programs to states, localities, and private industry to make certain that citizens of the United States are protected from terrorist attacks, life-threatening accidents, and acts of God.

In the last 3 years I have sat down with hundreds of first responders around my State of West Virginia, as well as local elected officials and experts from my State's core industries, to discuss what they were doing to protect West Virginians, and to hear from them directly where they needed help from the Federal Government. I am sure that each of my colleagues has had similar meetings. While I would not presume to know specifically what was said at these meetings, I would be willing to wager that no Member of Congress heard anything other than ''We have huge unmet security needs and we need federal resources to make our country safer.''

When we created the Department of Homeland Security, and when we authorized many billions of dollars in additional funding to protect this Nation, I am sure we convinced some people that we had learned the harsh lessons of September 11. In fact, I think we have done well making increased safety and security priority issues for the Federal Government and for all Americans. Unfortunately, we have fallen short on addressing these needs, and the Byrd amendment is a very good step in the right direction. This amendment would not do everything that needs to be done for Congress to be able to say we are delivering the goods to our first responders, State and local officials, and to the industries that make up our critical infrastructure, but it would be a much-needed boost for all those trying to make America safer.

I commend Senator BYRD for making his usual strong, principled stand on this matter. Let me be clear, too, that I do not believe the funding levels in the underlying bill reflect any lack of understanding of the scope of the problem on the part of our colleagues on the other side of the aisle. The chairman of the Homeland Security Subcommittee, my friend, Senator COCHRAN, has done very well with the amount he was given to distribute. The problem is, quite simply, that the administration's past policy choices and the need to adequately support our troops in Iraq and Afghanistan have left Senator COCHRAN and his fellow appropriators with too little to do this all-important job.

It is not a question, let me reiterate, of our Republican colleagues or the President not wanting to see our Nation adequately protected. I do question, I am sad to say, the idea that it is vitally important to make unaffordable tax cuts permanent, but it is not more immediately important to secure our chemical facilities, our railroads, our electricity grid, or provide training and technical assistance to our firefighters and emergency medical personnel.

I hope that my colleagues will see just how important this is. It would be a tragedy beyond measure if we failed to do the right thing when we had the chance, and only provided funding, for instance, to fix the problem of interoperable radios after another tragedy where first responders were at risk because they could not talk to each other.

Mr. NICKLES. Mr. President, yesterday the Senate completed action of the second of 13 appropriations bills for fiscal year 2005, the Department of Homeland Security appropriations bill.

Although the Senate has not yet adopted a new concurrent resolution on the budget, we did establish a discretionary spending allocation for the Appropriations Committee in the recently enacted Department of Defense appropriations bill. That allocation, and the subcommittee allocations that were derived from it, enabled us to consider the Homeland appropriations bill under the usual budget enforcement protections.

During debate on the Homeland appropriations bill, a total of 10 budget points of order were raised against amendments that sought to increase spending by an incredible $19.9 billion in 2005 alone. If those amendments had been enacted and incorporated into the discretionary spending baseline, their 10-year cost is a staggering $220.2 billion. Including debt service costs, that number increases to $285.3 billion.

I am happy to inform my colleagues that the Senate upheld all 10 budget points of order and rejected each one of these spending increases.

Unfortunately, the Senate did adopt an amendment providing $2.98 billion in emergency spending for agriculture disaster assistance. I opposed that amendment because it did not belong on this appropriations bill, and it

should be paid for and not add to the deficit. I want my colleagues to know that I will continue to seek to have this spending dropped from the bill or offset with appropriate spending cuts.

I congratulate my good friend from Mississippi, Senator COCHRAN, who managed the Homeland appropriations bill for using the Budget Act successfully to control the spending in his bill. I look forward to working with my colleagues on the remaining appropriations bills to continue that success.

I ask unanimous consent that a table displaying the budget points of order raised during consideration of the Department of Homeland Security appropriations bill for fiscal year 2005 and their cost be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TEN-YEAR COST OF DEMOCRATIC AMENDMENTS TO THE FISCAL YEAR 2005 HOMELAND SECURITY APPROPRIATIONS BILL DEFEATED BY BUDGET POINTS OF ORDER

[Budget authority, in billions of dollars]

Amendment [a]	PoO [b]	2005	2005–14
3580—Schumer—Port security R&D grants	302(f)	0.2	1.7
3596—Murray—Port security	302(f)	0.3	3.3
3597—Byrd—Misc. homeland programs	302(f)	2.0	22.1
3604—Dodd—First responders	302(f)	15.8	175.2
3617—Lautenberg—Coast Guard	302(f)	0.1	1.1
3624—Mikulski—Firefighter assistance grants	302(f)	0.2	1.7
3632—Clinton—High threat area funding increase	302(f)	0.6	6.9
3649—Byrd—TSA and SPR	501(b)	0.0	0.5
3655—Schumer—Border security	302(f)	0.4	3.9
3656—Schumer—Rail security	302(f)	0.4	3.9
Subtotal	.....	19.9	220.2
Interest on amendments [c]	.....	0.0	65.2
Total including interest	.....	19.9	285.3

[a] The increases in spending in several of these amendments may be for very similar or identical purposes.

[b] 302(f): Amendment exceeded Homeland Security 302(b) allocation; 501(b): Amendment provided advance appropriations in an account not identified for advance appropriations by the conference report on H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004.

[c] Approximated based on budget authority.

Source: Senate Budget Committee Republican Staff.

TRIBUTE TO ERNIE ALLEN OF KENTUCKY

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a friend of over 40 years—a fellow Kentuckian who has had a national impact. It is an honor and a privilege to congratulate my good friend, Ernie Allen, on winning the Henry Clay Distinguished Kentuckian Award from the Kentucky Society of Washington. Ernie's work as President and CEO of the National Center for Missing and Exploited Children makes him a most worthy recipient. As I mentioned, I've known Ernie for over 40 years, dating back to our days at Manual High School in Louisville. On the same day I won election as president of the high school, Ernie was elected president of the junior high school. We both went on to attend the University of Louisville, and were fraternity brothers.

Knowing Ernie so well, I can assure you that his dedication to rescuing missing children runs deep. Over twenty years ago, when I was the Jefferson County Judge-Executive, Ernie was the Director of the Louisville/Jefferson County Crime Commission. That Commission was the first of its kind to bring police officers and social workers together on behalf of kids. Just one innovation Ernie came up with back then was to make a fingerprint card for as many Kentucky kids as possible, and send that card home to the child's parents to hang on to in the awful event their child ever went missing. A young man on my staff today still has his card, two decades later.

Ernie's work in Kentucky established him as a national leader for his cause as early as 1981. At that time, no nationwide organization existed to share and distribute information on missing children. If a child was abducted and taken over a State line, or even a county line, the chances that law enforcement in the new jurisdiction had all the information necessary to save that child were small. Ernie led the effort to lobby Congress to establish laws so that police could talk to each other across boundaries about missing kids. His work and patience bore fruit in 1984, when President Ronald Reagan signed the bill creating the National Center for Missing and Exploited Children as a public-private partnership.

Under Ernie's leadership, the Center has created the CyberTipline, an online reporting service that former Vice President Al Gore has called ''the 911 for the Internet.'' They created the AMBER Alert System, notifying citizens statewide when a child has been kidnapped. They've worked on over 98,000 cases, and have been involved in the successful recovery of over 83,000 kids. Last year they had an astonishing success rate of 95 percent.

Mr. President, Ernie has labored for 20 years to save children from ghastly fates, and parents from horrible nightmares. It's a heartbreaking job at times. It provides a window into the ugliest parts of the human soul. But thanks to Ernie and the Center, there are a lot of success stories. Last month, a woman in Oklahoma City left her four-month-old baby in the back seat of her running car to pick up her other child from school. When she emerged a minute later, the car was gone. The police issued an AMBER Alert. They quickly tracked down the car and collared the kidnapper. Thankfully, the baby was still safely strapped in his car seat. We can all imagine his mother's relief. Multiply that feeling by 83,000 children saved, and you begin to see the good Ernie and the National Center do.

Twenty years ago, it was literally easier to find a stolen car than a missing child. Now because of Ernie, that is no longer the case. Parents across America owe Ernie thanks for the peace of mind they have every day, knowing that should the unspeakable ever happen, an incredible man is running a fine organization dedicated to rescuing their child. Kentucky, America, and the United States Senate pay tribute to Ernie Allen, and hope he will be on the side of justice and mercy for many years to come.

Mr. President, I ask my colleagues to join me in honoring this American hero whose roots run deep in the Kentucky Bluegrass.

I yield the floor.

ALEJANDRO FERNANDEZ

Mr. REID. Mr. President, I rise today to recognize Alejandro Fernandez as one of Mexico's leading musical performers and a strong supporter of philanthropic causes throughout the world.

A Latin Grammy award winner, Mr. Fernandez is among Mexico's most famous balladeers. He has entertained sold-out audiences throughout the world and is performing in Las Vegas today in celebration of Hispanic Heritage Month.

Alejandro's musical talent is hardly surprising. His father, Vicente Fernandez, is a legend in Mexico as the undisputed king of the style of music called ''ranchera.''

Alejandro Fernandez has contributed tremendously to global music and culture and has also used his fame to support many charitable endeavors. He has worked with the Ronald McDonald House Foundation Charity to support the Hispanic American Commitment to Education Resources scholarship program, the Nation's largest scholarship program for Hispanic students. Mr. Fernandez also has been a strong supporter of World Children's Day, a global fundraising effort that benefits the Ronald McDonald House Foundation Charity and other children's organizations in over 100 countries.

I hope my colleagues will join me in thanking Alejandro Fernandez for sharing his tremendous musical talents with the citizens of Las Vegas today and for his efforts to support charitable programs throughout the world.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On August 18, 2001 in Ithaca, NY, Michael Palahicky, 20, punched a man and called him an anti-gay epithet. He was charged with harassment as a bias crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

FORMER SENATOR BROCK ADAMS

Ms. CANTWELL. Mr. President, last week, Washington State and the Nation lost a dedicated civic servant who

gave much of his life to serving the public when former Senator Brock Adams passed away following a long battle with Parkinson's disease.

Today, his family and friends are gathered to remember his life and legacy—and it is truly a long legacy—from fighting for civil rights to protecting the environment to standing up for people suffering from AIDS.

Brock made his commitment to public service clear early in his life by serving as student body president at the University of Washington. It was not long afterwards that he became the youngest United States attorney in the entire Nation.

Over the course of his career, Brock would go on to serve the people of Washington State in the House of Representatives and ultimately in the Senate. He also served the country, as President Jimmy Carter's Secretary of Transportation. His accomplishments in that role are epitomized by his work to help create Amtrak.

Brock will be long remembered for hard work on behalf of Washington and the Nation. My thoughts and prayers are with his wife Betty and the rest of his family during this sad time.

AMERICAN YOUTH PHILHARMONIC ORCHESTRA

Mr. WARNER. Mr. President, I rise to commend and congratulate the American Youth Philharmonic Orchestra of Annandale, VA on its fortieth anniversary.

The cultural and political history of the United States has changed dramatically over the last five decades. During that time, however, the American Youth Philharmonic Orchestras have provided a vital service for young musicians throughout northern Virginia and the District of Columbia. The 2004–05 concert season will commemorate the 40th year in which the American Youth Philharmonic Orchestras have trained new generations of children, teenagers, and young adults to become extraordinary musicians. To give an example of the marvelous impact that this institution has had, over 100 public and private schools from Washington's metropolitan area are represented within the orchestra's current enrollment. The students of the American Youth Philharmonic constantly strive for excellence in their performances; such preparation increases the chance that they will seek to make a positive impact on our society, whether through the arts or other endeavors.

With a group of approximately 400 students, the orchestra has represented Virginia and the District of Columbia with distinction in the performances at the Kennedy Center, the Festival of Youth Orchestras, and the Spoleto Festival in South Carolina. Remembering this Nation's tragic losses on September 11, 2001, the Philharmonic performed a touching concert, entitled ''The Spirit of Freedom,'' at New York's Carnegie Hall in January 2002. In addition to their exceptional performances in the United States, the American Youth Philharmonic was a dignified cultural ambassador for this country at the International Rachmaninoff Festival in Russia, the Aberdeen International Youth Festival in Scotland, and the British Festival of Youth Orchestras. The young men and women of the orchestra have offered the diplomatic language of music to our friends abroad, and they deserve to be recognized for their efforts.

If we were to gauge the success of the American Youth Philharmonic by the rate at which its students are accepted to the best musical and educational schools in the United States, we would see that the American Youth Philharmonic is unrivaled in its training of our Nation's best and brightest. Members of the American Youth Philharmonic have continued their study of music at the Oberlin Conservatory, the Juilliard School, Carnegie Mellon, and the Cleveland Institute of Music, while others proudly accepted offers to Harvard, Princeton, Stanford, and the University of Southern California, to name a few.

Beyond the beauty of the sound generated in their performances, the American Youth Philharmonic Orchestras have given their time and service to the surrounding communities of Northern Virginia and the District of Columbia. The American Youth Philharmonic created a music mentorship program that trains designed high-school members to offer free tutoring to younger musicians in the area. In this way, the students of the orchestra are able to strengthen their own abilities as teachers while providing an enriching experience to those who are limited by financial circumstances or their special needs. Recognizing the value of this community service, the First Place Arts Council of Fairfax County, VA recognized the American Youth Philharmonic with the Arts for Special Audiences Award in 2000.

We must also credit the constant dedication of Maestro Luis Haza for the brilliance of the American Youth Philharmonic. Mr. Haza has given 20 years of service to this ensemble in addition to his 29 years of ongoing performance as a violinist with the esteemed National Symphony Orchestra. Born in Santiago, Cuba, Mr. Haza was honored with a Washington Immigrant Achievement Award in 2004, and he truly demonstrates a commitment to the values of democracy and freedom on which this country was founded. While Mr. Haza has shared his talent for musical direction with the London Symphony Orchestra, our own National Symphony Orchestra, and the national orchestras of Panama, El Salvador, and Guatemala, his passion for music is never more evident than in his direction of the American Youth Philharmonic. Mr. Haza has dedicated a lifetime to sharing the gift of music with young people throughout the Americas, and his legacy to this country will be reflected in the values of his students for many years to come.

CONGRATULATING GEORGE BRUNSTAD

Mr. DODD. Mr. President, I congratulate one of my Connecticut constituents, George Brunstad, on an extraordinary achievement. A few weeks ago, George, a resident of Ridgefield, became the oldest person to swim across the English Channel.

George, who celebrated his 70th birthday on August 25, began his record-breaking swim three days later when he left Dover, England shortly after 9 a.m. on Saturday, August 28. He reached Sangatte, on the French coast, after midnight on Sunday, completing the 21-mile stretch in 15 hours and 59 minutes. Prior to George, the oldest person to swim the Channel was Clifford Batts, who was about 100 days shy of his 68th birthday.

Let me tell my colleagues a little about George Brunstad. He is a retired Air Force pilot who flew B–52 bombers. For 20 years, he piloted jumbo jets for American Airlines. Currently, he is a swim coordinator for children at the YMCA in Wilton, CT, where he is affectionately known as ''Grandpa George.'' George and his wife Judy are active members of the Wilton Baptist Church, where George serves as a Deacon. For 20 years, George has been associated with Pivot Ministries, a group that helps men who are recovering from drug and alcohol addiction.

While George was on the swim team in college, he had been away from the sport for 20 years before he saw a sign at the Wilton YMCA advertising competitive swimming for adults. That was 31 years ago, and George Brunstad hasn't stopped swimming since. He is a World Masters Open Water Swimming Champion and has won more than 100 national championship medals in U.S. Masters Swimming.

But George Brunstad's feat last month was much more than an athletic achievement. Last year, George and Judy traveled on a mission to the island nation of Haiti with their church. They were appalled by the incredible poverty that continues to afflict that nation. They were particularly saddened by the large numbers of homeless children they saw in Haiti. And they decided to do what they could to help those children.

George and Judy are founding members of the board of directors of the Center of Hope, an organization devoted to building an orphanage and school in the Haitian city of Hinche. Hinche has 80,000 people, most of whom are desperately poor and lack basic needs like clean water, shelter, medical care, transportation, and education.

George decided that his swim across the Channel would be a perfect way to raise money for the Center of Hope. In total, he managed to raise over $11,000. As someone who has been to Haiti numerous times, and as a Senator who

has done his best to try to direct our attention to Haiti's dire needs, I'm particularly pleased that George Brunstad chose to turn his moment of personal triumph into one that will help better the lives of some of the residents of an impoverished nation only a few hundred miles from our shores.

This coming weekend, the Wilton Baptist Church and the Center of Hope will be holding a special celebration in George's honor. I send George, Judy, their family, and all those who will be attending the celebration my best wishes, and my enthusiastic congratulations.

FEDERAL TRADE COMMISSION REAUTHORIZATION ACT

Mr. MCCAIN. Mr. President, I am pleased that the Senate has agreed by unanimous consent to pass a substitute amendment to the Federal Trade Commission Reauthorization Act, S. 1234. The bill would reauthorize the Federal Trade Commission in furtherance of its mission to enhance the efficient operation of the marketplace by both eliminating acts or practices that are unfair or deceptive and preventing anti-competitive conduct. Further, the legislation would authorize funding for the FTC through 2008, and enhance the Commission's ability to combat international—or cross-border—fraud.

In addition to reauthorizing this vital consumer protection agency for the period 2005 through 2008, the bill, as amended, is also designed to mitigate the challenges that the FTC increasingly faces in combating cross-border fraud. The FTC's consumer protection responsibilities are essential, particularly in today's global climate of high-speed information and marketing, which know no international borders.

This legislation is crucial to the FTC's ability to protect American consumers by authorizing the Commission to: Share information involving cross-border fraud with foreign consumer protection agencies; secure confidential information from those foreign agencies; work in conjunction with the U.S. Department of Justice to seek redress for American consumers in foreign courts; make criminal referrals to the DOJ for cross-border criminal activity; and generally strengthen its relationship with foreign consumer protection agencies.

Under the FTC's current authority the agency is not able to exchange information with its foreign counterparts to shut down consumer scams originating outside the United States, but perpetrated against American consumers. As a consequence, the FTC is left without the ability to seek redress on behalf of defrauded consumers. In addition, the FTC is not currently considered a ''market regulator,'' and thus, banking agencies may not share suspicious consumer information with the FTC. As a result, the FTC is not able to trade funds derived from illegal Internet schemes sent through U.S. banks and placed in offshore bank accounts. Thus, those who devise and carry out such schemes are too often allowed to escape the grasp of the FTC. But even if the FTC were able to share information with its foreign counterparts and market regulators, the FTC would be unable to litigate consumer protection cases in foreign courts.

While these are descriptions of merely a few gaps in the FTC's current international consumer protection authority, they underscore how vulnerable American consumers are to cross-border fraud. This legislation would fill these and other gaps in the FTC's current international consumer protection authority, and allow the FTC to function more effectively in carrying out its Congressional mandate to protect American consumers.

This bill, as amended, would also grant authority to the FTC to provide investigative and other services to a requesting domestic law enforcement agency and receive from that agency, if offered, reimbursement for the FTC's involvement. Finally, the amendment would provide to the Commission the authority it has requested to receive gifts or items that would be useful to the Commission as long as a conflict of interest is not created by such receipt.

The underlying bill was considered and reported unanimously last year by the Senate Committee on Commerce, Science, and Transportation. Since being placed on the Senate Calendar, its provisions have been thoroughly vetted on a bipartisan basis with the multiple federal agencies that have a vested interest in its enactment. We have worked with and received sign off from each affected agency on this substitute amendment.

REPUBLICAN HIGH TECH TASK FORCE

Mr. ENSIGN. Mr. President, I rise to speak about the critical role of technology and innovation in maintaining our Nation's security and prosperity in the future. Technology and the intellectual property that accompanies it is the very lynchpin of our modern economy. Technology is changing all the rules, from the way we do business to how we communicate. It is saving lives, and it is protecting our homeland. In recognition of the critical role that technology plays in the lives of all Americans, Majority Leader BILL FRIST has made technology a top priority by devoting significant time and resources to the Senate Republican High Tech Task Force which serves as the focal point for technology-related issues in the United States Senate.

I have been honored to serve as the chairman of the Senate Republican High Tech Task Force during the 108th Congress. I have been privileged to meet the leading innovators of our great Nation and talk directly to the employees who have made technology their career and are delivering every day the promise of the new ''next big thing.''

The work of the Senate Republican High Tech Task Force increases in importance each day, as technology becomes ever more a part of our lives. It is the responsibility of the Task Force to be leaders on technology issues in the Senate. We are tasked by the majority leader to reach out to the technology community to listen and learn and then advise our colleagues and lead on legislation related to this important sector of our economy. And we have been very successful this year. Senate Republican High Tech Task Force members have passed important legislation that protects technology and helps foster continued innovation. Just a few of the many accomplishments in the past few months include the following: Senator ALLEN has championed intellectual property protection and has utilized his position with the Committee on Foreign Affairs to ensure that American intellectual property is protected abroad and that overseas piracy of copyrighted materials is fought to the fullest extent possible. Senator ALLEN was also successful in passing legislation out of the Senate to keep State, local, and Federal tax collectors from driving up the cost of broadband with Internet access taxes.

Senator GRASSLEY has championed free trade agreements with Singapore, Chile and Australia. Free trade is the life blood of our economy and ensuring that American companies are able to access new markets on a fair footing with all appropriate intellectual property protections creates and protects American jobs.

Senator SUNUNU has led Senate efforts in protecting nascent voice over internet protocol technology which promises to provide new data services for businesses and consumers, fundamentally changing the way we look at phone service.

Senator BURNS worked tirelessly to successfully secure passage of the CAN–SPAM Act which was passed unanimously by the United States Senate. Unsolicited commercial e-mails are overwhelming our telecommunications infrastructure and costing Americans productivity and now, more alarmingly, affecting their confidence in online transactions. The CAN–SPAM Act was a successful first step, and the Task Force will continue to work to restore confidence and protect American consumers from SPAM.

Senator SMITH and I have been successful in seeing the Invest in the USA Act passed out of the Senate. This important legislation will bring back a cash infusion of over $400 billion to be reinvested in America and create over 600,000 American jobs. This will allow money that American companies earn overseas to be brought back to the United States where it can create jobs and grow our economy.

My colleagues and I have been very busy during the 108th Congress. We have visited technology centers around the United States and met with top innovators and the most talented employees in the world. The work of the High Tech Task Force will continue through the remainder of this session and into the 109th Congress.

The Senate Republican High Tech Task Force remains focused on securing final passage of important priorities such as: final passage of the JOBS Bill that includes international tax reform, extension of the R&D Tax Credit and the Invest in the USA Act; preserving broad-based employee stock option plans that are threatened by FASB; class action reform to stop frivolous lawsuits that stifle innovation and drive up costs for consumers; bringing an end to patent fee diversion that harms the ability of U.S. innovators to bring their exciting products to market. Four-year delays to obtain patents hurt innovation; final passage of the Internet Tax Moratorium legislation to keep state, local, and federal tax collectors from driving up the cost of Internet access; final passage of the Spectrum Relocation Bill which will provide additional spectrum for the wireless revolution and has the potential to yield more than $500 billion in economic and consumer benefits over the next decade, spur $50 billion or more in capital investment, and create thousands of American jobs.

These priorities are critical to our country's continued leadership in the world, and we are redoubling our efforts to see these issues through to signature by the President. We are more committed than ever to ensuring that American workers are getting the best education in order to become the innovators of the future. And yet there are new issues arising each day. Members of the task force will be intimately involved with rewriting the Telecommunications Act of 1996. Issues such as the regulatory treatment of voice over internet protocol and hastening the availability of spectrum for next-generation wireless broadband, along with many others, will be added to our list of priorities for the coming session of Congress.

In conclusion, we have accomplished much over the past year on many technology issues. The Senate Republican High Tech Task Force has been an effective voice for technology on Capitol Hill. Our members are leaders on every major technology issue and are fighting to protect American innovation. While we have been very successful in pursuing our policy platform, technology is ever-changing. We will work diligently to ensure that we stay ahead of the curve and, if nothing else, help keep government out of the way to allow American innovators and entrepreneurs to bring the latest and greatest to the doorsteps of all Americans.

EMPLOYMENT OPPORTUNITIES FOR NATIVE PEOPLE

Ms. MURKOWSKI. Mr. President, when troubles befall our Nation, whether it is a hurricane in Florida, a tornado in Oklahoma, or an earthquake in my State of Alaska, America turns to the Federal Emergency Management Agency, FEMA, to help it recover.

FEMA, in turn, relies upon some 4,000 part time, temporary employees called disaster assistance employees to help it meet the heightened workload demands. These disaster reservists, who live in all corners of our Nation, are organized into cadres and are pressed into service when their services are needed.

The Federal Government transports these individuals from their home to the disaster site, houses them, pays a Federal civil service wage for their services and returns them home at Federal expense when their services are no longer needed.

In the native villages of my home State and in native communities across the Nation, the level of unemployment is unacceptably high. Native people are often left with the choice of relocating to urban areas where jobs are in greater supply, leaving their native culture behind or remaining in their communities where jobs are scarce.

I suspect that native people who live in the rural villages of Alaska will find the opportunity for intermittent employment with FEMA desirable. Employment such as that offered by FEMA in the Disaster Assistance Employee cadres allows my native people to participate in the cash economy without completely losing their ties with the traditional subsistence culture in their villages. I expect the same is true for native people who live on our Indian reservations and native Hawaiians.

Last evening, joined by Senator INOUYE and Senator STEVENS, I offered an amendment to H.R. 4567, the Homeland Security Appropriations Bill on this subject. This amendment encourages the Secretary of Homeland Security to make an effort to improve the representation of American Indians, Alaska natives and native Hawaiians in the Disaster Assistance Employee cadres by actively recruiting in our native communities. The amendment was adopted by unanimous consent last evening, and I want to thank my colleagues for supporting it.

I hope that this amendment will serve its intended purpose, which is to encourage FEMA to be proactive in identifying opportunities to reduce unemployment among our qualified and motivated native workforce, and I hope that this lesson will not be lost on the other Federal agencies.

As thousands of native people from across our Nation descend on Washington next week for the opening of the National Museum of the American Indian, it is fitting that our Federal Government renew its commitment to provide native people, many of whom reside in the remotest parts of our Nation, with access to Federal employment opportunities. Last night the Senate did just that, and I am grateful to my colleagues for their support of my amendment.

TENTH ANNIVERSARY OF THE PASSAGE OF THE VIOLENCE AGAINST WOMEN ACT

Ms. LANDRIEU. Mr. President, today I rise to commemorate the tenth anniversary of the passage of the Violence Against Women Act, VAWA. One of the most prominent woman Latin American writers, Isabel Allende, once said, ''How can one not speak about war, poverty, and inequality when people who suffer from these afflictions don't have a voice to speak?'' Ten years ago today, this body rose up and spoke for a group in our society that is frequently left voiceless.

The number of women in the United States who have been murdered by an intimate partner is greater than the number of soldiers killed during the Vietnam War. In 1996 alone, over 30 percent of all female murder victims in the United States were slain by their husbands or boyfriends. These women who lost their lives in the war of domestic violence that plagues our country began to have a voice because of the passage of VAWA.

Today, there are roughly 143.4 million women in the United States. Of this population, it is predicted that almost 28.7 million, or 20 percent, will be raped during their lifetime, and one-third will be physically or sexually abused. Battery is the single greatest cause of injury to women in the United States, accounting for more emergency room visits than all other injuries combined. Yet, with these sobering statistics there are three times more shelters for neglected animals than there are shelters for battered women.

Jane Addams said, ''Action indeed is the sole medium of expression for ethics.'' Ten years ago on this day, the United States Congress acted to ensure that all women who are victims of violence receive the protection and support they need and deserve. However, there is still more work to be done. Domestic violence is a problem that continues to afflict our country.

It is estimated that family violence costs our Nation from $5 to $10 billion annually in medical expenses, police and court costs, shelters, foster care, sick leave, absenteeism, and non-productivity. Remarkably, the VAWA domestic violence programs have helped to save money, while saving lives. The original VAWA that was authorized 10 years ago saved taxpayers at least $14.8 billion in net averted social costs. This year, as we move through the appropriations process, I ask all of my colleagues to remember the millions of innocent women in this country who have been the victims of violence and the effects that violence has had, not only on them, but also on their families and our society.

Mr. LAUTENBERG. Mr. President, I rise to commemorate an important event in this country's history. Today marks the tenth anniversary of the passage of Violence Against Women Act. I am proud that I was an original cosponsor of that bill which has done so much to reduce domestic violence.

The Violence Against Women Act, or VAWA, was originally passed in 1994, and reauthorized in 2000, both times by overwhelming bipartisan majorities. It created our current framework for a comprehensive, coordinated response to domestic violence, stalking and sexual assault. Before VAWA, domestic violence was too often considered to be a 'family matter' to which the police turned a blind eye. There were no Federal penalties for stalking, domestic violence or violating a protection order. And in sexual assault cases, a victim's past sexual history was considered a legitimate subject for the defense to bring up in the courtroom. All of these basic considerations became law as a result of VAWA.

As a result of this landmark legislation millions of dollars in grants are distributed to States and local communities to put these cost effective programs into practice. The first VAWA, authorized in 1994, cost $15.50 per woman and has been estimated to save $159 per woman, totaling a savings of nearly $14.8 billion since its creation in averted costs of victimization. VAWA programs have helped train thousands of law enforcement officers, prosecutors, court officials and victim advocates to respond effectively to domestic violence. In the first five years after VAWA became law, intimate partner violence dropped significantly, and by 2002, violent crimes against women were less than half of what they were in 1993. This is a record of which we can be very proud.

On a related note, I am proud to have my name associated with a law that has done a great deal to make families safer, the Domestic Violence Gun Ban. This law prohibits those convicted of a crime involving domestic violence—whether a felony or a misdemeanor—from acquiring or possessing a gun. Research shows that the presence of a gun in a household where a woman is battered increases the chances of her death significantly: often, the only difference between a battered woman and a dead woman is the presence of a gun. Since many abusers do not get convicted of felonies, this law has helped to keep guns out of the hands of thousands of people who are dangerous to their partners and families. Since its passage this law has prevented the sale of almost 30,000 guns, potentially saving countless lives.

We cannot mark the passage of this landmark legislation without making mention of two particular champions in the campaign to stop violence against women. Our friend and former colleague Senator Paul Wellstone and his wife Sheila were tireless fighters against domestic violence. The Sheila Wellstone Institute, in the first year of its existence, has been at the forefront of the movement to institute effective policies to stop violence against women and children. On this anniversary we should remember their wonderful work, and commit to finishing it.

We still have much more to do. Even today, approximately 4.9 million intimate partner rapes and physical assaults are perpetrated against U.S. women annually and nearly one in every four women experiences at least one physical assault by a partner. When I think about my legislative agenda I look to my family: my three daughters and son, and my ten grandchildren. The thought that a woman could be the subject of abuse is repulsive. Domestic violence doesn't just happen to women; it happens to families. That is why we must continue to fund programs to help victims, enforce laws protecting women, and teach respect and nonviolent problem-solving to our children. We need to make this country a place where women and children are safe, whether walking down a city street or in their own homes. I hope that my colleagues will join me in making this goal a reality.

FUNDING FOR HURRICANE DAMAGE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the letter from Lieutenant General Steven Blum, Chief of the National Guard Bureau to me regarding funding for hurricane damage repair for National Guard facilities in Florida be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL GUARD BUREAU,
OFFICE OF THE CHIEF,
Arlington, VA, September 14, 2004.

Hon. BILL NELSON,
U.S. Senate, Washington, DC.

DEAR SENATOR NELSON: Major General Doug Burnett, The Adjutant General of Florida, has identified approximately $5 million of repairs to Florida National Guard facilities which were damaged by the recent hurricanes.

As I indicated to General Burnett and reiterate to you, I am committed to immediately providing sufficient funding from the National Guard Bureau to accomplish the necessary repairs. I would surmise that most, if not all, the required work will be able to be accomplished with National Guard Operations and Maintenance funding and within my authority to allocate. However, if there are instances where reprogramming will require Congressional approval, I will ask for your assistance in expediting that action.

Thank you for your continued support of our National Guard. The 21st Centry Minutemen of the Florida National Guard are proving themselves through their stellar actions both in the state and abroad.

Sincerely,

H. STEVEN BLUM,
Lieutenant General, U.S. Army, Chief, National Guard Bureau.

ADDITIONAL STATEMENTS

SUSANNA GOODIN

• Mr. ENZI. Mr. President, I take this time to congratulate Susanna Goodin for being honored with the Wyoming Professor of the Year Award in 2003.

This recognition represents the culmination of a great deal of hard work and determined effort. It recognizes her outstanding dedication to teaching and exceptional commitment to her students. She should be very proud of this honor.

Now more than ever before, Wyoming needs the skills and talents of college professors like Susanna Goodin. She understands the importance of a well-rounded college education for students if we are to produce the next generation of our State's and our Nation's leaders. We are very grateful for all she does to make a difference. Her efforts are greatly appreciated.

Congratulations again to one of Wyoming's special citizens. Diana joins in sending our best wishes.•

CAPTAIN KRISTINE GEDDINGS

• Mr. CRAIG. Mr. President, I rise to recognize a dedicated patriot, sailor, wife and mother: CAPT Kristine Geddings, U.S. Navy. I had the privilege of getting to know Captain Geddings when she served in my office on Capitol Hill as a legislative fellow, and I have continued to follow her career. I am pleased to offer this tribute to her achievements.

Before joining the Navy, this remarkable lady spent 15 years as a housewife and mother. As her daughter entered high school, and having gained her Bachelor of Science degree at the University of North Florida, Captain Geddings decided upon a Naval Career, and applied to and was accepted into Officer Candidate School at Newport, RI. At the age of 34, she was one of the oldest cadets to ever graduate from OCS, yet she met all the qualifications, including physical requirements, that were designed for cadets closer to the age of her daughter.

By the time her granddaughter Amber commences sixth grade this fall, Captain Geddings will have retired from active duty after 23 years of service in the United States Navy. Captain Geddings has served the Nation and the Navy faithfully and well over these many years. Her personal leadership, intelligence, stewardship, and compassionate commitment to her sailors and the United States Navy mark a career most worthy of our recognition.

Captain Geddings' initial assignment was to Patrol Squadron Thirty, Naval Air Station, Jacksonville, FL, where she served both as personnel and legal officer. She next reported to Naval Management Engineering Center, Detachment Jacksonville as a Management Analyst and team leader. During this tour, she completed her Master of Arts in Administration through Central Michigan University.

Next, she was assigned to Navy Recruiting District, Jacksonville, FL, where she took on the most challenging assignment in recruiting, the Enlisted Programs Officer. Seeking the next most challenging job in recruiting, she accepted the job of executive officer of the recruiting station in New Orleans, LA. Finally, in 1998, Captain

Geddings assumed command of Navy Recruiting District, Richmond, VA, where she led 192 recruiters and support personnel in 42 recruiting stations spread over 5 States to be named Navy Recruiting Command District of the Year, bronze. On her watch during these years as a Navy recruiter, the Navy won its ''Battle for Talent.'' Because of the efforts of recruiters like Captain Geddings, the Navy did more than just maintain the status quo. They brought the Navy a high quality sailor, and because of that high quality sailor, the Navy's retention, readiness, and quality of life were improved.

Captain Geddings accepted orders to Naples, Italy on the staff of COMFAIRMED in 1989. That very same year, her husband Gerry retired from the Navy after 20 years of service, and their daughter Michelle was married to her husband, Trace Wilson. After her tour in Naples, and follow-on assignment as a student at Command and Staff College, Quantico, VA, and Joint Forces Staff College, Norfolk, VA, Captain Geddings completed her Joint Professional Military Education.

In 1996 she was selected for the Legislative Fellows Program and reported to Washington, DC, for orientation at America's oldest public policy research institution, the Brookings Institution. The remainder of her fellowship, she served as my Legislative Assistant for Veteran's Affairs. Captain Geddings reported to the Department of the Navy, Organization, Management, and Infrastructure Team as a Senior Analyst and as administrative aide under the Deputy Under Secretary of the Navy.

In December 1999, Captain Geddings served on the Joint Staff, and was assigned as a Joint Education Planner in J–7, Operational Plans and Joint Force Development, with primary responsibility as the Chairman of the Joint Chiefs of Staff's representative for the Department of Defense Centers for Regional Security Studies. It was during this tour of duty that the attacks of September 11, 2001, on the World Trade Center and the Pentagon occurred. Shortly thereafter, Captain Geddings reported to the OPNAV staff in July, 2002, as the Head, Joint, and Contingency Matters and N–1 Planner.

It is a great honor and personal privilege for me to recognize the exemplary service of CAPT Kristine Geddings and her family today. She is an individual of uncommon character, and an amiable personality who will be sincerely missed. I wish her and her family fair winds and following seas as she closes her distinguished military career. I also wish them continued success and happiness they so well deserve.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:32 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate.

H.R 1084. An act to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations.

H.R. 1787. An act to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies.

H.R. 4571. An act to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes.

ENROLLED BILLS SIGNED

At 3:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1576. An act to revise the boundary of Harpers Ferry National Historical Park, and for other purposes.

H.R. 361. A act to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission.

H.R. 3908. An act to provide for the conveyance of the real property located at 1081 West Main Street in Revenna, Ohio.

H.R. 5008. An act to provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 30, 2004, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4571. An act to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–9219. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision of Flow Control Data in Nitrogen Oxides Budget Trading Program'' (FRL#7805–7) received on September 13, 2004; to the Committee on Environment and Public Works.

EC–9220. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Indiana; Revised Mobile Source Inventories and Motor Vehicle Emissions Budgets for 2005 and 2007 Using MOBILE6'' (FRL#7806–5) received on September 13, 2004; to the Committee on Environment and Public Works.

EC–9221. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL#7805–1) received on September 13, 2004; to the Committee on Environment and Public Works.

EC–9222. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Iowa'' (FRL#7805–4) received on September 13, 2004; to the Committee on Environment and Public Works.

EC–9223. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Primary Drinking Water Regulations: Analytical Method for Uranium'' (FRL#7805–5) received on September 13, 2004; to the Committee on Environment and Public Works.

EC–9224. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''OMB Approvals Under the Paperwork Reduction Act; Final Rule'' (FRL#7803–6) received on September 13, 2004; to the Committee on Environment and Public Works.

EC–9225. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Arizona State Implementation Plan, Arizona Department of Environmental Quality'' (FRL#7789–9) received on September 13, 2004; to the Committee on Environment and Public Works.

EC–9226. A communication from the Assistant Secretary of the Army for Civil Works, Department of Defense, a report relative to construction of a hurricane and storm damage reduction project for the area from Barnegat Inlet to Little Egg Inlet, on Long Beach Island, New Jersey; to the Committee on Environment and Public Works.

EC–9227. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the impacts and control of combined sewer overflows (CSOs) and sanitary sewer overflows (SSOs); to the Committee on Environment and Public Works.

EC–9228. A communication from the Deputy Assistant Secretary for Policy, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Electronic Requirements for Investment Advisers to be Investment Managers Under Title I of ERISA'' (RIN1210–AA94) received on August 26, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–9229. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Board's fiscal year 2006 budget request; to the Committee on Health, Education, Labor, and Pensions.

EC–9230. A communication from the Regulations Coordinator, Centers for Medicaid

and Medicare Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program, Hospice Wage Index for Fiscal Year 2005'' (RIN0938–AM78) received on September 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–9231. A communication from the Regulations Coordinator, Centers for Medicaid and Medicare Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities—Update Notice'' (RIN0938–AM46) received on September 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–9232. A communication from the Regulations Coordinator, Centers for Medicaid and Medicare Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System (CMS–1360–N)'' (RIN0938–AM82) received on September 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–9233. A communication from the Director, Regulations and Policy Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Civil Money Penalties Hearings; Maximum Penalty Amounts and Compliance With the Federal Civil Penalties Inflation Adjustment Act'' (Doc. No. 2003N–0308) received on September 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–9234. A communication from the Director, Regulations and Policy Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''General and Plastic Surgery Devices; Classification of Silicone Sheeting'' (Doc. No. 2002N–0500) received on September 6, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–9235. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Comprehensive Community Mental Health Services for Children and Their Families Program''; to the Committee on Health, Education, Labor, and Pensions.

EC–9236. A communication from the Regulations Coordinator, Centers for Medicaid and Medicare Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for 2005'' (RIN0938–AN16) received on September 9, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–9237. A communication from the Regulations Coordinator, Centers for Medicaid and Medicare Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Part A Premium for 2005 for the Uninsured, Aged, and for Certain Disabled Individuals Who Have Exhausted Other Entitlement'' (RIN0938–AN15) received on September 9, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–9238. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Civil Money Penalties Hearings; Maximum Penalty Amounts and Compliance With the Federal Civil Penalties Inflation Adjustment Act Correction'' (Doc. No. 2003N–0308) received on September 9, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–9239. A communication from the Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Indian Reservation Roads Program'' (RIN1076–AE17) received on September 14, 2004; to the Committee on Indian Affairs.

EC–9240. A communication from the Deputy Chief, Administrative Law Division, Central Intelligence Agency, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of General Counsel, Central Intelligence Agency, received on August 26, 2004; to the Select Committee on Intelligence.

EC–9241. A communication from the Deputy Chief, Administrative Law Division, Central Intelligence Agency, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Director of Central Intelligence for Community Management, Central Intelligence Agency, received on August 26, 2004; to the Select Committee on Intelligence.

EC–9242. A communication from the Deputy Chief, Administrative Law Division, Central Intelligence Agency, transmitting, pursuant to law, the report of a vacancy, designation of acting officer, and nomination for the position of Director of Central Intelligence, Central Intelligence Agency, received on August 26, 2004; to the Select Committee on Intelligence.

EC–9243. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a legislative proposal to include a federal public defender designated by the Judicial Conference as an ex officio, nonvoting member of the United States Sentencing Commission; to the Committee on the Judiciary.

EC–9244. A communication from the Assistant Chief, Alcohol and Tobacco Tax and Trade Bureau, Treasury Department, transmitting, pursuant to law, the report of a rule entitled ''Importation of Tobacco Products and Cigarette Papers and Tubes; Recodification of Regulations: Administrative Changes Due to the Homeland Security Act of 2002'' (RIN1513–AA20) received on September 6, 2004; to the Committee on the Judiciary.

EC–9245. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the October 15, 2003 attack on an official American Embassy Tel Aviv motorcade; to the Committee on Foreign Relations.

EC–9246. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Russian proliferation to countries of proliferation concern for calendar 2002; to the Committee on Foreign Relations.

EC–9247. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and U.S. individual civilians retained as contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC–9248. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to defense articles and services that were licensed for export during Fiscal Year 2002; to the Committee on Foreign Relations.

EC–9249. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Report to Congress on Arms Control, Nonproliferation, and Disarmament Studies Completed in 2003''; to the Committee on Foreign Relations.

EC–9250. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; McCook, NE Doc. No. 04–ACE–34'' (RIN2120–AA66) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9251. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Mosby, MO Doc. No 04–ACE–33'' (RIN2120–AA66) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9252. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Lexington, NE Doc. No. 04–ACE–40'' (RIN2120–AA66) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9253. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Wahoo, NE Doc. No. 04–ACE–37'' (RIN2120–AA66) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9254. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Scottsbluff, NE Doc. No. 04–ACE–28'' (RIN2120–AA66) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9255. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Chardon, NE Doc. No. 04–ACE–41'' (RIN2120–AA66) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9256. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Broken Bow, NE Doc. No. 04–ACE–39'' (RIN2120–AA66) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9257. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; North Platte, NE Doc. No. 04–ACE–35'' (RIN2120–AA66) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9258. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Ogallala, NE Doc. No. 04–ACE–36'' (RIN2120–AA66) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9259. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: General Electric Company (GE); CT72D1 Turboshaft Engines Doc. No. 2004–NE–24'' (RIN2120–AA64) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9260. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the

report of a rule entitled ''Airworthiness Directives: Boeing Model 747 Airplanes Doc. No. 2003–NM–107'' (RIN2120–AA64) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9261. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 757 and 767 Airplanes Doc. No. 2003–NM–83'' (RIN2120–AA64) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9262. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767–200 and 300 Airplanes Equipped with Off-wing Escape Slides; Doc. No. 2002–NM–151'' (RIN2120–AA64) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9263. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC–8–400, 401, and 402 Airplanes Doc. No. 2002–NM–132'' (RIN2120–AA64) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9264. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Augusta SpA Model A109K2 Helicopters; Doc. No. 2004–SW–14'' (RIN2120–AA64) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9265. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: BAE Systems Operations Limited Avro 146–RJ Airplanes Doc. No. 2003–NM–92'' (RIN2120–AA64) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9266. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 Series Airplanes Doc. No. 2000–NM–419'' (RIN2120–AA64) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9267. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Gulfstream Aerospace LP Model Galaxy and Model Gulfstream 200 Airplanes Doc. No. 2002–NM–325'' (RIN2120–AA64) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9268. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: MD Helicopters Inc. Model MD900 Helicopters Doc. No. 2004–SW–10'' (RIN2120–AA64) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9269. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Thales Avionics Traffic Advisory/Resolution Advisory (TA/RA) Vertical Speed Indicator-Traffic Alert and Collision Avoidance System (VSI–TCAS) Indicators Installed on but not Limited to Certain Transport Category Airplanes Equipped with TCAS II Changes 7 Computers (ACAS II)'' (RIN2120–AA64) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9270. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Short Brothers Model SD3 Series Airplanes Doc. No. 2002–NM–209'' (RIN2120–AA64) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9271. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Short Brothers SD3 Airplanes Doc. No. 2003–NM–178'' (RIN2120–AA64) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9272. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: General Electric Company CF34–34A1 and 3B1 Series Turbofan Engines Doc. No. 2004–NE–26'' (RIN2120–AA64) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9273. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model EC155B and B1 Helicopters; Doc. No. 2003–SW–40'' (RIN2120–AA64) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9274. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A319–131, 132, and 133; A320–231, 232, and 233 and A321–131 and 231 Airplanes Doc. No. 2004–NM–56'' (RIN2120–AA64) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9275. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Sikorsky Aircraft Corporation Model S–61L, S–61N, S–61NM, and S–61R Helicopters Doc. No. 2003–SW–35'' (RIN2120–AA64) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9276. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: BAE Systems Limited Model BAE 146 and Avro 146–RJ Series Airplanes Doc. No. 2003–NM–172'' (RIN2120–AA64) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9277. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A330, A340–200, and A340–300 Series Airplanes Doc. No. 2004–NM–83'' (RIN2120–AA64) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9278. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls-Royce plc RB211 Turbofan Engines Correction Doc. No. 2003–NE–12'' (RIN2120–AA64) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9279. A communication from the Paralegal Specialist, Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–9–81 (MD–81), DC 9–82 (MD–82), DC–9–83 (MD–83) and DC–9–87 (MD–87) Airplanes Model and MD–90–30 Airplanes Doc. No. 2003–NM–122'' (RIN2120–AA64) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9280. A communication from the Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Importation of Nonconforming Vehicles by Registered Importers'' (RIN2127–AH67) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC–9281. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Improving Public Safety Communications in the 800 MHz Band'' (FCC04–168) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Appropriations, without amendment:

S. 2806. An original bill making appropriations for the Departments of Transportation and Treasury, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. No. 108–342).

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

H.R. 2912. A bill to reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government (Rept. No. 108–343).

By Mr. GREGG, from the Committee on Appropriations, without amendment:

S. 2809. An original bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. No. 108–344).

By Mr. SPECTER, from the Committee on Appropriations, without amendment:

S. 2810. An original bill making appropriations for the Departments of Labor, Health, and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes (Rept. No. 108–345).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. CANTWELL:

S. 2805. A bill to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University; to the Committee on Energy and Natural Resources.

By Mr. SHELBY:

S. 2806. An original bill making appropriations for the Departments of Transportation and Treasury, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 2005, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. CRAPO (for himself, Mr. FEINGOLD, Mrs. MURRAY, Mr. SMITH, Ms. COLLINS, Mr. CRAIG, Mr. BURNS, and Ms. CANTWELL):

S. 2807. A bill to amend the Internal Revenue Code of 1986 to exempt containers used primarily in potato farming from the excise tax on heavy trucks and trailers; to the Committee on Finance.

By Mr. BYRD:

S. 2808. A bill to amend title 5, United States Code, to make the date of the signing of the United States Constitution a legal public holiday, and for other purposes; to the Committee on the Judiciary.

By Mr. GREGG:

S. 2809. An original bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2005, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. SPECTER:

S. 2810. An original bill making appropriations for the Departments of Labor, Health, and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005 , and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. SPECTER:

S. 2811. A bill to establish the Department of Intelligence, to modify and enhance authorities and responsibilities relating to the administration of intelligence and the intelligence community, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. Res. 426. A resolution commending Maryland's Olympians on their accomplishments at the 2004 Summer Olympic Games in Athens, Greece; considered and agreed to.

By Mr. SARBANES (for himself, Ms. SNOWE, Mr. LEVIN, Mr. BIDEN, Mr. BREAUX, Mr. SCHUMER, Mr. WYDEN, Mr. CORZINE, Mr. LUGAR, Mr. DASCHLE, Mr. ALLEN, Mr. FEINGOLD, Mr. KERRY, Mr. SUNUNU, Mr. MILLER, Mr. CHAFEE, Mr. VOINOVICH, Mr. DORGAN, Mr. LAUTENBERG, Mr. KOHL, Mr. GREGG, Mr. DAYTON, Ms. MURKOWSKI , Ms. MIKULSKI, Mrs. MURRAY, Mrs. BOXER, Mrs. CLINTON, Mr. SPECTER, Mr. LIEBERMAN, Mr. REED, and Mr. FITZGERALD):

S. Res. 427. A resolution congratulating the citizens of Greece, the members of the Athens 2004 Organizing Committee for the Olympic and Paralympic Games, the International Olympic Committee, the United States Olympic Committee, the 2004 United States Olympic Team, athletes from around the world, and all the personnel who participated in the 2004 Olympic Summer Games in Athens, Greece; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself, Mr. SANTORUM, Mr. COCHRAN, and Mr. HAGEL):

S. Res. 428. A resolution reauthorizing the John Heinz Senate Fellowship Program; to the Committee on Rules and Administration.

By Mr. DURBIN (for himself, Mr. CRAIG, Mr. AKAKA, and Mr. DAYTON):

S. Res. 429. A resolution establishing a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism; to the Committee on Rules and Administration.

By Mr. FRIST (for himself, Mr. DASCHLE, Mr. DEWINE, and Mr. NELSON of Nebraska):

S. Con. Res. 137. A concurrent resolution calling for the suspension of Sudan's membership on the United Nations Commission on Human Rights; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1482

At the request of Mr. INOUYE, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1482 , a bill to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 1510

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1510, a bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes.

S. 1684

At the request of Ms. LANDRIEU, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1684, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 1890

At the request of Mr. ENZI, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1890, a bill to require the mandatory expensing of stock options granted to executive officers, and for other purposes.

S. 2447

At the request of Mr. LIEBERMAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2447, a bill to amend the Public Health Service Act to authorize funding for the establishment of a program on children and the media within the National Institute of Child Health and Human Development to study the role and impact of electronic media in the development of children.

S. 2461

At the request of Mr. DEWINE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2461, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 2488

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2488, a bill to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

S. 2493

At the request of Mr. GREGG, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2493, a bill to amend the Federal Food, Drug, and Cosmetic Act to protect the public health from the unsafe importation of prescription drugs and from counterfeit prescription drugs, and for other purposes.

S. 2568

At the request of Mr. BIDEN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2661

At the request of Mr. GRASSLEY, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2661, a bill to clarify the effects of revocation of a visa, and for other purposes.

S. 2718

At the request of Mr. DEWINE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2718, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 2719

At the request of Mr. ENZI, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2719, a bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes.

S. 2780

At the request of Ms. STABENOW, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2780, a bill to amend title XVIII of the Social Security Act to stabilize the amount of the medicare part B premium.

S. 2781

At the request of Mr. LUGAR, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2781, a bill to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes.

S. 2784

At the request of Mr. BROWNBACK, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2784, a bill to promote freedom and democracy in Vietnam.

S. RES. 311

At the request of Mr. BROWNBACK, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. Res. 311, a resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Thadeus Nguyen Van Ly, and for other purposes.

S. RES. 422

At the request of Mr. FEINGOLD, his name was added as a cosponsor of S. Res. 422, a resolution expressing the sense of the Senate that the President should designate the week beginning September 12, 2004, as ''National Historically Black Colleges and Universities Week''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 2811. A bill to establish the Department of Intelligence, to modify and enhance authorities and responsibilities relating to the administration of intelligence and the intelligence community, and for other purposes; to the Committee on Governmental Affairs.

Mr. SPECTER. Mr. President, I have sought recognition to introduce the Intelligence Reformation Act of 2004, also known as the ''9/11 Act.'' This bill creates clear, unambiguous lines of authority in the intelligence community, which assures both accountability and sufficient command authority for a new Department and Director of Intelligence to manage and coordinate the intelligence community, break down existing stovepipes, demand accountability among the agencies, set requirements, and use new directive authority to quickly task collection and analysis while moving personnel and resources to respond to new and emerging situations.

The unanimous recommendations which accompany the Report of the National Commission on Terrorist Attacks Against the United States (''9/11 Commission''), and the Executive orders issued on August 27, 2004, relating to information sharing, intelligence community management, and the National Counterterrorism Center, are intended to address systematic, long-term problems with the U.S. Intelligence Community that have been highlighted by the various investigations into the 9/11 tragedy, including the findings of the Senate Intelligence Committee on Iraq Pre-War Intelligence, and the congressional Joint Inquiry recommendations issued in 2002. Our country has during the last decade suffered through an escalating cycle of intelligence failures while witnessing the onset of new global threats—most notably terrorism and proliferation of weapons of mass destruction. The existing intelligence community structure is disorganized and dysfunctional, and thus incapable of effectively responding to these threats.

The restructuring recommendations of the President and 9/11 Commission are consistent with the reorganization efforts I undertook as chairman of the Senate Intelligence Committee during the 104th Congress, my efforts to install a Director of National Intelligence beginning in 1986, and my work in 1998–1999 on the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction (''WMD Commission''), as well as that of no fewer than 15 independent commissions and legislative or executive branch attempts at restructuring the intelligence community, beginning in 1955 with the Second Hoover Commission.

It is imperative that we immediately put into place a national security structure that is competent to confront this enemy. While the 9/11 Commission and recent Executive orders provide helpful guidance, much discretion is left to Congress in determining the scope and nature of the restructuring of the intelligence community.

Under the legislation I introduce today, budgetary authority will be a principal means for the new Director of Intelligence to maintain supervision and control of the intelligence community. For example, the Director would have the National Foreign Intelligence Program appropriation go directly to him, and that appropriation would remain under his jurisdiction through the budget execution process.

Further, enhanced tasking authority would facilitate coordinated intelligence collection and analysis and overcome the ''culture of concealment'' that exists among intelligence entities.

And clear lines of authority, including the ability of the Director to hire and fire intelligence community personnel, will in turn avoid the uncertainty of ''serving two masters.'' Clear lines of authority means that intelligence community personnel will not suffer from the disorder and paralysis that epitomized the community prior to 9/11, and which continues today. This legislation differs from the 9/11 Commission recommendations on restructuring the intelligence community in two main respects: the institution of a ten-year term for the Director of Intelligence in order to remove him from political influence, and the direct control and supervision by the Director of the major national intelligence community entities, rather than the untested ''dual hatting'' approach favored by the 9/11 Commission.

I also believe that any legislation must address the FBI failures that preceded 9/11. By placing the certain FBI functions under the direction of the new Director of Intelligence, FBI missteps in communication, intelligence gathering and analysis that contributed to failures in anticipating the 9/11 attack and in intercepting the hijackers can be averted in the future, while adding necessary safeguards to protect privacy and civil liberties. And this bill, like the bill I have introduced with Senators MCCAIN and LIEBERMAN, codifies the 9/11 Commission recommendations on FBI reform.

Other important reforms undertaken by this legislation are also contained in the 9/11 Commission bill. For example, consistent with the recent conclusions of the Senate Intelligence Committee, the legislation would require the National Intelligence Council to incorporate alternative views held by elements of the intelligence community into National Intelligence Estimates (NIE), and be certified as approved for publication by the Director of Intelligence and the Chair of the National Intelligence Council.

The Director and Department of Intelligence that I recommend fully integrate the 9/11 Commission and President's important tenets of central direction, coordination, and control by a high-ranking intelligence official and would bring crucial expertise and immediate direction to the many intelligence challenges we face. Creating a Department of Intelligence, run by a Director empowered with full budget execution and clear line authority over national intelligence, but without a large new bureaucratic infrastructure, is a proposal which best meets the need of the intelligence community.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 426—COMMENDING MARYLAND'S OLYMPIANS ON THEIR ACCOMPLISHMENTS AT THE 2004 SUMMER OLYMPIC GAMES IN ATHENS, GREECE

Mr. SARBANES (for himself and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 426

Whereas the 2004 Summer Olympic Games, which recently concluded in Athens, Greece, was a resounding success;

Whereas the athletes of the United States who participated in the 2004 Summer Olympic Games reflected the ideals of the Olympic movement by exhibiting determination, honor, sportsmanship, and excellence throughout the competitions;

Whereas Maryland's athletes played a prominent role in the 2004 Summer Olympic Games and represented the talent and diversity of the athletes of the United States;

Whereas markswoman Libby Callahan of Upper Marlboro, through her wisdom and experience, and swimmer Katie Hoff of Abingdon, through her youthful exuberance, both displayed the spirit of Olympic competition;

Whereas Liz Filter, from Stevensonville, and Nancy Haberland, who coaches the Naval Academy sailing team, both displayed the Olympic spirit in their decisions to participate in the sailing competitions in the face of challenging life circumstances;

Whereas Jun Gao of Gaithersburg shone with Olympic spirit when, on day 4 of the table tennis competition, as the only remaining member of the United States table tennis team left in competition, she shouldered the hopes of her teammates;

Whereas paddlers Joe Jacobi and Scott Parsons, both from Bethesda, reflected the

Olympic spirit by focusing on the experience and joy of their performances and the opportunity to compete on the world stage;

Whereas Baltimore's Carmelo Anthony displayed the Olympic spirit in his refusal to quit after the men's basketball team suffered a series of difficult and surprising losses;

Whereas gymnast Courtney Kupets of Gaithersburg and Judo competitor Rhadi Ferguson of Columbia demonstrated enormous bravery by overcoming serious injuries to make the United States team and compete for their country and, in the case of Ms. Kupets, to medal in 2 events;

Whereas Towson swimmer Michael Phelps, who won 6 gold and 2 bronze medals, showed that the team is more important than individual accomplishment when he yielded his spot on the 4 x 100 medley relay squad and an opportunity for further glory to allow teammate Ian Crocker to compete and be part of a winning effort in the finals;

Whereas Tiombe Hurd of Upper Marlboro, who is legally blind, showed tremendous heart and courage by overcoming her vision impairment to finish 22nd in a crowded triple jump field;

Whereas Bernard Williams, who brought home a silver in the 200 meter sprint, and James Carter, who finished fourth in the 400 meter hurdles, did their Baltimore alma maters, Carver Vocational-Technical High School and Mergenthaler Vocational-Technical High School, proud by showing enormous poise and grit in the face of stiff competition;

Whereas the people of Maryland take great pride in these athletes and the communities that helped to nurture and support them through their years of training, and celebrate their successes and achievements; and

Whereas the people of Maryland send their best wishes for success to Maryland's 6 Paralympic athletes—Antoinette Davis, Jessica Long, Joseph Aukward, Larry Hughes, Tatyana McFadden, and Susan Katz—as they head to Athens for the Paralympic Games, which are set to begin on September 17, 2004: Now, therefore, be it

Resolved, That the Senate commends the athletes of Maryland for the grace, sportsmanship, and determination they exhibited throughout the 2004 Summer Olympic Games and for the accomplishments that flowed from maintaining that Olympic spirit on and off the field of competition.

SENATE RESOLUTION 427—CONGRATULATING THE CITIZENS OF GREECE, THE MEMBERS OF THE ATHENS 2004 ORGANIZING COMMITTEE FOR THE OLYMPIC AND PARALYMPIC GAMES, THE INTERNATIONAL OLYMPIC COMMITTEE, THE UNITED STATES OLYMPIC COMMITTEE, THE 2004 UNITED STATES OLYMPIC TEAM, ATHLETES FROM AROUND THE WORLD, AND ALL THE PERSONNEL WHO PARTICIPATED IN THE 2004 OLYMPIC SUMMER GAMES IN ATHENS, GREECE

Mr. SARBANES (for himself, Ms. SNOWE, Mr. LEVIN, Mr. BIDEN, Mr. BREAUX, Mr. SCHUMER, Mr. WYDEN, Mr. CORZINE, Mr. LUGAR, Mr. DASCHLE, Mr. ALLEN, Mr. FEINGOLD, Mr. KERRY, Mr. SUNUNU, Mr. MILLER, Mr. CHAFEE, Mr. VOINOVICH, Mr. DORGAN, Mr. LAUTENBERG, Mr. KOHL, Mr. GREGG, Mr. DAYTON, Ms. MURKOWSKI, Ms. MIKULSKI, Mrs. MURRAY, Mrs. BOXER, Mrs. CLINTON, Mr. SPECTER, Mr. LIEBERMAN, Mr. REED, and Mr. FITZGERALD) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

Whereas Greece—birthplace of the Olympics—was selected on September 5, 1997, as the host of the 2004 Olympic Summer Games;

Whereas from August 13 to August 29, 2004, the Olympic Summer Games returned to Greece, more than 100 years after Athens staged the first modern Olympics in 1896 and nearly 3 millennia after Greece staged the first Olympics in 776 B.C.;

Whereas the people of Greece opened their hearts to the athletes who came together from all over the world and took part in the 2004 Olympic Summer Games in the best spirit of good sportsmanship;

Whereas the President and Managing Director of the Athens 2004 Organizing Committee for the Olympic and Paralympic Games and their associates, the Mayor of Athens, and the Government of Greece—particularly the officials from the Ministry of Culture in collaboration with the Ministry of Public Works—did an outstanding job in staging a great Olympic Summer Games in a manner that embodied the legacy, ideals, and values that Hellenic culture has given the world;

Whereas the Government of Greece, entrusted with the responsibility of protecting the athletes, coaches, judges, and spectators of the 2004 Olympic Summer Games, rose to the challenges to provide a safe Olympic Summer Games;

Whereas 10,500 athletes and 5,500 team officials from a record 201 National Olympic Committees prepared for and competed in the Olympic Summer Games with unmatched dedication, and inspired the world with their spirit of peaceful competition;

Whereas over 5,000 athletes from 140 nations will compete in the 2004 Paralympic Summer Games in Athens, Greece, representing the broadest country participation in Paralympic history and reminding the world that physical challenges are no limit to human achievement;

Whereas the Olympic venues constructed by Greece have been hailed as world class and have set a new standard of modernity for all future Olympic Games;

Whereas the 531 members of the United States Olympic Team added substantially to the great legacy of sportsmanship and athleticism that has characterized the history of United States Olympic competition;

Whereas the security personnel at the 2004 Olympic Summer Games all worked to ensure that the 2004 Olympic Summer Games were safe and secure for athletes and spectators alike;

Whereas over 5,000 individuals of Greece and other citizens from around the world volunteered their time and talents to show the world the best that Greece has to offer; and

Whereas the 2004 Olympic Summer Games accomplished the principles set forth by the Olympic movement, including the aim to ''encourage the Olympic spirit of peace and harmony, which brings the people from across the world together around Olympic sport'': Now, therefore, be it

Resolved, That the Senate extends its heartiest congratulations for a job well done to the citizens of Greece, the members of the Athens 2004 Organizing Committee for the Olympic and Paralympic Games, the International Olympic Committee, the United States Olympic Committee, the members, coaches, and officials of the 2004 United States Olympic Team, athletes from around the world, and the security personnel and volunteers who ensured that the 2004 Olympic Summer Games in Athens was a great success.

Mr. SARBANES. Mr. President, the 2004 Summer Olympic Games in Athens, which took place between August 13–29, have added a vivid and memorable chapter to the Olympic tradition, which first took shape in Greece nearly three millennia ago, and which in its modern form dates back to 1896. The Athens 2004 Organizing Committee, the U.S. Olympic Committee, the International Olympic Committee and dozens of other organizations, the U.S. Olympic Team and thousands of athletes from all over the world, the unwavering determination to meet unprecedented challenges and the good will and hard work of the people of Greece all contributed to assuring the success of the Games. In tribute to their magnificent achievement, today I am joined by a number of my colleagues in introducing a resolution to express our gratitude and congratulations.

Greece took on a daunting challenge when, in 1997, the nation was designated by the International Olympic Committee to serve as host to the 2004 Summer Games. With the exception of Finland, where the 1952 Games took place, in terms of population Greece is the smallest Olympic host ever. To prepare for the return of the Games to Athens, where the first modern Olympics were held in 1896, the whole nation came together in a great common effort. The President and Managing Director of the Athens 2004 Organizing Committee for the Olympic and Paralympic Games and their associates worked closely with the Mayor of Athens, the Ministries of Public Works and Culture and other government agencies to assure a setting and facilities uniquely appropriate to the great events. The people of Greece, in Athens and also in communities around the Nation, gave their full support to the preparatory efforts and opened their hearts to the athletes.

The events of September 11, 2001 raised the challenge of preparing for the Olympic Games to unprecedented heights, for they fundamentally changed the security and logistical context for all major international events—and indeed, as we know from our recent political conventions, for all large gatherings. As the Athens Games were the first summer Games to occur after 9/11, Greece had neither precedents nor guidelines upon which to rely in planning for the security of some 10,500 Olympic athletes, 5,500 team officials and literally millions of visitors. The challenges were all the more formidable because many of the events, including soccer and shot put, were held in places as distant from Athens as Thessaloniki and ancient Olympia.

Greece undertook to do everything ''humanly possible'' to ensure the safety and success of the Games. The Athens 2004 Organizing Committee carried out a careful study and analysis of the security arrangements for the somewhat smaller Winter Games that had taken place in 2002, in Salt Lake City.

A specially trained security force of 45,000 men and women was deployed, which included military and air force personnel, coast guards, fire fighters, law enforcement officials and private security contractors. The government of Greece worked in close collaboration with the United States, Britain, Israel, France, Germany, Australia, and Spain, along with NATO, guided by two principles: every single nation had an interest in having its athletes compete safely, and all nations working toward a common objective—the ultimate success of the Games—would provide the most effective deterrent to a terrorist act. As a result, while security measures were comprehensive and complex they were expertly and unobtrusively carried out, in no way detracting from the spirit of the Games. Athletes and visitors alike moved about unimpeded, and competition went forward in the finest Olympic tradition.

Major investments in infrastructure also contributed significantly to the smooth functioning of the Games. Athens today is a city transformed. Since 1997, when the International Olympic Committee designated Greece as the host country for the 2004 Games, transportation and telecommunications systems have been expanded and modernized. The investments Greece has made in connection with the Olympics have created unprecedented opportunities for the future. The Olympic stadium complex, which includes the aquatic and tennis center, as well as the indoor arena and main stadium, will serve as major training facilities for many years to come. The soccer facilities will be highly sought after for international soccer events. Overall, infrastructure improvements have laid a sound foundation for economic growth and prosperity nationwide. Having met a daunting challenge, Greece is now poised to take on new responsibilities in an expanded European Union, and in the broad international community. Where the cherished tradition of the Summer Olympics is concerned, Greece has shown what can be accomplished. The experience in Athens will surely prove invaluable to China, which fours years from now will play host to the Games in Beijing.

As a Marylander, I am especially proud of the signal accomplishments of Maryland athletes, and I am sure my colleagues take similar pride in the athletes from their respective states. The performance of the U.S. Olympic Team members in one stirring event after another will long be remembered, as anyone fortunate enough to have witnessed the competition firsthand will attest.

Above and beyond the excitement and the triumphs of the different events, however, the Athens Olympics gave us something more. The 2004 Games showed that even in uncertain and turbulent times, it is possible with determination and planning and foresight to bring together men and women of good will from every corner of the globe in a great common endeavor. This is for all of us a both a reminder and an inspiration.

Mr. President, I ask unanimous consent that several articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Aug. 30, 2004]

GREECE CELEBRATES SUCCESSFUL GAMES

(By Candus Thomson)

ATHENS.—Under the soft light of a full moon, the Greeks said goodbye to the sports spectacle they invented in 776 B.C. and revived in 1896.

After 16 days of competition, the 28th Summer Olympiad ended its run in a ceremony filled with folk music, dancing and sighs of relief.

This was the Olympics burdened with the fears of construction delays and terrorism. But the venues were done on time and everyone remained safe.

Gianna Angelopoulos-Daskalaki, the Athens 2004 president, drew a roar from the crowd of 72,000 with her opening remarks.

''I ask our foreign guests: Did you enjoy yourselves in Greece?'' she asked. ''We loved having you here. You wave your national flags. You stood for every anthem. You danced to our music. We even heard you speak your first words of Greek. To you, we say, thank you.''

Jacques Rogge, president of the International Olympic Committee, pronounced himself satisfied with the Athens Olympics.

''Dear Greek friends, you have won,'' he said to much cheering.

Earlier, Rogge told reporters he never doubted that the organizers would accelerate construction and meet their deadline.

''I'm an extremely happy president of the IOC,'' Rogge said. ''I've always said I believed there was enough time to finish the preparations in due time. Many did not believe me. I think our friends have delivered in Athens in a very splendid way.''

SLOW START, BIG FINISH

Like the preparations, the Games started slowly, with lagging ticket sales and sparse attendance. Ticket scalpers blamed bad publicity, terrorism and a slow European economy.

But the second week came back gangbusters.

''We knew we would host successful Games because the stakes for Greece were huge. And we knew because of our Olympic heritage we would do a good job,'' said Achilles Paparsenos, the press officer for the Greek Embassy in Washington. ''The results speak for themselves. All of the so-called experts should apologize to Greece at some point.''

With a total of 103 medals, the U.S. team exceeded the total of 97 four years ago in Sydney, Australia, and met its goal of 100 medals. But just 35 medals were gold, fewer than the 40 in Sydney and 44 in Atlanta in 1996.

The U.S. team also won 39 silver medals and 29 bronze. Russia finished second in total medals with 92; China finished third with 63.

For the first week, these were the Michael Phelps Olympics. If he were a nation, Phelps would have tied Thailand, Denmark, Kazakhstan and the Czech Republic for 24th our of 202 nations in total medals. The Baltimore County swimmer won eight, equaling the record for most at one Olympics with six gold and two bronze medals. But he could not eclipse Mark Spitz's 1972 record of seven gold medals.

And there were other notable U.S. accomplishments. After disastrous showings in Sydney four years ago, Americans were crowned the all-around men's and women's gymnastics champions, and both teams earned silver medals.

But while Carly Patterson is being hailed as the new Mary Lou Retton, winner of the previous women's all-around gold medal in 1984, Paul Hamm is fighting to keep his gold.

A scoring error allowed Hamm to slip past South Korean Yang Tae Young, and team officials didn't challenge the result until too late. Hours before the start of the closing ceremony, Yang filed a protest with the Court of Arbitration for Sport, which will hear the dispute in Lausanne, Switzerland, home of the International Olympic Committee.

Despite the medals harvest, there are ominous signs for other U.S. sports. The men's basketball team had to settle for a bronze medal, and the men's soccer and baseball teams didn't even qualify. The U.S. sailing team won just two medals—a gold and a silver—tying its worst showing in 20 years.

And there are troubling signs for the Olympics, which picked up a new nickname: the Doping Games.

The final tally of athletes stripped of their medals or disciplined isn't known, but is expected to top two dozen after the IOC analyzes samples.

The list grew almost daily and included the Hungarian gold medalist in discus and silver medalist in hammer throw, the Russian gold medalist in women's shot put, a Belarus high jumper, a Kenyan boxer, two Greek baseball players and two Greek sprinters, a Swiss cyclist, a Spanish canoeist and an Irish distance runner.

Nearly one in four athletes was tested, and Rogge said the IOC will expand its program over the next two Olympics.

''These were the Games where it became increasingly difficult to cheat,'' he said.

But there were magical moments, too.

Athletes set 15 world records in six sports.

Windsurfer Gal Fridman won Israel's first gold medal.

U.S. women earned gold in soccer, basketball and softball, led by Mia Hamm, Dawn Staley and Lisa Fernandez, players heading for retirement.

Morocco's Hicham El Guerrouj won both the 5,000-meter and 1,500-meter races after failing to earn a gold medal in Atlanta and Sydney. The overjoyed runner, who swept the middle-distance races for the first time in 80 years, delighted the crowd by dancing to a Greek tune and leaping into the stands to hug his 3-month-old daughter.

Kayaker Alexandros Dimitriou, laboring through the whitewater rapids, at any moment ready to capsize, was lifted by the rhythmic clapping of thousands of spectators to music from Zorba the Greek. He finished 24th out of 25, but the crowd made him a winner.

THE ROAD AHEAD

As host, Greece will be stuck with the tab. The government built more than 120 miles of highway, a new subway system and an airport.

Some athletic venues still aren't finished. And no one is sure what will become of the gyms, ballparks and pools built for 16 days of competition for an estimated $8.6 billion—$5.5 billion over budget.

The Greek government says it may have no choice but to tax its 11 million citizens to pay the Olympic-size bill.

But those are worries for another day.

Near the end of the closing ceremony, the mayor of Athens, Dora Bakoyannis, presented Rogge with an Olympic flag that he passed to Bejing's mayor, Wang Qishan. The 2008 Summer Games will begin there about 1,500 days from now.

Rogge declared the Games closed, the cauldron was extinguished and the party began.

''I really feel sorry for people who did not come to Greece because they were dissuaded by the doubting Thomases and Cassandras of doom and gloom,'' said Paparsenos, who attended the party. ''They missed such a unique experience, a celebration of sports where the Olympics were born.''

[From the Washington Post, Aug. 30, 2004]

PROUD COUNTRY SHOWS THE WORLD ''GREAT THINGS GREEKS CAN DO''

(By Craig Whitlock)

Under a brilliant full moon and the burning Olympic flame, the Greeks danced. They clapped, they sang, kicked up their legs and celebrated an Olympics that at one point was almost taken away, but in the end left them jumping with national pride.

Afer sponsoring more than two weeks of competition, and enduring years of ridicule and doubt from the rest of the world about whether the Games deserved to return to their birthplace, the Greeks danced and danced in their modern Olympics Stadium. About 75,000 spectators clapped along as performers served up a giant Greek wedding feast of a Closing Ceremonies, joyful that so much had gone right during the Games of the XXVIII Olympiad, and that so little had gone wrong.

Gone were the fears about terrorist attacks and smoggy traffic jams and unfinished stadiums. The Athens Olympics had come to an end, and for the most part everything worked just fine.

Greece was the smallest nation in 52 years to host the Summer Olympics, determined to recast Athens as a modern European city known for more than its ancient past. In doing so, the country spent at least $7.2 billion on the Games, including $1.5 billion to provide security—an enormous sum that will take many years, if not decades, to pay off.

But complaints about costs were hard to find Sunday night, as Greece proudly handed off the Olympics flame to a nation 125 times its size—China, host of the 2008 Summer Games—secure that it had proved itself to the world.

''The Olympics came home and we showed the world the great things Greeks can do,'' Giana Angelopoulos-Daskalaki, president of the Athens Organizing Committee, told the crowd. ''On this stage, the world discovered a new Greece.''

''Hellas! Hellas!'' the crowd shouted, waving Greek flags and white hankies.

Organizers flooded the stadium with 250,000 balloons as thousands of fireworks lit up the sky. Under the dazzling light show, a succession of Greek singers and folk musicians kept the audience dancing throughout the Closing Ceremonies. Toward the end, the mood became so infectious that small groups of athletes from Brazil, Britain, France and other nations broke away from the security cordon in the stadium infield and danced around the track.

Despite the festive atmosphere, strict security measures remained in place until the end. Several helicopters and a blimp circled the stadium throughout the ceremonies.

Worries about political disruptions also kept U.S. Secretary of State Colin Powell from attending; he canceled a planned trip to Athens after Greek anti-war protesters angry about his visit clashed with police Friday in downtown Athens.

Unlike the Opening Ceremonies, where fans loudly cheered the delegations from Iraq and Afghanistan and gave the silent treatment to U.S. athletes, politics were not on display Sunday night. Athletes from 202 nations entered the stadium at the same time, mixing together on the infield.

The United States led the overall medal standings with 103, capped off by an unexpected silver in the last event of the Games, the men's marathon.

American athletes dominated the competition in track and field, women's team sports and the swimming pool, where Maryland's 19-year-old Michael Phelps won a record eight medals. A major disappointment: the men's basketball team, which lost three games and settled for bronze.

The biggest controversies were athletic ones, thanks to cheaters and judges who shook up several events.

At least 22 competitors were flagged for drug-testing violations, resulting in the revocation of seven medals. Greece in particular was shamed by the expulsion of two national heroes, medal-winning sprinters Kostas Kenteris and Katerina Thanou, who were kicked off the team after missing several drug tests.

Olympic officials said athletes had gotten the message that doping would not be tolerated. ''These were the Games where it became increasingly difficult to cheat and where clean athletes were protected,'' Jacques Rogge, president of the International Olympic Committee, told the audience.

Earlier, Rogge cheered the Greeks in attendance by thanking them for their hospitality. ''Dear Greek friends, you have won,'' he said in their native language, before lapsing into French. ''You have won by brilliantly meeting the tough challenge of holding the Games.''

Four years earlier, the IOC came close to yanking the Olympics away from Athens. Construction projects and other preparations had barely progressed since the Games were awarded to Greece in 1997. Former IOC president Juan Antonio Samaranch revealed recently that Olympic overseers were about three months from making an emergency decision to move the Games to South Korea.

Spurred on by the threat, Greek officials worked feverishly over the next four years to prove that it could get ready on time. The challenges were substantial: Athens needed a new international airport, new highways, an expanded subway system and more than a dozen new athletic arenas.

As the deadline neared—the roof on the Olympic stadium slid into place just three months ago—there was little time for testing. Even Olympic officials wondered if things would work when the crowds showed up. By and large, they did.

''At the end of the day, the biggest surprise to everybody is that there were no major issues,'' Ioannis Spanudakis, managing director for the Athens 2004 organizing committee, said in an interview.

Not everything went exactly as organizers hoped. While the Athens committee met its attendance projections by selling more than 3.5 million tickets, many athletes performed in front of sparse crowds. Television ratings were higher than in Sydney four years earlier, but cameras couldn't conceal the fact that stadiums were often largely empty.

The Closing Ceremonies, however, were a sellout. Even after the music died down, many * * *.

[From the Chicago Tribune, Aug. 23, 2004]

GREECE STRIKES GOLD WITH MORE THAN JUST GAMES

(By Tom Hundley)

ATHENS.—It hardly matters that Greek athletes have won only a handful of medals in their hometown Olympics. As far as most people here are concerned, Greece already has emerged as the big winner of the 2004 Games.

This summer has marked a turning point for a country that often was dismissed by Europeans as little more than a cheap package-tour destination and denigrated by Americans as too small, too poor and too disorganized to mount a successful Olympics.

Not only has Greece put on a surprisingly laid-back, glitch-free and not overly commercialized games, but earlier this month, it completed construction of an architecturally stunning suspension bridge that links western Greece with the Peloponnese. The 1.79-mile Harilaos Trikoupis Bridge was completed six months ahead of schedule and within its $900 million budget.

On top of that, underdog Greece recently won the European soccer championship—its first-ever championship in the one sport that truly matters in Europe.

The cumulative effect of all this is a growing sense of self-confidence in a country long plagued by a low self-esteem and a feeling that ''Europe'' referred to someplace else.

''People are stopping me in the street and congratulating me, but I tell them it's not me, it's all of us,'' said Spyros Capralos, general secretary of the Olympic Games for the Greek government. ''Greeks will have a new sense of self-respect after this. The whole nation feels it.''

Ted Couloumbis, a historian and political analyst at Athens University, agreed, but cautioned that it would take some time before popular perceptions catch up with the reality of a rapidly modernizing Greece.

''Many people here still think we are the Greece of the past; the poor Greece, the backward Greece, the politically unstable Greece,'' he said. ''But the successful delivery of a high-tech, highly complex Olympics in a post-Sept. 11 climate is going to contribute tremendously to Greeks' perception of themselves.''

DOUBTERS UNTIL THE LAST MINUTE

With a population of 11 million, Greece is the smallest country ever to stage the Summer Games, and doubters were numerous right up until the opening ceremony.

But even if workers were bolting down the last seats in the Olympic Aquatic Center just 20 minutes before the start of the first event there, the experience of staging such a large spectacle has given Greece a wealth of technical expertise and a cadre of young professionals confident in their abilities.

''The human resources, the know-how, the working methods and organizing methods, the new cooperation between the private sector and public section—these are the intangibles that come with the Olympics,'' said Evangelos Venizelos, and opposition leader who is a former minister of culture.

Economists and other experts point to expected improvements in the service and tourism sectors, while Greek engineering and construction companies now have the experience to compete for large-scale projects almost anywhere.

SKYROCKETING COSTS

The price tag has been high. Because Greece fell far behind schedule during the first six years of Olympic construction and then had to make a man dash to the finish line over the last year, costs skyrocketed from $5.6 billion to more than $8.4 billion, or more than 5 percent of Greece's gross domestic product.

But even that figure is dwarfed by the $56 billion that the government is spending between 2000 and 2006 on infrastructure overhaul that is expected to transform Greece into a mainstream European player. About 60 percent of the funding comes from European Union sources while Greece is handling the rest, mainly in the form of long-term loans and private investment.

''The bridge is the most symbolic example of the country's modernization, but there's a long list of new infrastructure projects, and not only in Athens but in Thessaloniki and Patras and Volos,'' Venizelos said.

The new suspension bridge was built by a French-Greek consortium. It crosses the Gulf of Corinth with five spans that add up to the world's longest cable-suspended deck. Physically and psychologically, the bridge brings Greece closer to Europe, linking it with the continent's main road and rail networks.

SETTING ASIDE BITTER MEMORIES

All of this is helping shape a new Greek self-image. Just as the crowd-pleasing Barcelona Olympics of 1992 formally laid to rest the gloomy legacy of Gen. Francisco Franco's 36-year dictatorship and reintroduced Spain to Europe, Athens 2004 is helping Greece set aside lingering memories of a bitter civil war, military dictatorships in the 1960s and '70s, and years of tense relations with neighboring Turkey.

''We are in the process of becoming a normal European country that want to be in the core of Europe,'' said Couloumbis, the historian. ''If there is a Europe of concentric circles, Greeks want to be in the center.''

When the Olympic caravan folds its tent Sunday and begins the long trek to Beijing, the next venue for the games, Athens inevitably will suffer from a case of post-Olympic blues.

''People will ask if the huge investment was justified,'' Couluombis said. ''There will be finger-pointing about the cost overruns.''

Venizelos, the opposition leader, said the real benefits for Greece would not be counted during the 16 days between the Games' opening and closing ceremonies.

''Was it worth it? We will know in the next 50 years,'' he said.

[Knight Ridder Newspapers, Aug. 31, 2004]

THE ULTIMATE STAR OF THESE OLYMPICS: ATHENS

(By Ann Killion)

ATHENS, GREECE.—The star of these Olympics is easy to pick. It is the lady with the funny hat and long spear, the gal who sprouted fully grown out of the head of her dad, Zeus.

Athena, the goddess of wisdom. She and her namesake city win the gold.

Each Olympics produces a lasting image or two. In Sydney it was Cathy Freeman and Marion Jones. In Atlanta it was Michael Johnson and Kerri Strug.

These Games produced their own stars and scandals. Among the high points: Michael Phelps, who won more medals than many countries; America's golden girls Natalie Coughlin and Carly Patterson, beach volleyball, along with the softball, soccer and basketball teams.

Among the lows: drugs, incompetent judges and a red-kilted attacker on the marathon course.

But the most defining memory from these Games will be the performance of Athens and her citizens. We always cheer for the underdog. We love it when the underestimated and overlooked come up big.

And there has never been an Olympic underdog like Athens. Or one that has rallied to victory as drastically.

The city was doubted, scoffed, maligned. Athenians mortgaged their future to bring the Olympics home to their birthplace. They felt disrespected by the rest of the world.

But the city and her people performed under pressure. From the beginning until the very end, as the massive crowds moved smoothly Monday through Eleftherios Benizelos Airport, Athens shone.

The people who invested the ancient Games hosted a very modern event, from the billion-dollar-plus security bill to the doping shadow looming over the event.

The security worked. The scariest thing about being in Athens was riding in a taxi. It's still debatable how well the doping control works. More than 20 athletes tested positive, more than at any previous Olympics. IOC President Jacques Rogge called each positive test ''a blessing,'' proving that the system works. But as Balco has taught us the invisible, undetectable menace is still there.

Doping was at the root of Greece's most embarrassing moment, when track stars Kostas Kenteris and Ekaterini Thanou withdrew after missing a drug test. Another shameful moment was the Paul Hamm mess. A judging mistake was compounded by the Federation of International Gymnastics' ham-handed approach, asking Hamm to give back his medal. Hamm was already home. The USOC was furious. And poor South Korean Yang Tae-young was left a victim of Olympic incompetence.

Before every Olympics, the cynics say the Games are dying, pierced through the heart with a syringe, strangled by corporate greed and political motivation.

But the 2004 Olympics drew huge television ratings. NBC recorded the highest ratings for a Summer Olympics held outside the United States. For the public, scandals seemed to only add to the Games' intrigue and soap opera plot.

Politics, as always, was unavoidable. A member of the Iranian judo team deliberately missed weight rather than fight an Israeli. The Iraqi soccer team balked at being used as a political tool in the American presidential campaign.

But the Olympic moments still shine through. Moroccan Hicham el Guerrouj overcame his Olympic struggles to win two gold medals. Israeli windsurfer Gal Fridman won the first gold medal in his country's 52-year Olympic history and said he would take the medal to the memorial honoring the 11 Israeli Olympians murdered in 1972 and ''show it to them, to show they are always with us.'' Greeks spontaneously sang the national anthem when beloved weightlifter Pyrros Dimas won a bronze.

The hosts were gracious and accommodating. How did such a small country pull it off? I got a taste of the Greek approach before the Games ever began.

Traveling with my family to Athens, our ferry from a small island to the island of Santorini was scheduled to leave at 2:30. Apparently everybody else knew it really left at 4. When it finally pulled out at 4:15, we were in danger of missing our flight to Athens and being stranded until morning.

As we neared Santorini, I spoke with the ship workers. They shook their heads. Our task would be impossible. There would be no taxis at the port. The airport is on the other side of the island.

There was no hope. But they discussed my plight some more, cited the politics of ferry schedules, pointed out the beautiful cliff villages and told the story of the volcano eruption to distract me from my worries.

Finally, they decided it could be done. They helped us with our luggage. They spotted taxis waiting on shore. They pulled us off the boat before the gangplank was fully down, shouting as we dashed for the taxi, ''You'll make it with half an hour to spare!''

We made it with five minutes to spare.

It's the Greek way, cynical, analytical, taking a break to appreciate the beauty and history of their land, and then rallying with complete enthusiasm.

The Olympic flame was extinguished under a full moon that reflected off the Acropolis and bathed the city in a golden light. Athena would be proud.

[From The State, Aug. 29, 2004]

AN APOLOGY—AND THANK YOU, BEFORE LEAVING

(By Dave Barry)

ATHENS.—I'm leaving the Olympics and heading home, assuming the plane can lift me. This is a concern because I've gained many kilometers of mass from eating Greek food, especially ''baklava,'' which is the Greek word for ''carbohydrates.''

But before I leave I have something to say to Greece:

Dear Greece,

I owe you an apology. Every negative thought I had about you before I got here—every worry, every concern—turned out to be wrong.

When I got to Greece, I thought you wouldn't be ready for the Olympics. But you were—more ready than my country was in 1996 when the Olympics came to Atlanta. Your facilities were finished, or at least finished enough; the buses ran on time; the phones worked; and an army of ever-cheerful volunteers stood by to deal with what few glitches there were. The Games went beautifully. I still don't understand rhythmic gymnastics, but that's not our fault.

FEELING SAFE

When I got to Greece, I was worried about terrorism. But my only moments of terror involved public toilets last cleaned by the Goths, and of course the Athens taxis, which are a menace to all humanity everywhere. (If we keep sending robots to Mars, sooner or later one of them will be run over by an Athens taxi.) But the Games themselves, and your country, always felt safe. The security, even though there was a lot of it, never felt oppressive. I wish I felt as safe in my own country as I did in yours.

When I got to Greece, I was worried about pickpockets. My company sent me to a scary security-training session that left me convinced I'd wind up lying in some Athens alley, stripped of money, clothes and key bodily organs. But nobody took anything from me. Instead, people kept giving me things: pins, maps, guidebooks, smiles, and—most precious of all—directions. Whenever I looked lost—which was often—people would stop and ask me, in English, if I needed help. Often they'd walk with me, going out of their way, making sure I was on the right path, sometimes even handing me off to another Greek, passing me across Athens, a human baton in the Clueless American Relay.

A FAMILY AFFAIR

When I got to Greece, I was worried about bringing my 4-year-old daughter, Sophie. But you opened your arms to her, as you do to all children. We couldn't get on a bus without somebody offering Sophie a seat; we couldn't walk around our neighborhood without somebody shouting ''Sophie!'' and running over to say hi to her. At home, I'm a newspaper columnist; in Greece, I'm the guy who accompanies Sophie.

When I got to Greece. I was worried about not understanding the language. But it turned out the only Greek word I really needed to know was ''efharisto,'' which means (I hope) ''thank you.'' I said it a hundred times a day.

So, Greece, I apologize. You took on a huge task, and you did it well, and your competence was matched by your warmth. You treated my family like your family; we've already decided we're coming back (after all, Sophie will want to see her friends).

Until then, Greece, from my heart: efharisto.

SENATE RESOLUTION 428—REAUTHORIZING THE JOHN HEINZ SENATE FELLOWSHIP PROGRAM

Mr. SPECTER (for himself, Mr. SANTORUM, Mr. COCHRAN, and Mr. HAGEL) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 428

Resolved,

SECTION 1. JOHN HEINZ SENATE FELLOWSHIP PROGRAM.

Senate Resolution 356, 102d Congress, agreed to October 7, 1992, is amended by striking section 5 and inserting the following:

"SEC. 5. FUNDS.

''There are authorized to be appropriated to carry out the provisions of this resolution $85,000 for each of fiscal years 2005 through 2009.''.

Mr. SPECTER. Mr. President, I have sought recognition to submit a resolution reauthorizing the John Heinz Senate Fellowship Program. This Congressional fellowship program, created in 1992, is a fitting tribute to my late colleague and dear friend, United States Senator John Heinz. Senator Heinz dedicated his life and much of his Congressional career to improving the lives of senior citizens. He believed that Congress has a special responsibility to serve as a guardian for those who cannot protect themselves. This fellowship program, which focuses on aging issues, honors the life and continues the legacy of Senator Heinz.

During his 20 years in the Congress, John Heinz compiled an enviable record of accomplishments. While he was successful in many areas, he built a national reputation for his strong commitment to improving the quality of life of our Nation' s elderly. Pennsylvania, with nearly 2 million citizens aged 65 or older—over 15 percent of the population—houses the second largest elderly population nationwide. As John traveled throughout the State, he listened to the concerns of this important constituency and came back to Washington to address their needs through policy and legislation.

Senator Heinz led the fight against age discrimination by championing legislation to eliminate the requirement that older Americans must retire at age 65, and by ensuring full retirement pay for older workers employed by factories forced to close. During his Chairmanship of the Senate Special Committee on Aging from 1981–1986 and his tenure as Ranking Minority Member from 1987–1991, Senator Heinz used his position to improve health care accessibility and affordability for senior citizens and to reduce fraud and abuse within Federal health care programs. Congress enacted his legislation to provide Medicare recipients a lower cost alternative to fee-for-service medicine, as well as his legislation to add a hospice benefit to the Medicare program.

John also recognized the great need for nursing home reforms. He was successful in passing legislation mandating that safety measures be implemented in nursing homes and ensuring that nursing home residents cannot be bound and tied to their beds or wheelchairs.

The John Heinz Senate Fellowship Program will help continue the efforts of Senator Heinz to give our Nation's elderly the quality of life they deserve. The program encourages the identification and training of new leadership in aging policy by awarding fellowships to qualified candidates to serve in a Senate office or with a Senate Committee. The goal of this program is to advance the development of public policy in issues affecting senior citizens. Administered by the Heinz Family Foundation in conjunction with the Secretary of the Senate, the program allows fellows to bring their firsthand experience in aging issues to the work of Congress. Heinz fellows who are advocates for aging issues spend a year to help us learn about the effects of Federal policies on our elderly citizens, those who are social workers help us find better ways to protect our nation's elderly from abuse and neglect, and those who are health care providers help us to build a strong health care system that addresses the unique needs of our seniors.

The Heinz fellowship enables us to train new leaders in senior citizen advocacy and aging policy. The fellows return to their respective careers with a new understanding about how to work effectively with government, so they may better fulfill their goals as senior citizen advocates.

The John Heinz Senate Fellowship Program has been a valuable tool for Congress and our communities since its establishment in 1992. The continuation of this vital program will signal a sustained commitment to our nation's elderly. I urge my colleagues to join me in cosponsoring this resolution, and urge its swift adoption.

SENATE RESOLUTION 429—ESTABLISHING A SPECIAL COMMITTEE OF THE SENATE TO INVESTIGATE THE AWARDING AND CARRYING OUT OF CONTRACTS TO CONDUCT ACTIVITIES IN AFGHANISTAN AND IRAQ AND TO FIGHT THE WAR ON TERRORISM

Mr. DURBIN (for himself, Mr. CRAIG, Mr. AKAKA, and Mr. DAYTON) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 429

Whereas the wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States;

Whereas Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds;

Whereas waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war;

Whereas the magnitude of the funds involved in the reconstruction of Afghanistan and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a challenge to the effective performance of the traditional oversight function of Congress and the auditing functions of the executive branch;

Whereas the Senate Special Committee to Investigate the National Defense Program, popularly know as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities;

Whereas the Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions of dollars; and

Whereas the public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent: Now, therefore, be it

Resolved,

SECTION 1. SPECIAL COMMITTEE ON WAR AND RECONSTRUCTION CONTRACTING.

There is established a special committee of the Senate to be known as the Special Committee on War and Reconstruction Contracting (hereafter in this resolution referred to as the ''Special Committee'').

SEC. 2. PURPOSE AND DUTIES.

(a) PURPOSE.—The purpose of the Special Committee is to investigate the awarding and performance of contracts to conduct military, security, and reconstruction activities in Afghanistan and Iraq and to support the prosecution of the war on terrorism.

(b) DUTIES.—The Special Committee shall examine the contracting actions described in subsection (a) and report on such actions, in accordance with this section, regarding—

(1) bidding, contracting, accounting, and auditing standards for Federal Government contracts;

(2) methods of contracting, including sole-source contracts and limited competition or noncompetitive contracts;

(3) subcontracting under large, comprehensive contracts;

(4) oversight procedures;

(5) consequences of cost-plus and fixed price contracting;

(6) allegations of wasteful and fraudulent practices;

(7) accountability of contractors and Government officials involved in procurement and contracting;

(8) penalties for violations of law and abuses in the awarding and performance of Government contracts; and

(9) lessons learned from the contracting process used in Iraq and Afghanistan and in connection with the war on terrorism with respect to the structure, coordination, management policies, and procedures of the Federal Government.

(c) EVIDENCE CONSIDERED.—In carrying out its duties, the Special Committee shall ascertain and evaluate the evidence developed by all relevant governmental agencies regarding the facts and circumstances relevant to contracts described in subsection (a).

SEC. 3. COMPOSITION OF SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Special Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the President pro tempore of the Senate, in consultation with the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Special Committee shall be made

not later than 90 days after the date of the enactment of this Act.

(b) VACANCIES.—Any vacancy in the Special Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, chairman, or ranking member of the Special Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIRMAN AND RANKING MEMBER.—The chairman of the Special Committee shall be designated by the majority leader of the Senate, and the ranking member of the Special Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Special Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Special Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Special Committee, or ⅓ of the members of the Special Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Special Committee.

SEC. 4. RULES AND PROCEDURES.

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this resolution, the investigation, study, and hearings conducted by the Special Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—The Special Committee may adopt additional rules or procedures if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the Special Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

SEC. 5. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—The Special Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) HEARINGS.—The Special Committee or, at its direction, any subcommittee or member of the Special Committee, may, for the purpose of carrying out this resolution—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Special Committee or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Special Committee considers advisable.

(c) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (b) shall bear the signature of the Chairman of the Special Committee and shall be served by any person or class of persons designated by the Chairman for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(d) MEETINGS.—The Special Committee may sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

SEC. 6. REPORTS.

(a) INITIAL REPORT.—The Special Committee shall submit to the Senate a report on the investigation conducted pursuant to section 2 not later than 270 days after the appointment of the Special Committee members.

(b) UPDATED REPORT.—The Special Committee shall submit an updated report on such investigation not later than 180 days after the submission of the report under subsection (a).

(c) ADDITIONAL REPORTS.—The Special Committee may submit any additional report or reports that the Special Committee considers appropriate.

(d) FINDINGS AND RECOMMENDATIONS.—The reports under this section shall include findings and recommendations of the Special Committee regarding the matters considered under section 2.

(e) DISPOSITION OF REPORTS.—Any report made by the Special Committee when the Senate is not in session shall be submitted to the Clerk of the Senate. Any report made by the Special Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. 7. ADMINISTRATIVE PROVISIONS.

(a) STAFF.—

(1) IN GENERAL.—The Special Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Special Committee, or the chairman or the ranking member, considers necessary or appropriate.

(2) APPOINTMENT OF STAFF.—

(A) IN GENERAL.—The Special Committee shall appoint a staff for the majority, a staff for the minority, and a nondesignated staff.

(B) MAJORITY STAFF.—The majority staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(C) MINORITY STAFF.—The minority staff shall be appointed, and may be removed, by the ranking member of the Special Committee, and shall work under the general supervision and direction of such member.

(D) NONDESIGNATED STAFF.—Nondesignated staff shall be appointed, and may be removed, jointly by the chairman and the ranking member, and shall work under the joint general supervision and direction of the chairman and ranking member.

(b) COMPENSATION.—

(1) MAJORITY STAFF.—The chairman shall fix the compensation of all personnel of the majority staff of the Special Committee.

(2) MINORITY STAFF.—The ranking member shall fix the compensation of all personnel of the minority staff of the Special Committee.

(3) NONDESIGNATED STAFF.—The chairman and ranking member shall jointly fix the compensation of all nondesignated staff of the Special Committee, within the budget approved for such purposes for the Special Committee.

(c) REIMBURSEMENT OF EXPENSES.—The Special Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Special Committee.

(d) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Special Committee. Such payments shall be made on vouchers signed by the chairman of the Special Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

SEC. 8. TERMINATION.

The Special Committee shall terminate on February 28, 2007.

SENATE CURRENT RESOLUTION 137—CALLING FOR THE SUSPENSION OF SUDAN'S MEMBERSHIP ON THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

Mr. FRIST (for himself, Mr. DASCHLE, Mr. DEWINE, and Mr. NELSON of Nebraska) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 137

Whereas, in Darfur, Sudan, more than 30,000 innocent civilians have been murdered, more than 400 villages have been destroyed, more than 130,000 men, women, and children have been forced from their villages into neighboring countries, and more than 1,000,000 people have been internally displaced;

Whereas the United States Government has been, and remains as of September 2004, the largest contributor of assistance to the people of Darfur, having provided over $200,000,000 in assistance, which constitutes more than 70 percent of the total assistance provided to that region;

Whereas the United States has pledged $299,000,000 in humanitarian aid to Darfur through fiscal year 2005, as well as $11,800,000 in support of the African Union mission in that region, and is likely to provide support in excess of those pledges;

Whereas United States citizens and private organizations, as well as the United States Government, have admirably worked, at great risk and through great effort, to ease suffering in Darfur, Sudan, and in eastern Chad;

Whereas, based on credible reports, Congress determined in late July 2004 that acts of genocide were occurring in Darfur, Sudan, and that the Government of Sudan bears direct responsibility for many of those acts of genocide;

Whereas, expressing its grave concern at the ongoing humanitarian crisis and widespread human rights violations in Darfur, including continued attacks on civilians that place thousands of lives at risk, the United Nations Security Council on July 30, 2004, unanimously adopted Security Council Resolution 1556, which called upon the Government of Sudan to fulfill immediately its obligations to facilitate humanitarian relief efforts, to take steps to disarm immediately the Janjaweed militias responsible for attacks on civilians and bring the perpetrators of such attacks to justice, and to cooperate with independent United Nations-sponsored investigations of human rights violations;

Whereas the Government of Sudan has failed to take credible steps to comply with the demands of the international community as expressed through the United Nations Security Council;

Whereas, according to press reports, reports from nongovernmental organizations,

first-hand accounts from refugees, and other sources, the Janjaweed attacks on the civilians of Darfur continue unabated as of September 2004;

Whereas there are credible reports from some of these same sources that the Government of Sudan is providing assistance to the Janjaweed militias and, in some cases, that Government of Sudan forces have participated directly in attacks on civilians;

Whereas the United States Government, after conducting more than 1,000 interviews with survivors and refugees, has determined that genocide has occurred in Darfur, that it may still be occurring, and that both the Janjaweed and the Government of Sudan bear responsibility for these acts;

Whereas the Secretary of State has determined that the attacks by the Government of Sudan and the Janjaweed on the non-Arab people of Darfur and their villages are based on race, not religion;

Whereas the United States has recently introduced a new resolution in the United Nations Security Council that calls for the Government of Sudan to cooperate fully with an expanded African Union force and for a cessation of Sudanese military flights over Darfur;

Whereas the introduced resolution also provides for international overflights of the Darfur region to monitor the situation on the ground and requires the United Nations Security Council to review the record of compliance of the Government of Sudan to determine whether the United Nations should impose sanctions on Sudan, including sanctions affecting the petroleum sector in that country;

Whereas the resolution also urges the Government of Sudan and the Sudanese People's Liberation Movement to conclude negotiations on a comprehensive peace accord and, most important, calls for a United Nations investigation into all violations of international humanitarian law and human rights law that have occurred in Darfur in order to ensure accountability;

Whereas the United Nations Security Council, in United Nations Security Council Resolution 1556, emphasized that the Government of Sudan bears primary responsibility for respecting human rights and protecting the people of Sudan;

Whereas United Nations Security Council Resolution 1556 calls upon the Government of Sudan to cooperate with the United Nations;

Whereas the United Nations Human Rights Commission, established in 1946 and given the responsibility of drafting the Universal Declaration of Human Rights, is responsible for promoting respect for and observance of, human rights and fundamental freedoms for all;

Whereas the Universal Declaration of Human Rights declares that all human beings are born free and equal in dignity and rights, that everyone is entitled to all the rights and freedoms set forth in the Declaration regardless of race, color, sex, language, religion, political or other opinion, or national or social origin, property, birth, or other status that everyone has the right to life, liberty and security of person, that no one shall be held in slavery or servitude, and that no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment;

Whereas the Convention on the Prevention and Punishment of Genocide, done at Paris on December 9, 1948 (hereafter in this resolution referred to as the ''Genocide Convention''), delineates the criteria that constitute genocide and requires parties to prevent and punish genocide;

Whereas Sudan is a state party to the Genocide Convention and remains a member of the United Nations Commission on Human Rights;

Whereas the Secretary of State determined that, according to United States law, the Government of Sudan is a state sponsor of terrorism and has been since 1993 and therefore remains ineligible for U.S. foreign assistance;

Whereas, due to the human rights situation in Darfur, it would be consistent with United States obligations under the Genocide Convention for the Secretary of State and the United States Permanent Representative to the United Nations to seek the immediate suspension of Sudan from the United Nations Commission on Human Rights and, in the event a formal investigation results in a determination by the UN that genocide has occurred in Darfur, the ultimate removal of Sudan from such Commission; and

Whereas it is a mockery of human rights as a universal principle, a challenge to the United Nations as an institution, and an affront to all responsible countries that embrace and promote human rights that a government under investigation by the United Nations for committing genocide against, and violating the human rights of, its own citizens sits in judgment of others as a member in good standing of the United Nations Commission on Human Rights: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes and approves of the findings of the Secretary of State that genocide has occurred and may still be occurring in Darfur, Sudan, and that the Government of Sudan bears responsibility for such acts;

(2) supports the Secretary of State's call for a full and unfettered investigation by the United Nations into all violations of international humanitarian law and human rights law that have occurred in Darfur, with a view to ensuring accountability;

(3) supports the resolution introduced by the United States Government in the United Nations Security Council on September 9, 2004, with regard to the situation in Darfur;

(4) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take immediate steps to pursue the establishment of a formal United Nations investigation, under Article VIII of the Genocide Convention, to determine whether the actions of the Government of Sudan in Darfur constitute acts of genocide;

(5) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take immediate steps to pursue the immediate suspension of Sudan from the United Nations Commission on Human Rights;

(6) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take further steps to ensure that the suspension of Sudan from the United Nations Commission on Human Rights remains in effect unless and until the Government of Sudan meets all of its obligations, as determined by the United Nations Security Council, under United Nations Security Council Resolution 1556 of July 30, 2004, and any subsequent United Nations Security Council resolutions regarding this matter;

(7) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take steps to ensure that, in the event that the formal investigation of acts of genocide in Sudan results in a determination by the UN that genocide has occurred or is occurring in Darfur, the United States Government takes appropriate actions to ensure that Sudan is removed from the United Nations Human Rights Commission;

(8) calls upon the member states of the United Nations Commission on Human Rights to convene an immediate special session to consider the urgent and acute human rights situation in Sudan for the purpose of considering whether Sudan should be suspended from membership in such Commission; and

(9) expects the Secretary of State to report to Congress on progress made toward taking the actions and accomplishing the objectives outlined in this resolution not later than 60 days after the date on which Congress agrees to the resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3660. Mrs. HUTCHISON (for herself and Mrs. FEINSTEIN) proposed an amendment to the bill S. 2674, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

SA 3661. Mrs. HUTCHISON (for herself and Mrs. FEINSTEIN) proposed an amendment to the bill S. 2674, supra.

SA 3662. Mr. FRIST (for Mr. MCCAIN (for himself, Mr. HOLLINGS, and Mr. SMITH)) submitted an amendment intended to be proposed by Mr. FRIST to the bill S. 1234, to reauthorize the Federal Trade Commission, and for other purposes.

SA 3663. Mr. FRIST (for Mrs. FEINSTEIN (for herself, Mr. DOMENICI, and Mr. BINGAMAN)) proposed an amendment to the bill H.R. 2828, to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources.

TEXT OF AMENDMENTS

SA 3660. Mrs. HUTCHISON (for herself and Mrs. FEINSTEIN) proposed an amendment to the bill S. 2674, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . (a) ASSESSMENT OF BUDGET AUTHORITY LIMITATION ON MILITARY HOUSING PRIVATIZATION INITIATIVE.—(1) The Secretary of Defense shall assess the impact on the military family housing program of having the total value of contracts and investments undertaken under the Military Housing Privatization Initiative reach the limitation on budget authority for the initiative specified in section 2883(g) of Title 10, United States Code.

(2) The assessment shall include: an estimate of the appropriations and period of time necessary to provide the level and quality of housing contemplated under the Military Housing Privatization Initiative in the event that limitation in 10 USC 2883(g) is not eliminated and the potential impact on military families if the limitation is not eliminated.

(b) The Secretary of Defense shall, no later than December 31, 2004, provide to the congressional defense committees a report on the assessment required by subparagraph (a).

(c) MILITARY HOUSING PRIVATIZATION INITIATIVE DEFINED.—In this section, the term ''military housing privatization initiative''

means the programs and activities undertaken under the alternative authority for the acquisition and improvement of military housing under subchapter IV of chapter 169 of title 10, United States Code.

SA 3661. Mrs. HUTCHISON (for herself and Mrs. FEINSTEIN) proposed an amendment to the bill S. 2674, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 131. Of the amount appropriated by this Act, $1,500,000 shall be available to the Commission on Review of Overseas Military Facility Structure of the United States.

SA 3662. Mr. FRIST (for Mr. MCCAIN (for himself, Mr. HOLLINGS, and Mr. SMITH)) submitted an amendment intended to be proposed by Mr. FRIST to the bill S. 1234, to reauthorize the Federal Trade Commission, and for other purposes; as follows:

SECTION 1. SHORT TITLE; FINDINGS; PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the ''International Consumer Protection Act of 2004.''.

(b) FINDINGS.—The Congress finds the following:

(1) The Federal Trade Commission protects consumers from fraud and deception. Cross-border fraud and deception are growing international problems that affect American consumers and businesses.

(2) The development of the Internet and improvements in telecommunications technologies have brought significant benefits to consumers. At the same time, they have also provided unprecedented opportunities for those engaged in fraud and deception to establish operations in one country and victimize a large number of consumers in other countries.

(3) An increasing number of consumer complaints collected in the Consumer Sentinel database maintained by the Commission, and an increasing number of cases brought by the Commission, involve foreign consumers, foreign businesses or individuals, or assets or evidence located outside the United States.

(4) The Commission has legal authority to remedy law violations involving domestic and foreign wrongdoers, pursuant to the Federal Trade Commission Act. The Commission's ability to obtain effective relief using this authority, however, may face practical impediments when wrongdoers, victims, other witnesses, documents, money and third parties involved in the transaction are widely dispersed in many different jurisdictions. Such circumstances make it difficult for the Commission to gather all the information necessary to detect injurious practices, to recover offshore assets for consumer redress, and to reach conduct occurring outside the United States that affects United States consumers.

(5) Improving the ability of the Commission and its foreign counterparts to share information about cross-border fraud and deception, to conduct joint and parallel investigations, and to assist each other is critical to achieving more timely and effective enforcement in cross-border cases.

(c) PURPOSE.—The purpose of this Act is to enhance the ability of the Federal Trade Commission to protect consumers from cross-border fraud and deception and other consumer protection law violations.

SEC. 2. FOREIGN LAW ENFORCEMENT AGENCY DEFINED.

Section 4 of the Federal Trade Commission Act (15 U.S.C. 44) is amended by adding at the end the following:

''Foreign law enforcement agency' means—

''(A) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters; and

''(B) any multinational or multiagency organization to the extent that it is acting on behalf of an entity described in subparagraph (A).''.

SEC. 3. AVAILABILITY OF REMEDIES.

Section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) is amended by adding at the end the following:

''(4)(A) For purposes of this subsection, the term 'unfair or deceptive acts or practices' includes unfair or deceptive acts or practices involving foreign commerce that—

''(i) cause or are likely to cause reasonably foreseeable injury within the United States; or

''(ii) involve material conduct occurring within the United States.

''(B) All remedies available to the Commission with respect to unfair and deceptive acts or practices shall be available for acts and practices described in this paragraph, including restitution to domestic or foreign victims.''.

SEC. 4. POWERS OF THE COMMISSION.

(a) PUBLICATION OF INFORMATION; REPORTS.—Section 6(f) of the Federal Trade Commission Act (15 U.S.C. 46(f)) is amended—

(1) by inserting ''(1)'' after ''such information'' the first place it appears; and

(2) by striking ''purposes.'' and inserting ''purposes, and (2) to any officer or employee of any foreign law enforcement agency under the same circumstances that making material available to foreign law enforcement agencies is permitted under section 21(b).''.

(b) OTHER POWERS OF THE COMMISSION.—Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is further amended by inserting after subsection (i) and before the proviso the following:

''(j) INVESTIGATIVE ASSISTANCE FOR FOREIGN LAW ENFORCEMENT AGENCIES.—

''(1) IN GENERAL.—Upon a written request from a foreign law enforcement agency to provide assistance in accordance with this subsection, if the requesting agency states that it is investigating, or engaging in enforcement proceedings against, possible violations of laws prohibiting fraudulent or deceptive commercial practices, or other practices substantially similar to practices prohibited by any provision of the laws administered by the Commission, other than Federal antitrust laws (as defined in section 12(5) of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211(5))), to provide the assistance described in paragraph (2) without requiring that the conduct identified in the request constitute a violation of the laws of the United States.

''(2) TYPE OF ASSISTANCE.—In providing assistance to a foreign law enforcement agency under this subsection, the Commission may—

''(A) conduct such investigation as the Commission deems necessary to collect information and evidence pertinent to the request for assistance, using all investigative powers authorized by this Act; and

''(B) when the request is from an agency acting to investigate or pursue the enforcement of civil laws, or when the Attorney General refers a request to the Commission from an agency acting to investigate or pursue the enforcement of criminal laws, seek and accept appointment by a United States district court of Commission attorneys to provide assistance to foreign and international tribunals and to litigants before such tribunals on behalf of a foreign law enforcement agency pursuant to section 1782 of title 28, United States Code.

''(3) CRITERIA FOR DETERMINATION.—In deciding whether to provide such assistance, the Commission shall consider all relevant factors, including—

''(A) whether the requesting agency has agreed to provide or will provide reciprocal assistance to the Commission;

''(B) whether compliance with the request would prejudice the public interest of the United States; and

''(C) whether the requesting agency's investigation or enforcement proceeding concerns acts or practices that cause or are likely to cause injury to a significant number of persons.

''(4) INTERNATIONAL AGREEMENTS.—If a foreign law enforcement agency has set forth a legal basis for requiring conclusion of an international agreement as a condition for reciprocal assistance, or as a condition for provision of materials or information to the Commission, the Commission, with prior approval and ongoing oversight of the Secretary of State, and with final approval of the agreement by the Secretary of State, may negotiate and conclude an international agreement, in the name of either the United States or the Commission, for the purpose of obtaining such assistance, materials, or information. The Commission may undertake in such an international agreement to

''(A) provide assistance using the powers set forth in this subsection;

''(B) disclose materials and information in accordance with subsection (f) and section 21(b); and

''(C) engage in further cooperation, and protect materials and information received from disclosure, as authorized by this Act.

''(5) ADDITIONAL AUTHORITY.—The authority provided by this subsection is in addition to, and not in lieu of, any other authority vested in the Commission or any other officer of the United States.

''(6) LIMITATION.—This subsection does not authorize the Commission to take any action or exercise any power with respect to a bank, a savings and loan institution described in section 18(f)(3) (15 U.S.C. 57a(f)(3)), a Federal credit union described in section 18(f)(4) (15 U.S.C. 57a(f)(4)), or a common carrier subject to the Act to regulate commerce, except in accordance with the undesignated proviso following the last designated subsection of section 6 (15 U.S.C. 46).

''(7) ASSISTANCE TO CERTAIN COUNTRIES.—The Commission may not provide investigative assistance under this subsection to a foreign law enforcement agency from a country that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

''(k) REFERRAL OF EVIDENCE FOR CRIMINAL PROCEEDINGS.—

''(1) IN GENERAL.—Whenever the Commission obtains evidence that any person, partnership, or corporation, either domestic or foreign, has engaged in conduct that may constitute a violation of Federal criminal law, to transmit such evidence to the Attorney General, who may institute criminal proceedings under appropriate statutes.

Nothing in this paragraph affects any other authority of the Commission to disclose information.

''(2) INTERNATIONAL INFORMATION.—The Commission should endeavor to ensure, with respect to memoranda of understanding and international agreements it may conclude, that material it has obtained from foreign law enforcement agencies acting to investigate or pursue the enforcement of foreign criminal laws may be used for the purpose of investigation, prosecution, or prevention of violations of United States criminal laws.

''(1) EXPENDITURES FOR COOPERATIVE ARRANGEMENTS.—To expend appropriated funds for—

''(1) operating expenses and other costs of bilateral and multilateral cooperative law enforcement groups conducting activities of interest to the Commission and in which the Commission participates; and

''(2) expenses for consultations and meetings hosted by the Commission with foreign government agency officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to the Commission's mission, development and implementation of cooperation agreements, and provision of technical assistance for the development of foreign consumer protection or competition regimes, such expenses to include necessary administrative and logistic expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including—

''(A) such incidental expenses as meals taken in the course of such attendance;

''(B) any travel and transportation to or from such meetings; and

''(C) any other related lodging or subsistence.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—The Federal Trade Commission is authorized to expend appropriated funds not to exceed $100,000 per fiscal year for purposes of section 6(l) of the Federal Trade Commission Act (15 U.S.C. 46(l)) (as added by subsection (b) of this section), including operating expenses and other costs of the following bilateral and multilateral cooperative law enforcement agencies and organizations:

(1) The International Consumer Protection and Enforcement Network.

(2) The International Competition Network.

(3) The Mexico-U.S.-Canada Health Fraud Task Force.

(4) Project Emptor.

(5) The Toronto Strategic Partnership and other regional partnerships with a nexus in a Canadian province.

(d) CONFORMING AMENDMENT.—Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended by striking ''clauses (a) and (b)'' in the proviso following subsection (l) (as added by subsection (b) of this section) and inserting ''subsections (a), (b), and (j)''.

SEC. 5. REPRESENTATION IN FOREIGN LITIGATION.

Section 16 of the Federal Trade Commission Act (15 U.S.C. 56) is amended by adding at the end the following:

''(c) FOREIGN LITIGATION.—

''(1) COMMISSION ATTORNEYS.—With the concurrence of the Attorney General, the Commission may designate Commission attorneys to assist the Attorney General in connection with litigation in foreign courts on particular matters in which the Commission has an interest.

''(2) REIMBURSEMENT FOR FOREIGN COUNSEL.—The Commission is authorized to expend appropriated funds, upon agreement with the Attorney General, to reimburse the Attorney General for the retention of foreign counsel for litigation in foreign courts and for expenses related to litigation in foreign courts in which the Commission has an interest.

''(3) LIMITATION ON USE OF FUNDS.—Nothing in this subsection authorizes the payment of claims or judgments from any source other than the permanent and indefinite appropriation authorized by section 1304 of title 31, United States Code.

''(4) OTHER AUTHORITY.—The authority provided by this subsection is in addition to any other authority of the Commission or the Attorney General.''.

SEC. 6. SHARING INFORMATION WITH FOREIGN LAW ENFORCEMENT AGENCIES.

(a) MATERIAL OBTAINED PURSUANT TO COMPULSORY PROCESS.—Section 21(b)(6) of the Federal Trade Commission Act (15 U.S.C. 57b–2(b)(6)) is amended by adding at the end the following: ''The custodian may make such material available to any foreign law enforcement agency upon the prior certification of an appropriate official of any such foreign law enforcement agency, either by a prior agreement or memorandum of understanding with the Commission or by other written certification, that such material will be maintained in confidence and will be used only for official law enforcement purposes, if—

''(A) the foreign law enforcement agency has set forth a bona fide legal basis for its authority to maintain the material in confidence;

''(B) the materials are to be used for purposes of investigating, or engaging in enforcement proceedings related to, possible violations of—

''(i) foreign laws prohibiting fraudulent or deceptive commercial practices, or other practices substantially similar to practices prohibited by any law administered by the Commission;

''(ii) a law administered by the Commission, if disclosure of the material would further a Commission investigation or enforcement proceeding; or

''(iii) with the approval of the Attorney General, other foreign criminal laws, if such foreign criminal laws are offenses defined in or covered by a criminal mutual legal assistance treaty in force between the government of the United States and the foreign law enforcement agency's government;

''(C) the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)) or, in the case of a Federal credit union, the National Credit Union Administration, has given its prior approval if the materials to be provided under subparagraph (B) are requested by the foreign law enforcement agency for the purpose of investigating, or engaging in enforcement proceedings based on, possible violations of law by a bank, a savings and loan institution described in section 18(f)(3) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(3)), or a Federal credit union described in section 18(f)(4) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(4)); and

''(D) the foreign law enforcement agency is not from a country that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

Nothing in the preceding sentence authorizes the disclosure of material obtained in connection with the administration of the Federal antitrust laws or foreign antitrust laws (as defined in paragraphs (5) and (7), respectively, of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211)) to any officer or employee of a foreign law enforcement agency.''.

(b) INFORMATION SUPPLIED BY AND ABOUT FOREIGN SOURCES.—Section 21(f) of the Federal Trade Commission Act (15 U.S.C. 57b–2(f)) is amended to read as follows:

''(f) EXEMPTION FROM PUBLIC DISCLOSURE.—

''(1) IN GENERAL.—Any material which is received by the Commission in any investigation, a purpose of which is to determine whether any person may have violated any provision of the laws administered by the Commission, and which is provided pursuant to any compulsory process under this Act or which is provided voluntarily in place of such compulsory process shall not be required to be disclosed under section 552 of title 5, United States Code, or any other provision of law, except as provided in paragraph (2)(B) of this section.

''(2) MATERIAL OBTAINED FROM A FOREIGN SOURCE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) of this paragraph, the Commission shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law—

''(i) any material obtained from a foreign law enforcement agency or other foreign government agency, if the foreign law enforcement agency or other foreign government agency has requested confidential treatment, or has precluded such disclosure under other use limitations, as a condition of providing the material;

''(ii) any material reflecting a consumer complaint obtained from any other foreign source, if that foreign source supplying the material has requested confidential treatment as a condition of providing the material; or

''(iii) any material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign law enforcement agencies or other foreign government agencies.

''(B) SAVINGS PROVISION.—Nothing in this subsection authorizes the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.''.

SEC. 7. CONFIDENTIALITY; DELAYED NOTICE OF PROCESS.

(a) IN GENERAL.—The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 21 the following:

''SEC. 21A. CONFIDENTIALITY AND DELAYED NOTICE OF COMPULSORY PROCESS FOR CERTAIN THIRD PARTIES.

''(a) APPLICATION WITH OTHER LAWS.—The Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) and chapter 121 of title 18, United States Code, shall apply with respect to the Commission, except as otherwise provided in this section.

''(b) IN GENERAL.—The procedures for delay of notification or prohibition of disclosure under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) and chapter 121 of title 18, United States Code, including procedures for extensions of such delays or prohibitions, shall be available to the Commission, provided that, notwithstanding any provision therein—

''(1) a court may issue an order delaying notification or prohibiting disclosure (including extending such an order) in accordance with the procedures of section 1109 of the Right to Financial Privacy Act (12 U.S.C. 3409) (if notification would otherwise be required under that Act), or section 2705 of title 18, United States Code, (if notification would otherwise be required under chapter 121 of that title), if the presiding judge or magistrate judge finds that there is reason to believe that such notification or disclosure may cause an adverse result as defined in subsection (g) of this section; and

''(2) if notification would otherwise be required under chapter 121 of title 18, United States Code, the Commission may delay notification (including extending such a delay) upon the execution of a written certification in accordance with the procedures of section 2705 of that title if the Commission finds that there is reason to believe that notification may cause an adverse result as defined in subsection (g) of this section.

''(c) EX PARTE APPLICATION BY COMMISSION.—

''(1) IN GENERAL.—If neither notification nor delayed notification by the Commission is required under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or chapter 121 of title 18, United States Code, the Commission may apply ex parte to a presiding judge or magistrate judge for an order prohibiting the recipient of compulsory process issued by the Commission from disclosing to any other person the existence of the process, notwithstanding any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia. The presiding judge or magistrate judge may enter such an order granting the requested prohibition of disclosure for a period not to exceed 60 days if there is reason to believe that disclosure may cause an adverse result as defined in subsection (g). The presiding judge or magistrate judge may grant extensions of this order of up to 30 days each in accordance with this subsection, except that in no event shall the prohibition continue in force for more than a total of 9 months.

''(2) APPLICATION.—This subsection shall apply only in connection with compulsory process issued by the Commission where the recipient of such process is not a subject of the investigation or proceeding at the time such process is issued.

''(3) LIMITATION.—No order issued under this subsection may prohibit any recipient from disclosing to a Federal agency that the recipient has received compulsory process from the Commission.

''(d) NO LIABILITY FOR FAILURE TO NOTIFY.—If neither notification nor delayed notification by the Commission is required under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or chapter 121 of title 18, United States Code, the recipient of compulsory process issued by the Commission under this Act shall not be liable under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, or under any contract or other legally enforceable agreement, for failure to provide notice to any person that such process has been issued or that the recipient has provided information in response to such process. The preceding sentence does not exempt any recipient from liability for—

''(1) the underlying conduct reported;

''(2) any failure to comply with the record retention requirements under section 1104(c) of the Right to Financial Privacy Act (12 U.S.C. 3404), where applicable; or

''(3) any failure to comply with any obligation the recipient may have to disclose to a Federal agency that the recipient has received compulsory process from the Commission or intends to provide or has provided information to the Commission in response to such process.

''(e) VENUE AND PROCEDURE.—

''(1) IN GENERAL.—All judicial proceedings initiated by the Commission under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.), chapter 121 of title 18, United States Code, or this section may be brought in the United States District Court for the District of Columbia or any other appropriate United States District Court. All ex parte applications by the Commission under this section related to a single investigation may be brought in a single proceeding.

''(2) IN CAMERA PROCEEDINGS.—Upon application by the Commission, all judicial proceedings pursuant to this section shall be held in camera and the records thereof sealed until expiration of the period of delay or such other date as the presiding judge or magistrate judge may permit.

''(f) SECTION NOT TO APPLY TO ANTITRUST INVESTIGATIONS OR PROCEEDINGS.—This section shall not apply to an investigation or proceeding related to the administration of Federal antitrust laws or foreign antitrust laws (as defined in paragraphs (5) and (7), respectively, of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211).

''(g) ADVERSE RESULT DEFINED.—For purposes of this section the term 'adverse result' means—

''(1) endangering the life or physical safety of an individual;

''(2) flight from prosecution;

''(3) the destruction of, or tampering with, evidence;

''(4) the intimidation of potential witnesses; or

''(5) otherwise seriously jeopardizing an investigation or proceeding related to fraudulent or deceptive commercial practices or persons involved in such practices, or unduly delaying a trial related to such practices or persons involved in such practices, including, but not limited to, by—

''(A) the transfer outside the territorial limits of the United States of assets or records related to fraudulent or deceptive commercial practices or related to persons involved in such practices;

''(B) impeding the ability of the Commission to identify persons involved in fraudulent or deceptive commercial practices, or to trace the source or disposition of funds related to such practices; or

''(C) the dissipation, fraudulent transfer, or concealment of assets subject to recovery by the Commission.''.

(b) CONFORMING AMENDMENT.—Section 16(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

(1) by striking ''or'' after the semicolon in subparagraph (C);

(2) by inserting ''or'' after the semicolon in subparagraph (D); and

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

''(E) under section 21A of this Act;''.

SEC. 8. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is further amended by adding after section 21A (as added by section 7 of this Act) the following:

''SEC. 21B. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.

''(a) IN GENERAL.—

''(1) NO LIABILITY FOR PROVIDING CERTAIN MATERIAL.—An entity described in paragraph (2) or (3) of subsection (d) of this section that voluntarily provides material to the Commission that such entity reasonably believes is relevant to—

''(A) a possible unfair or deceptive act or practice, as defined in section 5(a) of this Act; or

''(B) assets subject to recovery by the Commission, including assets located in foreign jurisdictions;

shall not be liable to any person under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, for such provision of material or for any failure to provide notice of such provision of material or of intention to so provide material.

(2) LIMITATIONS.—Nothing in this subsection shall be construed to exempt any such entity from liability—

(A) for the underlying conduct reported; or

(B) to any Federal agency for providing such material or for any failure to comply with any obligation the entity may have to notify a Federal agency prior to providing such material to the Commission.

''(b) CERTAIN FINANCIAL INSTITUTIONS.—An entity described in paragraph (1) of subsection (d) of this section shall, in accordance with section 5318(g)(3) of title 31, United States Code, be exempt from liability for making a voluntary disclosure to the Commission of any possible violation of law or regulation, including—

''(1) a disclosure regarding assets, including assets located in foreign jurisdictions—

''(A) related to possibly fraudulent or deceptive commercial practices;

''(B) related to persons involved in such practices; or

''(C) otherwise subject to recovery by the Commission; or

''(2) a disclosure regarding suspicious chargeback rates related to possibly fraudulent or deceptive commercial practices.

''(c) CONSUMER COMPLAINTS.—Any entity described in subsection (d) that voluntarily provides consumer complaints sent to it, or information contained therein, to the Commission shall not be liable to any person under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, for such provision of material or for any failure to provide notice of such provision of material or of intention to so provide material. This subsection does not provide any exemption from liability for the underlying conduct.

''(d) APPLICATION.—This section applies to the following entities, whether foreign or domestic:

''(1) A financial institution as defined in section 5312 of title 31, United States Code.

''(2) To the extent not included in paragraph (1), a bank or thrift institution, a commercial bank or trust company, an investment company, a credit card issuer, an operator of a credit card system, and an issuer, redeemer, or cashier of travelers' checks, money orders, or similar instruments.

''(3) A courier service, a commercial mail receiving agency, an industry membership organization, a payment system provider, a consumer reporting agency, a domain name registrar or registry acting as such, and a provider of alternative dispute resolution services.

''(4) An Internet service provider or provider of telephone services.''.

SEC. 9. STAFF EXCHANGES.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by adding after section 25 the following new section:

''SEC. 25A. STAFF EXCHANGES.

''(a) IN GENERAL.—The Commission may—

''(1) retain or employ officers or employees of foreign government agencies on a temporary basis as employees of the Commission pursuant to section 2 of this Act or section 3101 or 3109 of title 5, United States Code; and

''(2) detail officers or employees of the Commission to work on a temporary basis for appropriate foreign government agencies.

''(b) RECIPROCITY AND REIMBURSEMENT.—The staff arrangements described in subsection (a) need not be reciprocal. The Commission may accept payment or reimbursement, in cash or in kind, from a foreign government agency to which this section is applicable, or payment or reimbursement made

on behalf of such agency, for expenses incurred by the Commission, its members, and employees in carrying out such arrangements.

''(c) STANDARDS OF CONDUCT.—A person appointed under subsection (a)(1) shall be subject to the provisions of law relating to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the standards of conduct for Federal employees that are applicable to the type of appointment.''.

SEC. 10. INFORMATION SHARING WITH FINANCIAL REGULATORS.

Section 1112(e) of the Right to Financial Privacy Act (12 U.S.C. 3412(e)) is amended by inserting ''the Federal Trade Commission,'' after ''the Securities and Exchange Commission,''.

SEC. 11. AUTHORITY TO ACCEPT REIMBURSEMENTS, GIFTS, AND VOLUNTARY AND UNCOMPENSATED SERVICES.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended—

(1) by redesignating section 26 as section 28; and

(2) by inserting after section 25A, as added by section 9 of this Act, the following:

''SEC. 26. REIMBURSEMENT OF EXPENSES.

''The Commission may accept payment or reimbursement, in cash or in kind, from a domestic or foreign law enforcement agency, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, or employees in carrying out any activity pursuant to a statute administered by the Commission without regard to any other provision of law. Any such payments or reimbursements shall be considered a reimbursement to the appropriated funds of the Commission.

''SEC. 27. GIFTS AND VOLUNTARY AND UNCOMPENSATED SERVICES.

''(a) IN GENERAL.—In furtherance of its functions the Commission may accept, hold, administer, and use unconditional gifts, donations, and bequests of real, personal, and other property and, notwithstanding section 1342 of title 31, United States Code, accept voluntary and uncompensated services.

''(b) LIMITATIONS.—

''(1) CONFLICTS OF INTEREST.—The Commission shall establish written guidelines setting forth criteria to be used in determining whether the acceptance, holding, administration, or use of a gift, donation, or bequest pursuant to subsection (a) would reflect unfavorably upon the ability of the Commission or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.

''(2) VOLUNTARY SERVICES.—A person who provides voluntary and uncompensated service under subsection (a) shall be considered a Federal employee for purposes of—

''(A) chapter 81 of title 5, United States Code, (relating to compensation for injury); and

''(B) the provisions of law relating to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the standards of conduct for Federal employees.

''(3) TORT LIABILITY OF VOLUNTEERS.—A person who provides voluntary and uncompensated service under subsection (a), while assigned to duty, shall be deemed a volunteer of a nonprofit organization or governmental entity for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.). Subsection (d) of section 4 of such Act (42 U.S.C. 14503(d)) shall not apply for purposes of any claim against such volunteer.''.

SEC. 12. PRESERVATION OF EXISTING AUTHORITY.

The authority provided by this Act, and by the Federal Trade Commission Act (15 U.S.C. 41 et seq.) and the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.), as such Acts are amended by this Act, is in addition to, and not in lieu of, any other authority vested in the Federal Trade Commission or any other officer of the United States.

SEC. 13. REPORT.

Not later than 3 years after the date of enactment of this Act, the Federal Trade Commission shall transmit to Congress a report describing its use of and experience with the authority granted by this Act, along with any recommendations for additional legislation. The report shall include—

(1) the number of cross-border complaints received by the Commission;

(2) identification of the foreign agencies to which the Commission has provided nonpublic investigative information under this Act;

(3) the number of times the Commission has used compulsory process on behalf of foreign law enforcement agencies pursuant to section 6 of the Federal Trade Commission Act (15 U.S.C. 46), as amended by section 4 of this Act;

(4) a list of international agreements and memoranda of understanding executed by the Commission that relate to this Act;

(5) the number of times the Commission has sought delay of notice pursuant to section 21A of the Federal Trade Commission Act, as added by section 7 of this Act;

(6) a description of the types of information private entities have provided voluntarily pursuant to section 21B of the Federal Trade Commission Act, as added by section 8 of this Act;

(7) a description of the results of cooperation with foreign law enforcement agencies under section 21 of the Federal Trade Commission Act (15 U.S.C. 57–2) as amended by section 6 of this Act;

(8) an analysis of whether the lack of an exemption from the disclosure requirements of section 552 of title 5, United States Code, with regard to information or material voluntarily provided relevant to possible unfair or deceptive acts or practices, has hindered the Commission in investigating or engaging in enforcement proceedings against such practices; and

(9) a description of Commission litigation brought in foreign courts.

SEC. 14. REAUTHORIZATION.

The text of section 25 of the Federal Trade Commission Act (15 U.S.C. 57c) is amended to read as follows:

''There are authorized to be appropriated to carry out the functions, powers, and duties of the Commission not to exceed $224,695,000 for fiscal year 2005, $235,457,000 for fiscal year 2006, $249,000,000 for fiscal year 2007, and $264,000,000 for fiscal year 2008.''.

SA 3663. Mr. FRIST (for Mrs. FEINSTEIN (for herself, Mr. DOMENICI, and Mr. BINGAMAN)) proposed an amendment to the bill H.R. 2828, to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Supply, Reliability, and Environmental Improvement Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CALIFORNIA WATER SECURITY AND ENVIRONMENTAL ENHANCEMENT

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Bay Delta program.
Sec. 104. Management.
Sec. 105. Reporting requirements.
Sec. 106. Crosscut budget.
Sec. 107. Federal share of costs.
Sec. 108. Compliance with State and Federal law.
Sec. 109. Authorization of appropriation.

TITLE II—MISCELLANEOUS

Sec. 201. Salton Sea study program.
Sec. 202. Alder Creek water storage and conservation project feasibility study and report.
Sec. 203. Folsom Reservoir temperature control device authorization.

TITLE I—CALIFORNIA WATER SECURITY AND ENVIRONMENTAL ENHANCEMENT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Calfed Bay-Delta Authorization Act''.

SEC. 102. DEFINITIONS.

In this title:

(1) CALFED BAY-DELTA PROGRAM.—The terms ''Calfed Bay-Delta Program'' and ''Program'' mean the programs, projects, complementary actions, and activities undertaken through coordinated planning, implementation, and assessment activities of the State agencies and Federal agencies as set forth in the Record of Decision.

(2) CALIFORNIA BAY-DELTA AUTHORITY.—The terms ''California Bay-Delta Authority'' and ''Authority'' mean the California Bay-Delta Authority, as set forth in the California Bay-Delta Authority Act (Cal. Water Code § 79400 et seq.).

(3) DELTA.—The term ''Delta'' has the meaning given the term in the Record of Decision.

(4) ENVIRONMENTAL WATER ACCOUNT.—The term ''Environmental Water Account'' means the Cooperative Management Program established under the Record of Decision.

(5) FEDERAL AGENCIES.—The term ''Federal agencies'' means—

(A) the Department of the Interior, including—

(i) the Bureau of Reclamation;

(ii) the United States Fish and Wildlife Service;

(iii) the Bureau of Land Management; and

(iv) the United States Geological Survey;

(B) the Environmental Protection Agency;

(C) the Army Corps of Engineers;

(D) the Department of Commerce, including the National Marine Fisheries Service (also known as ''NOAA Fisheries'');

(E) the Department of Agriculture, including—

(i) the Natural Resources Conservation Service; and

(ii) the Forest Service; and

(F) the Western Area Power Administration.

(6) FIRM YIELD.—The term ''firm yield'' means a quantity of water from a project or program that is projected to be available on a reliable basis, given a specified level of risk, during a critically dry period.

(7) GOVERNOR.—The term ''Governor'' means the Governor of the State of California.

(8) RECORD OF DECISION.—The term ''Record of Decision'' means the Calfed Bay-Delta Program Record of Decision, dated August 28, 2000.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(10) STATE.—The term ''State'' means the State of California.

(11) STATE AGENCIES.—The term ''State agencies'' means—

(A) the Resources Agency of California, including—

(i) the Department of Water Resources;
(ii) the Department of Fish and Game;
(iii) the Reclamation Board;
(iv) the Delta Protection Commission;
(v) the Department of Conservation;
(vi) the San Francisco Bay Conservation and Development Commission;
(vii) the Department of Parks and Recreation; and
(viii) the California Bay-Delta Authority;
(B) the California Environmental Protection Agency, including the State Water Resources Control Board;
(C) the California Department of Food and Agriculture; and
(D) the Department of Health Services.

SEC. 103. BAY DELTA PROGRAM.

(a) IN GENERAL.—
(1) RECORD OF DECISION AS GENERAL FRAMEWORK.—The Record of Decision is approved as a general framework for addressing the Calfed Bay-Delta Program, including its components relating to water storage, ecosystem restoration, water supply reliability (including new firm yield), conveyance, water use efficiency, water quality, water transfers, watersheds, the Environmental Water Account, levee stability, governance, and science.
(2) REQUIREMENTS.—
(A) IN GENERAL.—The Secretary and the heads of the Federal agencies are authorized to carry out the activities described in subsections (c) through (f) consistent with—
(i) the Record of Decision;
(ii) the requirement that Program activities consisting of protecting drinking water quality, restoring ecological health, improving water supply reliability (including additional storage, conveyance, and new firm yield), and protecting Delta levees will progress in a balanced manner; and
(iii) this title.
(B) MULTIPLE BENEFITS.—In selecting activities and projects, the Secretary and the heads of the Federal agencies shall consider whether the activities and projects have multiple benefits.
(b) AUTHORIZED ACTIVITIES.—The Secretary and the heads of the Federal agencies are authorized to carry out the activities described in subsections (c) through (f) in furtherance of the Calfed Bay-Delta Program as set forth in the Record of Decision, subject to the cost-share and other provisions of this title, if the activity has been—
(1) subject to environmental review and approval, as required under applicable Federal and State law; and
(2) approved and certified by the relevant Federal agency, following consultation and coordination with the Governor, to be consistent with the Record of Decision.
(c) AUTHORIZATIONS FOR FEDERAL AGENCIES UNDER APPLICABLE LAW.—
(1) SECRETARY OF THE INTERIOR.—The Secretary of the Interior is authorized to carry out the activities described in paragraphs (1) through (10) of subsection (d), to the extent authorized under the reclamation laws, the Central Valley Project Improvement Act (title XXXIV of Public Law 102–575; 106 Stat. 4706), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable law.
(2) ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.—The Administrator of the Environmental Protection Agency is authorized to carry out the activities described in paragraphs (3), (5), (6), (7), (8), and (9) of subsection (d), to the extent authorized under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), and other applicable law.
(3) SECRETARY OF THE ARMY.—The Secretary of the Army is authorized to carry out the activities described in paragraphs (1), (2), (6), (7), (8), and (9) of subsection (d), to the extent authorized under flood control, water resource development, and other applicable law.
(4) SECRETARY OF COMMERCE.—The Secretary of Commerce is authorized to carry out the activities described in paragraphs (2), (6), (7), and (9) of subsection (d), to the extent authorized under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other applicable law.
(5) SECRETARY OF AGRICULTURE.—The Secretary of Agriculture is authorized to carry out the activities described in paragraphs (3), (5), (6), (7), (8), and (9) of subsection (d), to the extent authorized under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.), the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 134) (including amendments made by that Act), and other applicable law.
(d) DESCRIPTION OF ACTIVITIES UNDER APPLICABLE LAW.—
(1) WATER STORAGE.—
(A) IN GENERAL.—Activities under this paragraph consist of—
(i) planning and feasibility studies for projects to be pursued with project-specific study for enlargement of—
(I) the Shasta Dam in Shasta County; and
(II) the Los Vaqueros Reservoir in Contra Costa County;
(ii) planning and feasibility studies for the following projects requiring further consideration—
(I) the Sites Reservoir in Colusa County; and
(II) the Upper San Joaquin River storage in Fresno and Madera Counties;
(iii) developing and implementing groundwater management and groundwater storage projects; and
(iv) comprehensive water management planning.
(B) STORAGE PROJECT AUTHORIZATION AND BALANCED CALFED IMPLEMENTATION.—
(i) IN GENERAL.—If on completion of the feasibility study for a project described in clause (i) or (ii) of subparagraph (A), the Secretary, in consultation with the Governor, determines that the project should be constructed in whole or in part with Federal funds, the Secretary shall submit the feasibility study to Congress.
(ii) FINDING OF IMBALANCE.—If Congress fails to authorize construction of the project by the end of the next full session following the submission of the feasibility study, the Secretary, in consultation with the Governor, shall prepare a written determination making a finding of imbalance for the Calfed Bay-Delta Program.
(iii) REPORT ON REBALANCING.—
(I) IN GENERAL.—If the Secretary makes a finding of imbalance for the Program under clause (ii), the Secretary, in consultation with the Governor, shall, not later than 180 days after the end of the full session described in clause (ii), prepare and submit to Congress a report on the measures necessary to rebalance the Program.
(II) SCHEDULES AND ALTERNATIVES.—The report shall include preparation of revised schedules and identification of alternatives to rebalance the Program, including resubmission of the project to Congress with or without modification, construction of other projects, and construction of other projects that provide equivalent water supply and other benefits at equal or lesser cost.
(C) WATER SUPPLY AND YIELD STUDY.—
(i) IN GENERAL.—The Secretary, acting through the Bureau of Reclamation and in coordination with the State, shall conduct a study of available water supplies and existing and future needs for water—
(I) within the units of the Central Valley Project;
(II) within the area served by Central Valley Project agricultural, municipal, and industrial water service contractors; and
(III) within the Calfed Delta solution area.
(ii) RELATIONSHIP TO PRIOR STUDY.—In conducting the study, the Secretary shall incorporate and revise, as necessary, the results of the study required by section 3408(j) of the Central Valley Project Improvement Act of 1992 (Public Law 102–575; 106 Stat. 4730).
(iii) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a report describing the results of the study, including—
(I) new firm yield and water supply improvements, if any, for Central Valley Project agricultural water service contractors and municipal and industrial water service contractors, including those identified in Bulletin 160;
(II) all water management actions or projects, including those identified in Bulletin 160, that would—
(aa) improve firm yield or water supply; and
(bb) if taken or constructed, balance available water supplies and existing demand with due recognition of water right priorities and environmental needs;
(III) the financial costs of the actions and projects described under subclause (II); and
(IV) the beneficiaries of those actions and projects and an assessment of the willingness of the beneficiaries to pay the capital costs and operation and maintenance costs of the actions and projects.
(D) MANAGEMENT.—The Secretary shall conduct activities related to developing groundwater storage projects to the extent authorized under law.
(E) COMPREHENSIVE WATER PLANNING.—The Secretary shall conduct activities related to comprehensive water management planning to the extent authorized under law.
(2) CONVEYANCE.—
(A) SOUTH DELTA ACTIONS.—
(i) IN GENERAL.—In the case of the South Delta, activities under this subparagraph consist of—
(I) the South Delta Improvements Program through actions to—
(aa) increase the State Water Project export limit to 8,500 cfs;
(bb) install permanent, operable barriers in the South Delta, under which Federal agencies shall cooperate with the State to accelerate installation of the permanent, operable barriers in the South Delta, with an intent to complete that installation not later than September 30, 2007;
(cc) evaluate, consistent with the Record of Decision, fish screens and intake facilities at the Tracy Pumping Plant facilities; and
(dd) increase the State Water Project export to the maximum capability of 10,300 cfs;
(II) reduction of agricultural drainage in South Delta channels, and other actions necessary to minimize the impact of drainage on drinking water quality;
(III) evaluation of lower San Joaquin River floodway improvements;
(IV) installation and operation of temporary barriers in the South Delta until fully operable barriers are constructed; and
(V) actions to protect navigation and local diversions not adequately protected by temporary barriers.
(ii) ACTIONS TO INCREASE PUMPING.—Actions to increase pumping shall be accomplished in a manner consistent with the Record of Decision requirement to avoid redirected impacts and adverse impacts to

fishery protection and with any applicable Federal or State law that protects—

(I) water diversions and use (including avoidance of increased costs of diversion) by in-Delta water users (including in-Delta agricultural users that have historically relied on water diverted for use in the Delta);

(II) water quality for municipal, industrial, agricultural, and other uses; and

(III) water supplies for areas of origin.

(B) NORTH DELTA ACTIONS.—In the case of the North Delta, activities under this subparagraph consist of—

(i) evaluation and implementation of improved operational procedures for the Delta Cross Channel to address fishery and water quality concerns;

(ii) evaluation of a screened through-Delta facility on the Sacramento River; and

(iii) evaluation of lower Mokelumne River floodway improvements.

(C) INTERTIES.—Activities under this subparagraph consist of—

(i) evaluation and construction of an intertie between the State Water Project California Aqueduct and the Central Valley Project Delta Mendota Canal, near the City of Tracy, as an operation and maintenance activity, except that the Secretary shall design and construct the intertie in a manner consistent with a possible future expansion of the intertie capacity (as described in subsection (f)(1)(B)); and

(ii) assessment of a connection of the Central Valley Project to the Clifton Court Forebay of the State Water Project, with a corresponding increase in the screened intake of the Forebay.

(D) PROGRAM TO MEET STANDARDS.—

(i) IN GENERAL.—Prior to increasing export limits from the Delta for the purposes of conveying water to south-of-Delta Central Valley Project contractors or increasing deliveries through an intertie, the Secretary shall, not later than 1 year after the date of enactment of this Act, in consultation with the Governor, develop and initiate implementation of a program to meet all existing water quality standards and objectives for which the Central Valley Project has responsibility.

(ii) MEASURES.—In developing and implementing the program, the Secretary shall include, to the maximum extent feasible, the measures described in clauses (iii) through (vii).

(iii) RECIRCULATION PROGRAM.—The Secretary shall incorporate into the program a recirculation program to provide flow, reduce salinity concentrations in the San Joaquin River, and reduce the reliance on the New Melones Reservoir for meeting water quality and fishery flow objectives through the use of excess capacity in export pumping and conveyance facilities.

(iv) BEST MANAGEMENT PRACTICES PLAN.—

(I) IN GENERAL.—The Secretary shall develop and implement, in coordination with the State's programs to improve water quality in the San Joaquin River, a best management practices plan to reduce the water quality impacts of the discharges from wildlife refuges that receive water from the Federal Government and discharge salt or other constituents into the San Joaquin River.

(II) COORDINATION WITH INTERESTED PARTIES.—The plan shall be developed in coordination with interested parties in the San Joaquin Valley and the Delta.

(III) COORDINATION WITH ENTITIES THAT DISCHARGE WATER.—The Secretary shall also coordinate activities under this clause with other entities that discharge water into the San Joaquin River to reduce salinity concentrations discharged into the River, including the timing of discharges to optimize their assimilation.

(v) ACQUISITION OF WATER.—The Secretary shall incorporate into the program the acquisition from willing sellers of water from streams tributary to the San Joaquin River or other sources to provide flow, dilute discharges of salt or other constituents, and to improve water quality in the San Joaquin River below the confluence of the Merced and San Joaquin Rivers, and to reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives.

(vi) PURPOSE.—The purpose of the authority and direction provided to the Secretary under this subparagraph is to provide greater flexibility in meeting the existing water quality standards and objectives for which the Central Valley Project has responsibility so as to reduce the demand on water from New Melones Reservoir used for that purpose and to assist the Secretary in meeting any obligations to Central Valley Project contractors from the New Melones Project.

(vii) UPDATING OF NEW MELONES OPERATING PLAN.—The Secretary shall update the New Melones operating plan to take into account, among other things, the actions described in this title that are designed to reduce the reliance on New Melones Reservoir for meeting water quality and fishery flow objectives, and to ensure that actions to enhance fisheries in the Stanislaus River are based on the best available science.

(3) WATER USE EFFICIENCY.—

(A) WATER CONSERVATION PROJECTS.—Activities under this paragraph include water conservation projects that provide water supply reliability, water quality, and ecosystem benefits to the California Bay-Delta system.

(B) TECHNICAL ASSISTANCE.—Activities under this paragraph include technical assistance for urban and agricultural water conservation projects.

(C) WATER RECYCLING AND DESALINATION PROJECTS.—Activities under this paragraph include water recycling and desalination projects, including groundwater remediation projects and projects identified in the Bay Area Water Plan and the Southern California Comprehensive Water Reclamation and Reuse Study and other projects, giving priority to projects that include regional solutions to benefit regional water supply and reliability needs.

(D) WATER MEASUREMENT AND TRANSFER ACTIONS.—Activities under this paragraph include water measurement and transfer actions.

(E) URBAN WATER CONSERVATION.—Activities under this paragraph include implementation of best management practices for urban water conservation.

(F) RECLAMATION AND RECYCLING PROJECTS.—

(i) PROJECTS.—This subparagraph applies to—

(I) projects identified in the Southern California Comprehensive Water Reclamation and Reuse Study, dated April 2001 and authorized by section 1606 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–4); and

(II) projects identified in the San Francisco Bay Area Regional Water Recycling Program described in the San Francisco Bay Area Regional Water Recycling Program Recycled Water Master Plan, dated December 1999 and authorized by section 1611 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–9).

(ii) DEADLINE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(I) complete the review of the existing studies of the projects described in clause (i); and

(II) make the feasibility determinations described in clause (iii).

(iii) FEASIBILITY DETERMINATIONS.—A project described in clause (i) is presumed to be feasible if the Secretary determines for the project—

(I) in consultation with the affected local sponsoring agency and the State, that the existing planning and environmental studies for the project (together with supporting materials and documentation) have been prepared consistent with Bureau of Reclamation procedures for projects under consideration for financial assistance under the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.); and

(II) that the planning and environmental studies for the project (together with supporting materials and documentation) demonstrate that the project will contribute to the goals of improving water supply reliability in the Calfed solution area or the Colorado River Basin within the State and otherwise meets the requirements of section 1604 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–2).

(iv) REPORT.—Not later than 90 days after the date of completion of a feasibility study or the review of a feasibility study under this subparagraph, the Secretary shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a report describing the results of the study or review.

(4) WATER TRANSFERS.—Activities under this paragraph consist of—

(A) increasing the availability of existing facilities for water transfers;

(B) lowering transaction costs through permit streamlining; and

(C) maintaining a water transfer information clearinghouse.

(5) INTEGRATED REGIONAL WATER MANAGEMENT PLANS.—Activities under this paragraph consist of assisting local and regional communities in the State in developing and implementing integrated regional water management plans to carry out projects and programs that improve water supply reliability, water quality, ecosystem restoration, and flood protection, or meet other local and regional needs, in a manner that is consistent with, and makes a significant contribution to, the Calfed Bay-Delta Program.

(6) ECOSYSTEM RESTORATION.—

(A) IN GENERAL.—Activities under this paragraph consist of—

(i) implementation of large-scale restoration projects in San Francisco Bay and the Delta and its tributaries;

(ii) restoration of habitat in the Delta, San Pablo Bay, and Suisun Bay and Marsh, including tidal wetland and riparian habitat;

(iii) fish screen and fish passage improvement projects, including the Sacramento River Small Diversion Fish Screen Program;

(iv) implementation of an invasive species program, including prevention, control, and eradication;

(v) development and integration of Federal and State agricultural programs that benefit wildlife into the Ecosystem Restoration Program;

(vi) financial and technical support for locally-based collaborative programs to restore habitat while addressing the concerns of local communities;

(vii) water quality improvement projects to manage or reduce concentrations of salinity, selenium, mercury, pesticides, trace metals, dissolved oxygen, turbidity, sediment, and other pollutants;

(viii) land and water acquisitions to improve habitat and fish spawning and survival in the Delta and its tributaries;

(ix) integrated flood management, ecosystem restoration, and levee protection projects;

(x) scientific evaluations and targeted research on Program activities; and

(xi) strategic planning and tracking of Program performance.

(B) REPORTING REQUIREMENTS.—The Secretary or the head of the relevant Federal agency (as appropriate under clause (ii)) shall provide to the appropriate authorizing committees of the Senate and the House of Representatives and other appropriate parties in accordance with this subparagraph—

(i) an annual ecosystem program plan report in accordance with subparagraph (C); and

(ii) detailed project reports in accordance with subparagraph (D).

(C) ANNUAL ECOSYSTEM PROGRAM PLAN.—

(i) IN GENERAL.—Not later than October 1 of each year, with respect to each ecosystem restoration action carried out using Federal funds under this title, the Secretary, in consultation with the Governor, shall submit to the appropriate authorizing committees of the Senate and the House of Representatives an annual ecosystem program plan report.

(ii) PURPOSES.—The purposes of the report are—

(I) to describe the projects and programs to implement this subsection in the following fiscal year; and

(II) to establish priorities for funding the projects and programs for subsequent fiscal years.

(iii) CONTENTS.—The report shall describe—

(I) the goals and objectives of the programs and projects;

(II) program accomplishments;

(III) major activities of the programs;

(IV) the Federal agencies involved in each project or program identified in the plan and the cost-share arrangements with cooperating agencies;

(V) the resource data and ecological monitoring data to be collected for the restoration projects and how the data are to be integrated, streamlined, and designed to measure the effectiveness and overall trend of ecosystem health in the Bay-Delta watershed;

(VI) implementation schedules and budgets;

(VII) existing monitoring programs and performance measures;

(VIII) the status and effectiveness of measures to minimize the impacts of the program on agricultural land; and

(IX) a description of expected benefits of the restoration program relative to the cost.

(iv) SPECIAL RULE FOR LAND ACQUISITION USING FEDERAL FUNDS.—For each ecosystem restoration project involving land acquisition using Federal funds under this title, the Secretary shall—

(I) identify the specific parcels to be acquired in the annual ecosystem program plan report under this subparagraph; or

(II) not later than 150 days before the project is approved, provide to the appropriate authorizing committees of the Senate and the House of Representatives, the United States Senators from the State, and the United States Representative whose district would be affected, notice of any such proposed land acquisition using Federal funds under this title submitted to the Federal or State agency.

(D) DETAILED PROJECT REPORTS.—

(i) IN GENERAL.—In the case of each ecosystem restoration program or project funded under this title that is not specifically identified in an annual ecosystem program plan under subparagraph (C), not later than 45 days prior to approval, the Secretary, in coordination with the State, shall submit to the appropriate authorizing committees of the Senate and the House of Representatives recommendations on the proposed program or project.

(ii) CONTENTS.—The recommendations shall—

(I) describe the selection of the program or project, including the level of public involvement and independent science review;

(II) describe the goals, objectives, and implementation schedule of the program or project, and the extent to which the program or project addresses regional and programmatic goals and priorities;

(III) describe the monitoring plans and performance measures that will be used for evaluating the performance of the proposed program or project;

(IV) identify any cost-sharing arrangements with cooperating entities;

(V) identify how the proposed program or project will comply with all applicable Federal and State laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(VI) in the case of any program or project involving the acquisition of private land using Federal funds under this title—

(aa) describe the process and timing of notification of interested members of the public and local governments;

(bb) describe the measures taken to minimize impacts on agricultural land pursuant to the Record of Decision; and

(cc) include preliminary management plans for all properties to be acquired with Federal funds, including an overview of existing conditions (including habitat types in the affected project area), the expected ecological benefits, preliminary cost estimates, and implementation schedules.

(7) WATERSHEDS.—Activities under this paragraph consist of—

(A) building local capacity to assess and manage watersheds affecting the Delta system;

(B) technical assistance for watershed assessments and management plans; and

(C) developing and implementing locally-based watershed conservation, maintenance, and restoration actions.

(8) WATER QUALITY.—Activities under this paragraph consist of—

(A) addressing drainage problems in the San Joaquin Valley to improve downstream water quality (including habitat restoration projects that improve water quality) if—

(i) a plan is in place for monitoring downstream water quality improvements; and

(ii) State and local agencies are consulted on the activities to be funded;

except that no right, benefit, or privilege is created as a result of this subparagraph;

(B) implementation of source control programs in the Delta and its tributaries;

(C) developing recommendations through scientific panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in Delta water quality for all uses;

(D) investing in treatment technology demonstration projects;

(E) controlling runoff into the California aqueduct, the Delta-Mendota Canal, and other similar conveyances;

(F) addressing water quality problems at the North Bay Aqueduct;

(G) supporting and participating in the development of projects to enable San Francisco Bay Area water districts, and water entities in San Joaquin and Sacramento Counties, to work cooperatively to address their water quality and supply reliability issues, including—

(i) connections between aqueducts, water transfers, water conservation measures, institutional arrangements, and infrastructure improvements that encourage regional approaches; and

(ii) investigations and studies of available capacity in a project to deliver water to the East Bay Municipal Utility District under its contract with the Bureau of Reclamation, dated July 20, 2001, in order to determine if such capacity can be utilized to meet the objectives of this subparagraph;

(H) development of water quality exchanges and other programs to make high quality water available for urban and other users;

(I) development and implementation of a plan to meet all Delta water quality standards for which the Federal and State water projects have responsibility;

(J) development of recommendations through science panels and advisory council processes to meet the Calfed Bay-Delta Program goal of continuous improvement in water quality for all uses; and

(K) projects that are consistent with the framework of the water quality component of the Calfed Bay-Delta Program.

(9) SCIENCE.—Activities under this paragraph consist of—

(A) supporting establishment and maintenance of an independent science board, technical panels, and standing boards to provide oversight and peer review of the Program;

(B) conducting expert evaluations and scientific assessments of all Program elements;

(C) coordinating existing monitoring and scientific research programs;

(D) developing and implementing adaptive management experiments to test, refine, and improve scientific understandings;

(E) establishing performance measures, and monitoring and evaluating the performance of all Program elements; and

(F) preparing an annual science report.

(10) DIVERSIFICATION OF WATER SUPPLIES.—Activities under this paragraph consist of actions to diversify sources of level 2 refuge supplies and modes of delivery to refuges while maintaining the diversity of level 4 supplies pursuant to section 3406(d)(2) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4723).

(e) NEW AND EXPANDED AUTHORIZATIONS FOR FEDERAL AGENCIES.—

(1) IN GENERAL.—The heads of the Federal agencies described in this subsection are authorized to carry out the activities described in subsection (f) during each of fiscal years 2005 through 2010, in coordination with the Governor.

(2) SECRETARY OF THE INTERIOR.—The Secretary of the Interior is authorized to carry out the activities described in paragraphs (1), (2), and (4) of subsection (f).

(3) ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND THE SECRETARIES OF AGRICULTURE AND COMMERCE.—The Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the Secretary of Commerce are authorized to carry out the activities described in subsection (f)(4).

(4) SECRETARY OF THE ARMY.—The Secretary of the Army is authorized to carry out the activities described in paragraphs (3) and (4) of subsection (f).

(f) DESCRIPTION OF ACTIVITIES UNDER NEW AND EXPANDED AUTHORIZATIONS.—

(1) CONVEYANCE.—Of the amounts authorized to be appropriated under section 109, not more than $184,000,000 may be expended for the following:

(A) SAN LUIS RESERVOIR.—Funds may be expended for feasibility studies, evaluation, and implementation of the San Luis Reservoir lowpoint improvement project, except that Federal participation in any construction of an expanded Pacheco Reservoir shall be subject to future congressional authorization.

(B) INTERTIE.—Funds may be expended for feasibility studies and evaluation of increased capacity of the intertie between the State Water Project California Aqueduct and

the Central Valley Project Delta Mendota Canal.

(C) FRANKS TRACT.—Funds may be expended for feasibility studies and actions at Franks Tract to improve water quality in the Delta.

(D) CLIFTON COURT FOREBAY AND THE TRACY PUMPING PLANT.—Funds may be expended for feasibility studies and design of fish screen and intake facilities at Clifton Court Forebay and the Tracy Pumping Plant facilities.

(E) DRINKING WATER INTAKE FACILITIES.—

(i) IN GENERAL.—Funds may be expended for design and construction of the relocation of drinking water intake facilities to in-Delta water users.

(ii) DRINKING WATER QUALITY.—The Secretary shall coordinate actions for relocating intake facilities on a time schedule consistent with subsection (d)(2)(A)(i)(I)(bb) or take other actions necessary to offset the degradation of drinking water quality in the Delta due to the South Delta Improvement Program.

(F) NEW MELONES RESERVOIR.—

(i) IN GENERAL.—In addition to the other authorizations granted to the Secretary by this title, the Secretary shall acquire water from willing sellers and undertake other actions designed to decrease releases from the New Melones Reservoir for meeting water quality standards and flow objectives for which the Central Valley Project has responsibility to assist in meeting allocations to Central Valley Project contractors from the New Melones Project.

(ii) PURPOSE.—The authorization under this subparagraph is solely meant to add flexibility for the Secretary to meet any obligations of the Secretary to the Central Valley Project contractors from the New Melones Project by reducing demand for water dedicated to meeting water quality standards in the San Joaquin River.

(iii) FUNDING.—Of the amounts authorized to be appropriated under section 109, not more than $30,000,000 may be expended to carry out clause (i).

(G) RECIRCULATION OF EXPORT WATER.—Funds may be used to conduct feasibility studies, evaluate, and, if feasible, implement the recirculation of export water to reduce salinity and improve dissolved oxygen in the San Joaquin River.

(2) ENVIRONMENTAL WATER ACCOUNT.—

(A) IN GENERAL.—Of the amounts authorized to be appropriated under section 109, not more than $90,000,000 may be expended for implementation of the Environmental Water Account.

(B) NONREIMBURSABLE FEDERAL EXPENDITURE.—Expenditures under subparagraph (A) shall be considered a nonreimbursable Federal expenditure in recognition of the payments of the contractors of the Central Valley Project to the Restoration Fund created by the Central Valley Project Improvement Act (Title XXXIV of Public Law 102–575; 106 Stat. 4706).

(C) USE OF RESTORATION FUND.—

(i) IN GENERAL.—Of the amounts appropriated for the Restoration Fund for each fiscal year, an amount not to exceed $10,000,000 for any fiscal year may be used to implement the Environmental Water Account to the extent those actions are consistent with the fish and wildlife habitat restoration and improvement purposes of the Central Valley Project Improvement Act.

(ii) ACCOUNTING.—Any such use of the Restoration Fund shall count toward the 33 percent of funds made available to the Restoration Fund that, pursuant to section 3407(a) of the Central Valley Project Improvement Act, are otherwise authorized to be appropriated to the Secretary to carry out paragraphs (4) through (6), (10) through (18), and (20) through (22) of section 3406(b) of that Act.

(iii) FEDERAL FUNDING.—The $10,000,000 limitation on the use of the Restoration Fund for the Environmental Water Account under clause (i) does not limit the appropriate amount of Federal funding for the Environmental Water Account.

(3) LEVEE STABILITY.—

(A) IN GENERAL.—For purposes of implementing the Calfed Bay-Delta Program within the Delta (as defined in Cal. Water Code § 12220)), the Secretary of the Army is authorized to undertake the construction and implementation of levee stability programs or projects for such purposes as flood control, ecosystem restoration, water supply, water conveyance, and water quality objectives.

(B) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Army shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a report that describes the levee stability reconstruction projects and priorities that will be carried out under this title during each of fiscal years 2005 through 2010.

(C) SMALL FLOOD CONTROL PROJECTS.—Notwithstanding the project purpose, the authority granted under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) shall apply to each project authorized under this paragraph.

(D) PROJECTS.—Of the amounts authorized to be appropriated under section 109, not more than $90,000,000 may be expended to—

(i) reconstruct Delta levees to a base level of protection (also known as the ''Public Law 84–99 standard'');

(ii) enhance the stability of levees that have particular importance in the system through the Delta Levee Special Improvement Projects Program;

(iii) develop best management practices to control and reverse land subsidence on Delta islands;

(iv) develop a Delta Levee Emergency Management and Response Plan that will enhance the ability of Federal, State, and local agencies to rapidly respond to levee emergencies;

(v) develop a Delta Risk Management Strategy after assessing the consequences of Delta levee failure from floods, seepage, subsidence, and earthquakes;

(vi) reconstruct Delta levees using, to the maximum extent practicable, dredged materials from the Sacramento River, the San Joaquin River, and the San Francisco Bay in reconstructing Delta levees;

(vii) coordinate Delta levee projects with flood management, ecosystem restoration, and levee protection projects of the lower San Joaquin River and lower Mokelumne River floodway improvements and other projects under the Sacramento-San Joaquin Comprehensive Study; and

(viii) evaluate and, if appropriate, rehabilitate the Suisun Marsh levees.

(4) PROGRAM MANAGEMENT, OVERSIGHT, AND COORDINATION.—

(A) IN GENERAL.—Of the amounts authorized to be appropriated under section 109, not more than $25,000,000 may be expended by the Secretary or the other heads of Federal agencies, either directly or through grants, contracts, or cooperative agreements with agencies of the State, for—

(i) Program support;

(ii) Program-wide tracking of schedules, finances, and performance;

(iii) multiagency oversight and coordination of Program activities to ensure Program balance and integration;

(iv) development of interagency cross-cut budgets and a comprehensive finance plan to allocate costs in accordance with the beneficiary pays provisions of the Record of Decision;

(v) coordination of public outreach and involvement, including tribal, environmental justice, and public advisory activities in accordance with the Federal Advisory Committee Act (5 U.S.C. App.); and

(vi) development of Annual Reports.

(B) PROGRAM-WIDE ACTIVITIES.—Of the amount referred to in subparagraph (A), not less than 50 percent of the appropriated amount shall be provided to the California Bay-Delta Authority to carry out Program-wide management, oversight, and coordination activities.

SEC. 104. MANAGEMENT.

(a) COORDINATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall coordinate their activities with the State agencies.

(b) PUBLIC PARTICIPATION.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall cooperate with local and tribal governments and the public through an advisory committee established in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other appropriate means, to seek input on Program planning and design, technical assistance, and development of peer review science programs.

(c) SCIENCE.—In carrying out the Calfed Bay-Delta Program, the Federal agencies shall seek to ensure, to the maximum extent practicable, that—

(1) all major aspects of implementing the Program are subjected to credible and objective scientific review; and

(2) major decisions are based upon the best available scientific information.

(d) GOVERNANCE.—

(1) IN GENERAL.—In carrying out the Calfed Bay-Delta Program, the Secretary and the Federal agency heads are authorized to participate as nonvoting members of the California Bay-Delta Authority, as established in the California Bay-Delta Authority Act (Cal. Water Code § 79400 et seq.), to the extent consistent with Federal law, for the full duration of the period the Authority continues to be authorized by State law.

(2) RELATIONSHIP TO FEDERAL LAW AND AGENCIES.—Nothing in this subsection shall preempt or otherwise affect any Federal law or limit the statutory authority of any Federal agency.

(3) CALIFORNIA BAY-DELTA AUTHORITY.—

(A) ADVISORY COMMITTEE.—The California Bay-Delta Authority shall not be considered an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.).

(B) FINANCIAL INTEREST.—The financial interests of the California Bay-Delta Authority shall not be imputed to any Federal official participating in the Authority.

(C) ETHICS REQUIREMENTS.—A Federal official participating in the California Bay-Delta Authority shall remain subject to Federal financial disclosure and conflict of interest laws and shall not be subject to State financial disclosure and conflict of interest laws.

(e) ENVIRONMENTAL JUSTICE.—The Federal agencies, consistent with Executive Order 12898 (59 Fed. Reg. 7629), should continue to collaborate with State agencies to—

(1) develop a comprehensive environmental justice workplan for the Calfed Bay-Delta Program; and

(2) fulfill the commitment to addressing environmental justice challenges referred to in the Calfed Bay-Delta Program Environmental Justice Workplan, dated December 13, 2000.

(f) LAND ACQUISITION.—Federal funds appropriated by Congress specifically for implementation of the Calfed Bay-Delta Program may be used to acquire fee title to land

only where consistent with the Record of Decision.

SEC. 105. REPORTING REQUIREMENTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than February 15 of each year, the Secretary, in cooperation with the Governor, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a report that—

(A) describes the status of implementation of all components of the Calfed Bay-Delta Program;

(B) sets forth any written determination resulting from the review required under subsection (b) or section 103(d)(1)(B); and

(C) includes any revised schedule prepared under subsection (b) or section 103(d)(1)(B)(iii)(II).

(2) CONTENTS.—The report required under paragraph (1) shall describe—

(A) the progress of the Calfed Bay-Delta Program in meeting the implementation schedule for the Program in a manner consistent with the Record of Decision;

(B) the status of implementation of all components of the Program;

(C) expenditures in the past fiscal year for implementing the Program;

(D) accomplishments during the past fiscal year in achieving the objectives of additional and improved—

(i) water storage;

(ii) water quality, including—

(I) the water quality targets described in section 2.2.9 of the Record of Decision; and

(II) any pending actions that may affect the ability of the Calfed Bay-Delta Program to achieve those targets and requirements;

(iii) water use efficiency;

(iv) ecosystem restoration;

(v) watershed management;

(vi) levee system integrity;

(vii) water transfers;

(viii) water conveyance;

(ix) water supply reliability (including new firm yield), including progress in achieving the water supply targets described in section 2.2.4 of the Record of Decision and any pending actions that may affect the ability of the Calfed Bay-Delta Program to achieve those targets; and

(x) the uses and assets of the environmental water account described in section 2.2.7 of the Record of Decision;

(E) Program goals, current schedules, and relevant financing agreements, including funding levels necessary to achieve completion of the feasibility studies and environmental documentation for the surface storage projects identified in section 103 by not later than September 30, 2008;

(F) progress on—

(i) storage projects;

(ii) conveyance improvements;

(iii) levee improvements;

(iv) water quality projects; and

(v) water use efficiency programs;

(G) completion of key projects and milestones identified in the Ecosystem Restoration Program, including progress on project effectiveness, monitoring, and accomplishments;

(H) development and implementation of local programs for watershed conservation and restoration;

(I) progress in improving water supply reliability and implementing the Environmental Water Account;

(J) achievement of commitments under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and endangered species law of the State;

(K) implementation of a comprehensive science program;

(L) progress toward acquisition of the Federal and State permits (including permits under section 404(a) of the Federal Water Pollution Control Act (33 U.S.C. 1344(a))) for implementation of projects in all identified Program areas;

(M) progress in achieving benefits in all geographic regions covered by the Program;

(N) legislative action on—

(i) water transfer;

(ii) groundwater management;

(iii) water use efficiency; and

(iv) governance;

(O) the status of complementary actions;

(P) the status of mitigation measures; and

(Q) revisions to funding commitments and Program responsibilities.

(b) ANNUAL REVIEW OF PROGRESS AND BALANCE.—

(1) IN GENERAL.—Not later than November 15 of each year, the Secretary, in cooperation with the Governor, shall review progress in implementing the Calfed Bay-Delta Program based on—

(A) consistency with the Record of Decision; and

(B) balance in achieving the goals and objectives of the Calfed Bay-Delta Program.

(2) REVISED SCHEDULE.—If, at the conclusion of each such annual review or if a timely annual review is not undertaken, the Secretary or the Governor determines in writing that either the Program implementation schedule has not been substantially adhered to, or that balanced progress in achieving the goals and objectives of the Program is not occurring, the Secretary and the Governor, in coordination with the Bay-Delta Public Advisory Committee, shall prepare a revised schedule to achieve balanced progress in all Calfed Bay-Delta Program elements consistent with the intent of the Record of Decision.

(c) FEASIBILITY STUDIES.—Any feasibility studies completed as a result of this title shall include identification of project benefits and a cost allocation plan consistent with the beneficiaries pay provisions of the Record of Decision.

SEC. 106. CROSSCUT BUDGET.

(a) IN GENERAL.—The President's budget shall include such requests as the President considers necessary and appropriate for the appropriate level of funding for each of the Federal agencies to carry out its responsibilities under the Calfed Bay-Delta Program.

(b) REQUESTS BY FEDERAL AGENCIES.—The funds shall be requested for the Federal agency with authority and programmatic responsibility for the obligation of the funds, in accordance with subsections (b) through (f) of section 103.

(c) REPORT.—Not later than 30 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report certified by the Secretary containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any interagency or intra-agency transfer, for each of the Federal agencies to carry out the Calfed Bay-Delta Program for the upcoming fiscal year, separately showing funding requested under both pre-existing authorities and under the new authorities granted by this title; and

(B) identifies all expenditures since 1998 by the Federal and State governments to achieve the objectives of the Calfed Bay-Delta Program;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and State agencies responsible for implementing the Calfed Bay-Delta Program during the previous fiscal year;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities under subsections (b) through (f) of section 103; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities under subsections (b) through (f) of section 103.

SEC. 107. FEDERAL SHARE OF COSTS.

(a) IN GENERAL.—The Federal share of the cost of implementing the Calfed Bay-Delta Program for fiscal years 2005 through 2010 in the aggregate, as set forth in the Record of Decision, shall not exceed 33.3 percent.

(b) PAYMENT FOR BENEFITS.—The Secretary shall ensure that all beneficiaries, including beneficiaries of environmental restoration and other Calfed program elements, shall pay for the benefit received from all projects or activities carried out under the Calfed Bay-Delta Program.

(c) INTEGRATED RESOURCE PLANNING.—Federal expenditures for the Calfed Bay-Delta Program shall be implemented in a manner that encourages integrated resource planning.

SEC. 108. COMPLIANCE WITH STATE AND FEDERAL LAW.

Nothing in this title—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water;

(3) preempts or modifies any State or Federal law or interstate compact governing water quality or disposal;

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource; or

(5) alters or modifies any provision of existing Federal law, except as specifically provided in this title.

SEC. 109. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated to the Secretary and the heads of the Federal agencies to pay the Federal share of the cost of carrying out the new and expanded authorities described in subsections (e) and (f) of section 103 $389,000,000 for the period of fiscal years 2005 through 2010, to remain available until expended.

TITLE II—MISCELLANEOUS

SEC. 201. SALTON SEA STUDY PROGRAM.

Not later than December 31, 2006, the Secretary of the Interior, in coordination with the State of California and the Salton Sea Authority, shall complete a feasibility study on a preferred alternative for Salton Sea restoration.

SEC. 202. ALDER CREEK WATER STORAGE AND CONSERVATION PROJECT FEASIBILITY STUDY AND REPORT.

(a) STUDY.—Pursuant to Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)), the Secretary of the Interior (referred to in this section as the ''Secretary''), through the Bureau of Reclamation, and in consultation and cooperation with the El Dorado Irrigation District, is authorized to conduct a study to determine the feasibility of constructing a project on Alder Creek in El Dorado County, California, to store water and provide water supplies during dry and critically dry years for consumptive use, recreation, in-stream flows, irrigation, and power production.

(b) REPORT.—

(1) TRANSMISSION.—On completion of the study authorized by subsection (a), the Secretary shall transmit to the Committee on

Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing the results of the study.

(2) CONTENTS OF REPORT.—The report shall contain appropriate cost sharing options for the implementation of the project based on the use and possible allocation of any stored water.

(3) USE OF AVAILABLE MATERIALS.—In developing the report under this section, the Secretary shall use reports and any other relevant information supplied by the El Dorado Irrigation District.

(c) COST SHARE.—

(1) FEDERAL SHARE.—The Federal share of the costs of the feasibility study authorized by this section shall not exceed 50 percent of the total cost of the study.

(2) IN-KIND CONTRIBUTION FOR NON-FEDERAL SHARE.—The Secretary may accept as part of the non-Federal cost share the contribution such in-kind services by the El Dorado Irrigation District as the Secretary determines will contribute to the conduct and completion of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000.

SEC. 203. FOLSOM RESERVOIR TEMPERATURE CONTROL DEVICE AUTHORIZATION.

Section 1(c) of Public Law 105–295 (112 Stat. 2820) (as amended by section 219(b) of Public Law 108–137 (117 Stat. 1853)) is amended in the second sentence by striking ''$3,500,000'' and inserting ''$6,250,000''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on Wednesday, September 15, 2004, at 10 a.m., on ''Impacts of Climate Change.''

The PRESIDING OFFICER. Without objection, it so ordered.

COMMITTEEE ON ENERGY AND NATURAL RESOURCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Wednesday, September 15 at 9:30 a.m., to consider pending calendar business.

Agenda Item 1: S. Con. Res. 121—A concurrent resolution supporting the goals and ideals of the World Year of Physics.

Agenda Item 2: S. 437—A bill to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, and for other purposes.

Agenda Item 3: S. 511—A bill to provide permanent funding for the Payment in Lieu of Taxes program, and for other purposes.

Agenda Item 7: S. 1064—A bill to establish a commission to commemorate the sesquicentennial of the American Civil War, and for other purposes.

Agenda Item 9: S. 1354—A bill to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, and for other purposes.

Agenda Item 12: S. 1462—A bill to adjust the boundary of the Cumberland Island Wilderness, to authorize tours of the Cumberland Island National Seashore, and for other purposes.

Agenda Item 13: S. 1466—A bill to facilitate the transfer of land in the State of Alaska, and for other purposes.

Agenda Item 14: S. 1614—A bill to designate a portion of White Salmon River as a component of the National Wild and Scenic Rivers System.

Agenda Item 15: S. 1649—A bill to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes.

Agenda Item 16: S. 1678—A bill to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, and for other purposes.

Agenda Item 17: S. 1852—A bill to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin.

Agenda Item 18: S. 1876—A bill to authorize the Secretary of the Interior to convey certain lands and facilities of the Provo River Project.

Agenda Item 19: S. 2086—A bill to amend the Surface Mining Control and Reclamation Act of 1977 to improve the reclamation of abandoned mines.

Agenda Item 20: S. 2142—A bill to authorize appropriations for the New Jersey Coastal Heritage Trail Route, and for other purposes.

Agenda Item 21: S. 2181—A bill to adjust the boundary of Rocky Mountain National Park in the State of Colorado.

Agenda Item 23: S. 2334—A bill to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System.

Agenda Item 24: S. 2374—A bill to provide for the conveyance of certain lands to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, and for other purposes.

Agenda Item 25: S. 2408—A bill to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana.

Agenda Item 26: S. 2432—A bill to expand the boundaries of Wilson's Creek Battlefield National Park, and for other purposes.

Agenda Item 27: S. 2567—A bill to adjust the boundary of Redwood National Park in the State of California.

Agenda Item 28: S. 2622—A bill to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historic Park in the State of New Mexico.

Agenda Item 31: H.R. 1113—To authorize an exchange of land at Fort Frederica National Monument, and for other purposes.

Agenda Item 32: H.R. 1446—To support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

Agenda Item 33: H.R. 1964—To assist the States of Connecticut, New Jersey, New York, and Pennsylvania in conserving priority lands and natural resources in the Highlands region, and for other purposes.

Agenda Item 34: H.R. 2010—To protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes.

Agenda Item 35: H.R. 3706—To adjust the boundary of the John Muir National Historic site, and for other purposes.

Agenda Item 36: H.R. 4516—To require the Secretary of Energy to carry out a program of research and development to advance high-end computing.

In addition, the committee may turn to any other measures that are ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open executive session during the session on September 15, 2004, at 10 a.m., to consider favorably reporting S. 333, a bill to promote elder justice, and the nomination of Joey Russell George, to be Treasury Inspector General for Tax Administration, U.S. Department of Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 15, 2004, at 9:30 a.m., to hold a hearing on ''Accelerating U.S. Assistance to Iraq.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, September 15, 2004, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct a business meeting on pending committee matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Stephen

Kosack, a fellow in my office, be granted the privilege of the floor during the remainder of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

On Tuesday, September 14, 2004, the Senate passed H.R. 4567, as follows:

H.R. 4567

Resolved, That the bill from the House of Representatives (H.R. 4567) entitled ''An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and for executive management of the Department of Homeland Security, as authorized by law, $82,206,000: Provided, That not to exceed $50,000 shall be available for allocation within the Department for official reception and representation expenses as the Secretary may determine.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701–705 of the Homeland Security Act of 2002 (6 U.S.C. 341–345), $245,579,000: Provided, That of the total amount provided, $65,081,000 shall remain available until expended solely for the alteration and improvement of facilities and for relocation costs to consolidate the Department's headquarters' operations.

DEPARTMENT-WIDE TECHNOLOGY INVESTMENTS

For development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, $222,000,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

OPERATING EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $82,317,000, of which not to exceed $100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

BORDER AND TRANSPORTATION SECURITY

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Under Secretary for Border and Transportation Security, as authorized by subtitle A of title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.), $8,864,000.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note), $340,000,000, to remain available until expended.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; acquisition, lease, maintenance and operation of aircraft; purchase and lease of up to 4,500 (3,935 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $4,466,960,000; of which $3,000,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $40,000 shall be for official reception and representation expenses; of which not to exceed $126,162,000 shall remain available until September 30, 2006, for inspection and surveillance technology, and equipment for the Container Security Initiative; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Under Secretary for Border and Transportation Security; and of which not to exceed $5,000,000 shall be available for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: Provided, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of $30,000, except that the Under Secretary for Border and Transportation Security may exceed that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, $12,725,000 shall be for activities to enforce laws against forced child labor in fiscal year 2005, of which not to exceed $4,000,000 shall remain available until expended: Provided further, That of the total amount provided, not less than $4,750,000 may be for the enforcement of the textile transshipment provisions provided for in chapter 5 of title III of the Customs Border Security Act of 2002 (Public Law 107–210; 116 Stat. 988 et seq.).

AUTOMATION MODERNIZATION

For expenses for customs and border protection automated systems, $449,909,000, to remain available until expended, of which not less than $321,690,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Under Secretary for Border and Transportation Security that:

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 3;

(2) complies with the Bureau of Customs and Border Protection's enterprise information systems architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) is reviewed and approved by the Bureau of Customs and Border Protection Investment Review Board, the Department of Homeland Security, and the Office of Management and Budget; and

(5) is reviewed by the Government Accountabililty Office.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $91,718,000, to remain available until expended.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 2,300 (2,000 for replacement only) police-type vehicles, $2,413,438,000, of which not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Under Secretary for Border and Transportation Security; of which not less than $102,000 shall be for promotion of public awareness of the child pornography tipline; of which not less than $203,000 shall be for Project Alert; of which $5,000,000 shall be a grant for activities related to the investigations of exploited children and shall remain available until expended; and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of $30,000, except that the Under Secretary for Border and Transportation Security may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, $3,045,000 shall be for activities to enforce laws against forced child labor in fiscal year 2005, of which not to exceed $2,000,000 shall remain available until expended: Provided further, That of the total amount provided for, not less than $4,750,000 may be for the enforcement of the textile transshipment provisions provided for in chapter 5 of title III of the Customs Border Security Act of 2002 (Public Law 107–210; 116 Stat. 988 et seq.).

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $662,900,000.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account, not to exceed $478,000,000, shall be available until expended for necessary expenses related to the protection of federally owned and leased buildings and for the operations of the Federal Protective Service.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $39,605,000, to remain available until expended.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, and other related equipment of the air and marine program, including operational

training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Bureau of Immigration and Customs Enforcement; and at the discretion of the Under Secretary for Border and Transportation Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $267,535,000, to remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to Bureau of Immigration and Customs Enforcement requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2005 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $26,179,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597), $4,386,083,000, to remain available until expended, of which not to exceed $3,000 shall be for official reception and representation expenses: Provided, That of the total amount provided under this heading, not to exceed $2,076,733,000 shall be for passenger screening activities; not to exceed $1,512,460,000 shall be for baggage screening activities, of which $210,000,000 shall be available only for procurement of checked baggage explosive detection systems and $75,000,000 shall be available only for installation of checked baggage explosive detection systems; and not to exceed $796,890,000 shall be for airport security direction and enforcement presence, of which $217,890,000 shall be available for airport information technology: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections: Provided further, That, except as provided in the following proviso, the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2005, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $2,563,083,000: Provided further, That the Government Accountability Office shall review, using a methodology deemed appropriate by the Comptroller General, the calendar year 2000 cost information for screening passengers and property pursuant to section 44940(a)(2) of title 49, United States Code, of air carriers and foreign air carriers engaged in air transportation and intrastate air transportation and report the information within six months of enactment of the Act but no earlier than March 31, 2005, to the Committees on Appropriations of the Senate and House of Representatives and Committee on Commerce, Science, and Transportation: Provided further, That the Comptroller General, or any of the Comptroller General's duly authorized representatives, shall have access, for the purpose of reviewing such cost information, to the personnel and to the books; accounts; documents; papers; records (including electronic records); and automated data and files of such air carriers, airport authorities, and their contractors; that the Comptroller General deems relevant for purposes of reviewing the information sought pursuant to the provisions of the preceding proviso: Provided further, That the Comptroller General may obtain and duplicate any such records, documents, working papers, automated data and files, or other information relevant to such reviews without cost to the Comptroller General and the Comptroller General's right of access to such information shall be enforceable pursuant to section 716(c) of title 31, United States Code: Provided further, That the Comptroller General shall maintain the same level of confidentiality for information made available under the preceding provisos as that required under section 716(e) of title 31, United States Code: Provided further, That upon the request of the Comptroller General, the Secretary of the Department of Homeland Security shall transfer to the Government Accountability Office from appropriations available for administration expenses of the Transportation Security Administration, the amount requested by the Comptroller General, not to exceed $5,000,000, to cover the full costs of any review and report of the calendar year 2000 cost information conducted by the Comptroller General, with 15 days advance notice by the Transportation Security Administration to the Committees on Appropriations of the Senate and House of Representatives: Provided further, That the Comptroller General shall credit funds transferred under the authority of the preceding proviso to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the review and report: Provided further, That any funds transferred and credited under the authority of the preceding provisos that are not needed for the Comptroller General's performance of such review and report shall be returned to the Department of Homeland Security and credited to the appropriation from which transferred: Provided further, That beginning with amounts due in calendar year 2005, if the result of this review is that an air carrier or foreign air carrier has not paid the appropriate fee to the Transportation Security Administration pursuant to section 44940(a)(2) of title 49 United States Code, the Secretary of Homeland Security shall undertake all necessary actions to ensure that such amounts are collected: Provided further, That such collections received during fiscal year 2005 shall be credited to this appropriation as offsetting collections and shall be available only for security modifications at commercial airports: Provided further, That if the Secretary exercises his discretion to set the fee under 44940(a)(2) of title 49 United States Code, such determination shall not be subject to judicial review: Provided further, That any security service fees collected pursuant to section 44940 of title 49 note, United States Code, in excess of the amount appropriated under this heading shall be treated as offsetting collections in fiscal year 2006.

MARITIME AND LAND SECURITY

For necessary expenses of the Transportation Security Administration related to maritime and land transportation security grants and services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597), $44,000,000: Provided, That not to exceed $53,000,000 may be provided for transportation worker identification credentialing and $2,000,000 for tracking trucks carrying hazardous material.

In addition, fees authorized by section 520 of Public Law 108–90 shall be credited to this appropriation and shall be available until expended: Provided, That in fiscal year 2005, fee collections shall be used for initial administrative costs of credentialing activities.

INTELLIGENCE

For necessary expenses for intelligence activities pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597), $14,000,000.

RESEARCH AND DEVELOPMENT

For necessary expenses for research and development related to transportation security, $181,000,000, to remain available until expended: Provided, That of the total amount provided under this heading, $57,000,000 shall be available for the research and development of explosive detection devices.

ADMINISTRATION

For necessary administrative expenses of the Transportation Security Administration to carry out the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597), $534,852,000.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard not otherwise provided for, purchase or lease of not to exceed 25 passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note), section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and recreation and welfare, $5,153,220,000, of which $1,090,000,000 shall be for defense-related activities; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund; and of which not to exceed $3,000 shall be for official reception and representation expenses: Provided, That none of the funds appropriated by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds provided by this Act shall be available for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That notwithstanding section 1116(c) of title 10, United States Code, amounts made available under this heading may be used to make payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund for fiscal year 2005 under section 1116(a) of such title: Provided further, That not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives, a report on opportunities for integrating the process by which the Coast Guard issues letters of recommendation for proposed liquefied natural gas marine terminals, including the elements of such process relating to vessel transit, facility security assessment and facility security plans under the Maritime Transportation Security Act, and the process by which the Federal Energy Regulatory Commission issues permits for such terminals under the National Environmental Policy Act: Provided further, That the report shall include an examination of the advisability of requiring that activities of the Coast Guard relating to vessel transit, facility security assessment and facility security plans under the Maritime Transportation Security Act be completed for a proposed liquefied natural gas marine terminal before a final environmental impact statement for such terminal is published under the Federal Energy Regulatory Commission process.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $17,000,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and

maintenance of the reserve program, personnel and training costs, equipment, and services, $117,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $1,062,550,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $19,750,000 shall be available until September 30, 2009, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $3,800,000 shall be available until September 30, 2009, to increase aviation capability; of which $185,000,000 shall be available until September 30, 2007, for other equipment; of which $5,000,000 shall be available until September 30, 2007, for shore facilities and aids to navigation facilities; of which $73,000,000 shall be available for personnel compensation and benefits and related costs; of which $776,000,000 shall be available until September 30, 2009, for the Integrated Deepwater Systems program: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2007, only for Rescue 21: Provided further, That the budget for fiscal year 2006 that is submitted under section 1105(a) of title 31, United States Code, may include an amount for the Coast Guard that is sufficient to fund delivery of a long-term maritime patrol aircraft capability that is consistent with the original procurement plan for the CN–235 aircraft beyond the three aircraft already funded in previous fiscal years.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $15,400,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation, and for maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $18,500,000, to remain available until expended, of which $2,000,000 shall be derived from the Oil Spill Liability Trust Fund: Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,085,460,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 610 vehicles for police-type use, which shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made sidecar compatible motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; conduct of and participation in firearms matches; presentation of awards; travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions, $1,159,125,000, of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,100,000 shall be for forensic and related support of investigations of missing and exploited children: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2006: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,633,000, to remain available until expended.

TITLE III—PREPAREDNESS AND RECOVERY

OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS

MANAGEMENT AND ADMINISTRATION

For necessary expenses for the Office of State and Local Government Coordination and Preparedness, $25,000,000.

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,845,081,000, which shall be allocated as follows:

(1) $970,000,000 for formula-based grants and $400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714), of which $50,000,000 shall be used for grants to identify, acquire, and transfer homeland security technology, equipment, and information to State and local law enforcement agencies: Provided, That the application for grants shall be made available to states within 45 days after enactment of this Act; that States shall submit applications within 45 days after the grant announcement; and that the Office of State and Local Government Coordination and Preparedness shall act within 15 days after receipt of an application: Provided further, That each State shall obligate not less than 80 percent of the total amount of the grant to local governments within 60 days after the grant award; and

(2) $1,200,000,000 for discretionary grants for use in high-threat, high-density urban areas, as determined by the Secretary of Homeland Security: Provided, That $150,000,000 shall be for port security grants; $15,000,000 shall be for trucking industry security grants; $10,000,000 shall be for intercity bus security grants; and $150,000,000 shall be for intercity passenger rail transportation (as defined in section 24102(5) of title 49, United States Code), freight rail, and transit security grants: Provided further, That no less than 80 percent of any grant to a State shall be made available by the State to local governments within 60 days after the receipt of the funds: Provided further, That section 1014(c)(3) of the USA PATRIOT ACT (42 U.S.C. 3714(c)(3)) shall not apply to these grants;

(3) $275,081,000 for training, exercises, technical assistance, and other programs:

Provided, That none of the grants provided under this heading shall be used for the construction or renovation of facilities: Provided further, That notwithstanding the previous proviso, funds under this heading may be used for a minor perimeter security project, the cost of which shall not exceed $1,000,000, as deemed necessary by the Secretary of Homeland Security: Provided further, That funds under this heading may be used to provide a reasonable stipend to part-time and volunteer first responders who are not otherwise compensated for travel to or participation in terrorism response courses approved by the Office for Domestic Preparedness, which stipend shall not be paid if such first responder is otherwise compensated by an employer for such time and shall not be considered compensation for purposes of rendering such first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.): Provided further, That grantees shall provide additional reports on their use of funds, as deemed necessary by the Secretary: Provided further, That not to exceed 10 percent of funds appropriated for law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (2) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office of State and Local Government Coordination and Preparedness certified training, as needed.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229), $700,000,000, to remain available until September 30, 2006: Provided, That not to exceed 5 percent of this amount shall be available for program administration.

FIRE DEPARTMENT STAFFING ASSISTANCE GRANTS

For necessary expenses for programs authorized by section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a), to remain available until September 30, 2006, $100,000,000: Provided, That not to exceed 5 percent of this amount shall be available for program administration: Provided, further, That the amount appropriated by title I under the heading ''OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT'' is hereby reduced by $70,000,000, the amount appropriated by title IV under the heading ''INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION MANAGEMENT AND ADMINISTRATION'' is hereby reduced by $20,000,000, and the amount appropriated by title IV under the heading ''SCIENCE AND TECHNOLOGY MANAGEMENT AND ADMINISTRATION'' is hereby reduced by $10,000,000.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reductions Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $180,000,000: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary of Homeland Security, to reimburse any Federal agency for the costs of providing support to counter, investigate, or respond to unexpected threats or acts of terrorism, including payment of rewards in connection with

these activities, $10,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives 15 days prior to the obligation of any amount of these funds in accordance with section 502 of this Act.

EMERGENCY PREPAREDNESS AND RESPONSE

OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE

For necessary expenses for the Office of the Under Secretary for Emergency Preparedness and Response, as authorized by section 502 of the Homeland Security Act of 2002 (6 U.S.C. 312), $4,211,000.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

For necessary expenses for preparedness, mitigation, response, and recovery activities of the Directorate of Emergency Preparedness and Response, $231,499,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That of the total amount appropriated, $30,000,000 shall be for Urban Search and Rescue Teams, of which not to exceed 3 percent may be made available for administrative costs.

ADMINISTRATIVE AND REGIONAL OPERATIONS

For necessary expenses for administrative and regional operations of the Emergency Preparedness and Response Directorate, $196,939,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

PUBLIC HEALTH PROGRAMS

For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, $34,000,000.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2005, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2005, and remain available until expended.

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $2,221,000,000 to remain available until expended, of which $70,000,000 is designated by Congress as an emergency requirement under section 502(c) of H. Con. Res. 95 (108th Cong.) and shall be made available for a grant to the American Red Cross for disaster relief, recovery expenditures, and emergency services in response to Tropical Storm Bonnie, Hurricane Charley, and Hurricane Frances.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $567,000: Provided, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), not to exceed $33,336,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and not to exceed $79,257,000 for flood hazard mitigation, to remain available until September 30, 2006, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2006, and which amount shall be derived from offsetting collections assessed and collected pursuant to section 1307 of that Act (42 U.S.C. 4014), and shall be retained and used for necessary expenses under this heading: Provided, That in fiscal year 2005, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $562,881,000 for agents' commissions and taxes; and (3) $30,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.

MITIGATION GRANTS

For activities designed to reduce the risk of flood damage to structures pursuant to the National Flood Insurance Act of 1968, notwithstanding subsections (b)(3) and (f) of section 1366, and for a pre-disaster mitigation grant program pursuant to title II of the Disaster Relief Act of 1974 (42 U.S.C. 5131 et seq.), $170,000,000, of which $20,000,000 shall be derived from the National Flood Insurance Fund, to remain available until September 30, 2006, and $150,000,000, to remain available until expended, for the Pre-Disaster Mitigation Fund: Provided, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of the Disaster Relief Act of 1974 (42 U.S.C. 5133(g)), and notwithstanding section 203(f) of such Act, shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: Provided further, That total administrative costs for pre-disaster mitigation shall not exceed 3 percent of the total appropriation.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to subtitle B of title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11341 et seq.), $153,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, ASSESSMENTS, AND SERVICES

CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services for backlog reduction activities, $140,000,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal cell phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $181,440,000, of which up to $36,174,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2006; and of which not to exceed $12,000 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $42,917,000, to remain available until expended: Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

MANAGEMENT AND ADMINISTRATION

For necessary expenses of the Directorate of Information Analysis and Infrastructure Protection, including the immediate Office of the Under Secretary for Information Analysis and Infrastructure Protection, for management and administration of programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $157,064,000.

ASSESSMENTS AND EVALUATIONS

For necessary expenses for information analysis and infrastructure protection as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $718,512,000, to remain available until September 30, 2006, of which not to exceed $20,000 may be used for official reception and representation expenses: Provided, That none of the funds available under this heading shall be available for sole-source contractual agreements unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such decision, or the Secretary of Homeland Security certifies to the Committee that such agreement is necessary to respond to a national emergency or prevent an impending terrorist attack.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $52,550,000.

RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS

For expenses of science and technology research, including advanced research projects; development; test and evaluation; acquisition; operations; and all salaries and expenses for field personnel, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $1,016,647,000, to remain available until expended.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) relocates an office or employees; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

SEC. 503. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2005 from appropriations for salaries and expenses for fiscal year 2005 in this Act shall remain available through September 30, 2006, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 502 of this Act.

SEC. 504. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2005 until the enactment of an Act authorizing intelligence activities for fiscal year 2005.

SEC. 505. The Federal Law Enforcement Training Center shall establish an accrediting body, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 506. None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of $1,000,000 unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and House of Representatives at least 3 full business days in advance: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 507. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 508. The Director of the Federal Law Enforcement Training Center (FLETC) shall schedule basic and advanced law enforcement training at all four training facilities under FLETC's control to ensure that these training centers are operated at the highest capacity throughout the fiscal year.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses of any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. None of the funds appropriated or otherwise made available by this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Transportation Security Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to aviation security: Provided, That the prohibition of funds in this section does not apply to—

(1) negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items, or

(2) space for necessary security checkpoints.

SEC. 511. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 512. The Secretary of Homeland Security is directed to research, develop, and procure certified systems to inspect and screen air cargo on passenger aircraft at the earliest date possible: Provided, That until such technology is procured and installed, the Secretary shall take all possible actions to prohibit high-risk cargo from being transported on passenger aircraft.

SEC. 513. None of the funds made available by this or previous appropriations Acts may be obligated for contracting out a full-time equivalent position of the Department of Homeland Security for which funds have been made available unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance.

SEC. 514. (a)None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Computer Assisted Passenger Prescreening System (CAPPS II) or Secure Flight or other follow on/successor programs, that the Transportation Security Administration (TSA) plans to utilize to screen aviation passengers, until the Government Accountability Office has reported to the Committees on Appropriations of the Senate and the House of Representatives that—

(1) a system of due process exists whereby aviation passengers determined to pose a threat are either delayed or prohibited from boarding their scheduled flights by the TSA may appeal such decision and correct erroneous information contained in CAPPS II or Secure Flight or other follow on/successor programs;

(2) the underlying error rate of the government and private data bases that will be used both to establish identity and assign a risk level to a passenger will not produce a large number of false positives that will result in a significant number of passengers being treated mistakenly or security resources being diverted;

(3) the TSA has stress-tested and demonstrated the efficacy and accuracy of all search tools in CAPPS II or Secure Flight or other follow on/successor programs and has demonstrated that CAPPS II or Secure Flight or other follow on/successor programs can make an accurate predictive assessment of those passengers who may constitute a threat to aviation;

(4) the Secretary of Homeland Security has established an internal oversight board to monitor the manner in which CAPPS II or Secure Flight or other follow on/successor programs are being developed and prepared;

(5) the TSA has built in sufficient operational safeguards to reduce the opportunities for abuse;

(6) substantial security measures are in place to protect CAPPS II or Secure Flight or other follow on/successor programs from unauthorized access by hackers or other intruders;

(7) the TSA has adopted policies establishing effective oversight of the use and operation of the system;

(8) there are no specific privacy concerns with the technological architecture of the system; and

(9) the TSA has, pursuant to the requirements of section 44903 (i)(2)(A) of title 49, United States Code, modified CAPPS II or Secure Flight or other follow on/successor programs with respect to intrastate transportation to accommodate States with unique air transportation needs and passengers who might otherwise regularly trigger primary selectee status.

(b) During the testing phase permitted by paragraph (a) of this section, no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a government watch list.

(c) The Government Accountability Office shall submit the report required under paragraph (a) of this section no later than February 15, 2005.

SEC. 515. Notwithstanding any other provisions of this Act, none of the funds appropriated by this Act may be used to make an award, pursuant to a competition under Office of Management and Budget Circular A–76, to a source for the performance of services that were provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of the Bureau of Citizenship and Immigration

Services of the Department of Homeland Security known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants unless—

(1) the Secretary of Homeland Security submits to Congress, not later than 60 days before making such award, a report that describes—

(A) the performance requirements for the services;

(B) the estimated savings to be derived from the performance of such services by that source;

(C) the actions that are to be taken to effectuate the transition to performance either by Federal Government employees under the applicable most efficient organization plan or by a contractor, as the case may be; and

(D) the strategy for mitigating the adverse effects of such award, if any, on Federal Government employees; and

(2) the making of the award to that source will not result in the closure of an immigration information service center that was in operation on June 1, 2004.

This section shall take effect one day after the date of the bill's enactment.

SEC. 516. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 517. INVESTIGATION OF SHOCKOE CREEK DRAIN FIELD, RICHMOND, VIRGINIA, as soon as practicable after the date of enactment of this Act, the Director of the Federal Emergency Management Agency shall conduct an investigation of the Shockoe Creek drain field in Richmond, Virginia, to determine means of preventing future damage in that area from floods and other natural disasters.

SEC. 518. (a) The total amount appropriated by title II for the Office of the Under Secretary for Border and Transportation Security under the heading ''AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT'' is hereby increased by $200,000,000. Of such total amount, as so increased, $200,000,000 shall be available for the establishment and operation of air bases in the States of Michigan, Montana, New York, North Dakota, and Washington.

(b) The total amount appropriated under the heading ''IMMIGRATION AND CUSTOMS ENFORCEMENT, FEDERAL AIR MARSHALS'' is hereby increased by $50,000,000. Of such total amount, as so increased, $50,000,000 is for the continued operations of the Federal Air Marshals program.

(c) The total amount appropriated under the heading ''OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, STATE AND LOCAL PROGRAMS'' is hereby increased by $50,000,000. Of such total amount, as so increased, $50,000,000 is for discretionary assistance to non-profit organizations (as defined under section 501 (c)(3) of the Internal Revenue Code of 1986) determined by the Secretary of Homeland Security to be at high-risk of international terrorist attacks.

(d) The total amount appropriated under the heading ''OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, FIREFIGHTER ASSISTANCE GRANTS'' is hereby increased by $50,000,000. Of such total amount, as so increased, $50,000,000 is for the program authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229).

(e) The total amount appropriated under the heading ''OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, EMERGENCY MANAGEMENT PERFORMANCE GRANTS'' is hereby increased by $20,000,000. Of such total amount, as so increased, $20,000,000 is for emergency management performance grants.

(f) Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking ''March 1, 2005'' and inserting ''June 1, 2005''.

SEC. 519. (a) The total amount appropriated under the heading ''CUSTOMS AND BORDER PROTECTION, SALARIES AND EXPENSES'' is hereby increased by $150,000,000. Of such total amount, as so increased, $50,000,000 is provided for radiation detection devices, $50,000,000 is provided for additional border inspectors, and $50,000,000 is provided for additional border patrol agents.

(b) The total amount appropriated under the heading ''IMMIGRATION AND CUSTOMS ENFORCEMENT, SALARIES AND EXPENSES'' is hereby increased by $100,000,000. Of such total amount, as so increased, $50,000,000 is provided for additional investigator personnel, and $50,000,000 is provided for detention and removal bedspace and removal operations.

(c) The total amount appropriated under the heading ''OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, STATE AND LOCAL PROGRAMS'' is hereby increased by $128,000,000. The total amount provided in the aforementioned heading for discretionary grants is increased by $128,000,000. Of that total amount, as so increased, the amount for rail and transit security grants is increased by $128,000,000.

(d) The total amount appropriated under heading ''OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS, EMERGENCY MANAGEMENT PERFORMANCE GRANTS'' is hereby increased by $36,000,000. Of such total amount, as so increased, $36,000,000 is provided for emergency management performance grants.

(e) In Section 1303 1(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 as amended by this Act, strike ''June 1, 2005'' and insert ''September 30, 2005.''

SEC. 520. Of the amount appropriated by title II for the Office of the Under Secretary for Border and Transportation Security under the heading ''AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT'', $5,000,000 may be used for a pilot project to test interoperable communications between the first Northern Border Air Wing, Bellingham, Washington, and local law enforcement personnel.

SEC. 521. (a) The Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall—

(1) develop and maintain an integrated strategic transportation security plan; and

(2) base future budget requests on the plan.

(b) The integrated strategic transportation security plan shall—

(1) identify and evaluate the United States transportation assets that need to be protected;

(2) set risk-based priorities for defending the assets identified;

(3) select the most practical and cost-effective ways of defending the assets identified; and

(4) assign transportation security roles and missions to the relevant Federal, State, regional, and local authorities and to the private sector.

(c) The Secretary of Homeland Security shall submit the integrated strategic transportation security plan to Congress not later than February 1, 2005 and shall submit updated plans, including assessments of the progress made on implementation of the plan, on the first day of February each year thereafter. Any part of the plan that involves information that is properly classified under criteria established by Executive order shall be submitted to Congress separately in classified form.

SEC. 522. (a) Not later than 180 days after the end of fiscal year 2005, the Secretary of Homeland Security shall submit a report to Congress that describes the articles, materials, and supplies acquired by the Department of Homeland Security during fiscal year 2005 that were manufactured outside of the United States.

(b) The report submitted under subsection (a) shall separately indicate—

(1) the dollar value of each of the articles, materials, and supplies acquired by the Department of Homeland Security that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of the total funds spent by the Department of Homeland Security on goods manufactured within the United States compared with funds spent by the Department of Homeland Security on goods manufactured outside of the United States.

(c) The Secretary of Homeland Security shall make the report submitted under this section publicly available to the maximum extent practicable.

SEC. 523. Section 835 of the Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 395) is amended—

(1) in subsection (a), by inserting before the period '', or any subsidiary of such an entity'';

(2) in subsection (b)(1), by inserting ''before, on, or'' after the ''completes'';

(3) in subsection (c)(1)(B), by striking ''which is after the date of enactment of this Act and''; and

(4) in subsection (d), by striking ''homeland'' and inserting ''national''.

SEC. 524. During fiscal year 2005, the Secretary of Homeland Security and the Secretary of Defense shall permit the New Mexico Army National Guard to continue performing vehicle and cargo inspection activities in support of the Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement under the authority of the Secretary of Defense to support counterdrug activities of law enforcement agencies.

SEC. 525. (a) Not later than 3 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives and to the Committee on Governmental Affairs and the Committee on Environment and Public Works of the Senate and the Committee on Homeland Security of the House of Representatives on the implementation of Homeland Security Presidential Directive Seven.

(b) The report under this section shall include—

(1) the Department's plan and associated timeline for the mapping of the United States critical infrastructure;

(2) an assessment of the resource requirements of relevant States, counties, and local governments so that full participation by those entities may be integrated into the plan;

(3) the Department's plan for oversight of all geospatial information systems management, procurement, and interoperability; and

(4) the timeline for creating the Department-wide Geospatial Information System capability under the direction of the Chief Information Officer.

SEC. 526. Notwithstanding any other provision of law, the fiscal year 2004 aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000 and the total amount appropriated by title II under the heading ''CUSTOMS AND BORDER PROTECTION SALARIES AND EXPENSES'' is hereby reduced by $1,000,000.

SEC. 527. Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter, the Secretary of Homeland Security shall provide to the Committee on Commerce, Science, and Transportation and the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate, a classified report on the number of individuals serving as Federal Air Marshals. Such report shall include the number of Federal Air Marshals who are women, minorities, or employees of departments or agencies of the United States Government other than the Department of Homeland Security, the percentage of domestic and international flights that have a Federal Air Marshal aboard, and the rate at which individuals are leaving service as Federal Air Marshals.

SEC. 528. (a) Congress finds that (1) there is a disproportionate number of complaints against the Transportation Security Administration for alleged violations of equal employment opportunity and veterans preference laws as those

laws apply to employment of personnel in airport screener positions in the Transportation Security Administration, and (2) there is a significant backlog of those complaints remaining unresolved.

(b)(1) Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the personnel policies of the Department of Homeland Security that apply to the employment of airport screeners in the Transportation Security Administration, particularly with regard to compliance with equal employment opportunity and veterans preference laws.

(2) The report under this subsection shall include an assessment of the extent of compliance of the Transportation Security Administration with equal employment opportunity and veterans' preference laws as those laws apply to employment of personnel in airport screener positions in the transportation Security Administration, a discussion of any systemic problems that could have caused the circumstances giving rise to the disproportionate number of complaints described in subsection (a), and the efforts of the Secretary of Homeland Security and the Under Secretary for Border and Transportation Security to eliminate the backlog of unresolved complaints and to correct any systemic problems identified in the report.

(3) In conducting the review necessary for preparing the report, the Comptroller General shall examine the experience regarding the airport screener positions at particular airports in various regions, including the Louis Armstrong New Orleans International Airport.

SEC. 529. No funds appropriated or otherwise made available by this Act shall be used to pursue, implement, or enforce any law, procedure, guideline, rule, regulation, or other policy that exposes the identity of an air marshal to any party not designated by the Secretary of the Department of Homeland Security.

SEC. 530. (a) The Secretary of Homeland Security, in coordination with the head of the Transportation Security Administration and the Under Secretary for Science and Technology, shall prepare a report on protecting commercial aircraft from the threat of man-portable air defense systems (referred to in this section as ''MANPADS'').

(b) The report required by subsection (a) shall include the following:

(1) An estimate of the number of organizations, including terrorist organizations, that have access to MANPADS and a description of the risk posed by each organization.

(2) A description of the programs carried out by the Secretary of Homeland Security to protect commercial aircraft from the threat posed by MANPADS.

(3) An assessment of the effectiveness and feasibility of the systems to protect commercial aircraft under consideration by the Under Secretary for Science and Technology for use in phase II of the counter-MANPADS development and demonstration program.

(4) A justification for the schedule of the implementation of phase II of the counter-MANPADS development and demonstration program.

(5) An assessment of the effectiveness of other technology that could be employed on commercial aircraft to address the threat posed by MANPADS, including such technology that is—

(A) either active or passive;

(B) employed by the Armed Forces; or

(C) being assessed or employed by other countries.

(6) An assessment of alternate technological approaches to address such threat, including ground-based systems.

(7) A discussion of issues related to any contractor liability associated with the installation or use of technology or systems on commercial aircraft to address such threat.

(8) A description of the strategies that the Secretary may employ to acquire any technology or systems selected for use on commercial aircraft at the conclusion of phase II of the counter-MANPADS development and demonstration program, including—

(A) a schedule for purchasing and installing such technology or systems on commercial aircraft; and

(B) a description of—

(i) the priority in which commercial aircraft will be equipped with such technology or systems;

(ii) any efforts to coordinate the schedules for installing such technology or system with private airlines;

(iii) any efforts to ensure that aircraft manufacturers integrate such technology or systems into new aircraft; and

(iv) the cost to operate and support such technology or systems on a commercial aircraft.

(9) A description of the plan to expedite the use of technology or systems on commercial aircraft to address the threat posed by MANPADS if intelligence or events indicate that the schedule for the use of such technology or systems, including the schedule for carrying out development and demonstration programs by the Secretary, should be expedited.

(10) A description of the efforts of the Secretary to survey and identify the areas at domestic and foreign airports where commercial aircraft are most vulnerable to attack by MANPADS.

(11) A description of the cooperation between the Secretary and the Administrator of the Federal Aviation Administration to certify the airworthiness and safety of technology and systems to protect commercial aircraft from the risk posed by MANPADS in an expeditious manner.

(c) The report required by subsection (a) shall be transmitted to Congress along with the budget for fiscal year 2006 submitted by the President pursuant to section 1105(a) of title 31, United States Code.

SEC. 531. None of the funds available in this Act shall be available to maintain the United States Secret Service as anything but a distinct entity within the Department of Homeland Security and shall not be used to merge the United States Secret Service with any other department function, cause any personnel and operational elements of the United States Secret Service to report to an individual other than the Director of the United States Secret Service, or cause the Director to report directly to any individual other than the Secretary of Homeland Security.

SEC. 532. DATA-MINING REPORT. (a) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term ''data-mining'' means a query or search or other analysis of 1 or more electronic databases, where—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government;

(B) the search does not use a specific individual's personal identifiers to acquire information concerning that individual; and

(C) a department or agency of the Federal Government or a non-Federal entity acting on behalf of the Federal Government is conducting the query or search or other analysis to find a pattern indicating terrorist, criminal, or other law enforcement related activity.

(2) DATABASE.—The term ''database'' does not include telephone directories, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(b) REPORTS ON DATA-MINING ACTIVITIES.—

(1) REQUIREMENT FOR REPORT.—The head of each agency in the Department of Homeland Security or the privacy officer, if applicable, that is engaged in any activity to use or develop data-mining technology shall each submit a public report to Congress on all such activities of the agency under the jurisdiction of that official.

(2) CONTENT OF REPORT.—A report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology, the plans for the use of such technology, the data that will be used, and the target dates for the deployment of the data-mining technology.

(B) An assessment of the likely impact of the implementation of the data-mining technology on privacy and civil liberties.

(C) A thorough discussion of the policies, procedures, and guidelines that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected and used.

(D) Any necessary classified information in an annex that shall be available to the Committee on Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be submitted not later than 90 days after the end of fiscal year 2005.

SEC. 533. (a) Of any funds previously made available to the Federal Emergency Management Agency in response to the September 11, 2001, attacks in New York City, not less than $4,450,000 shall be provided, subject to the request of the Governor of New York, to those mental health counseling service entities that have historically provided mental health counseling through Project Liberty to personnel of the New York City Police Department, the New York City Fire Department, and other emergency services agencies, to continue such counseling.

SEC. 534. SENSE OF THE SENATE CONCERNING THE AMERICAN RED CROSS AND CRITICAL BIOMEDICAL SYSTEMS. (a) FINDINGS.—The Senate finds that—

(1) the blood supply is a vital public health resource that must be readily available at all times, particularly in response to terrorist attacks and natural disasters;

(2) the provision of blood is an essential part of the critical infrastructure of the United States and must be protected from threats of terrorism;

(3) disruption of the blood supply or the compromising of its integrity could have wide-ranging implications on the ability of the United States to react in a crisis; and

(4) the need exists to ensure that blood collection facilities maintain adequate inventories to prepare for disasters at all times in all locations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Homeland Security's Information Analysis and Infrastructure Protection should consult with the American Red Cross to—

(1) identify critical assets and interdependencies;

(2) perform vulnerability assessments; and

(3) identify necessary resources to implement protective measures to ensure continuity of operations and security of information technology systems for blood and blood products.

SEC. 535. It is the sense of the Senate that—

(1) the Director of the Office for State and Local Government Coordination and Preparedness be given limited authority to approve requests from the senior official responsible for emergency preparedness and response in each State to reprogram funds appropriated for the State Homeland Security Grant Program of the Office for State and Local Government Coordination and Preparedness to address specific security requirements that are based on credible threat assessments, particularly threats that

arise after the State has submitted an application describing its intended use of such grant funds;

(2) for each State, the amount of funds reprogrammed under this section should not exceed 10 percent of the total annual allocation for such State under the State Homeland Security Grant Program; and

(3) before reprogramming funds under this section, a State official described in paragraph (1) should consult with relevant local officials.

SEC. 536. DISASTER ASSISTANCE EMPLOYEE CADRES OF EMERGENCY PREPAREDNESS AND RESPONSE DIRECTORATE.

(a) IN GENERAL.—The Secretary of Homeland Security is encouraged to place special emphasis on the recruitment of American Indians, Alaska Natives, and Native Hawaiians for positions within Disaster Assistance Employee cadres maintained by the Emergency Preparedness and Response Directorate.

(b) REPORT.—The Secretary of Homeland Security shall report periodically to the Senate and the House of Representatives with respect to—

(1) the representation of American Indians, Alaska Natives, and Native Hawaiians in the Disaster Assistance Employee cadres; and

(2) the efforts of the Secretary of Homeland Security to increase the representation of such individuals in the cadres.

SEC. 537. Sections 702 and 703 of the Homeland Security Act of 2002 (6 U.S.C. 342 and 343) are amended by striking '', or to another official of the Department, as the Secretary may direct'' each place it appears.

SEC. 538. Section 208(a) of Public Law 108–137; 117 Stat. 1849 is amended by striking ''current'' and inserting ''2005''.

SEC. 539. LIAISON FOR DISASTER EMERGENCIES. (a) DEPLOYMENT OF DISASTER LIAISON.—If requested by the Governor or the appropriate State agency of the affected State, the Secretary of Agriculture may deploy disaster liaisons to State and local Department of Agriculture Service Centers in a federally declared disaster area whenever Federal Emergency Management Agency Personnel are deployed in that area, to coordinate Department programs with the appropriate disaster agencies designated under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) QUALIFICATIONS.—A disaster liaison shall be selected from among Department employees who have experience providing emergency disaster relief in federally declared disaster areas.

(c) DUTIES.—A disaster liaison shall—

(1) serve as a liaison to State and Federal Emergency Services;

(2) be deployed to a federally declared disaster area to coordinate Department interagency programs in assistance to agricultural producers in the declared disaster area;

(3) facilitate the claims and applications of agricultural producers who are victims of the disaster that are forwarded to the Department by the appropriate State Department of Agriculture agency director; and

(4) coordinate with the Director of the State office of the appropriate Department agency to assist with the application for and distribution of economic assistance.

(d) DURATION OF DEPLOYMENT.—The deployment of a disaster liaison under subsection (a) may not exceed 30 days.

(e) DEFINITION.—In this section, the term ''federally declared disaster area'' means—

(1) an area covered by a Presidential declaration of major disaster, including a disaster caused by a wildfire, issued under section 301 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); or

(2) determined to be a disaster area, including a disaster caused by a wildfire, by the Secretary under subpart A of part 1945 of title 7, Code of Federal Regulations.

TITLE VI—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. 501. CROP DISASTER ASSISTANCE. (a) DEFINITIONS.—In this section:

(1) ADDITIONAL COVERAGE.—The term ''additional coverage'' has the meaning given the term in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)).

(2) INSURABLE COMMODITY.—The term ''insurable commodity'' means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(3) NONINSURABLE COMMODITY.—The term ''noninsurable commodity'' means an eligible crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(b) EMERGENCY FINANCIAL ASSISTANCE.—Notwithstanding section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary of Agriculture (referred to in this title as the ''Secretary'') shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying crop or quality losses for the 2003 or 2004 crop (as elected by a producer), but not both, due to damaging weather or related condition, as determined by the Secretary.

(c) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

(d) REDUCTION IN PAYMENTS.—The amount of assistance that a producer would otherwise receive for a qualifying crop or quality loss under this section shall be reduced by the amount of assistance that the producer receives under the crop loss assistance program announced by the Secretary on August 27, 2004.

(e) INELIGIBILITY FOR ASSISTANCE.—Except as provided in subsection (f), the producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses; and

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses.

(f) CONTRACT WAIVER.—The Secretary may waive subsection (e) with respect to the producers on a farm if the producers enter into a contract with the Secretary under which the producers agree—

(1) in the case of an insurable commodity, to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) providing additional coverage for the insurable commodity for each of the next 2 crops; and

(2) in the case of a noninsurable commodity, to file the required paperwork and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity for each of the next 2 crops under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(g) EFFECT OF VIOLATION.—In the event of the violation of a contract under subsection (f) by a producer, the producer shall reimburse the Secretary for the full amount of the assistance provided to the producer under this section.

SEC. 502. LIVESTOCK ASSISTANCE PROGRAM. (a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2003 or 2004 losses (as elected by a producer), but not both, in a county that has received an emergency designation by the President or the Secretary after January 1, 2003, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(c) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock assistance program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

SEC. 503. TREE ASSISTANCE PROGRAM. The Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance under the tree assistance program established under subtitle C of title X of the Farm Security and Rural Investment Act of 2002 to producers who suffered tree losses during the winter of 2003 through 2004.

SEC. 504. COMMODITY CREDIT CORPORATION. The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

SEC. 505. REGULATIONS. (a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 506. EMERGENCY DESIGNATION. Amounts appropriated or otherwise made available in this title are each designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1014).

This Act may be cited as the ''Department of Homeland Security Appropriations Act, 2005''.

CALLING FOR THE SUSPENSION OF SUDAN'S MEMBERSHIP ON THE U.N. COMMISSION ON HUMAN RIGHTS

Mr. FRIST. Mr. President, in a few minutes, I will be propounding a number of unanimous consent requests and

completing business for the day. One of the unanimous consent requests I will propound shortly has to do with one of the most significant humanitarian crises of recent years—and most people would say it is the most dramatic humanitarian global crisis of today—the atrocities that are occurring in Sudan, in the Darfur region of Sudan, which is a region in western Sudan which is about the size of France.

Sudan is a huge country, and this whole Darfur region since a year before last February has been the geographic location where 30,000 to 50,000 people have died, with another 1.4 million and maybe as high as 1.7 million people displaced from their homes—action that we condemned on the floor of the Senate, and the House did likewise, at the end of July before our recess, and designating in the most dramatic terms that this is genocide.

Unfortunately, not a lot has happened on the ground that is constructive since that point in time. Thirty days passed and a United Nations determination on what was going on didn't have very much teeth to it, and the Government in Khartoum of Sudan simply hasn't responded. Thus these atrocities—the rape, the pillaging, the murder, the total destruction of the villages—have continued. It is important that the United Nations continue to act and address this issue. It is also important, since the United Nations has not really acted, that we in the United States lead with clarity, boldness, and, I would say, moral clarity.

The resolution we will be addressing shortly takes that next step for what we in this legislative body can do. The resolution calls upon the Secretary of State to take action to push for the immediate suspension of Sudan's membership on the United Nations Commission on Human Rights. A government that is engaged in committing genocide should simply not have a seat on the Commission on Human Rights.

Since the initial resolution we passed in July designating this as genocide, I have had the opportunity to go to Sudan once again, which I do at least once a year as part of the medical mission work I do. But this time I had the opportunity to go to the country of Chad, which is just west of the Darfur region of Sudan where we have had thousands and thousands of people flee to escape the Janjaweed, the militia that is being funded by the Government of Khartoum.

In these refugee camps—Tulum is one I immediately think of where 15,000 people fled—the stories you hear would be a woman who says: Last month, I was there with my three little kids, and my husband was in the fields working, and the Janjaweed military in uniform came and destroyed our entire village. My two children, I don't know where they are. I assume they have been killed. Here is one child with me. My husband is dead, and I have no home and nowhere to go, so I am in the refugee camp.

That is going on. After 1,200 interviews that have occurred over the last month, the Secretary of State this past week in a Foreign Relations hearing said: Yes. Based on our findings independent of what Congress decided, this is genocide.

What we don't have yet is a determination by the United Nations because there are countries such as China and Russia and Pakistan and others that sit on the Security Council. Basically they have not yet made a determination. Meanwhile people continue to die. The atrocities continue. Thus, this body today in this resolution will take action to push for the immediate suspension of Sudan's membership on the United Nations Commission on Human Rights.

The Senate resolution further states that the United Nations should immediately move to determine whether genocide has been conducted in Darfur, and if it has, that the Secretary of State should push for Sudan's removal from the United Nations Commission on Human Rights. A government, as I said, engaged in genocide should not have a seat on this Commission. It makes a mockery of the Human Rights Commission. This is an affront to all responsible countries that embrace and promote human rights.

The 1948 Genocide Convention calls on state parties to punish genocide—those are the words it uses—when it occurs. The United States is party to this 1948 Convention on Genocide and so is Sudan. The United States has taken a number of actions to provide relief to the people of Sudan. We have introduced resolutions to the U.N. condemning Khartoum's actions. We have taken a number of actions. The United States has already placed comprehensive sanctions on Sudan for its actions as a state sponsor of terrorism.

What we are doing today is pushing to suspend Sudan from the Human Rights Commission, which is consistent with our obligations under that Genocide Convention. It makes sense. It is the right thing to do. I hope the House of Representatives will take up this resolution quickly and pass it forthwith. I also hope in the meantime, Secretary Powell will listen to the will and intent of the Congress and begin taking appropriate action. If we are going to preserve the credibility of the United Nations and its separate commissions, if we are going to advance the causes of human rights, if we are going to protect oppressed peoples around the globe, and especially in Darfur, then the U.N. must take more aggressive action.

I turn to the resolution and ask unanimous consent the Senate proceed to the immediate consideration of S. Con. Res. 137, which was submitted earlier today by Senators FRIST and DASCHLE.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 137) calling for the suspension of Sudan's membership on the United Nation's Commission on Human Rights.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DASCHLE. Mr. President, I am pleased to have joined Senator FRIST in the submission of S. Con. Res. 137.

It is a shame, really, that we need to be here on the floor again to discuss Sudan. Yet we were confronted again this morning with even more troubling and disconcerting news about the Darfur region of Sudan. According to this morning's newspapers, the United Nations has concluded that between 6,000 and 10,000 people are dying from disease and violence each month in Sudan's Darfur region.

What is worse is that the United Nations—like the United States—has concluded that each and every one of these deaths is entirely preventable.

Unfortunately, however, the Sudanese government continues to support marauding militias that not only murder people whose only offense is to be of a different ethnicity, but those militias continue to hinder efforts to respond to one of Africa's worst humanitarian crises.

This resolution also calls attention to a separate tragedy: That Sudan was granted a seat on the United Nations Human Rights Commission. It won that seat at a time when its tolerance and even support for militias in Darfur was widely known. Unfortunately, not only did no one in the Arab world object to Sudan taking this seat, neither did the administration use its clout at the United Nations to stop this.

This resolution says very clearly that a government that appears to be tolerating genocide has no business serving on the UN Human Rights Commission.

I also want to take a minute to discuss an additional effort on Sudan that Senators LEAHY, MCCONNELL, FRIST and I were able to work out this morning.

We all recognize that we will soon face mounting costs to ease the suffering caused by this humanitarian disaster in Darfur. As such, we were able to come to a straightforward, commonsense agreement that the President and Secretary of State should re-direct $150 million in unused reconstruction money from Iraq to Darfur and for the African Union forces that are attempting to stabilize the situation there.

Let me be clear: This is not money for our troops in Iraq, but is unused reconstruction money. This is the right thing to do, and I commend my colleagues for their efforts to make sure it happens.

Mr. FRIST. I ask that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 137) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 137

Whereas, in Darfur, Sudan, more than 30,000 innocent civilians have been murdered, more than 400 villages have been destroyed, more than 130,000 men, women, and children have been forced from their villages into neighboring countries, and more than 1,000,000 people have been internally displaced;

Whereas the United States Government has been, and remains as of September 2004, the largest contributor of assistance to the people of Darfur, having provided over $200,000,000 in assistance, which constitutes more than 70 percent of the total assistance provided to that region;

Whereas the United States has pledged $299,000,000 in humanitarian aid to Darfur through fiscal year 2005, as well as $11,800,000 in support of the African Union mission in that region, and is likely to provide support in excess of those pledges;

Whereas United States citizens and private organizations, as well as the United States Government, have admirably worked, at great risk and through great effort, to ease suffering in Darfur, Sudan, and in eastern Chad;

Whereas, based on credible reports, Congress determined in late July 2004 that acts of genocide were occurring in Darfur, Sudan, and that the Government of Sudan bears direct responsibility for many of those acts of genocide;

Whereas, expressing its grave concern at the ongoing humanitarian crisis and widespread human rights violations in Darfur, including continued attacks on civilians that place thousands of lives at risk, the United Nations Security Council on July 30, 2004, unanimously adopted Security Council Resolution 1556, which called upon the Government of Sudan to fulfill immediately its obligations to facilitate humanitarian relief efforts, to take steps to disarm immediately the Janjaweed militias responsible for attacks on civilians and bring the perpetrators of such attacks to justice, and to cooperate with independent United Nations-sponsored investigations of human rights violations;

Whereas the Government of Sudan has failed to take credible steps to comply with the demands of the international community as expressed through the United Nations Security Council;

Whereas, according to press reports, reports from nongovernmental organizations, first-hand accounts from refugees, and other sources, the Janjaweed attacks on the civilians of Darfur continue unabated as of September 2004;

Whereas there are credible reports from some of these same sources that the Government of Sudan is providing assistance to the Janjaweed militias and, in some cases, that Government of Sudan forces have participated directly in attacks on civilians;

Whereas the United States Government, after conducting more than 1,000 interviews with survivors and refugees, has determined that genocide has occurred in Darfur, that it may still be occurring, and that both the Janjaweed and the Government of Sudan bear responsibility for these acts;

Whereas the Secretary of State has determined that the attacks by the Government of Sudan and the Janjaweed on the non-Arab people of Darfur and their villages are based on race, not religion;

Whereas the United States has recently introduced a new resolution in the United Nations Security Council that calls for the Government of Sudan to cooperate fully with an expanded African Union force and for a cessation of Sudanese military flights over Darfur;

Whereas the introduced resolution also provides for international overflights of the Darfur region to monitor the situation on the ground and requires the United Nations Security Council to review the record of compliance of the Government of Sudan to determine whether the United Nations should impose sanctions on Sudan, including sanctions affecting the petroleum sector in that country;

Whereas the resolution also urges the Government of Sudan and the Sudanese People's Liberation Movement to conclude negotiations on a comprehensive peace accord and, most important, calls for a United Nations investigation into all violations of international humanitarian law and human rights law that have occurred in Darfur in order to ensure accountability;

Whereas the United Nations Security Council, in United Nations Security Council Resolution 1556, emphasized that the Government of Sudan bears primary responsibility for respecting human rights and protecting the people of Sudan;

Whereas United Nations Security Council Resolution 1556 calls upon the Government of Sudan to cooperate with the United Nations;

Whereas the United Nations Human Rights Commission, established in 1946 and given the responsibility of drafting the Universal Declaration of Human Rights, is responsible for promoting respect for and observance of, human rights and fundamental freedoms for all;

Whereas the Universal Declaration of Human Rights declares that all human beings are born free and equal in dignity and rights, that everyone is entitled to all the rights and freedoms set forth in the Declaration regardless of race, color, sex, language, religion, political or other opinion, or national or social origin, property, birth, or other status that everyone has the right to life, liberty and security of person, that no one shall be held in slavery or servitude, and that no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment;

Whereas the Convention on the Prevention and Punishment of Genocide, done at Paris on December 9, 1948 (hereafter in this resolution referred to as the ''Genocide Convention''), delineates the criteria that constitute genocide and requires parties to prevent and punish genocide;

Whereas Sudan is a state party to the Genocide Convention and remains a member of the United Nations Commission on Human Rights;

Whereas the Secretary of State determined that, according to United States law, the Government of Sudan is a state sponsor of terrorism and has been since 1993 and therefore remains ineligible for U.S. foreign assistance;

Whereas, due to the human rights situation in Darfur, it would be consistent with United States obligations under the Genocide Convention for the Secretary of State and the United States Permanent Representative to the United Nations to seek the immediate suspension of Sudan from the United Nations Commission on Human Rights and, in the event a formal investigation results in a determination by the UN that genocide has occurred in Darfur, the ultimate removal of Sudan from such Commission; and

Whereas it is a mockery of human rights as a universal principle, a challenge to the United Nations as an institution, and an affront to all responsible countries that embrace and promote human rights that a government under investigation by the United Nations for committing genocide against, and violating the human rights of, its own citizens sits in judgment of others as a member in good standing of the United Nations Commission on Human Rights: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes and approves of the findings of the Secretary of State that genocide has occurred and may still be occurring in Darfur, Sudan, and that the Government of Sudan bears responsibility for such acts;

(2) supports the Secretary of State's call for a full and unfettered investigation by the United Nations into all violations of international humanitarian law and human rights law that have occurred in Darfur, with a view to ensuring accountability;

(3) supports the resolution introduced by the United States Government in the United Nations Security Council on September 9, 2004, with regard to the situation in Darfur;

(4) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take immediate steps to pursue the establishment of a formal United Nations investigation, under Article VIII of the Genocide Convention to determine whether the actions of the Government of Sudan in Darfur constitute acts of genocide;

(5) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take immediate steps to pursue the immediate suspension of Sudan from the United Nations Commission on Human Rights;

(6) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take further steps to ensure that the suspension of Sudan from the United Nations Commission on Human Rights remains in effect unless and until the Government of Sudan meets all of its obligations, as determined by the United Nations Security Council, under United Nations Security Council Resolution 1556 of July 30, 2004, and any subsequent United Nations Security Council resolutions regarding this matter;

(7) calls upon the Secretary of State and the United States Permanent Representative to the United Nations to take steps to ensure that, in the event that the formal investigation of acts of genocide in Sudan results in a determination by the UN that genocide has occurred or is occurring in Darfur, the United States Government takes appropriate actions to ensure that Sudan is removed from the United Nations Human Rights Commission;

(8) calls upon the member states of the United Nations Commission on Human Rights to convene an immediate special session to consider the urgent and acute human rights situation in Sudan for the purpose of considering whether Sudan should be suspended from membership in such Commission; and

(9) expects the Secretary of State to report to Congress on progress made toward taking the actions and accomplishing the objectives outlined in this resolution not later than 60 days after the date on which Congress agrees to the resolution.

UNANIMOUS CONSENT AGREEMENT—S. 2666

Mr. FRIST. Mr. President, I ask on Tuesday, September 21, at a time to be determined by the majority leader in consultation with the Democratic leader, the Senate proceed to the consideration of Calendar No. 635, S. 2666, the Legislative Branch appropriations bill; that the four managers' amendments at the desk be agreed to, and no other amendments be in order. I further ask that there be 1 hour of debate yielded back of the time, and the bill, as amended, be read the third time and returned to the Senate calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I further ask that the Appropriations Committee then be discharged from further consideration and the Senate proceed to the consideration of H.R. 4755, the House-passed Legislative Branch appropriations bill, that the text of the bill relating solely to the House remain; that all other text be stricken, and the text of the Senate bill, as amended, be inserted, and the Senate then proceed to a vote on H.R. 4755, as amended, all without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I further ask upon passage of the bill the bill be held at the desk as if a House message.

Mr. REID. Mr. President, I think the work that we did this past several days on the Homeland Security appropriations bill should set the tone and the direction that we can take the next few weeks to complete any number of appropriations bills. If we continue with the same bipartisan spirit that we have had before—I know we have had a lot of extraneous matters, just dealing with the matters dealing with the appropriations bills as we started the Homeland Security appropriations bill with more than 200 amendments. We were able to work through those. I don't know how many votes we had, but we had a lot of votes. I would hope that next week we can make some serious progress on some of these appropriations bills before we get into the last 2 weeks of being here when we have to deal with the September 11 report and other such matters. We have the right to pat ourselves on the back for the work we have done the last few days in the Senate relating to this appropriations process.

The PRESIDING OFFICER. Without objection, the request is agreed to.

Mr. REID. And I say this, too: Senator BYRD and Senator STEVENS did some good work in allowing Members to get to this work, along with you and Senator DASCHLE, so the whole body should be favorably inclined. This has been hard work. We read off a few words, but it is easier to read them than what it took to write this down. I personally appreciate the work of the two leaders of the Appropriations Committee and the Democratic and Republican leaders in their work.

Mr. FRIST. Mr. President, that same spirit is what we plan to continue to address in this appropriations bill, and we will continue to address in other appropriations bills as they become available.

FEDERAL TRADE COMMISSION REAUTHORIZATION ACT OF 2003

Mr. FRIST. I ask that the Senate now proceed to the immediate consideration of Calendar 251, S. 1234.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1234) to reauthorize the Federal Trade Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1234

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Federal Trade Commission Reauthorization Act of 2003''.

[TITLE I—REAUTHORIZATION

[SEC. 101. REAUTHORIZATION.

[The text of section 25 of the Federal Trade Commission Act (15 U.S.C. 57c) is amended to read as follows:

[''There are authorized to be appropriated to carry out the functions, powers, and duties of the Commission not to exceed $194,742,000 for fiscal year 2004, $224,695,000 for fiscal year 2005, and $235,457,000 for fiscal year 2006.''.

[SEC. 102. AUTHORITY TO ACCEPT REIMBURSEMENTS, GIFTS, AND VOLUNTARY AND UNCOMPENSATED SERVICES.

[The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended—

[(1) by redesignating section 26 as section 28; and

[(2) by inserting after section 25 the following:

[''SEC. 26. REIMBURSEMENT OF EXPENSES.

[''The Commission may accept payment or reimbursement, in cash or in kind, from a domestic or foreign law enforcement authority, or payment or reimbursement made on behalf of such authority, for expenses incurred by the Commission, its members, or employees in carrying out any activity pursuant to a statute administered by the Commission without regard to any other provision of law. Any such payments or reimbursements shall be considered a reimbursement to the appropriated funds of the Commission.

[''SEC. 27. GIFTS AND VOLUNTARY AND UNCOMPENSATED SERVICES.

[''(a) IN GENERAL.—In furtherance of its functions the Commission may accept, hold, administer, and use unconditional gifts, donations, and bequests of real, personal, and other property and, notwithstanding section 1342 of title 31, United States Code, accept voluntary and uncompensated services.

[''(b) LIMITATIONS.—

[''(1) CONFLICTS OF INTEREST.—Notwithstanding subsection (a), the Commission may not accept, hold, administer, or use a gift, donation, or bequest if the acceptance, holding, administration, or use would create a conflict of interest or the appearance of a conflict of interest.

[''(2) VOLUNTARY SERVICES.—A person who provides voluntary and uncompensated service under subsection (a) shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, (relating to compensation for injury) and section 2671 through 2680 of title 28, United States Code, (relating to tort claims).''.

[TITLE II—INTERNATIONAL CONSUMER PROTECTION

[SEC. 201. FINDINGS.

[The Congress finds the following:

[(1) The Federal Trade Commission protects consumers from fraud and deception. Cross-border fraud and deception are growing international problems that affect American consumers and businesses.

[(2) The development of the Internet and improvements in telecommunications technologies have brought significant benefits to consumers. At the same time, they have also provided unprecedented opportunities for those engaged in fraud and deception to establish operations in one country and victimize a large number of consumers in other countries.

[(3) An increasing number of consumer complaints collected in the Consumer Sentinel database maintained by the Commission, and an increasing number of cases brought by the Commission, involve foreign consumers, foreign businesses or individuals, or assets or evidence located outside the United States.

[(4) The Commission has legal authority to remedy law violations involving domestic and foreign wrongdoers, pursuant to the Federal Trade Commission Act. The Commission's ability to obtain effective relief using this authority, however, may face practical impediments when wrongdoers, victims, other witnesses, documents, money and third parties involved in the transaction are widely dispersed in many different jurisdictions. Such circumstances make it difficult for the Commission to gather all the information necessary to detect injurious practices, to recover offshore assets for consumer redress, and to reach conduct occurring outside the United States that affects United States consumers.

[(5) Improving the ability of the Commission and its foreign counterparts to share information about cross-border fraud and deception, to conduct joint and parallel investigations, and to assist each other is critical to achieve more timely and effective enforcement in cross-border cases.

[(6) Consequently, Congress should enact legislation to provide the Commission with more tools to protect consumers across borders.

[SEC. 202. FOREIGN LAW ENFORCEMENT AGENCY DEFINED.

[Section 4 of the Federal Trade Commission Act (15 U.S.C. 44) is amended by adding at the end the following:

[''Foreign law enforcement agency' means—

[''(1) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters;

[''(2) any multinational organization, to the extent that it is acting on behalf of an entity described in paragraph (1); or

[''(3) any organization that is vested with authority, as a principal mission, to enforce

laws against fraudulent, deceptive, misleading, or unfair commercial practices affecting consumers, in accordance with criteria laid down by law, by a foreign state or a political subdivision of a foreign state.''.

[SEC. 203. SHARING INFORMATION WITH FOREIGN LAW ENFORCEMENT AGENCIES.

[(a) IN GENERAL.—Section 21(b)(6) of the Federal Trade Commission Act (15 U.S.C. 57b–2(b)(6)) is amended by adding at the end ''The custodian may make such material available to any foreign law enforcement agency upon the prior certification of any officer of any such foreign law enforcement agency that such material will be maintained in confidence and will be used only for official law enforcement purposes, provided that the foreign law enforcement agency has set forth a legal basis for its authority to maintain the material in confidence. Nothing in the preceding sentence authorizes disclosure of material obtained in connection with the administration of Federal antitrust laws or foreign antitrust laws (within the meaning of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211)) to any officer or employee of a foreign law enforcement agency.''.

[(b) PUBLICATION OF INFORMATION; REPORTS.—Section 6(f) of the Federal Trade Commission Act (15 U.S.C. 46(f)) is amended—

[(1) by striking ''agencies or to any officer or employee of any State law enforcement agency'' and inserting ''agencies, to any officer or employee of any State law enforcement agency, or to any officer or employee of any foreign law enforcement agency'';

[(2) by striking ''Federal or State law enforcement agency'' and inserting ''Federal, State, or foreign law enforcement agency''; and

[(3) by adding at the end ''Such information shall be disclosed to an officer or employee of a foreign law enforcement agency only if the foreign law enforcement agency has set forth a legal basis for its authority to maintain the information in confidence. Nothing in the preceding sentence authorizes the disclosure of material obtained in connection with the administration of Federal antitrust laws or foreign antitrust laws (within the meaning of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211)) to any officer or employee of a foreign law enforcement agency.''.

[SEC. 204. OBTAINING INFORMATION FOR FOREIGN LAW ENFORCEMENT AGENCIES.

[Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended by adding at the end the following:

[''(j)(1) Upon request from a foreign law enforcement agency, to provide assistance in accordance with this subsection if the requesting agency states that it is investigating, or engaging in enforcement proceedings against, possible violations of laws prohibiting fraudulent, deceptive, misleading, or unfair commercial conduct, or other conduct that may be similar to conduct prohibited by any provision of the laws administered by the Commission, other than Federal antitrust laws (within the meaning of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211)), the Commission may, in its discretion—

[''(A) conduct such investigation as the Commission deems necessary to collect information and evidence pertinent to the request for assistance, using all investigative powers authorized by this Act; and

[''(B) seek and accept appointment by a United States district court of Commission attorneys to provide assistance to foreign and international tribunals and to litigants before such tribunals on behalf of a foreign law enforcement agency pursuant to section 1782 of title 28, United States Code.

[''(2) The Commission may provide assistance under paragraph (1) without regard to whether the conduct identified in the request would also constitute a violation of the laws of the United States.

[''(3) In deciding whether to provide such assistance, the Commission shall consider—

[''(A) whether the requesting agency has agreed to provide or will provide reciprocal assistance to the Commission; and

[''(B) whether compliance with the request would prejudice the public interest of the United States.

[''(4) If a foreign law enforcement agency has set forth a legal basis for requiring execution of an international agreement as a condition for reciprocal assistance, or as a condition for disclosure of materials or information to the Commission, the Commission, after consultation with the Secretary of State, may negotiate and conclude an international agreement, in the name of either the United States or the Commission and with the final approval of the agreement by the Secretary of State, for the purpose of obtaining such assistance or disclosure. The Commission may undertake in such an international agreement—

[''(A) to provide assistance using the powers set forth in this subsection;

[''(B) to disclose materials and information in accordance with subsection (f) of this section and section 21(b)(6) of this Act; and

[''(C) to engage in further cooperation, and protect materials and information received from disclosure, as authorized by this Act.

[''(5) The authority in this subsection is in addition to, and not in lieu of, any other authority vested in the Commission or any other officer of the United States.''.

[SEC. 205. INFORMATION SUPPLIED BY AND ABOUT FOREIGN SOURCES.

[Section 21(f) of the Federal Trade Commission Act (15 U.S.C. 57b–2(f)) is amended—

[(1) by inserting ''(1)'' before ''Any''; and adding at the end the following:

[''(2)(A) Except as provided in subparagraph (C) of this paragraph, the Commission shall not be compelled to disclose—

[''(i) material obtained from a foreign law enforcement agency or other foreign government agency, if the foreign law enforcement agency or other foreign government agency has requested confidential treatment as a condition of disclosing the material;

[''(ii) material reflecting consumer complaints obtained from any other foreign source, if that foreign source supplying the material has requested confidential treatment as a condition of disclosing the material; or

[''(iii) material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign law enforcement agencies or other foreign government agencies.

[''(B) For purposes of section 552 of title 5, this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section 552.

[''(C) Nothing in this paragraph shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.''.

[SEC. 206. CONFIDENTIALITY AND DELAYED NOTICE OF PROCESS.

[(a) The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 21 (15 U.S.C. 57b–2) the following:

[''SEC. 21A. CONFIDENTIALITY AND DELAYED NOTICE OF COMPULSORY PROCESS FOR CERTAIN THIRD PARTIES.

[''(a) CONFIDENTIALITY OF COMPULSORY PROCESS ISSUED BY THE COMMISSION.—

[''(1) This subsection shall apply only in connection with compulsory process issued by the Commission where the recipient of such process is not a subject of the investigation or proceeding at the time such process is issued.

[''(2) Notwithstanding any law or regulation of the United States, any constitution, law or regulation of any State or political subdivision of any State or any Territory or the District of Columbia, or any contract or other legally enforceable agreement, the Commission may seek an order requiring the recipient of compulsory process described in paragraph (1) to keep such process confidential, upon an ex parte showing to an appropriate United States district court that there is a reason to believe that disclosure may—

[''(A) result in the transfer of assets or records outside the territorial limits of the United States;

[''(B) impede the ability of the Commission to identify or trace funds;

[''(C) endanger the life or physical safety of an individual;

[''(D) result in flight from prosecution;

[''(E) result in destruction of or tampering with evidence;

[''(F) result in intimidation of potential witnesses;

[''(G) result in the dissipation or concealment of assets; or

[''(H) otherwise seriously jeopardize an investigation or unduly delay a trial.

[''(3) Upon a showing described in paragraph (2), the presiding judge or magistrate judge shall enter an ex parte order prohibiting the recipient of process from disclosing that information has been submitted or that a request for information has been made, for such period as the court deems appropriate.

[''(b) MATERIALS SUBJECT TO GOVERNMENT NOTIFICATION UNDER THE RIGHT TO FINANCIAL PRIVACY ACT.—

[''(1) When section 1105 or 1107 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3405 or 3407) would otherwise require notice, notwithstanding such requirements, the Commission may obtain from a financial institution access to or copies of financial records of a customer, as these terms are defined in section 1101 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401), through compulsory process described in subsection (a)(1) or through a judicial subpoena, without prior notice to the customer, upon an ex parte showing to an appropriate United States district court that there is reason to believe that the required notice may cause an adverse result described in subsection (a)(2).

[''(2) Upon such showing, the presiding judge or magistrate judge shall enter an ex parte order granting a delay of notice for a period not to exceed 90 days and an order prohibiting the financial institution from disclosing that records have been submitted or that a request for records has been made.

[''(3) The court may grant extensions of the period of delay of notice provided in paragraph (2) of up to 90 days, upon a showing that the requirements for delayed notice under subsection (a)(2) continue to apply.

[''(4) Upon expiration of the periods of delay of notice ordered under paragraphs (2) and (3), the Commission shall serve upon, or deliver by registered or first-class mail, or as otherwise authorized by the court to, the customer a copy of the process together with notice that states with reasonable specificity the nature of the law enforcement inquiry, informs the customer or subscriber when the

process was served, and states that notification of the process was delayed under this subsection.

[''(c) MATERIALS SUBJECT TO GOVERNMENT NOTIFICATION UNDER THE ELECTRONIC COMMUNICATIONS PRIVACY ACT.—

[''(1) When section 2703(b)(1)(B) of title 18 would otherwise require notice, notwithstanding such requirements, the Commission may obtain, through compulsory process described in subsection (a)(1) or through judicial subpoena,

[''(A) from a provider of remote computing services, access to or copies of the contents of a wire or electronic communication described in section 2703(b)(1) of title 18, and as those terms are defined in section 2510 of title 18, or

[''(B) from a provider of electronic communications services, access to or copies of the contents of a wire or electronic communication that has been in electronic storage in an electronic communications system for more than 180 days, as those terms are defined in section 2510 of title 18,

[without prior notice to the customer or subscriber, upon an ex parte showing to an appropriate United States district court by a Commission official that there is reason to believe that notification of the existence of the process may cause an adverse result described in subsection (a)(2). Upon such a showing, the presiding judge or magistrate judge shall issue an exparte order granting a delay of notice for a period not to exceed 90 days. A court may grant extensions of the period of delay of notice of up to 90 days, upon application by the Commission and a showing that the requirements for delayed notice under subsection (b)(2) continue to apply.

[''(2) The Commission may apply to a court for an order prohibiting a provider of electronic communications service or remote computing service to whom process has been issued under this subsection, for such period as the court deems appropriate, from disclosing that information has been submitted or that a request for information has been made. The court shall enter such an order if it has reason to believe that such disclosure may cause an adverse result described in subsection (b)(2).

[''(3) Upon expiration of the periods of delay of notice ordered under subparagraph (1), the Commission shall serve upon, or deliver by registered or first-class mail, or as otherwise authorized by the court to, the customer or subscriber a copy of the process together with notice that states with reasonable specificity the nature of the law enforcement inquiry, informs the customer or subscriber when the process was served, and states that notification of the process was delayed under this subsection.

[''(4) Nothing in the Electronic Communications Privacy Act shall prohibit a provider of electronic communications services or remote computing services from disclosing complaints received by it from a customer or subscriber or information reflecting such complaints to the Commission.

[''(d) LIABILITY LIMITATION.—The recipient of compulsory process under subsections (a), (b), or (c) shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State or any Territory or the District of Columbia, or under any contract or other legally enforceable agreement, for failure to provide notice that such process has been issued or that the recipient has provided information in response to such process. The preceding sentence does not provide any exemption from liability for the underlying conduct reported.

[''(e) IN-CAMERA PROCEEDINGS.—Upon application by the Commission, all judicial proceedings pursuant to this section shall be held in camera and the records thereof sealed until expiration of the period of delay or such other date as the presiding judge or magistrate judge may permit.

[''(f) PROCEDURE INAPPLICABLE TO CERTAIN PROCEEDINGS.—This section shall not apply to compulsory process issued in an investigation or proceeding related to the administration of Federal antitrust laws or foreign antitrust laws (within the meaning of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211)).''.

[(b) Section 16(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

[(1) by striking ''or'' after the semicolon in subparagraph (C);

[(2) by striking ''Act;'' in subparagraph (D) and inserting ''Act; or''; and

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

[''(E) under section 21a of this Act;''.

[SEC. 207. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.

[The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 21a, as added by section 206 of this title, the following:

[''SEC. 21B. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.

[''(a) IN GENERAL.—An entity described in subsection (d)(1) that voluntarily provides material to the Commission that it reasonably believes is relevant to—

[''(1) a possible unfair or deceptive act or practice, as defined in section 5(a) of this Act, or

[''(2) assets subject to recovery by the Commission, including assets located in foreign jurisdictions,

[shall not be liable to any person under any law or regulation of the United States, or any constitution, law, or regulation of any State or political subdivision of any State or any Territory or the District of Columbia, for such disclosure or for any failure to provide notice of such disclosure. The preceding sentence does not provide any exemption from liability for the underlying conduct reported.

[''(b) LIABILITY LIMITATION.—An entity described in subsection (d)(2) that makes a voluntary disclosure to the Commission regarding the subjects described in subsection (a)(1) and (2) shall be exempt from liability in accordance with the provisions of section 5318(g)(3) of title 31, United States Code.

[''(c) FOIA EXEMPTION.—Material submitted pursuant to this section with a request for confidential treatment shall be exempt from disclosure under section 552 of title 5, United States Code.

[''(d) ENTITIES TO WHICH SECTION APPLIES.—This section applies to the following entities, whether foreign or domestic:

[''(1) A courier service, a commercial mail receiving agency, an industry membership organization, a payment system provider, a consumer reporting agency, a domain name registrar and registry, a provider of remote computing services or electronic communication services, to the limited extent such a provider is disclosing consumer complaints received by it from a customer or subscriber, or information reflecting such complaints; and

[''(2) a bank or thrift institution, a commercial bank or trust company, an investment company, a credit card issuer, an operator of a credit card system, and an issuer, redeemer, or cashier of travelers' checks, checks, money orders, or similar instruments.''.

[SEC. 208. INFORMATION SHARING WITH FINANCIAL REGULATORS.

[Section 1112(e) of the Right to Financial Privacy Act (12 U.S.C. 3412(e)) is amended by inserting ''the Federal Trade Commission,'' after ''the Securities and Exchange Commission,''.

[SEC. 209. REPRESENTATION IN FOREIGN LITIGATION.

[Section 16 of the Federal Trade Commission Act (15 U.S.C. 56) is amended by adding at the end the following:

[''(c)(1) The Commission may designate Commission attorneys to assist the Department of Justice in connection with litigation in foreign courts in which the Commission has an interest, pursuant to the terms of a memorandum of understanding to be negotiated by the Commission and the Department of Justice.

[''(2) The Commission is authorized to expend appropriated funds for the retention of foreign counsel for consultation and for litigation in foreign courts, and for expenses related to consultation and to litigation in foreign courts in which the Commission has an interest.''.

[SEC. 210. AVAILABILITY OF REMEDIES.

[Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end the following:

[''(o) UNFAIR OR DECEPTIVE ACTS OR PRACTICES INVOLVING FOREIGN COMMERCE.—

[''(1) IN GENERAL.—For purposes of subsection (a), the term 'unfair or deceptive acts or practices' includes such acts or practices involving foreign commerce that—

[''(A) cause or are likely to cause reasonably foreseeable injury within the United States; or

[''(B) involve material conduct occurring within the United States.

[''(2) APPLICATION OF REMEDIES TO SUCH ACTS OR PRACTICES.—All remedies available to the Commission with respect to unfair and deceptive acts or practices shall be available for acts and practices described in paragraph (1), including restitution to domestic or foreign victims.''.

[SEC. 211. CRIMINAL REFERRALS.

[Section 6 of the Federal Trade Commission Act (15 U.S.C. 46), as amended by section 204 of this title, is amended by adding at the end the following:

[''(k) REFERRAL OF EVIDENCE FOR CRIMINAL PROCEEDINGS.—Whenever the Commission obtains evidence that any person, partnership or corporation, either domestic or foreign, may have engaged in conduct that could give rise to criminal proceedings, to transmit such evidence to the Attorney General who may, in his discretion, institute criminal proceedings under appropriate statutes. Provided that nothing in this subsection affects any other authority of the Commission to disclose information.''.

[SEC. 212. STAFF EXCHANGES.

[The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 25 (15 U.S.C. 57c) the following:

[''SEC. 25A. STAFF EXCHANGES.

[''(a) IN GENERAL.—The Congress consents to—

[''(1) the retention or employment of officers or employees of foreign government agencies on a temporary basis by the Commission under section 3109 of title 5, United States Code, section 202 of title 18, United States Code, or section 2 of this Act (15 U.S.C. 42); and

[''(2) the retention or employment of officers or employees of the Commission on a temporary basis by such foreign government agencies.

[''(b) FORM OF ARRANGEMENTS.—Staff arrangements under subsection (a) need not be reciprocal. The Commission may accept payment or reimbursement, in cash or in kind,

from a foreign government agency to which this section is applicable, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, and employees in carrying out such arrangements.''.

[SEC. 213. EXPENDITURES FOR COOPERATIVE ARRANGEMENTS.

[(a) IN GENERAL.—Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) as amended by section 211 of this title, is further amended by adding at the end the following:

[''(p) To expend appropriated funds for—

[''(1) operating expenses and other costs of bilateral and multilateral cooperative law enforcement groups conducting activities of interest to the Commission and in which the Commission participates; and

[''(2) expenses for consultations and meetings hosted by the Commission with foreign government agency officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to the Commission's mission, development and implementation of cooperation agreements, and provision of technical assistance for the development of foreign consumer protection or competition regimes, such expenses to include necessary administrative and logistic expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including—

[''(A) such incidental expenses as meals taken in the course of such attendance;

[''(B) any travel and transportation to or from such meetings; and

[''(3) any other related lodging or subsistence.''.

[(b) AUTHORIZATION OF APPROPRIATIONS.—The Federal Trade Commission is authorized to expend appropriated funds not to exceed $100,000 per fiscal year for purposes of section 6(p) of the Federal Trade Commission Act (15 U.S.C. 46(p)), including operating expenses and other costs of the following bilateral and multilateral cooperative law enforcement groups:

[(1) The International Consumer Protection and Enforcement Network.

[(2) The International Competition Network.

[(3) The Mexico-U.S.-Canada Health Fraud Task Force.

[(4) Project Emptor.

[(5) The Toronto Strategic Partnership and other regional partnerships with a nexus in a Canadian province.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Trade Commission Reauthorization Act of 2003''.

TITLE I—REAUTHORIZATION

SEC. 101. REAUTHORIZATION.

The text of section 25 of the Federal Trade Commission Act (15 U.S.C. 57c) is amended to read as follows:

''There are authorized to be appropriated to carry out the functions, powers, and duties of the Commission not to exceed $194,742,000 for fiscal year 2004, $224,695,000 for fiscal year 2005, $235,457,000 for fiscal year 2006, and $245,000,000 for fiscal year 2007.''.

SEC. 102. AUTHORITY TO ACCEPT REIMBURSEMENTS, GIFTS, AND VOLUNTARY AND UNCOMPENSATED SERVICES.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended—

(1) by redesignating section 26 as section 28; and

(2) by inserting after section 25 the following:

''SEC. 26. REIMBURSEMENT OF EXPENSES.

''The Commission may accept payment or reimbursement, in cash or in kind, from a domestic or foreign law enforcement authority, or payment or reimbursement made on behalf of such authority, for expenses incurred by the Commission, its members, or employees in carrying out any activity pursuant to a statute administered by the Commission without regard to any other provision of law. Any such payments or reimbursements shall be considered a reimbursement to the appropriated funds of the Commission.

''SEC. 27. GIFTS AND VOLUNTARY AND UNCOMPENSATED SERVICES.

''(a) IN GENERAL.—In furtherance of its functions the Commission may accept, hold, administer, and use unconditional gifts, donations, and bequests of real, personal, and other property and, notwithstanding section 1342 of title 31, United States Code, accept voluntary and uncompensated services.

''(b) LIMITATIONS.—

''(1) CONFLICTS OF INTEREST.—Notwithstanding subsection (a), the Commission may not accept, hold, administer, or use a gift, donation, or bequest if the acceptance, holding, administration, or use would create a conflict of interest or the appearance of a conflict of interest.

''(2) VOLUNTARY SERVICES.—A person who provides voluntary and uncompensated service under subsection (a) shall be considered a Federal employee for purposes of—

''(A) chapter 81 of title 5, United States Code, (relating to compensation for injury);

''(B) sections 2671 through 2680 of title 28, United States Code, (relating to tort claims); and

''(C) for purposes of the provisions of law relating to ethics, conflicts of interest, corruption, and any other criminal or civil statute or regulation governing the standards of conduct for Federal employees.''.

SEC. 103. PEER-TO-PEER FILE SHARING RISK EDUCATION.

The Federal Trade Commission shall, as part of its existing consumer education programs, educate consumers concerning the potential risks to their privacy and personal security, as well as educate consumers about potentially inappropriate behavior resulting from purposeful or accidental misuse of peer-to-peer file sharing technology.

TITLE II—INTERNATIONAL CONSUMER PROTECTION

SEC. 201. FINDINGS.

The Congress finds the following:

(1) The Federal Trade Commission protects consumers from fraud and deception. Cross-border fraud and deception are growing international problems that affect American consumers and businesses.

(2) The development of the Internet and improvements in telecommunications technologies have brought significant benefits to consumers. At the same time, they have also provided unprecedented opportunities for those engaged in fraud and deception to establish operations in one country and victimize a large number of consumers in other countries.

(3) An increasing number of consumer complaints collected in the Consumer Sentinel database maintained by the Commission, and an increasing number of cases brought by the Commission, involve foreign consumers, foreign businesses or individuals, or assets or evidence located outside the United States.

(4) The Commission has legal authority to remedy law violations involving domestic and foreign wrongdoers, pursuant to the Federal Trade Commission Act. The Commission's ability to obtain effective relief using this authority, however, may face practical impediments when wrongdoers, victims, other witnesses, documents, money and third parties involved in the transaction are widely dispersed in many different jurisdictions. Such circumstances make it difficult for the Commission to gather all the information necessary to detect injurious practices, to recover offshore assets for consumer redress, and to reach conduct occurring outside the United States that affects United States consumers.

(5) Improving the ability of the Commission and its foreign counterparts to share information about cross-border fraud and deception, to conduct joint and parallel investigations, and to assist each other is critical to achieve more timely and effective enforcement in cross-border cases.

(6) Consequently, Congress should enact legislation to provide the Commission with more tools to protect consumers across borders.

SEC. 202. FOREIGN LAW ENFORCEMENT AGENCY DEFINED.

Section 4 of the Federal Trade Commission Act (15 U.S.C. 44) is amended by adding at the end the following:

'' 'Foreign law enforcement agency' means—

''(1) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters; or

''(2) any multinational organization, to the extent that it is acting on behalf of an entity described in paragraph (1).''.

SEC. 203. SHARING INFORMATION WITH FOREIGN LAW ENFORCEMENT AGENCIES.

(a) IN GENERAL.—Section 21(b)(6) of the Federal Trade Commission Act (15 U.S.C. 57b-2(b)(6)) is amended by adding at the end ''The custodian may make such material available to any foreign law enforcement agency upon the prior certification of any officer of any such foreign law enforcement agency that such material will be maintained in confidence and will be used only for official law enforcement purposes, if—

''(A) the foreign law enforcement agency has set forth a bona fide legal basis for its authority to maintain the material in confidence; and

''(B) the materials are to be used for purposes of investigating, or engaging in enforcement proceedings related to, possible violations of—

''(i) foreign laws prohibiting fraudulent or deceptive commercial practices or other practices similar to practices prohibited by any law administered by the Commission;

''(ii) law administered by the Commission, if disclosure of the material would further a Commission investigation or enforcement proceeding; or

''(iii) with the approval of the Attorney General, foreign criminal laws.

Nothing in the preceding sentence authorizes the disclosure of material obtained in connection with the administration of the Federal antitrust laws or foreign antitrust laws (as defined in paragraphs (5) and (7), respectively, of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (16 U.S.C. 6211) to any officer or employee of a foreign law enforcement agency.''.

(b) PUBLICATION OF INFORMATION; REPORTS.—Section 6(f) of the Federal Trade Commission Act (15 U.S.C. 46(f)) is amended—

(1) by inserting ''(1)'' after ''such information'' the first place it appears; and

(2) by striking ''purposes.'' and inserting ''purposes, and (2) to any officer or employee of any foreign law enforcement agency under the same circumstances that sharing material with foreign law enforcement agencies is permitted under section 21(b)(6) of this Act.''.

SEC. 204. OBTAINING INFORMATION FOR FOREIGN LAW ENFORCEMENT AGENCIES.

Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended by adding at the end the following:

''(j)(1) Upon request from a foreign law enforcement agency, to provide assistance in accordance with this subsection if the requesting agency states that it is investigating, or engaging in enforcement proceedings against, possible violations of laws prohibiting fraudulent or deceptive commercial practices, or other practices that may be similar to practices prohibited by

any provision of the laws administered by the Commission, other than Federal antitrust laws (as defined in section 12(5) of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211(5))), the Commission may, in its discretion—

''(A) conduct such investigation as the Commission deems necessary to collect information and evidence pertinent to the request for assistance, using all investigative powers authorized by this Act; and

''(B) seek and accept appointment by a United States district court of Commission attorneys to provide assistance to foreign and international tribunals and to litigants before such tribunals on behalf of a foreign law enforcement agency pursuant to section 1782 of title 28, United States Code, when the request is from an agency acting to investigate or pursue the enforcement of civil laws or when the Attorney General refers such a request to the Commission.

''(2) The Commission may provide assistance under paragraph (1) without requiring that the conduct identified in the request also constitutes a violation of the laws of the United States.

''(3) In deciding whether to provide such assistance, the Commission shall consider all relevant factors, including—

''(A) whether the requesting agency has agreed to provide or will provide reciprocal assistance to the Commission;

''(B) whether compliance with the request would prejudice the public interest of the United States; and

''(C) whether the requesting agency's investigation or enforcement proceeding concerns acts or practices that cause or are likely to cause injury to a significant number of persons.

''(4) If a foreign law enforcement agency has set forth a legal basis for requiring execution of an international agreement as a condition for reciprocal assistance, or as a condition for disclosure of materials or information to the Commission, the Commission, after consultation with the Secretary of State, may negotiate and conclude an international agreement, in the name of either the United States or the Commission and with the final approval of the agreement by the Secretary of State, for the purpose of obtaining such assistance or disclosure. The Commission may undertake in such an international agreement—

''(A) to provide assistance using the powers set forth in this subsection;

''(B) to disclose materials and information in accordance with subsection (f) of this section and section 21(b)(6) of this Act; and

''(C) to engage in further cooperation, and protect materials and information received from disclosure, as authorized by this Act.

''(5) The authority in this subsection is in addition to, and not in lieu of, any other authority vested in the Commission or any other officer of the United States.''.

SEC. 205. INFORMATION SUPPLIED BY AND ABOUT FOREIGN SOURCES.

Section 21(f) of the Federal Trade Commission Act (15 U.S.C. 57b–2(f)) is amended—

(1) by inserting ''(1) before ''Any''; and adding at the end the following:

''(2)(A) Except as provided in subparagraph (C) of this paragraph, the Commission shall not be compelled to disclose—

''(i) material obtained from a foreign law enforcement agency or other foreign government agency, if the foreign law enforcement agency or other foreign government agency has requested confidential treatment, or has precluded such disclosure under other use limitations, as a condition of disclosing the material;

''(ii) material reflecting consumer complaints obtained from any other foreign source, if that foreign source supplying the material has requested confidential treatment as a condition of disclosing the material; or

''(iii) material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign law enforcement agencies or other foreign government agencies.

''(B) For purposes of section 552 of title 5, this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section 552.

''(C) Nothing in this paragraph shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.''.

SEC. 206. CONFIDENTIALITY AND DELAYED NOTICE OF PROCESS.

(a) IN GENERAL.—The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 21 the following:

''SEC. 21A. CONFIDENTIALITY AND DELAYED NOTICE OF COMPULSORY PROCESS FOR CERTAIN THIRD PARTIES.

(a) IN GENERAL.—The provisions for delay or prohibition of notice under the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) and the Electronic Communication Privacy Act (18 U.S.C. 2701 et seq.) shall be available to the Commission—

(1) upon a finding by the presiding judge or magistrate judge pursuant to an ex parte application by the Commission that there is reason to believe that notification may cause an adverse result; or

(2) where notification is delayed pursuant to section 2705(a)(1)(B) of title 18, a finding by the Commission that there is reason to believe that notification may cause an adverse result.

(b) EX PARTE APPLICATION BY COMMISSION.—If the provisions for delayed notice described in subsection (a) do not apply, the Commission may apply ex parte to a presiding judge or magistrate judge for an order commanding the recipient of compulsory process issued by the Commission not to notify any other person of the existence of the process, notwithstanding any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia. The presiding judge or magistrate judge shall enter such an order granting the requested delay for a period not to exceed 90 days, or for such period as the presiding judge or magistrate judge deems appropriate, if there is reason to believe that notification may cause an adverse results. The presiding judge or magistrate judge may grant extensions of this delay of notice of up to 90 each in accordance with this subsection.

(c) NO LIABILITY FOR COMPLIANCE.—The recipient of compulsory process issued by the Commission under this section shall not be liable under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, or under any contract or other legally enforceable agreement, for failure to provide notice that such process has been issued or that the recipient has provided information in response to such process. The preceding sentence does not provide any exemption from liability for the underlying conduct.

(d) VENUE AND PROCEDURE.—

(1) IN GENERAL.—All judicial proceedings under this section may be brought in the United States District Court for the District of Columbia or any other appropriate United States District Court. All ex parte applications by the Commission under this section related to a single investigation may be brought in a single proceeding.

(2) IN CAMERA PROCEEDINGS.—Upon application by the Commission, all judicial proceedings pursuant to this section shall be held in camera and the records thereof sealed until expiration of the period of delay or such other date as the presiding judge or magistrate judge may permit.

(e) SECTION NOT TO APPLY TO ANTITRUST INVESTIGATIONS OR PROCEEDINGS.—This section shall not apply to an investigation or proceeding related to the administration of federal antitrust laws or foreign antitrust laws (within the meaning of section 6211 of this title).

(f) ADVERSE RESULT DEFINED.—In this section the term 'adverse result' means—

''(1) the transfer of assets or records outside the territorial limits of the United States;

''(2) impeding the ability of the Commission to identify or trace funds;

''(3) endangering the life or physical safety of an individual;

''(4) flight from prosecution;

''(5) the destruction of, or tampering with, evidence;

''(6) the intimidation of potential witnesses;

''(7) the dissipation or concealment of assets; or

''(8) otherwise seriously jeopardizing an investigation or unduly delaying a trial.''.

(b) CONFORMING AMENDMENT.—Section 16(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

(1) by striking ''or'' after the semicolon in subparagraph (C);

(2) by inserting ''and'' after the semicolon in subparagraph (D); and

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

''(E) under section 21a of this Act;''.

SEC. 207. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 21a, as added by section 206 of this title, the following:

''SEC. 21B. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.

''(a) IN GENERAL.—An entity described in subsection (e)(1) that voluntarily provides material to the Commission that it reasonably believes is relevant to—

''(1) a possible unfair or deceptive act or practice, as defined in section 5(a) of this Act, or

''(2) assets subject to recovery by the Commission, including assets located in foreign jurisdictions,

shall not be liable to any person under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, for such disclosure or for any failure to provide notice of such disclosure. The preceding sentence does not provide any exemption from liability for the underlying conduct.

''(b) LIABILITY LIMITATION.—An entity described in subsection (e)(2) that makes a voluntary disclosure to the Commission regarding the subjects described in subsection (a)(1) and (2) shall be exempt from liability in accordance with the provisions of section 5318(g)(3) of title 31, United States Code.

''(c) CONSUMER COMPLAINTS.—Any entity described in subsection (e) that makes a voluntary disclosure of consumer complaints sent to it, or information contained therein, to the Commission shall not be liable to any person under any law or regulation of the United States, or under the constitution, or any law or regulation, of any State, political subdivision of a State, territory of the United States, or the District of Columbia, for such disclosure or for any failure to provide notice of such disclosure. The preceding sentence does not provide any exemption from liability for the underlying conduct.

''(d) FOIA EXEMPTION.—Material submitted pursuant to this section with a request for confidential treatment shall be exempt from disclosure under section 552 of title 5, United States Code, to the extent it could reasonably be expected to disclose either the identity of persons, partnerships, or corporations that are the subject of such disclosures, or the identification of particular financial accounts, their ownership, or confidential records of account activity. This exemption is in addition to, and not in lieu of, any other applicable exemptions from disclosure in such section 552.

''(e) ENTITIES TO WHICH SECTION APPLIES.—This section applies to the following entities, whether foreign or domestic:

''(1) A courier service, a commercial mail receiving agency, an industry membership organization, a payment system provider, a consumer reporting agency, a domain name registrar and registry, and a provider of alternative dispute resolution services;

''(2) a bank or thrift institution, a commercial bank or trust company, an investment company, a credit card issuer, an operator of a credit card system, and an issuer, redeemer, or cashier of travelers' checks, money orders, or similar instruments; and

''(3) an Internet service provider or provider of telephone services.''.

SEC. 208. INFORMATION SHARING WITH FINANCIAL REGULATORS.

Section 1112(e) of the Right to Financial Privacy Act (12 U.S.C. 3412(e)) is amended by inserting ''the Federal Trade Commission,'' after ''the Securities and Exchange Commission,''.

SEC. 209. REPRESENTATION IN FOREIGN LITIGATION.

Section 16 of the Federal Trade Commission Act (15 U.S.C. 56) is amended by adding at the end the following:

''(c)(1) The Commission may designate Commission attorneys to assist the Department of Justice in connection with litigation in foreign courts in which the Commission has an interest, pursuant to the terms of a memorandum of understanding to be negotiated by the Commission and the Department of Justice. The preceding sentence is in addition to, and not in lieu of, any other authority vested in the Commission or any other officer of the United States.

''(2) The Commission is authorized to expend appropriated funds for the retention of foreign counsel for consultation and for litigation in foreign courts, and for expenses related to consultation and to litigation in foreign courts in which the Commission has an interest.

''(3) Nothing in this section authorizes the payment of claims or judgments from any source other than the permanent and indefinite appropriation authorized by section 1304 of title 31, United States Code.''.

SEC. 210. AVAILABILITY OF REMEDIES.

Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end the following:

''(o) UNFAIR OR DECEPTIVE ACTS OR PRACTICES INVOLVING FOREIGN COMMERCE.—

''(1) IN GENERAL.—For purposes of subsection (a), the term 'unfair or deceptive acts or practices' includes such acts or practices involving foreign commerce that—

''(A) cause or are likely to cause reasonably foreseeable injury within the United States; or

''(B) involve material conduct occurring within the United States.

''(2) APPLICATION OF REMEDIES TO SUCH ACTS OR PRACTICES.—All remedies available to the Commission with respect to unfair and deceptive acts or practices shall be available for acts and practices described in paragraph (1), including restitution to domestic or foreign victims.''.

SEC. 211. CRIMINAL REFERRALS.

Section 6 of the Federal Trade Commission Act (15 U.S.C. 46), as amended by section 204 of this title, is amended by adding at the end the following:

''(k) REFERRAL FOR CRIMINAL PROCEEDINGS.—

''(1) IN GENERAL.—Whenever the Commission obtains evidence that any person, partnership or corporation, either domestic or foreign, has engaged in conduct that may constitute a violation of Federal criminal law, to transmit such evidence to the Attorney General who may, in his discretion, institute criminal proceedings under appropriate statutes. Nothing in this paragraph affects any other authority of the Commission to disclose information.

''(2) INTERNATIONAL INFORMATION.—The Commission shall endeavor to ensure, with respect to memoranda of understanding and international agreements it may conclude, that material it has obtained from foreign law enforcement agencies acting to investigate or pursue the enforcement of foreign criminal laws may be used for the purpose of investigation, prosecution, or prevention of violations of United States criminal laws.''.

SEC. 212. STAFF EXCHANGES.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 25 (15 U.S.C. 57c) the following:

''SEC. 25A. STAFF EXCHANGES.

''(a) IN GENERAL.—The Congress consents to—

''(1) the retention or employment of officers or employees of foreign government agencies on a temporary basis by the Commission under section 3109 of title 5, United States Code, section 202 of title 18, United States Code, or section 2 of this Act (15 U.S.C. 42); and

''(2) the retention or employment of officers or employees of the Commission on a temporary basis by such foreign government agencies.

''(b) FORM OF ARRANGEMENTS.—Staff arrangements under subsection (a) need not be reciprocal. The Commission may accept payment or reimbursement, in cash or in kind, from a foreign government agency to which this section is applicable, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, and employees in carrying out such arrangements.''.

SEC. 213. EXPENDITURES FOR COOPERATIVE ARRANGEMENTS.

(a) IN GENERAL.—Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) as amended by section 211 of this title, is further amended by adding at the end the following:

''(p) To expend appropriated funds for—

''(1) operating expenses and other costs of bilateral and multilateral cooperative law enforcement groups conducting activities of interest to the Commission and in which the Commission participates; and

''(2) expenses for consultations and meetings hosted by the Commission with foreign government agency officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to the Commission's mission, development and implementation of cooperation agreements, and provision of technical assistance for the development of foreign consumer protection or competition regimes, such expenses to include necessary administrative and logistic expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including—

''(A) such incidental expenses as meals taken in the course of such attendance;

''(B) any travel and transportation to or from such meetings; and

''(3) any other related lodging or subsistence.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—The Federal Trade Commission is authorized to expend appropriated funds not to exceed $100,000 per fiscal year for purposes of section 6(p) of the Federal Trade Commission Act (15 U.S.C. 46(p)), including operating expenses and other costs of the following bilateral and multilateral cooperative law enforcement groups:

(1) The International Consumer Protection and Enforcement Network.

(2) The International Competition Network.

(3) The Mexico-U.S.-Canada Health Fraud Task Force.

(4) Project Emptor.

(5) The Toronto Strategic Partnership and other regional partnerships with a nexus in a Canadian province.

Mr. FRIST. I ask unanimous consent that the McCain-Hollings substitute amendment at the desk be agreed to, the committee-reported substitute, as amended, be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table en bloc, and any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3662) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1234), as amended, was read the third time and passed.

COMMENDING MARYLAND'S OLYMPIANS ON THEIR ACCOMPLISHMENTS AT THE 2004 SUMMER OLYMPIC GAMES IN ATHENS, GREECE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 426, submitted earlier today by Senators SARBANES and MIKULSKI.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 426) commending Maryland's Olympians on their accomplishments at the 2004 Summer Olympic Games in Athens, Greece.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SARBANES. Mr. President, I rise today to commend the American athletes for their participation in the 2004 Olympic Games. These athletes made us proud not only of their victories, but also of their sportsmanship. The heart, focus and perseverance exhibited by these men and women offered us an opportunity to reflect on the values and characteristics that embody the very best of the American Spirit.

All of our athletes should be commended, but because they played a very prominent role in these games, I want to take a moment to acknowledge the hard work and dedication of Maryland's Olympic athletes. This year, we were very fortunate to have fourteen Marylanders compete. This group of athletes, which included both the youngest and the oldest members of the U.S. team, represented Maryland and the United States with honor and dignity and excelled in their various competitions. Marylanders participated in a variety of sports ranging from swimming and track and field, to whitewater slalom canoeing and table tennis. Our State boasted household names like Michael Phelps and Carmelo Anthony as well as rising stars like Bernard Williams and Courtney Kupets. The delegation included individuals from all over the State, from the City of Annapolis to Howard County, from Bethesda to Gaithersburg to Baltimore City, and from Upper Marlboro to Towson and Abingdon.

And although they come from a diversity of backgrounds, each demonstrated the common spirit of what it means to be a true Olympian. We saw that spirit in Carmelo Anthony's refusal to quit after the men's basketball team suffered a series of difficult and surprising losses. We saw it in the decisions of Liz Filter and Nancy Haberland to compete in the face of challenging life circumstances. It was reflected in the wisdom and experience of Libby Callahan as well as the youthful exuberance of 15 year-old swimmer Katie Hoff. It shined through Jun Gao when on day four of the table tennis competition, as the only member of the U.S. team still in competition, she shouldered the hopes of her teammates.

The Olympic spirit was further reflected in paddlers Joe Jacobi and Scott Parsons, who focused on the experience and joy of the performance. Courtney Kupets and Rhadi Ferguson showed enormous bravery by overcoming serious injuries to make the U.S. team and compete for their country. Ms. Kupets brought home two medals, a silver in the team competition and a bronze in the individual uneven bars. And Michael Phelps, who won six gold and two bronze medals, showed that the team is more important than individual accomplishment when he yielded his spot on the 4 x 100 medley relay squad and an opportunity for further glory to teammate Ian Crocker.

Finally, Maryland's track and field athletes should be commended for their heart and concentration. Tiombe Hurd, who is legally blind, overcame her vision obstacles to finish 22nd in a crowded triple jump field. Bernard Williams and James Carter, who hail from Baltimore public schools, Carver Vocational-Technical High School and Mergenthaler Vocational-Technical High School, showed the world the kind of talent and poise Baltimore City's public schools can produce, taking home a silver in the 200 meter sprint and a fourth place finish in the 400 meter hurdles.

Maryland, and America, should be proud of their Olympic athletes. Through their actions both on and off the field of competition, they exhibited the grace, sportsmanship, and determination that signify a true Olympian. Congratulations are due to all of our athletes both for their individual successes and for the way they, as a team, showed the world the best our nation has to offer.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 426) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 426

Whereas the 2004 Summer Olympic Games, which recently concluded in Athens, Greece, was a resounding success;

Whereas the athletes of the United States who participated in the 2004 Summer Olympic Games reflected the ideals of the Olympic movement by exhibiting determination, honor, sportsmanship, and excellence throughout the competitions;

Whereas Maryland's athletes played a prominent role in the 2004 Summer Olympic Games and represented the talent and diversity of the athletes of the United States;

Whereas markswoman Libby Callahan of Upper Marlboro, through her wisdom and experience, and swimmer Katie Hoff of Abingdon, through her youthful exuberance, both displayed the spirit of Olympic competition;

Whereas Liz Filter, from Stevensonville, and Nancy Haberland, who coaches the Naval Academy sailing team, both displayed the Olympic spirit in their decisions to participate in the sailing competitions in the face of challenging life circumstances;

Whereas Jun Gao of Gaithersburg shone with Olympic spirit when, on day 4 of the table tennis competition, as the only remaining member of the United States table tennis team left in competition, she shouldered the hopes of her teammates;

Whereas paddlers Joe Jacobi and Scott Parsons, both from Bethesda, reflected the Olympic spirit by focusing on the experience and joy of their performances and the opportunity to compete on the world stage;

Whereas Baltimore's Carmelo Anthony displayed the Olympic spirit in his refusal to quit after the men's basketball team suffered a series of difficult and surprising losses;

Whereas gymnast Courtney Kupets of Gaithersburg and Judo competitor Rhadi Ferguson of Columbia demonstrated enormous bravery by overcoming serious injuries to make the United States team and compete for their country and, in the case of Ms. Kupets, to medal in 2 events;

Whereas Towson swimmer Michael Phelps, who won 6 gold and 2 bronze medals, showed that the team is more important than individual accomplishment when he yielded his spot on the 4 x 100 medley relay squad and an opportunity for further glory to allow teammate Ian Crocker to compete and be part of a winning effort in the finals;

Whereas Tiombe Hurd of Upper Marlboro, who is legally blind, showed tremendous heart and courage by overcoming her vision impairment to finish 22nd in a crowded triple jump field;

Whereas Bernard Williams, who brought home a silver in the 200 meter sprint, and James Carter, who finished fourth in the 400 meter hurdles, did their Baltimore alma maters, Carver Vocational-Technical High School and Mergenthaler Vocational-Technical High School, proud by showing enormous poise and grit in the face of stiff competition;

Whereas the people of Maryland take great pride in these athletes and the communities that helped to nurture and support them through their years of training, and celebrate their successes and achievements; and

Whereas the people of Maryland send their best wishes for success to Maryland's 6 Paralympic athletes—Antoinette Davis, Jessica Long, Joseph Aukward, Larry Hughes, Tatyana McFadden, and Susan Katz—as they head to Athens for the Paralympic Games, which are set to begin on September 17, 2004: Now, therefore, be it

Resolved, That the Senate commends the athletes of Maryland for the grace, sportsmanship, and determination they exhibited throughout the 2004 Summer Olympic Games and for the accomplishments that flowed from maintaining that Olympic spirit on and off the field of competition.

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 422, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 422) expressing the sense of the Senate that the President should designate the week beginning September 12, 2004, as ''National Historically Black Colleges and Universities Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. LIEBERMAN. Mr. President, America's Historically Black Colleges and Universities have served as precious portals of opportunity for African-Americans since the first, Cheyney University of Pennsylvania, was founded 167 years ago. I join all Americans in commemorating these proud institutions of higher learning this week, which the President has proclaimed ''National Historically Black Colleges and Universities Week.''

Mary McLeod Bethune once said, ''We firmly believe education has the irresistible power to dissolve the shackles of slavery.'' It was this moral commitment to education for African-Americans that inspired Ms. Bethune to found her famous day school in Daytona, FL—now known as Bethune Cookman College—100 years ago. It was also this ideal that inspired the establishment of 130 other Historically Black Colleges and Universities nationwide. And the ''irresistible power'' of these institutions for the African-American community is clear. Fully 42 percent of all the PhDs earned each year by African-Americans are earned by graduates of HBCUs.

But despite playing a central role in our Nation's economic, cultural, social and spiritual life, HBCUs have been physically eroding, victims of chronic neglect and underfunding. A 1990 General Accounting Office study concluded that 712 properties on 103 HBCU campuses nationwide were in need of repair or renovation, at an estimated cost of $755 million.

That is why 2 years ago I joined with Congressman JIM CLYBURN in the cause of repairing, restoring, rebuilding, and revitalizing HBCUs. With the support of Senators LANDRIEU, MILLER, and others, our legislation to authorize $50 million in new funding for HBCUs passed the Senate in January 2003, and was signed into law by the President in February of that year. We appropriated $3 million for the program last year, and hope to continue such robust funding this appropriations cycle.

I saw firsthand the effect that this legislation can have. When I visited Allen University in South Carolina in 2002, I went to Arnett Hall—a building that had been transformed from an eyesore into a beautiful and stately facility with the help of Federal funds. In the past, students and faculty who walked into the dilapidated hall would be left with the clear impression that we are neglecting these historic treasures. Now, they visit the restored hall and are left with the impression that we consider Historically Black Colleges and Universities central to our history and to our future.

Our HBCU legislation was an important step to fulfilling the dream, as Dr. Martin Luther King famously captured it, of an America true to its creed that we are all created equal. Each of these 130 institutions of higher learning, educating 300,000 African-American students, is a living memorial to the dream of equal educational opportunity for all—living memorials we are morally bound to preserve. This week, let us recall the proud heritage and valuable contribution Historically Black Colleges and Universities make to our Nation, and redouble our efforts to keep their doors open for future generations.

Ms. LANDRIEU. Mr. President, today I rise to honor the Historically Black Colleges and Universities around the country that serve over 215,000 of our finest African-American students.

Since the first HBCU was founded in 1837, HBCUs have played an important role in our higher education system. They have educated some of our most prominent African-American leaders, such as the Reverend Dr. Martin Luther King, Jr., former U.S. Supreme Court Justice Thurgood Marshall, educator Booker T. Washington, former U.S. Surgeon General David Satcher, Nobel Laureate Toni Morrison, and Louisiana native and former United Nations Ambassador Andrew Young, Jr., to just name a few. Today, 65 percent of all African-American physicians, 50 percent of African-American engineers, and 35 percent of African-American lawyers are graduates of an HBCU. It is clear that HBCUs have and continue to play a vital role in our higher education system, and for that, I honor them today.

I would specifically like to praise the six HBCUs in my home state of Louisiana that produce exceptionally fine graduates: Dillard University in New Orleans, Grambling State University in Grambling, Southern University and Agricultural and Mechanical College in Baton Rouge, Southern University in New Orleans, Southern University in Shreveport, and Xavier University in New Orleans. These schools serve roughly 30,000 Louisiana higher education students and prepare them to be tomorrow's leaders. For that, I say thank you.

Recognizing the importance of HBCUs, I am proud to lend my support to S. Res. 422, designating this week as ''National Historically Black Colleges and Universities Week.'' And, I am proud to support the College Quality, Affordability, and Diversity Improvement Act, S. 1793, which extends and increases the Title V, Part B programs under the Higher Education Act that strengthen HBCUs. As we enter the final weeks of the 108th Congress, I look forward to discussing, debating, and passing this important piece of legislation, and as we move through the appropriations process, I urge my colleagues to ensure that adequate funding is given to HBCUs.

Historically Black Colleges and Universities have given a great amount to our higher education system through the years, and today I give them my thanks and praise.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 422) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 422

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate the week beginning September 12, 2004, as ''National Historically Black Colleges and Universities Week''.

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating the week beginning September 12, 2004, as ''National Historically Black Colleges and Universities Week''; and

(2) calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

Mr. FRIST. Mr. President, this resolution relates to historically black colleges and universities and the designation of a period of time to express appreciation for the tremendous function and job they carry out in this great country of ours.

In my own city of Nashville, my hometown, and where I live now, we have two wonderful historically black institutions of learning. One is a medical center, Meharry Medical College; and the another is Fisk University. The contributions those two institutions of learning have made to our community, and indeed to the global community, and in the sense of Meharry to the national community of physicians, has been just tremendous.

I know both sides of the aisle take great pleasure in once again recognizing this period of time that we can celebrate the great work that is done.

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following Calendar numbers en bloc: 466 through 469, 522, 524 through 527, 532, 533, 600 through 604, 611 through 618, 626 through 629, and 675 through 689.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. FRIST. Mr. President, I ask unanimous consent that all committee amendments, where applicable, be agreed to, the bills, as amended, if amended, be read a third time and passed, the title amendments, where applicable, be adopted, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPLEMENTATION OF FISH PASSAGE AND SCREENING FACILITIES AT NON-FEDERAL WATER PROJECTS

The Senate proceeded to consider the bill (S. 1307) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to assist in the implementation of fish passage and screening facilities at non-Federal water projects, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1307

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

[SECTION 1. DEFINITIONS.

[As used in this Act—

[(1) ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation;

[(2) ''Reclamation'' means the Bureau of Reclamation, United States Department of the Interior;

[(3) ''Fish passage and screening facilities'' means ladders, collection devices, and all other kinds of facilities which enable fish to pass through, over, or around water diversion structures; facilities and other constructed works which modify, consolidate, or replace water diversion structures in order to achieve fish passage; screens and other devices which reduce or prevent entrainment

and impingement of fish in a water diversion, delivery, or distribution system; and any other facilities, projects, or constructed works which are designed to provide for or improve fish passage while maintaining water deliveries and to reduce or prevent entrainment and impingement of fish in a water storage, diversion, delivery, or distribution system of a water project;

[(4) ''Federal reclamation project'' means a water resources development project constructed, operated, and maintained pursuant to the Reclamation Act of 1902 (32 Stat. 388), and acts amendatory thereof and supplementary thereto;

[(5) ''Non-Federal party'' means any non-Federal party, including federally recognized Indian tribes, non-Federal governmental and quasi-governmental entities, private entities (both profit and non-profit organizations), and private individuals;

[(6) ''Snake River Basin'' means the entire drainage area of the Snake River, including all tributaries, from the headwaters to the confluence of the Snake River with the Columbia River; and

[(7) ''Columbia River Basin'' means the entire drainage area of the Columbia River located in the United States, including all tributaries, from the headwaters to the Columbia River estuary.

[SEC. 2. AUTHORIZATION.

[(a) Subject to the requirements of this Act, the Secretary is authorized to plan, design, and construct, or provide financial assistance to non-Federal parties to plan, design, and construct, fish passage and screening facilities at any non-Federal water diversion or storage project located anywhere in the Columbia River Basin when, and only when, the Secretary determines that such facilities would enable Reclamation to meet its obligations under 16 U.S.C. 1536(a)(2) regarding the construction and continued operation and maintenance of all Federal reclamation projects located in the Columbia River Basin, excluding the Federal reclamation projects located in the Snake River Basin.

[SEC. 3. LIMITATIONS.

[(a) The Secretary may undertake the construction of, or provide financial assistance covering the cost to the non-Federal parties to construct, fish passage and screening facilities at non-Federal water diversion and storage projects located anywhere in the Columbia River Basin only after entering into a voluntary, written agreement with the non-Federal party or parties who own, operate, and maintain the project, and any associated lands, involved.

[(b) Any financial assistance made available pursuant to this Act shall be provided through grant agreements or cooperative agreements entered into pursuant to and in compliance with the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501).

[(c) The Secretary may require such terms and conditions as will ensure performance by the non-Federal party, protect the Federal investment in fish passage and screening facilities, define the obligations of the Secretary and the non-Federal party, and ensure compliance with this Act and all other applicable Federal, State, and local laws.

[(d) All right and title to, and interest in, any fish passage and screening facilities constructed or funded pursuant to the authority of this Act shall be held by the non-Federal party or parties who own, operate, and maintain the non-Federal water diversion and storage project, and any associated lands, involved. In addition, the operation, maintenance, and replacement of such facilities shall be the sole responsibility of such party or parties and shall not be a project cost assignable to any Federal reclamation project.

[(e) Consultation under Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) shall not be required based solely on the provision of financial assistance under this Act. Projects or activities that affect listed species shall remain subject to applicable provisions of the Endangered Species Act of 1973.

[SEC. 4. OTHER REQUIREMENTS.

[(a) In carrying out this Act, the Secretary shall be subject to all Federal laws applicable to the actions to be undertaken for the construction of fish passage and screening facilities. The Secretary shall assist the non-Federal party or parties who own, operate, and maintain a non-Federal water diversion or storage project, and any associated lands, to obtain and comply with any required State, local, or tribal permits.

[(b) The Secretary shall comply with State water law in the application of this Act. All water rights shall remain with the owner or operator of any non-Federal water diversion and storage project who receives assistance pursuant to this Act.

[(c) The Secretary shall coordinate with the Northwest Power Planning Council; appropriate agencies of the States of Idaho, Oregon, and Washington; and appropriate federally recognized Indian tribes in carrying out the program authorized by this Act.

[SEC. 5. INAPPLICABILITY OF FEDERAL RECLAMATION LAW.

[(a) The Reclamation Act of 1902 (32 Stat. 388), and Acts amendatory thereof and supplementary thereto, shall not apply to the non-Federal water projects at which the fish passage and screening facilities authorized by this Act are located, nor to the lands which such projects irrigate.

[(b) Notwithstanding any provision of law to the contrary, the expenditures made by the Secretary pursuant to this Act shall not be a project cost assignable to any Federal reclamation project (either as a construction cost or as an operation and maintenance cost) and shall be non-reimbursable and non-returnable to the United States Treasury.

[SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated such amounts as are necessary for the purposes of this Act.]

SECTION 1. DEFINITIONS.

As used in this Act—

(1) ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation;

(2) ''Reclamation'' means the Bureau of Reclamation, United States Department of the Interior;

(3) ''Fish passage and screening facilities'' means ladders, collection devices, and all other kinds of facilities which enable fish to pass through, over, or around water diversion structures; facilities and other constructed works which modify, consolidate, or replace water diversion structures in order to achieve fish passage; screens and other devices which reduce or prevent entrainment and impingement of fish in a water diversion, delivery, or distribution system; and any other facilities, projects, or constructed works or strategies which are designed to provide for or improve fish passage while maintaining water deliveries and to reduce or prevent entrainment and impingement of fish in a water storage, diversion, delivery, or distribution system of a water project;

(4) ''Federal reclamation project'' means a water resources development project constructed, operated, and maintained pursuant to the Reclamation Act of 1902 (32 Stat. 388), and acts amendatory thereof and supplementary thereto;

(5) ''Non-Federal party'' means any non-Federal party, including federally recognized Indian tribes, non-Federal governmental and quasi-governmental entities, private entities (both profit and non-profit organizations), and private individuals;

(6) ''Snake River Basin'' means the entire drainage area of the Snake River, including all tributaries, from the headwaters to the confluence of the Snake River with the Columbia River;

(7) ''Columbia River Basin'' means the entire drainage area of the Columbia River located in the United States, including all tributaries, from the headwaters to the Columbia River estuary; and

(8) ''Habitat improvements'' means work to improve habitat for aquatic plants and animals within a currently existing stream channel below the ordinary high water mark, including stream reconfiguration to rehabilitate and protect the natural function of streambeds, and riverine wetland construction and protection.

SEC. 2. AUTHORIZATION.

(a) IN GENERAL.—Subject to the requirements of this Act, the Secretary is authorized to plan, design, and construct, or provide financial assistance to non-Federal parties to plan, design, and construct, fish passage and screening facilities or habitat improvements at any non-Federal water diversion or storage project located anywhere in the Columbia River Basin when the Secretary determines that such facilities would enable Reclamation to meet its obligations under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) regarding the construction and continued operation and maintenance of all Federal reclamation projects located in the Columbia River Basin, excluding the Federal reclamation projects located in the Snake River Basin.

(b) PROHIBITION OF ACQUISITION OF LAND FOR HABITAT IMPROVEMENTS.—Notwithstanding subsection (a), nothing in this Act authorizes the acquisition of land for habitat improvements.

SEC. 3. LIMITATIONS.

(a) WRITTEN AGREEMENT.—The Secretary may undertake the construction of, or provide financial assistance covering the cost to the non-Federal parties to construct, fish passage and screening facilities at non-Federal water diversion and storage projects or habitat improvements located anywhere in the Columbia River Basin only after entering into a voluntary, written agreement with the non- Federal party or parties who own, operate, or maintain the project, or any associated lands involved.

(b) FEDERAL SHARE.—The Federal share of the total costs of constructing the fish passage and screening facility or habitat improvements shall be not more than 75 percent.

(c) NON-FEDERAL SHARE.—

(1) Except as provided in paragraph (4), a written agreement entered into under subsection (a) shall provide that the non-Federal party agrees to pay the non-Federal share of the total costs of constructing the fish passage and screening facility or habitat improvements.

(2) The non-Federal share may be provided in the form of cash or in-kind services.

(3) The Secretary shall—

(A) require the non-Federal party to provide appropriate documentation of any in-kind services provided; and

(B) determine the value of the in-kind services.

(4) The requirements of this subsection shall not apply to Indian tribes.

(d) GRANT AND COOPERATIVE AGREEMENTS.—Any financial assistance made available pursuant to this Act shall be provided through grant agreements or cooperative agreements entered into pursuant to and in compliance with chapter 63 of title 31, United States Code.

(e) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions as will ensure performance by the non-Federal party, protect the Federal investment in fish passage and screening facilities or habitat improvements, define the obligations of the Secretary and the non-Federal party, and ensure compliance with

this Act and all other applicable Federal, State, and local laws.

(f) RIGHTS AND DUTIES OF NON-FEDERAL PARTIES.—All right and title to, and interest in, any fish passage and screening facilities constructed or funded pursuant to the authority of this Act shall be held by the non-Federal party or parties who own, operate, and maintain the non-Federal water diversion and storage project, and any associated lands, involved. The operation, maintenance, and replacement of such facilities shall be the sole responsibility of such party or parties and shall not be a project cost assignable to any Federal reclamation project.

SEC. 4. OTHER REQUIREMENTS.

(a) PERMITS.—The Secretary may assist a non-Federal party who owns, operates, or maintains a non-Federal water diversion or storage project, and any associated lands, to obtain and comply with any required State, local, or tribal permits.

(b) FEDERAL LAW.—In carrying out this Act, the Secretary shall be subject to all Federal laws applicable to activities associated with the construction of a fish passage and screening facility or habitat improvements.

(c) STATE WATER LAW.—

(1) In carrying out this Act, the Secretary shall comply with any applicable State water laws.

(2) Nothing in this Act affects any water or water-related right of a State, an Indian tribe, or any other entity or person.

(d) REQUIRED COORDINATION.—The Secretary shall coordinate with the Northwest Power and Conservation Council; appropriate agencies of the States of Idaho, Oregon, and Washington; and appropriate federally recognized Indian tribes in carrying out the program authorized by this Act.

SEC. 5. INAPPLICABILITY OF FEDERAL RECLAMATION LAW.

(a) IN GENERAL.—The Reclamation Act of 1902 (32 Stat. 388), and Acts amendatory thereof and supplementary thereto, shall not apply to the non-Federal water projects at which the fish passage and screening facilities authorized by this Act are located, nor to the lands which such projects irrigate.

(b) NONREIMBURSABLE AND NONRETURNABLE EXPENDITURES.—Notwithstanding any provision of law to the contrary, the expenditures made by the Secretary pursuant to this Act shall not be a project cost assignable to any Federal reclamation project (either as a construction cost or as an operation and maintenance cost) and shall be non-reimbursable and non-returnable to the United States Treasury.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such amounts as are necessary for the purposes of this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1307), as amended, was read the third time and passed.

WALLOWA LAKE DAM REHABILITATION AND WATER MANAGEMENT ACT OF 2004

The Senate proceeded to consider the bill (S. 1355) to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1355

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Wallowa Lake Dam Rehabilitation and Water Management Act of 2003''.

SEC. 2. DEFINITIONS.

[In this Act:

[(1) ASSOCIATED DITCH COMPANIES, INCORPORATED.—The term ''Associated Ditch Companies, Incorporated'' means the non-profit corporation by that name (as established under the laws of the State of Oregon) that operates Wallowa Lake Dam.

[(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

[(3) WALLOWA LAKE DAM REHABILITATION PROGRAM.—The term ''Wallowa Lake Dam Rehabilitation Program'' means the program for the rehabilitation of the Wallowa Lake Dam in Oregon, as contained in the engineering document entitled, ''Phase I Dam Assessment and Preliminary Engineering Design'', dated October 2001, and on file with the Bureau of Reclamation.

[(4) WALLOWA VALLEY WATER MANAGEMENT PLAN.—The term ''Wallowa Valley Water Management Plan'' means the program developed for the Wallowa River watershed, as contained in the document entitled ''Wallowa Lake Dam Rehabilitation and Water Management Plan Vision Statement'', dated February 2001, and on file with the Bureau of Reclamation.

[SEC. 3. AUTHORIZATION TO PARTICIPATE IN PROGRAM.

[(a) AUTHORIZATION.—The Secretary—

[(1) may provide funding to the Associated Ditch Companies, Incorporated, in order for the Associated Ditch Companies, Incorporated, to plan, design and construct facilities needed to implement the Wallowa Lake Dam Rehabilitation Program; and

[(2) in cooperation with tribal, State and local governmental entities, may participate in planning, design and construction of facilities needed to implement the Wallowa Valley Water Management Plan.

[(b) COST SHARING.—

[(1) IN GENERAL.—The Federal share of the costs of activities authorized under this Act shall not exceed 80 percent.

[(2) EXCLUSIONS FROM FEDERAL SHARE.—There shall not be credited against the Federal share of such costs—

[(A) any expenditure by the Bonneville Power Administration in the Wallowa River watershed; and

[(B) expenditures made by individual farmers in any Federal farm or conservation program.

[(c) COMPLIANCE WITH STATE LAW.—The Secretary, in carrying out this Act, shall comply with otherwise applicable State water law.

[(d) PROHIBITION ON HOLDING TITLE.—The Federal Government shall not hold title to any facility rehabilitated or constructed under this Act.

[(e) PROHIBITION ON OPERATION AND MAINTENANCE.—The Federal Government shall not be responsible for the operation and maintenance of any facility constructed or rehabilitated under this Act.

[(f) OWNERSHIP AND OPERATION OF FISH PASSAGE FACILITY.—Any facility located at Wallowa Lake Dam for trapping and transportation of migratory adult salmon may be owned and operated only by the Nez Perce Tribe.

[SEC. 4. RELATIONSHIP TO OTHER LAW.

[Activities funded under this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (32 Stat. 388), and all Acts amendatory thereof or supplementary thereto.

[SEC. 5. APPROPRIATIONS.

[There is authorized to be appropriated to the Secretary $32,000,000 for the Federal share of the costs of activities authorized under this Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wallowa Lake Dam Rehabilitation and Water Management Act of 2004''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ASSOCIATED DITCH COMPANIES, INCORPORATED.—The term ''Associated Ditch Companies, Incorporated'' means the nonprofit corporation established under the laws of the State of Oregon that operates Wallowa Lake Dam.

(2) PHASE II AND PHASE III OF THE WALLOWA VALLEY WATER MANAGEMENT PLAN.—The term ''Phase II and Phase III of the Wallowa Valley Water Management Plan'' means the Phase II program for fish passage improvements and water conservation measures, and the Phase III program for implementation of water exchange infrastructure, developed for the Wallowa River watershed, as contained in the document entitled ''Wallowa Lake Dam Rehabilitation and Water Management Plan Vision Statement'', dated February 2001, and on file with the Bureau of Reclamation.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(4) WALLOWA LAKE DAM REHABILITATION PROGRAM.—The term ''Wallowa Lake Dam Rehabilitation Program'' means the program for the rehabilitation of the Wallowa Lake Dam in Oregon, as contained in the engineering document entitled, ''Phase I Dam Assessment and Preliminary Engineering Design'', dated December 2002, and on file with the Bureau of Reclamation.

SEC. 3. AUTHORIZATION TO PARTICIPATE IN PROGRAM.

(a) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants to, or enter into cooperative or other agreements with, tribal, State, and local governmental entities and the Associated Ditch Companies, Incorporated, to plan, design, and construct facilities needed to implement the Wallowa Lake Dam Rehabilitation Program and Phase II and Phase III of the Wallowa Valley Water Management Plan.

(b) CONDITIONS.—As a condition of providing funds under subsection (a), the Secretary shall ensure that—

(1) the Wallowa Lake Dam Rehabilitation Program meets the standards of the dam safety program of the State of Oregon;

(2) the Associated Ditch Companies, Incorporated, agrees to assume liability for any work performed, or supervised, with funds provided to it under this Act; and

(3) the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed under this Act.

(c) COST SHARING.—

(1) IN GENERAL.—The Federal share of the costs of activities authorized under this Act shall not exceed 80 percent.

(2) EXCLUSIONS FROM FEDERAL SHARE.—There shall not be credited against the Federal share of such costs—

(A) any expenditure by the Bonneville Power Administration in the Wallowa River watershed; and

(B) expenditures made by individual agricultural producers in any Federal commodity or conservation program.

(d) COMPLIANCE WITH STATE LAW.—The Secretary, in carrying out this Act, shall comply with otherwise applicable State water law.

(e) PROHIBITION ON HOLDING TITLE.—The Federal Government shall not hold title to any facility rehabilitated or constructed under this Act.

(f) PROHIBITION ON OPERATION AND MAINTENANCE.—The Federal Government shall not be responsible for the operation and maintenance of any facility constructed or rehabilitated under this Act.

(g) OWNERSHIP AND OPERATION OF FISH PASSAGE FACILITY.—Any facility constructed using Federal funds authorized by this Act located at Wallowa Lake Dam for trapping and transportation of migratory adult salmon may be owned and operated only by the Nez Perce Tribe.

SEC. 4. RELATIONSHIP TO OTHER LAW.

Activities funded under this Act shall not be considered a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to the pay the Federal share of the costs of activities authorized under this Act $25,600,000.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1355), as amended, was read the third time and passed.

ALASKA NATIVE ALLOTMENT SUBDIVISION ACT

The Senate proceeded to consider the bill (S. 1421) to authorize the subdivision and dedication of restricted land owned by Alaska Natives, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1421

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Alaska Native Allotment Subdivision Act''.

[SEC. 2. FINDINGS.

[Congress finds that—

[(1) Alaska Natives that own land subject to Federal restrictions against alienation and taxation need to be able to subdivide the restricted land for the purposes of—

[(A) transferring by gift, sale, or devise separate interests in the land; or

[(B) severing, by mutual consent, tenancies in common;

[(2) for the benefit of the Alaska Native restricted landowners, any persons to which the restricted land is transferred, and the public in general, the Alaska Native restricted landowners should be authorized to dedicate—

[(A) rights-of-way for public access;

[(B) easements for utility installation, use, and maintenance; and

[(C) additional land for other public purposes;

[(3)(A) the lack of an explicit authorization by Congress with respect to the subdivision and dedication of Alaska Native land that is subject to Federal restrictions has called into question whether such subdivision and dedication is legal; and

[(B) this legal uncertainty has been detrimental to the rights of Alaska Native restricted landowners to use or dispose of the restricted land in the same manner as other landowners are able to use and dispose of land;

[(4) extending to Alaska Native restricted land owners the same authority that other landowners have to subdivide and dedicate land should be accomplished without depriving the Alaska Native restricted landowners of any of the protections associated with restricted land status;

[(5) confirming the right and authority of Alaska Native restricted land owners, subject to the approval of the Secretary of the Interior, to subdivide their land and to dedicate their interests in the restricted land, should be accomplished without affecting the laws relating to whether tribal governments or the State of Alaska (including political subdivisions of the State) have authority to regulate land use;

[(6) Alaska Native restricted land owners, persons to which the restricted land is transferred, State and local platting authorities, and members of the general public have formed expectations in reliance on past subdivisions and dedications; and

[(7) those expectations should be fulfilled by ratifying the validity under Federal law of the subdivisions and dedications.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) RESTRICTED LAND.—The term ''restricted land'' means land in the State that is subject to Federal restrictions against alienation and taxation.

[(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

[(3) STATE.—The term ''State'' means the State of Alaska.

[SEC. 4. SUBDIVISION AND DEDICATION OF ALASKA NATIVE RESTRICTED LAND.

[(a) IN GENERAL.—An Alaska Native owner of restricted land may, subject to the approval of the Secretary—

[(1) subdivide the restricted land in accordance with the laws of the—

[(A) State; or

[(B) applicable local platting authority; and

[(2) execute a certificate of ownership and dedication with respect to the restricted land subdivided under paragraph (1) with the same effect under State law as if the restricted land subdivided and dedicated were held by unrestricted fee simple title.

[(b) RATIFICATION OF PRIOR SUBDIVISIONS AND DEDICATIONS.—Any subdivision or dedication of restricted land executed before the date of enactment this Act that has been approved by the Secretary and by the relevant State or local platting authority, as appropriate, shall be considered to be ratified and confirmed by Congress as of the date on which the Secretary approved the subdivision or dedication.

[SEC. 5. EFFECT.

[(a) IN GENERAL.—Nothing in this Act validates or invalidates any assertion—

[(1) that a Federally recognized Alaska Native tribe has or lacks jurisdiction with respect to any land in the State;

[(2) that Indian country, as defined in section 1151 of title 18, United States Code, exists or does not exist in the State; or

[(3) that, except as provided in section 4, the State or any political subdivision of the State does or does not have the authority to regulate the use of any individually owned restricted land.

[(b) EFFECT ON STATUS OF LAND NOT DEDICATED.—Except in a case in which a specific interest in restricted land is dedicated under section (4)(a)(2), nothing in this Act terminates, diminishes, or otherwise affects the continued existence and applicability of Federal restrictions against alienation and taxation on restricted land or interests in restricted land (including restricted land subdivided under section 4(a)(1)).]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Alaska Native Allotment Subdivision Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) RESTRICTED LAND.—The term ''restricted land'' means land in the State that is subject to Federal restrictions against alienation and taxation.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of Alaska.

SEC. 3. SUBDIVISION AND DEDICATION OF ALASKA NATIVE RESTRICTED LAND.

(a) IN GENERAL.—An Alaska Native owner of restricted land may, subject to the approval of the Secretary—

(1) subdivide the restricted land in accordance with the laws of the—

(A) State; or

(B) applicable local platting authority; and

(2) execute a certificate of ownership and dedication with respect to the restricted land subdivided under paragraph (1) with the same effect under State law as if the restricted land subdivided and dedicated were held by unrestricted fee simple title.

(b) RATIFICATION OF PRIOR SUBDIVISIONS AND DEDICATIONS.—Any subdivision or dedication of restricted land executed before the date of enactment of this Act that has been approved by the Secretary and by the relevant State or local platting authority, as appropriate, shall be considered to be ratified and confirmed by Congress as of the date on which the Secretary approved the subdivision or dedication.

SEC. 4. EFFECT ON STATUS OF LAND NOT DEDICATED.

Except in a case in which a specific interest in restricted land is dedicated under section 3(a)(2), nothing in this Act terminates, diminishes, or otherwise affects the continued existence and applicability of Federal restrictions against alienation and taxation on restricted land or interests in restricted land (including restricted land subdivided under section 3(a)(1)).

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1421), as amended, was read the third time and passed.

SOUTHWEST FOREST HEALTH AND WILDFIRE PREVENTION ACT OF 2004

The bill (H.R. 2696) to establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the interior West was considered, ordered to a third reading, read the third time, and passed.

ARCH HURLEY CONSERVANCY DISTRICT WATER CONSERVATION PROJECT FEASIBILITY STUDY

The Senate proceeded to consider the bill (S. 1071) to authorize the Secretary of the Interior, through the Bureau of Reclamation, to conduct a feasibility study on a water conservation project within the Arch Hurley Conservancy District in the State of New Mexico, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

(Strike the part shown in black brackets and insert the part shown in italic)

S. 1071

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

SECTION 1. STUDY AUTHORIZATION.

(a) AUTHORIZATION.—Pursuant to reclamation laws, the Secretary of the Interior, through the Bureau of Reclamation, and in consultation and cooperation with the Arch Hurley Conservancy District and the State Engineer in New Mexico, is authorized to conduct a study to determine the feasibility of implementing a water conservation project that will minimize water losses from the irrigation conveyance works of the Arch Hurley Conservancy District, and to consider—

(1) options for utilizing any saved water made available from the conservation project including the possible conveyance of such water, in accordance with State law, to the Pecos River basin to address water supply issues in that basin;

(2) the impacts that the conservation project could have on the local water supply in and around the Arch Hurley Conservancy District and any appropriate mitigation that may be necessary if the project is implemented; and

(3) appropriate cost-sharing options for implementation of the project based on the use and possible allocation of any conserved water.

(b) REPORT.—

(1) Upon completion of the feasibility study authorized by this Act, the Secretary of the Interior shall transmit to Congress a report containing the results of the study.

(2) In developing the report, the Secretary shall utilize reports or any other relevant information supplied by the Arch Hurley Conservancy District or the State Engineer in New Mexico.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are authorized to be appropriated **[**$500,000**]** *$2,500,000* to carry out this Act.

(b) COST SHARE.—

(1) The Federal share of the costs of the feasibility study shall not exceed 50 percent of the total, except that the Secretary of the Interior is authorized to waive or limit the required non-Federal cost share for the feasibility study if the Secretary determines, based upon a demonstration of financial hardship on the part of the Arch-Hurley Conservancy District, that the District is unable to contribute such required share.

(2) The Secretary of the Interior may accept as part of the non-Federal cost share the contribution of such in-kind services by the Arch Hurley Conservancy District as the Secretary determines will contribute substantially toward the conduct and completion of the study.

The committee amendment was agreed to.

The bill (S. 1071), as amended, was read the third time and passed.

VALLES CALDERA PRESERVATION ACT OF 2004

The Senate proceeded to consider the bill (S. 1582) to amend the Valles Caldera Preservation Act to improve the perservation of the Valles Caldera, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment, to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1582

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Valles Caldera Preservation Act of 2003''.

[SEC. 2. AMENDMENTS TO THE VALLES CALDERA PRESERVATION ACT.

[(a) TRUST EMPLOYMENT.—Section 106(d) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(d)) is amended—

[(1) in paragraph (1)—

[(A) by striking ''The Trust'' and inserting the following:

[''(A) APPOINTMENT.—The Trust'';

[(B) by inserting after the first sentence the following:

[''(B) CONTRACT OR EMPLOYMENT AGREEMENT.—Employees of the Trust may be employed under an employment agreement, the terms and conditions of which shall be determined by the Trust subject to this subsection.''; and

[(C) by striking ''No employee'' and inserting the following:

[''(C) MAXIMUM COMPENSATION.—No employee''; and

[(2) in paragraph (2)—

[(A) in subparagraph (A), by striking ''shall'' each place it appears and inserting ''may''; and

[(B) by adding at the end the following:

[''(C) ELIGIBILITY FOR COMPETITIVE SERVICE.—

[''(i) IN GENERAL.—An employee of the Trust shall not be precluded from consideration for a position in the competitive service that is open to other Federal employees.

[''(ii) CLASSIFICATION AND PAY RATE.—In considering an employee of the Trust for a position in the competitive service under clause (i), the employing agency shall consider a position with the Trust to be comparable in classification and General Schedule pay rates to a similar position in the competitive service.''.

[(b) OBLIGATIONS AND EXPENDITURES.—Section 106(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(e)) is amended by adding at the end the fsollowing:

[''(4) OBLIGATIONS AND EXPENDITURES.—Subject to the laws applicable to Government corporations, the Trust shall determine—

[''(A) the character of, and the necessity for, any obligations and expenditures of the Trust; and

[''(B) the manner in which obligations and expenditures shall be incurred, allowed, and paid.''.

[(c) SOLICITATION OF DONATIONS.—Section 106(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(g)) is amended by striking ''The Trust may solicit'' and inserting ''The members of the Board of Trustees and any employees of the Trust designated by the Board of Trustees may solicit''.

[(d) USE OF PROCEEDS.—Section 106(h)(1) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(h)(1)) is amended by striking ''subsection (g)'' and inserting ''subsection (g), from claims, judgments, or settlements arising from activities occurring on the Baca Ranch or the Preserve after October 27, 1999,''.

[(e) CLAIMS AND JUDGMENTS.—Section 106(j) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(j)) is amended—

[(1) in the first sentence, by striking ''The Trust'' and inserting the following:

[''(1) IN GENERAL.—The Trust''; and

[(2) by adding at the end the following:

[''(2) PERMANENT JUDGMENT APPROPRIATION.—During any fiscal year in which funds have been appropriated to the Trust or the Secretary to carry out this title, the Trust shall not be precluded from using the permanent judgment appropriation under section 1304 of title 31, United States Code, for a claim, judgment, or settlement against the Trust or the Secretary in the name of the United States.''.

[SEC. 3. BOARD OF TRUSTEES.

[Section 107(e) of the Valles Caldera Preservation Act (U.S.C. 698v–5(e)) is amended—

[(1) in paragraph (2), by striking ''Trustees'' and inserting ''Except as provided in paragraph (3), Trustees''; and

[(2) in paragraph (3)—

[(A) by striking ''Trustees'' and inserting the following:

[''(A) SELECTION.—Trustees''; and

[(B) by adding at the end the following:

[''(B) COMPENSATION.—On request of the chair, the chair may be compensated at a rate determined by the Board of Trustees, but not to exceed the daily equivalent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) in which the chair is engaged in the performance of duties of the Board of Trustees.

[''(C) MAXIMUM RATE OF PAY.—The total amount of compensation paid to the chair for a fiscal year under subparagraph (B) shall not exceed 25 percent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code.''.

[SEC. 4. RESOURCE MANAGEMENT.

[(a) PROPERTY DISPOSAL LIMITATIONS.—Section 108(c)(3) of the Valles Caldera Preservation Act (16 U.S.C. 698v–6(c)(3)) is amended—

[(1) in the first sentence, by striking ''The Trust may not dispose'' and inserting the following:

[''(A) IN GENERAL.—The Trust may not dispose'';

[(2) in the second sentence, by striking ''The Trust'' and inserting the following:

[''(B) MAXIMUM DURATION.—The Trust'';

[(3) in the last sentence, by striking ''Any such'' and inserting the following:

[''(C) TERMINATION.—The''; and

[(4) by adding at the end the following:

[''(D) EXCLUSIONS.—For the purposes of this paragraph, the disposal of real property does not include the sale or other disposal of forage, forest products, or marketable renewable resources.''.

[(b) LAW ENFORCEMENT AND FIRE MANAGEMENT.—Section 108(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v–6(g)) is amended—

[(1) in the first sentence, by striking ''The Secretary'' and inserting the following:

[''(1) LAW ENFORCEMENT.—The Secretary'';

[(2) in the second sentence, by striking ''The Trust'' and inserting the following:

[''(B) FEDERAL AGENCY.—The Trust''; and

[(3) by striking ''At the request of the Trust'' and all that follows through the end of the paragraph and inserting the following:

[''(2) FIRE MANAGEMENT.—To the extent generally authorized at other units of the National Forest System, the Secretary shall provide, under a cooperative agreement entered into between the Secretary and the Trust—

[''(A) fire suppression and rehabilitation services; and

[''(B) wildland fire severity funding for extraordinary fire preparedness.''.**]**

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Valles Caldera Preservation Act of 2004''.

SEC. 2. AMENDMENTS TO THE VALLES CALDERA PRESERVATION ACT.

(a) ACQUISITION OF OUTSTANDING MINERAL INTERESTS.—Section 104(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v–2(e)) is amended—

(1) by striking ''The acquisition'' and inserting the following:

''(1) IN GENERAL.—The acquisition'';

(2) by striking ''The Secretary'' and inserting the following:

''(2) ACQUISITION.—The Secretary'';

(3) by striking ''on a willing seller basis'';

(4) by striking ''Any such'' and inserting the following:

''(3) ADMINISTRATION.—Any such''; and

(5) by adding at the end the following:

''(4) AVAILABLE FUNDS.—Any such interests shall be acquired with available funds.

''(5) DECLARATION OF TAKING.—

''(A) IN GENERAL.—If negotiations to acquire the interests are unsuccessful by the date that is 60 days after the date of enactment of this paragraph, the Secretary shall acquire the interests pursuant to section 3114 of title 40, United States Code.

''(B) SOURCE OF FUNDS.—Any difference between the sum of money estimated to be just compensation by the Secretary and the amount awarded shall be paid from the permanent judgment appropriation under section 1304 of title 31, United States Code.''.

(b) OBLIGATIONS AND EXPENDITURES.—Section 106(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(e)) is amended by adding at the end the following:

''(4) OBLIGATIONS AND EXPENDITURES.—Subject to the laws applicable to Government corporations, the Trust shall determine—

''(A) the character of, and the necessity for, any obligations and expenditures of the Trust; and

''(B) the manner in which obligations and expenditures shall be incurred, allowed, and paid.''.

(c) SOLICITATION OF DONATIONS.—Section 106(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(g)) is amended by striking ''The Trust may solicit'' and inserting ''The members of the Board of Trustees, the executive director, and 1 additional employee of the Trust in an executive position designated by the Board of Trustees or the executive director may solicit''.

(d) USE OF PROCEEDS.—Section 106(h)(1) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(h)(1)) is amended by striking ''subsection (g)'' and inserting ''subsection (g), from claims, judgments, or settlements arising from activities occurring on the Baca Ranch or the Preserve after October 27, 1999,''.

SEC. 3. BOARD OF TRUSTEES.

Section 107(e) of the Valles Caldera Preservation Act (U.S.C. 698v–5(e)) is amended—

(1) in paragraph (2), by striking ''Trustees'' and inserting ''Except as provided in paragraph (3), trustees''; and

(2) in paragraph (3)—

(A) by striking ''Trustees'' and inserting the following:

''(A) SELECTION.—Trustees''; and

(B) by adding at the end the following:

''(B) COMPENSATION.—On request of the chair, the chair may be compensated at a rate determined by the Board of Trustees, but not to exceed the daily equivalent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) in which the chair is engaged in the performance of duties of the Board of Trustees.

''(C) MAXIMUM RATE OF PAY.—The total amount of compensation paid to the chair for a fiscal year under subparagraph (B) shall not exceed 25 percent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code.''.

SEC. 4. RESOURCE MANAGEMENT.

(a) PROPERTY DISPOSAL LIMITATIONS.—Section 108(c)(3) of the Valles Caldera Preservation Act (16 U.S.C. 698v–6(c)(3)) is amended—

(1) in the first sentence, by striking ''The Trust may not dispose'' and inserting the following:

''(A) IN GENERAL.—The Trust may not dispose'';

(2) in the second sentence, by striking ''The Trust'' and inserting the following:

''(B) MAXIMUM DURATION.—The Trust'';

(3) in the last sentence, by striking ''Any such'' and inserting the following:

''(C) TERMINATION.—The''; and

(4) by adding at the end the following:

''(D) EXCLUSIONS.—For the purposes of this paragraph, the disposal of real property does not include the sale or other disposal of forage, forest products, or marketable renewable resources.''.

(b) LAW ENFORCEMENT AND FIRE MANAGEMENT.—Section 108(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v–6(g)) is amended—

(1) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(1) LAW ENFORCEMENT.—

''(A) IN GENERAL.—The Secretary'';

(2) in the second sentence, by striking ''The Trust'' and inserting the following:

''(B) FEDERAL AGENCY.—The Trust''; and

(3) by striking ''At the request of the Trust'' and all that follows through the end of the paragraph and inserting the following:

''(2) FIRE MANAGEMENT.—

''(A) NON-REIMBURSABLE SERVICES.—

''(i) DEVELOPMENT OF PLAN.—The Secretary shall, in consultation with the Trust, develop a plan to carry out fire preparedness, suppression, and emergency rehabilitation services on the Preserve.

''(ii) CONSISTENCY WITH MANAGEMENT PROGRAM.—The plan shall be consistent with the management program developed pursuant to subsection (d).

''(iii) COOPERATIVE AGREEMENT.—To the extent generally authorized at other units of the National Forest System, the Secretary shall provide the services to be carried out pursuant to the plan under a cooperative agreement entered into between the Secretary and the Trust.

''(B) REIMBURSABLE SERVICES.—To the extent generally authorized at other units of the National Forest System, the Secretary may provide presuppression and nonemergency rehabilitation and restoration services for the Trust at any time on a reimbursable basis.''.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1582), as amended, was read the third time and passed.

MANHATTAN PROJECT NATIONAL HISTORICAL PARK STUDY ACT

The Senate proceeded to consider the bill (S. 1687) to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1687

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Manhattan Project National Historical Park Study Act of 2003''.

[SEC. 2. FINDINGS.

[Congress finds that—

[(1) the Manhattan Project, the World War II effort to develop and construct the world's first atomic bomb, represents an extraordinary era of American and world history that—

[(A) included remarkable achievements in science and engineering made possible by innovative partnerships among Federal agencies, universities, and private industries; and

[(B) culminated in a transformation of the global society by ushering in the atomic age;

[(2) the Manhattan Project was an unprecedented $2,200,000,000, 3-year, top-secret effort that employed approximately 130,000 men and women at its peak;

[(3) the Manhattan Project sites contain historic resources that are crucial for the interpretation of the Manhattan Project, including facilities in—

[(A) Oak Ridge, Tennessee (where the first uranium enrichment facilities and pilot-scale nuclear reactor were built);

[(B) Hanford, Washington (where the first large-scale reactor for producing plutonium was built);

[(C) Los Alamos, New Mexico (where the atomic bombs were designed and built); and

[(D) Trinity Site, New Mexico (where the explosion of the first nuclear device took place);

[(4) the Secretary of the Interior has recognized the national significance in American history of Manhattan Project facilities in the study area by—

[(A) designating the Los Alamos Scientific Laboratory in the State of New Mexico as a National Historic Landmark in 1965 and adding the Laboratory to the National Register of Historic Places in 1966;

[(B) designating the Trinity Site on the White Sands Missile Range in the State of New Mexico as a National Historic Landmark in 1965 and adding the Site to the National Register of Historic Places in 1966;

[(C) designating the X–10 Graphite Reactor at the Oak Ridge National Laboratory in the State of Tennessee as a National Historic Landmark in 1965 and adding the Reactor to the National Register of Historic Places in 1966;

[(D) adding the Oak Ridge Historic District to the National Register of Historic Places in 1991;

[(E) adding the B Reactor at the Hanford Site in the State of Washington to the National Register of Historic Places in 1992; and

[(F) by adding the Oak Ridge Turnpike, Bear Creek Road, and Bethel Valley Road Checking Stations in the State of Tennessee to the National Register of Historic Places in 1992;

[(5) the Hanford Site has been nominated by the Richland Operations Office of the Department of Energy and the Washington State Historic Preservation Office for addition to the National Register of Historic Places;

[(6) a panel of experts convened by the Advisory Council on Historic Preservation in 2001 reported that the development and use of the atomic bomb during World War II has been called ''the single most significant event of the 20th century'' and recommended that various sites be formally established ''as a collective unit administered for preservation, commemoration, and public interpretation in cooperation with the National Park Service'';

[(7) the Advisory Council on Historic Preservation reported in 2001 that the preservation and interpretation of the historic sites of the Manhattan Project offer significant value as destinations for domestic and international tourists; and

[(8) preservation and interpretation of the Manhattan Project historic sites are necessary for present and future generations to fully appreciate the extraordinary undertaking and complex consequences of the Manhattan Project.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

[(2) STUDY.—The term ''study'' means the study authorized by section 4(a).

[(3) STUDY AREA.—The term ''study area'' means the following Manhattan Project sites:

[(A) Los Alamos National Laboratory and townsite in the State of New Mexico.

[(B) The Trinity Site on the White Sands Missile Range in the State of New Mexico.

[(C) The Hanford Site in the State of Washington.

[(D) Oak Ridge Laboratory in the State of Tennessee.

[(E) Other significant sites relating to the Manhattan Project determined by the Secretary to be appropriate for inclusion in the study.

[SEC. 4. SPECIAL RESOURCE STUDY.

[(a) STUDY.— —

[(1) IN GENERAL.—The Secretary shall conduct a special resource study of the study area to assess the national significance, suitability, and feasibility of designating the various historic sites and structures of the study area as a unit of the National Park System in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

[(2) ADMINISTRATION.—In conducting the study, the Secretary shall—

[(A) consult with the Secretary of Energy, the Secretary of Defense, State, tribal, and local officials, representatives of interested organizations, and members of the public; and

[(B) evaluate, in coordination with the Secretary of Energy and the Secretary of Defense, the compatibility of designating the study area, or 1 or more parts of the study area, as a national historical park or national historic site with maintaining security, productivity and management goals of the Department of Energy and the Department of Defense, and public health and safety.

[(b) REPORT.—Not later than 1 year after the date on which funds are made available to carry out the study, the Secretary shall submit to Congress a report that describes the findings of the study and any conclusions and recommendations of the Secretary.

[SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated such sums as are necessary to carry out this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Manhattan Project National Historical Park Study Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STUDY.—The term ''study'' means the study authorized by section 3(a).

(3) STUDY AREA.—

(A) IN GENERAL.—The term ''study area'' means the historically significant sites associated with the Manhattan Project.

(B) INCLUSIONS.—The term ''study area'' includes—

(i) Los Alamos National Laboratory and townsite in the State of New Mexico;

(ii) the Hanford Site in the State of Washington; and

(iii) Oak Ridge Reservation in the State of Tennessee.

SEC. 3. SPECIAL RESOURCE STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall conduct a special resource study of the study area to assess the national significance, suitability, and feasibility of designating 1 or more sites within the study area as a unit of the National Park System in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(2) ADMINISTRATION.—In conducting the study, the Secretary shall—

(A) consult with interested Federal, State, tribal, and local officials, representatives of organizations, and members of the public;

(B) evaluate, in coordination with the Secretary of Energy, the compatibility of designating 1 or more sites within the study area as a unit of the National Park System with maintaining the security, productivity, and management goals of the Department of Energy and public health and safety; and

(C) consider research in existence on the date of enactment of this Act by the Department of Energy on the historical significance and feasibility of preserving and interpreting the various sites and structures in the study area.

(b) REPORT.—Not later than 2 years after the date on which funds are made available to carry out the study, the Secretary shall submit to Congress a report that describes the findings of the study and the conclusions and recommendations of the Secretary.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1687), as amended, was read the third time and passed.

CRAIG RECREATION LAND PURCHASE ACT

The Senate proceeded to consider the bill (S. 1778) to authorize a land conveyance between the United States and the City of Craig, Alaska, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1778

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Craig Recreation Land Purchase Act''.

[SEC. 2. AUTHORIZATION FOR CONVEYANCE.

[If the City of Craig, Alaska, (''City'') tenders all right, title and interest of the City in and to the municipal lands identified on the map entitled ''Informational Map, Sunnahae Trail and Recreation Parcel and Craig Cannery Property'' and dated August 2003, to the Secretary of Agriculture (''Secretary'') within six months of the date the City receives the results of the appraisal conducted pursuant to section 4, the Secretary shall accept such tender.

[SEC. 3. ACQUISITION OF LAND BY THE CITY OF CRAIG.

[(a) Funds received by the City under section 2 shall be used by the City for the purchase of lands shown on the map entitled ''Wards Cove Property,'' dated March 24, 1969.

[(b) The purchase of lands by the City under subsection (a) shall be for an amount equal to the appraised value of the lands conveyed to the Secretary by the City, except that the Secretary and the City may equalize the values by adjusting acreage or by payments not to exceed $100,000.

[SEC. 4. APPRAISAL.

[Prior to any conveyance, the Secretary shall—

[(1) conduct an appraisal of the lands identified for conveyance by the City, in accordance with and conforming to the most current versions of the Uniform Appraisal Standards for Federal Land Acquisitions, Uniform Standards of Professional Practice, and U.S. Forest Service Appraisal Directives; and

[(2) notify the City of the results of the appraisal.

[SEC. 5. MANAGEMENT OF CONVEYED LANDS.

[Lands received by the Secretary shall be included in the Tongass National Forest and shall be managed in accordance with the laws, regulations, and forest plan applicable to the Tongass National Forest.

[SEC. 6. AUTHORIZATION.

[There are authorized to be appropriated—

[(1) to the Forest Service for the reconstruction of the Sunnahae Trail $250,000; and

[(2) such sums as are necessary to carry out this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Craig Recreation Land Purchase Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the City of Craig, Alaska.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. CONVEYANCE TO SECRETARY OF AGRICULTURE.

(a) IN GENERAL.—If, not later than 180 days after the date on which the City receives a copy of the appraisal conducted under subsection (c), the City offers to convey to the Secretary all right, title, and interest of the City in and to the parcels of non-Federal land described in subsection (b), the Secretary, subject to the availability of appropriations, shall—

(1) accept the offer; and

(2) on conveyance of the land to the Secretary, pay to the City an amount equal to the appraised value of the land, as determined under subsection (c).

(b) DESCRIPTION OF LAND.—The non-Federal land referred to in subsection (a) consists of—

(1) the municipal land identified on the map entitled ''Informational Map, Sunnahae Trail and Recreation Parcel and Craig Cannery Property'' and dated August 2003;

(2) lots 1 and 1A, Block 11–A, as identified on the City of Craig Subdivision Plat, Craig Tideland Addition, Patent # 155 (Inst. 69–982, Ketchikan Recording Office), dated April 21, 2004, consisting of approximately 22,353 square feet of land; and

(3) the portion of Beach Road eastward of a projected line between the southwest corner of lot 1, Block 11, USS 1430 and the northwest corner of lot 1, Block 11–A, as identified on the City of Craig Subdivision Plat, Craig Tideland Addition, Patent # 155 (Inst. 69–982, Ketchikan Recording Office), dated April 21, 2004, consisting of approximately 4,700 square feet of land.

(c) APPRAISALS.—

(1) IN GENERAL.—Before conveying the land under subsection (a), the Secretary shall—

(A) conduct an appraisal of the land, in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions;

(ii) the Uniform Standards of Professional Appraisal Practice; and

(iii) Forest Service Appraisal Directives; and

(B) submit to the City a copy of the appraisal.

(2) PAYMENT OF COSTS.—

(A) CITY.—The City shall pay the costs of appraising the land described in subsection (b)(1).

(B) SECRETARY.—The Secretary shall pay the costs of appraising the land described in paragraphs (2) and (3) of subsection (b).

(d) MANAGEMENT.—Any land acquired under subsection (a) shall be—

(1) included in the Tongass National Forest; and

(2) administered by the Secretary in accordance with the laws (including regulations) and forest plan applicable to the Tongass National Forest.

SEC. 4. ACQUISITION OF LAND BY THE CITY OF CRAIG.

The amount received by the City under section 3(a)(2) shall be used by the City to acquire the Craig cannery property, as depicted on the map entitled ''Informational Map, Sunnahae Trail and Recreation Parcel and Craig Cannery Property'' and dated August 2003.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) to the Forest Service for the reconstruction of the Sunnahae Trail, $250,000; and

(2) such sums as are necessary to carry out this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1778), as amended, was read the third time and passed.

LEASE LOT CONVEYANCE ACT OF 2002 AMENDMENTS

The bill (S. 1791) to amend the Lease Lot Conveyance Act of 2002 to provide that the amounts received by the United States under that Act shall be deposited in the reclamation fund, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1791

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

SECTION 1. LEASE LOT CONVEYANCE.

Section 4(b) of the Lease Lot Conveyance Act of 2002 (116 Stat. 2879) is amended—

(1) by striking ''As consideration'' and inserting the following:

''(1) IN GENERAL.—As consideration''; and

(2) by adding at the end the following:

''(2) USE.—Amounts received under paragraph (1) shall be—

''(A) deposited by the Secretary, on behalf of the Rio Grande Project, in the reclamation fund established under the first section of the Act of June 17, 1902 (43 U.S.C. 391); and

''(B) made immediately available to the Irrigation Districts, to be credited in accordance with section 4(I) of the Act of December 5, 1924 (43 U.S.C. 501).''.

JOHNSTOWN FLOOD NATIONAL MEMORIAL BOUNDARY ADJUSTMENT ACT OF 2003

The bill (H.R. 1521) to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

EXTENSION OF THE TERM OF FOREST COUNTIES PAYMENTS COMMITTEES

The bill (H.R. 3249) to extend the term of the Forest Counties Payments Committee, was considered, ordered to a third reading, read the third time, and passed.

ARAPAHO AND ROOSEVELT NATIONAL FORESTS LAND EXCHANGE ACT OF 2004

The Senate proceeded to consider the bill (S. 2180) to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 2180

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Arapaho and Roosevelt National Forests Land Exchange Act of 2004''.

[SEC. 2. LAND EXCHANGE, ARAPAHO AND ROOSEVELT NATIONAL FORESTS, COLORADO.

[(a) CONVEYANCE BY THE CITY OF GOLDEN.—

[(1) LANDS DESCRIBED.—The land exchange directed by this section shall proceed if, within 30 days after the date of the enactment of this Act, the City of Golden, Colorado (in the section referred to as the ''City''), offers to convey title acceptable to the United States to the following non-Federal lands:

[(A) Certain lands located near the community of Evergreen in Park County, Colorado, comprising approximately 80 acres, as generally depicted on a map entitled ''Non-Federal Lands—Cub Creek Parcel'', dated June, 2003.

[(B) Certain lands located near Argentine Pass in Clear Creek and Summit Counties, Colorado, comprising approximately 55.909 acres in 14 patented mining claims, as generally depicted on a map entitled ''Argentine Pass/Continental Divide Trail Lands'', dated September 2003.

[(2) CONDITIONS OF CONVEYANCE.—The conveyance of lands under paragraph (1)(B) to the United States shall be subject to the absolute right of the City to permanently enter upon, utilize, and occupy so much of the surface and subsurface of the lands as may be reasonably necessary to access, maintain, repair, modify, make improvements in, or otherwise utilize the Vidler Tunnel to the same extent that the City would have had such right if the lands had not been conveyed to the United States and remained in City ownership. The exercise of such right shall not require the City to secure any permit or other advance approval from the United States. Upon acquisition by the United States, such lands are hereby permanently withdrawn from all forms of entry and appropriation under the public land laws, including the mining and mineral leasing laws, and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

[(b) CONVEYANCE BY UNITED STATES.—Upon receipt of acceptable title to the non-Federal lands identified in subsection (a), the Secretary of Agriculture shall simultaneously convey to the City all right, title and interest of the United States in and to certain Federal lands, comprising approximately 9.84 acres, as generally depicted on a map entitled ''Empire Federal Lands—Parcel 12'', dated June 2003.

[(c) EQUAL VALUE EXCHANGE.—

[(1) APPRAISAL.—The values of the Federal lands identified in subsection (b) and the non-Federal lands identified in subsection (a)(1)(A) shall be determined by the Secretary through appraisals performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions (December 20, 2000) and the Uniform Standards of Professional Appraisal Practice. Except as provided in paragraph (3), the conveyance of the non-Federal lands identified in subsection (a)(1)(B) shall be considered a donation for all purposes of law.

[(2) SURPLUS OF NON-FEDERAL VALUE.—If the final appraised value, as approved by the Secretary, of the non-Federal lands identified in subsection (a)(1)(A) exceeds the final appraised value, as approved by the Secretary, of the Federal land identified in subsection (b), the values may be equalized—

[(A) by reducing the acreage of the non-Federal lands identified in subsection (a) to be conveyed, as determined appropriate and acceptable by the Secretary and the City;

[(B) the making of a cash equalization payment to the City, including a cash equalization payment in excess of the amount authorized by section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

[(C) a combination of acreage reduction and cash equalization.

[(3) SURPLUS OF FEDERAL VALUE.—If the final appraised value, as approved by the Secretary, of the Federal land identified in subsection (b) exceeds the final appraised value, as approved by the Secretary, of the non-Federal lands identified in subsection (a)(1)(A), the Secretary shall prepare a statement of value for the non-Federal lands identified in subsection (a)(1)(B) and utilize such value to the extent necessary to equalize the values of the non-Federal lands identified in subsection (a)(1)(A) and the Federal land identified in subsection (b). If the Secretary declines to accept the non-Federal lands identified in subsection (a)(1)(B) for any reason, the City shall make a cash equalization payment to the Secretary as necessary to equalize the values of the non-Federal lands identified in subsection (a)(1)(A) and the Federal land identified in subsection (b).

[(d) EXCHANGE COSTS.—To expedite the land exchange under this section and save administrative costs to the United States, the City shall be required to pay for—

[(1) any necessary land surveys; and

[(2) the costs of the appraisals, which shall be performed in accordance with Forest Service policy on approval of the appraiser and the issuance of appraisal instructions.

[(e) TIMING AND INTERIM AUTHORIZATION.—It is the intent of Congress that the land exchange directed by this Act shall be completed no later than 120 days after the date of the enactment of this Act. Pending completion of the land exchange, the City is authorized, effective on the date of the enactment of this Act, to construct a water pipeline on or near the existing course of the Lindstrom ditch through the Federal land identified in subsection (b) without further action or authorization by the Secretary, except that, prior to initiating any such construction, the City shall execute and convey to the Secretary a legal document that permanently holds the United States harmless for any and all liability arising from the construction of such water pipeline and indemnifies the United States against all costs arising from the United States' ownership of the Federal land, and any actions, operations or other acts of the City or its licensees, employees, or agents in constructing such water pipeline or engaging in other acts on the Federal land prior to its transfer to the City. Such encumbrance on the Federal land prior to conveyance shall not be considered for purposes of the appraisal.

[(f) ALTERNATIVE SALE AUTHORITY.—If the land exchange is not completed for any reason, the Secretary is hereby authorized and directed to sell the Federal land identified in subsection (b) to the City at its final appraised value, as approved by the Secretary. Any money received by the United States in such sale shall be considered money received and deposited pursuant to Public Law 90–171

(16 U.S.C. 484(a); commonly known as the ''Sisk Act'', and may be used, without further appropriation, for the acquisition of lands for addition to the National Forest System in the State of Colorado.

[(g) INCORPORATION, MANAGEMENT, AND STATUS OF ACQUIRED LANDS.—Land acquired by the United States under the land exchange shall become part of the Arapaho and Roosevelt National Forests, and the exterior boundary of such forest is hereby modified, without further action by the Secretary, as necessary to incorporate the non-Federal lands identified in subsection (a) and an additional 40 acres as depicted on a map entitled ''Arapaho and Roosevelt National Forest Boundary Adjustment—Cub Creek'', dated June 2003. Upon their acquisition, lands or interests in land acquired under the authority of this Act shall be administered in accordance with the laws, rules and regulations generally applicable to the National Forest System. For purposes of Section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Arapaho and Roosevelt National Forests, as adjusted by this subsection shall be deemed to be the boundaries of such forest as of January 1, 1965.

[(h) TECHNICAL CORRECTIONS.—The Secretary, with the agreement of the City, may make technical corrections or correct clerical errors in the maps referred to in this section or adjust the boundaries of the Federal lands to leave the United States with a manageable post-exchange or sale boundary. In the event of any discrepancy between a map, acreage estimate, or legal description, the map shall prevail unless the Secretary and the City agree otherwise.

[(i) REVOCATION OF ORDERS AND WITHDRAWAL.—Any public orders withdrawing any of the Federal lands identified in subsection (b) from appropriation or disposal under the public land laws are hereby revoked to the extent necessary to permit disposal of the Federal lands. Upon the enactment of this Act, if not already withdrawn or segregated from the entry and appropriation under the public land laws, including the mining and mineral leasing laws and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal lands are hereby withdrawn until the date of their conveyance to the City.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Arapaho and Roosevelt National Forests Land Exchange Act of 2004''.

SEC. 2. LAND EXCHANGE, ARAPAHO AND ROOSEVELT NATIONAL FORESTS, COLORADO.

(a) CONVEYANCE BY CITY OF GOLDEN.—

(1) NON-FEDERAL LAND DESCRIBED.—The land exchange directed by this section shall proceed if, not later than 30 days after the date of enactment of this Act, the City of Golden, Colorado (referred to in this section as the ''City''), offers to convey title acceptable to the Secretary of Agriculture (referred to in this section as the ''Secretary'') to the following non-Federal land:

(A) Certain land located near the community of Evergreen in Park County, Colorado, comprising approximately 80 acres, as generally depicted on the map entitled ''Non-Federal Lands—Cub Creek Parcel'', dated June 2003.

(B) Certain land located near Argentine Pass in Clear Creek and Summit Counties, Colorado, comprising approximately 55.909 acres, as generally depicted on the map entitled ''Argentine Pass/Continental Divide Trail Lands'', dated September 2003.

(2) CONDITIONS OF CONVEYANCE.—

(A) VIDLER TUNNEL.—The conveyance of land under paragraph (1)(B) to the Secretary shall be subject to the continuing right of the City to permanently enter on, use, and occupy so much of the surface and subsurface of the land as reasonably is necessary to access, maintain, modify, or otherwise use the Vidler Tunnel to the same extent that the City would have had that right if the land had not been conveyed to the Secretary and remained in City ownership.

(B) ADVANCE APPROVAL.—The exercise of that right shall not require the City to secure any permit or other advance approval from the United States except to the extent that the City would have been required had the land not been conveyed to the Secretary and remained in City ownership.

(C) WITHDRAWAL.—On acquisition by the Secretary, the land is permanently withdrawn from all forms of entry and appropriation under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(b) FEDERAL LAND DESCRIBED.—On receipt of title to the non-Federal land identified in subsection (a) that is acceptable to the Secretary, the Secretary shall simultaneously convey to the City all right, title, and interest of the United States in and to certain Federal land, comprising approximately 9.84 acres, as generally depicted on the map entitled ''Empire Federal Lands—Parcel 12'', dated June 2003.

(c) EQUAL VALUE EXCHANGE.—

(1) APPRAISAL.—

(A) IN GENERAL.—The values of the Federal land identified in subsection (b) and the non-Federal land identified in subsection (a)(1)(A) shall be determined by the Secretary through appraisals performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(B) DONATION.—Except as provided in paragraph (3), the conveyance of the non-Federal land identified in subsection (a)(1)(B) shall be considered a donation for all purposes of law.

(2) SURPLUS OF NON-FEDERAL VALUE.—If the final appraised value (as approved by the Secretary) of the non-Federal land identified in subsection (a)(1)(A) exceeds the final appraised value (as approved by the Secretary) of the Federal land identified in subsection (b), the values may be equalized by—

(A) reducing the acreage of the non-Federal land identified in subsection (a)(1)(A) to be conveyed, as determined appropriate and acceptable by the Secretary and the City;

(B) making a cash equalization payment to the City, including a cash equalization payment in excess of the amount authorized by section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(C) a combination of acreage reduction and cash equalization.

(3) SURPLUS OF FEDERAL VALUE.—

(A) APPRAISAL.—If the final appraised value (as approved by the Secretary) of the Federal land identified in subsection (b) exceeds the final appraised value (as approved by the Secretary) of the non-Federal land identified in subsection (a)(1)(A), the Secretary shall—

(i) conduct an appraisal in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice for the non-Federal land to be conveyed pursuant to subsection (a)(1)(B); and

(ii) use the value to the extent necessary to equalize the values of the non-Federal land identified in subsection (a)(1)(A) and the Federal land identified in subsection (b).

(B) CASH EQUALIZATION PAYMENT.—If the Secretary declines to accept the non-Federal land identified in subsection (a)(1)(B) for any reason or if the value of the Federal land described in subsection (b) exceeds the value of all of the non-Federal land described in subsection (a)(1), the City may make a cash equalization payment to the Secretary, including a cash equalization payment in excess of the amount authorized by section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(d) EXCHANGE COSTS.—The City shall pay for—

(1) any necessary land surveys; and

(2) the costs of the appraisals, on approval of the appraiser and the issuance of appraisal instructions.

(e) TIMING AND INTERIM AUTHORIZATION.—

(1) TIMING.—It is the intent of Congress that the land exchange directed by this Act shall be completed not later than 180 days after the date of enactment of this Act.

(2) INTERIM AUTHORIZATION.—Pending completion of the land exchange, not later than 45 days after the date of enactment of this Act, subject to applicable law, the Secretary shall authorize the City to construct approximately 140 feet of water pipeline on or near the existing course of the Lindstrom ditch through the Federal land identified in subsection (b).

(f) ALTERNATIVE SALE AUTHORITY.—

(1) IN GENERAL.—If the land exchange is not completed for any reason, the Secretary shall sell the Federal land identified in subsection (b) to the City at the final appraised value of the land, as approved by the Secretary.

(2) SISK ACT.—Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a) shall, without further appropriation, apply to any cash equalization payment received by the United States under this section.

(g) INCORPORATION, MANAGEMENT, AND STATUS OF ACQUIRED LAND.—

(1) INCORPORATION.—Land acquired by the United States under the land exchange shall become part of the Arapaho and Roosevelt National Forests.

(2) BOUNDARY.—The exterior boundary of the Forests is modified, without further action by the Secretary, as necessary to incorporate—

(A) the non-Federal land identified in subsection (a); and

(B) approximately an additional 80 acres as depicted on the map entitled ''Arapaho and Roosevelt National Forest Boundary Adjustment—Cub Creek'', dated June 2003.

(3) ADMINISTRATION.—On acquisition, land or interests in land acquired under this section shall be administered in accordance with the laws (including rules and regulations) generally applicable to the National Forest System.

(4) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Arapaho and Roosevelt National Forests (as adjusted by this subsection) shall be deemed to be the boundaries of the Forests as of January 1, 1965.

(h) TECHNICAL CORRECTIONS.—The Secretary, with the agreement of the City, may make technical corrections or correct clerical errors in the maps referred to in this section.

(i) REVOCATION OF ORDERS AND WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land identified in subsection (b) from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(2) WITHDRAWAL.—On the date of enactment of this Act, if not already withdrawn or segregated from entry and appropriation under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal land identified in subsection (b) is withdrawn until the date of the conveyance of the Federal land to the City.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2180), as amended, was read the third time and passed.

EXTENSION OF THE DEADLINE FOR CONSTRUCTION TO COMMENCE ON A HYDROELECTRIC PROJECT IN ALASKA

The bill (S. 2243) to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska, was considered, read the third time, and passed, as follows:

S. 2243

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

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 11480, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section extend the time period during which the licensee is required to commence the construction of the project for 3 consecutive 2-year periods beyond the date that is 4 years after the date of issuance of the license.

CARPINTERIA AND MONTECITO WATER DISTRIBUTION SYSTEMS CONVEYANCE OF 2003

The bill (H.R. 1648), to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District, was considered, ordered to a third reading, read the third time, and passed.

WILLIAMSON COUNTY WATER RECYCLING ACT OF 2003

The bill (H.R. 1732), to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Williamson County, Texas, Water Recycling and Reuse Project, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT TO THE RECLAMATION PROJECT AUTHORIZATION ACT OF 1972

The bill (H.R. 3209), to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project was considered, ordered to a third reading, read the third time, and passed.

NATIONAL AVIATION HERITAGE AREA ACT

The Senate proceeded to consider the bill (S. 180) to establish the National Aviation Heritage Area, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 180

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

[TITLE I—NATIONAL AVIATION HERITAGE AREA

[SECTION 101. SHORT TITLE.

[This title may be cited as the ''National Aviation Heritage Area Act''.

[SEC. 102. FINDINGS AND PURPOSE.

[(a) FINDINGS.—Congress finds the following:

[(1) Few technological advances have transformed the world or our Nation's economy, society, culture, and national character as the development of powered flight.

[(2) The industrial, cultural, and natural heritage legacies of the aviation and aerospace industry in the State of Ohio are nationally significant.

[(3) Dayton, Ohio, and other defined areas where the development of the airplane and aerospace technology established our Nation's leadership in both civil and military aeronautics and astronautics set the foundation for the 20th Century to be an American Century.

[(4) Wright-Patterson Air Force Base in Dayton, Ohio, is the birthplace, the home, and an integral part of the future of aerospace.

[(5) The economic strength of our Nation is connected integrally to the vitality of the aviation and aerospace industry, which is responsible for an estimated 11,200,000 American jobs.

[(6) The industrial and cultural heritage of the aviation and aerospace industry in the State of Ohio includes the social history and living cultural traditions of several generations.

[(7) The Department of the Interior is responsible for protecting and interpreting the Nation's cultural and historic resources, and there are significant examples of these resources within Ohio to merit the involvement of the Federal Government to develop programs and projects in cooperation with the Aviation Heritage Foundation, Incorporated, the State of Ohio, and other local and governmental entities to adequately conserve, protect, and interpret this heritage for the educational and recreational benefit of this and future generations of Americans, while providing opportunities for education and revitalization.

[(8) Since the enactment of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419), partnerships among the Federal, State, and local governments and the private sector have greatly assisted the development and preservation of the historic aviation resources in the Miami Valley.

[(9) An aviation heritage area centered in Southwest Ohio is a suitable and feasible management option to increase collaboration, promote heritage tourism, and build on the established partnerships among Ohio's historic aviation resources and related sites.

[(10) A critical level of collaboration among the historic aviation resources in Southwest Ohio cannot be achieved without a congressionally established national heritage area and the support of the National Park Service and other Federal agencies which own significant historic aviation-related sites in Ohio.

[(11) The Aviation Heritage Foundation, Incorporated, would be an appropriate management entity to oversee the development of the National Aviation Heritage Area.

[(12) Five National Park Service and Dayton Aviation Heritage Commission studies and planning documents ''Study of Alternatives: Dayton's Aviation Heritage'', ''Dayton Aviation Heritage National Historical Park Suitability/Feasibility Study'', ''Dayton Aviation Heritage General Management Plan'', ''Dayton Historic Resources Preservation and Development Plan'', and Heritage Area Concept Study (in progress) demonstrated that sufficient historical resources exist to establish the National Aviation Heritage Area.

[(13) With the advent of the 100th anniversary of the first powered flight in 2003, it is recognized that the preservation of properties nationally significant in the history of aviation is an important goal for the future education of Americans.

[(14) Local governments, the State of Ohio, and private sector interests have embraced the heritage area concept and desire to enter into a partnership with the Federal Government to preserve, protect, and develop the Heritage Area for public benefit.

[(15) The National Aviation Heritage Area would complement and enhance the aviation-related resources within the National Park Service, especially the Dayton Aviation Heritage National Historical Park, Ohio.

[(b) PURPOSE.—The purpose of this title is to establish the Heritage Area to—

[(1) encourage and facilitate collaboration among the facilities, sites, organizations, governmental entities, and educational institutions within the Heritage Area to promote heritage tourism and to develop educational and cultural programs for the public;

[(2) preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to our national heritage of certain historic and cultural lands, structures, facilities, and sites within the National Aviation Heritage Area;

[(3) encourage within the National Aviation Heritage Area a broad range of economic opportunities enhancing the quality of life for present and future generations;

[(4) provide a management framework to assist the State of Ohio, its political subdivisions, other areas, and private organizations, or combinations thereof, in preparing and implementing an integrated Management Plan to conserve their aviation heritage and in developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreation, and scenic resources of the Heritage Area; and

[(5) authorize the Secretary to provide financial and technical assistance to the State of Ohio, its political subdivisions, and private organizations, or combinations thereof, in preparing and implementing the private Management Plan.

[SEC. 103. DEFINITIONS.

[For purposes of this title:

[(1) BOARD.—The term ''Board'' means the Board of Directors of the Foundation.

[(2) FINANCIAL ASSISTANCE.—The term ''financial assistance'' means funds appropriated by Congress and made available to the management entity for the purpose of preparing and implementing the Management Plan.

[(3) HERITAGE AREA.—The term ''Heritage Area'' means the National Aviation Heritage Area established by section 4 to receive, distribute, and account for Federal funds appropriated for the purpose of this title.

[(4) MANAGEMENT PLAN.—The term ''Management Plan'' means the management plan for the Heritage Area developed under section 106.

[(5) MANAGEMENT ENTITY.—The term ''management entity'' means the Aviation

Heritage Foundation, Incorporated (a nonprofit corporation established under the laws of the State of Ohio).

[(6) PARTNER.—The term ''partner'' means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.

[(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

[(8) TECHNICAL ASSISTANCE.—The term ''technical assistance'' means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

[SEC. 104. NATIONAL AVIATION HERITAGE AREA.

[(a) ESTABLISHMENT.—There is established in the States of Ohio and Indiana, the National Aviation Heritage Area.

[(b) BOUNDARIES.—The Heritage Area shall include the following:

[(1) A core area consisting of resources in Montgomery, Greene, Warren, Miami, Clark, and Champaign Counties in Ohio.

[(2) The Neil Armstrong Air & Space Museum, Wapakoneta, Ohio, and the Wilbur Wright Birthplace and Museum, Millville, Indiana.

[(3) Sites, buildings, and districts within the core area recommended by the Management Plan.

[(c) MAP.—A map of the Heritage Area shall be included in the Management Plan. The map shall be on file in the appropriate offices of the National Park Service, Department of the Interior.

[(d) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Aviation Heritage Foundation.

[SEC. 105. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

[(a) AUTHORITIES.—For purposes of implementing the Management Plan, the management entity may use Federal funds made available through this Act to—

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

[(2) hire and compensate staff; and

[(3) enter into contracts for goods and services.

[(b) DUTIES.— The management entity shall—

[(1) develop and submit to the Secretary for approval the proposed Management Plan in accordance with section 106;

[(2) give priority to implementing actions set forth in the Management Plan, including taking steps to assist units of government and nonprofit organizations in preserving resources within the Heritage Area and encouraging local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the Management Plan;

[(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area in developing and implementing the Management Plan;

[(4) maintain a collaboration among the partners to promote heritage tourism and to assist partners to develop educational and cultural programs for the public;

[(5) encourage economic viability in the Heritage Area consistent with the goals of the Management Plan;

[(6) assist units of government and nonprofit organizations in—

[(A) establishing and maintaining interpretive exhibits in the Heritage Area;

[(B) developing recreational resources in the Heritage Area;

[(C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and

[(D) restoring historic buildings that relate to the purposes of the Heritage Area;

[(7) assist units of government and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are placed throughout the Heritage Area;

[(8) conduct public meetings at least quarterly regarding the implementation of the Management Plan;

[(9) submit substantial amendments to the Management Plan to the Secretary for the approval of the Secretary; and

[(10) for any year in which Federal funds have been received under this Act—

[(A) submit an annual report to the Secretary that sets forth the accomplishments of the management entity and its expenses and income;

[(B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and

[(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.

[(c) USE OF FEDERAL FUNDS.—

[(1) IN GENERAL.—The management entity shall not use Federal funds received under this Act to acquire real property or an interest in real property.

[(2) OTHER SOURCES.—Nothing in this Act precludes the management entity from using Federal funds from other sources for authorized purposes.

[SEC. 106. MANAGEMENT PLAN.

[(a) PREPARATION OF PLAN.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a proposed Management Plan that shall take into consideration State and local plans and involve residents, public agencies, and private organizations in the Heritage Area.

[(b) CONTENTS.—The Management Plan shall incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area and shall include the following:

[(1) An inventory of the resources contained in the core area of the Heritage Area, including the Dayton Aviation Heritage Historical Park, the sites, buildings, and districts listed in section 202 of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419), and any other property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, or maintained because of its significance.

[(2) An assessment of cultural landscapes within the Heritage Area.

[(3) Provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with the purposes of this Act.

[(4) An interpretation plan for the Heritage Area.

[(5) A program for implementation of the Management Plan by the management entity, including the following:

[(A) Facilitating ongoing collaboration among the partners to promote heritage tourism and to develop educational and cultural programs for the public.

[(B) Assisting partners planning for restoration and construction.

[(C) Specific commitments of the partners for the first 5 years of operation.

[(6) The identification of sources of funding for implementing the plan.

[(7) A description and evaluation of the management entity, including its membership and organizational structure.

[(c) DISQUALIFICATION FROM FUNDING.—If a proposed Management Plan is not submitted to the Secretary within 3 years of the date of the enactment of this Act, the management entity shall be ineligible to receive additional funding under this Act until the date on which the Secretary receives the proposed Management Plan.

[(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—The Secretary, in consultation with the State of Ohio, shall approve or disapprove the proposed Management Plan submitted under this Act not later than 90 days after receiving such proposed Management Plan.

[(e) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed Management Plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed Management Plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

[(f) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve substantial amendments to the Management Plan. Funds appropriated under this Act may not be expended to implement any changes made by such amendment until the Secretary approves the amendment.

[SEC. 107. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

[(a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon the request of the management entity, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Heritage Area to develop and implement the Management Plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

[(1) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

[(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

[(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

[(1) consult with the Secretary and the management entity with respect to such activities;

[(2) cooperate with the Secretary and the management entity in carrying out their duties under this Act;

[(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

[(4) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

[SEC. 108. COORDINATION BETWEEN THE SECRETARY AND THE SECRETARY OF DEFENSE AND THE ADMINISTRATOR OF NASA.

[The decisions concerning the execution of this title as it applies to properties under the control of the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall be made by such Secretary or such Administrator, in consultation with the Secretary of the Interior.

[SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—To carry out this title there is authorized to be appropriated

$10,000,000, except that not more than $1,000,000 may be appropriated to carry out this title for any fiscal year.

[(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent.

[SEC. 110. SUNSET PROVISION.

[The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this title.

[TITLE II—WRIGHT COMPANY FACTORY STUDY

[SEC. 201. STUDY.

[(a) IN GENERAL.—The Secretary shall conduct a special resource study updating the study required under section 104 of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419) and detailing alternatives for incorporating the Wright Company factory as a unit of Dayton Aviation Heritage National Historical Park.

[(b) CONTENTS.—The study shall include an analysis of alternatives for including the Wright Company factory as a unit of Dayton Aviation Heritage National Historical Park that detail management and development options and costs.

[(c) CONSULTATION.—In conducting the study, the Secretary shall consult with the Delphi Corporation, the Dayton Aviation Heritage Commission, the Aviation Heritage Foundation, State and local agencies, and other interested parties in the area.

[SEC. 202. REPORT.

[Not later than 3 years after funds are first made available for this title, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study conducted under section 201.]

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Table of contents.

TITLE I—NATIONAL AVIATION HERITAGE AREA

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. National Aviation Heritage Area.
Sec. 104. Management plan.
Sec. 105. Administration.
Sec. 106. Technical and financial assistance; other Federal agencies.
Sec. 107. Authorization of appropriations.
Sec. 108. Termination of authority.

TITLE II—WRIGHT COMPANY FACTORY STUDY

Sec. 201. Definitions.
Sec. 202. Study.
Sec. 203. Report.

TITLE I—NATIONAL AVIATION HERITAGE AREA

SEC. 101. SHORT TITLE.

This title may be cited as the ''National Aviation Heritage Area Act''.

SEC. 102. DEFINITIONS.

In this title:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the National Aviation Heritage Area established by section 103(a).

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the Aviation Heritage Foundation, Incorporated, a nonprofit corporation established under the laws of the State of Ohio.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area developed under section 104.

(4) PARTNER.—The term ''partner'' means—

(A) a Federal, State, or local governmental entity; or

(B) an organization, private industry, or person involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 103. NATIONAL AVIATION HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the States of Ohio and Indiana the National Aviation Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Area shall include—

(A) a core area consisting of resources in Montgomery, Greene, Warren, Miami, Clark, Shelby, Auglaize, and Champaign Counties in the State of Ohio;

(B) the Neil Armstrong Air & Space Museum, Wapakoneta, Ohio;

(C) the Wilbur Wright Birthplace and Museum, Millville, Indiana; and

(D) any sites, buildings, and districts within the core area described in subparagraph (A) that are recommended for inclusion in the Heritage Area in the management plan.

(2) MAP.—

(A) IN GENERAL.—The Secretary shall prepare a map of the Heritage Area for inclusion in the management plan.

(B) AVAILABILITY.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 104. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area.

(b) REQUIREMENTS.—The management plan shall—

(1) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area;

(2) take into consideration Federal, State, and local plans;

(3) involve residents, public agencies, and private organizations in the Heritage Area;

(4) include—

(A) an assessment of cultural landscapes in the Heritage Area;

(B) provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area that are consistent with the purposes of this title;

(C) an interpretation plan for the Heritage Area;

(D) a program for the implementation of the management plan by the management entity that includes—

(i) provisions for facilitating ongoing collaboration among the partners to—

(I) promote heritage tourism; and

(II) develop educational and cultural programs for the public;

(ii) provisions for assisting partners in plans for restoration and construction of the Heritage Area; and

(iii) to the maximum extent practicable, specific commitments from partners for the first 5 years of operation of the Heritage Area; and

(E) an inventory of the resources contained in the core area of the Heritage Area, including—

(i) the Dayton Aviation Heritage Historical Park;

(ii) the sites, buildings, and districts listed in section 202 of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419); and

(iii) any other property that—

(I) is related to the themes of the Heritage Area; and

(II) should be preserved, restored, managed, or maintained because of the significance of the property;

(5) identify sources of funding for the implementation of the management plan; and

(6) describe and evaluate the management entity, including a description and evaluation of—

(A) the membership of the management entity; and

(B) the organizational structure of the management entity.

(c) FAILURE TO SUBMIT.—If the management entity fails to submit the management plan by the date described in subsection (a), the Secretary shall not provide any additional funding under this title to the management entity until the date on which the management entity submits a management plan to the Secretary.

(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—

(1) IN GENERAL.—Not later than 90 days after the date of the receipt of the management plan under subsection (a), the Secretary, in consultation with the State of Ohio, shall approve or disapprove the plan.

(2) DISAPPROVAL AND REVISION.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(A) advise the management entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 90 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(e) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) USE OF FUNDS.—Funds made available under this title shall not be expended to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 105. ADMINISTRATION.

(a) IN GENERAL.—The management entity shall administer the Heritage Area in accordance with this title.

(b) AUTHORITIES.—The management entity may, for purposes of implementing the management plan, use Federal funds made available under this title to—

(1) make grants to, and enter into cooperative agreements with—

(A) the State of Ohio (including a political subdivision of the State);

(B) a private organization; or

(C) any person;

(2) hire and compensate staff;

(3) contract for goods and services; and

(4) obtain funds from any source (including a program that has a cost-sharing requirement).

(c) DUTIES OF MANAGEMENT ENTITY.—In addition to developing the management plan under section 104, in carrying out this title, the management entity shall—

(1) give priority to the implementation of actions set forth in the management plan, including—

(A) assisting units of government and nonprofit organizations in preserving the resources of the Heritage Area; and

(B) encouraging local governments to adopt land use policies that are consistent with—

(i) the management of the Heritage Area; and

(ii) the goals of the management plan;

(2) in developing and implementing the management plan, consider the interests of diverse governmental, business, and nonprofit organizations in the Heritage Area;

(3) maintain a collaboration among the partners to promote heritage tourism;

(4) assist partners in developing educational and cultural programs for the public;

(5) encourage economic viability in the Heritage Area in accordance with the goals of the management plan;

(6) assist units of government and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites of the Heritage Area;

(D) installing throughout the Heritage Area, clear, consistent, and environmentally appropriate signs that identify access points and sites of interest; and

(E) restoring historic buildings that relate to the purposes of the Heritage Area;

(7) conduct public meetings at least quarterly regarding the implementation of the management plan;

(8) submit to the Secretary for approval substantial amendments to the management plan; and

(9) for any fiscal year for which Federal funds are made available to carry out this Act under section 107—

(A) submit to the Secretary a report that describes, for the fiscal year—

(i) any activities conducted by the management entity with respect to the Heritage Area; and

(ii) any expenses incurred by the management entity in carrying out this title;

(B) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing the expenditure of Federal funds by any entity, that the receiving entity make available to the Secretary for audit all records relating to the expenditure of the funds.

(d) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—

(1) USE OF FEDERAL FUNDS.—The management entity shall not use Federal funds made available under this title to acquire real property or any interest in real property.

(2) FUNDS FROM OTHER SOURCES.—The management entity may acquire real property or an interest in real property using non-Federal funds.

SEC. 106. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—On the request of the management entity, the Secretary may provide to the Heritage Area technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance for use in the development and implementation of the management plan.

(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into a cooperative agreement with the management entity or other public or private organizations for purposes of providing technical or financial assistance under paragraph (1).

(3) PRIORITY FOR ASSISTANCE.—In providing technical or financial assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant historical, cultural, and natural resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Secretary may provide to public or private organizations in the Heritage Area such operational assistance as is appropriate to support the implementation of the management plan.

(c) DUTIES OF OTHER FEDERAL AGENCIES.—A Federal agency conducting or supporting any activity directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to the activity;

(2) cooperate with the Secretary and the management entity in carrying out the duties of the Secretary and the management entity under this title;

(3) to the maximum extent practicable, coordinate the activity with the duties of the Secretary and the management entity under this title; and

(4) conduct or support the activity in a manner that, to the maximum extent practicable, will not have an adverse effect on the Heritage Area, as determined by the management entity.

(d) COORDINATION BETWEEN THE SECRETARY, THE SECRETARY OF DEFENSE, AND THE ADMINISTRATOR OF NASA.—Any decision relating to the application of this title to properties under the jurisdiction of the Secretary of Defense or the Administrator of the National Aeronautics and Space Administration shall be made by the Secretary of Defense or the Administrator, respectively, in consultation with the Secretary.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(b) FEDERAL SHARE.—The Federal share of the total cost of any activity assisted under this title shall be not more than 50 percent.

SEC. 108. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this Act.

TITLE II—WRIGHT COMPANY FACTORY STUDY

SEC. 201. DEFINITIONS.

In this title:

(1) FACTORY.—The term ''Factory'' means the Wright Company factory in Dayton, Ohio.

(2) PARK.—The term ''park'' means the Dayton Aviation Heritage National Historical Park in the State of Ohio.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 202. STUDY.

(a) IN GENERAL.—The Secretary shall conduct a special resource study that—

(1) updates the study required under section 104 of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419); and

(2) describes alternatives for incorporating the Factory as a unit of the Park.

(b) CONTENTS.—The study shall include an analysis of the alternatives described under subsection (a)(2), including an analysis of management and development options and costs.

(c) CONSULTATION.—In conducting the study, the Secretary shall consult with—

(1) the Delphi Corporation;

(2) the Aviation Heritage Foundation;

(3) State and local agencies; and

(4) other interested parties in the area in which the Factory is located.

SEC. 203. REPORT.

Not later than 3 years after the date on which funds are first made available to carry out this title, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the results of the study conducted under this title.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 180), as amended, was read the third time and passed.

NORTHERN RIO GRANDE NATIONAL HERITAGE AREA ACT

The bill (S. 211), to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes, was considered, read the third time, and passed, as follows:

S. 211

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Northern Rio Grande National Heritage Area Act''.

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) northern New Mexico encompasses a mosaic of cultures and history, including eight Pueblos and the descendants of Spanish ancestors who settled in the area in 1598;

(2) the combination of cultures, languages, folk arts, customs, and architecture make northern New Mexico unique;

(3) the area includes spectacular natural, scenic, and recreational resources;

(4) there is broad support from local governments and interested individuals to establish a National Heritage Area to coordinate and assist in the preservation and interpretation of these resources;

(5) in 1991, the National Park Service study Alternative Concepts for Commemorating Spanish Colonization identified several alternatives consistent with the establishment of a National Heritage Area, including conducting a comprehensive archaeological and historical research program, coordinating a comprehensive interpretation program, and interpreting a cultural heritage scene; and

(6) establishment of a National Heritage Area in northern New Mexico would assist local communities and residents in preserving these unique cultural, historical and natural resources.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term ''heritage area'' means the Northern Rio Grande Heritage Area; and

(2) the term ''Secretary'' means the Secretary of the Interior.

SEC. 4. NORTHERN RIO GRANDE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Northern Rio Grande National Heritage Area in the State of New Mexico.

(b) BOUNDARIES.—The heritage area shall include the counties of Santa Fe, Rio Arriba, and Taos.

(c) MANAGEMENT ENTITY.—

(1) The Northern Rio Grande National Heritage Area, Inc., a non-profit corporation chartered in the State of New Mexico, shall serve as the management entity for the heritage area.

(2) The Board of Directors for the management entity shall include representatives of the State of New Mexico, the counties of Santa Fe, Rio Arriba and Taos, tribes and pueblos within the heritage area, the cities of Santa Fe, Espanola and Taos, and members of the general public. The total number of Board members and the number of Directors representing State, local and tribal governments and interested communities shall be established to ensure that all parties have appropriate representation on the Board.

SEC. 5. AUTHORITY AND DUTIES OF THE MANAGEMENT ENTITY.

(a) MANAGEMENT PLAN.—

(1) Not later than 3 years after the date of enactment of this Act, the management entity shall develop and forward to the Secretary a management plan for the heritage area.

(2) The management entity shall develop and implement the management plan in cooperation with affected communities, tribal and local governments and shall provide for public involvement in the development and implementation of the management plan.

(3) The management plan shall, at a minimum—

(A) provide recommendations for the conservation, funding, management, and development of the resources of the heritage area;

(B) identify sources of funding;

(C) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the heritage area;

(D) provide recommendations for educational and interpretive programs to inform

the public about the resources of the heritage area; and

(E) include an analysis of ways in which local, State, Federal, and tribal programs may best be coordinated to promote the purposes of this Act.

(4) If the management entity fails to submit a management plan to the secretary as provided in paragraph (1), the heritage area shall no longer be eligible to receive Federal funding under this Act until such time as a plan is submitted to the Secretary.

(5) The Secretary shall approve or disapprove the management plan within 90 days after the date of submission. If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the plan.

(6) The management entity shall periodically review the management plan and submit to the Secretary any recommendations for proposed revisions to the management plan. Any major revisions to the management plan must be approved by the Secretary.

(b) AUTHORITY.—The management entity may make grants and provide technical assistance to tribal and local governments, and other public and private entities to carry out the management plan.

(c) DUTIES.—The management entity shall—

(1) give priority in implementing actions set forth in the management plan;

(2) coordinate with tribal and local governments to better enable them to adopt land use policies consistent with the goals of the management plan;

(3) encourage by appropriate means economic viability in the heritage area consistent with the goals of the management plan; and

(4) assist local and tribal governments and non-profit organizations in—

(A) establishing and maintaining interpretive exhibits in the heritage area;

(B) developing recreational resources in the heritage area;

(C) increasing public awareness of, and appreciation for, the cultural, historical, archaeological and natural resources and sits in the heritage area;

(D) the restoration of historic structures related to the heritage area; and

(E) carrying out other actions that the management entity determines appropriate to fulfill the purposes of this Act, consistent with the management plan.

(d) PROHIBITION ON ACQUIRING REAL PROPERTY.—The management entity may not use Federal funds received under this Act to acquire real property or an interest in real property.

(e) PUBLIC MEETINGS.—The management entity shall hold public meetings at least annually regarding the implementation of the management plan.

(f) ANNUAL REPORTS AND AUDITS.—

(1) For any year in which the management entity receives Federal funds under this Act, the management entity shall submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each entity to which any grant was made by the management entity.

(2) The management entity shall make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds. The management entity shall also require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organization make available to the Secretary for audit all records concerning the expenditure of those funds.

SEC. 6. DUTIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon request of the management entity, provide technical and financial assistance to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, archaeological, scenic, and recreational resources of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities consistent with the resources and associated values of the heritage area.

SEC. 7. SAVINGS PROVISIONS.

(a) NO EFFECT ON PRIVATE PROPERTY.—Nothing in this Act shall be construed—

(1) to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of privately owned lands; or

(2) to grant the management entity any authority to regulate the use of privately owned lands.

(b) TRIBAL LANDS.—Nothing in this Act shall restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

(c) AUTHORITY OF GOVERNMENTS.—Nothing in this Act shall—

(1) modify, enlarge, or diminish any authority of Federal, State, tribal, or local governments to manage or regulate any use of land as provided for by law or regulation; or

(2) authorize the management entity to assume any management authorities over such lands.

(d) TRUST RESPONSIBILITIES.—Nothing in this Act shall diminish the Federal Government's trust responsibilities or government-to-government obligations to any federally recognized Indian tribe.

SEC. 8. SUNSET.

The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this Act shall be not more than 50 percent.

ATCHAFALAYA NATIONAL HERITAGE AREA ACT

The Senate proceeded to consider the bill (S. 323) to establish the Atchafalaya National Heritage Area, Louisiana, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 323

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Atchafalaya National Heritage Area Act''.

[SEC. 2. FINDINGS.

[Congress finds that—

[(1) the Atchafalaya Basin area of Louisiana, designated by the Louisiana Legislature as the ''Atchafalaya Trace State Heritage Area'' and consisting of the area described in section 5(b), is an area in which natural, scenic, cultural, and historic resources form a cohesive and nationally distinctive landscape arising from patterns of human activity shaped by geography;

[(2) the significance of the area is enhanced by the continued use of the area by people whose traditions have helped shape the landscape;

[(3) there is a national interest in protecting, conserving, restoring, promoting, and interpreting the benefits of the area for the residents of, and visitors to, the area;

[(4) the area represents an assemblage of rich and varied resources forming a unique aspect of the heritage of the United States;

[(5) the area reflects a complex mixture of people and their origins, traditions, customs, beliefs, and folkways of interest to the public;

[(6) the land and water of the area offer outstanding recreational opportunities, educational experiences, and potential for interpretation and scientific research; and

[(7) local governments of the area support the establishment of a national heritage area.

[SEC. 3. PURPOSES.

[The purposes of this Act are—

[(1) to protect, preserve, conserve, restore, promote, and interpret the significant resource values and functions of the Atchafalaya Basin area and advance sustainable economic development of the area;

[(2) to foster a close working relationship with all levels of government, the private sector, and the local communities in the area so as to enable those communities to conserve their heritage while continuing to pursue economic opportunities; and

[(3) to establish, in partnership with the State, local communities, preservation organizations, private corporations, and landowners in the Heritage Area, the Atchafalaya Trace State Heritage Area, as designated by the Louisiana Legislature, as the Atchafalaya National Heritage Area.

[SEC. 4. DEFINITIONS.

[In this Act:

[(1) HERITAGE AREA.—The term ''Heritage Area'' means the Atchafalaya National Heritage Area established by section 5(a).

[(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the Heritage Area designated by section 5(c).

[(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area developed under section 7.

[(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

[(5) STATE.—The term ''State'' means the State of Louisiana.

[SEC. 5. ATCHAFALAYA NATIONAL HERITAGE AREA.

[(a) ESTABLISHMENT.—There is established in the State the Atchafalaya National Heritage Area.

[(b) BOUNDARIES.—The Heritage Area shall consist of the whole of the following parishes in the State: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, and East Baton Rouge.

[(c) LOCAL COORDINATING ENTITY.—

[(1) IN GENERAL.—The Atchafalaya Trace Commission shall be the local coordinating entity for the Heritage Area.

[(2) COMPOSITION.—The local coordinating entity shall be composed of 13 members appointed by the governing authority of each parish within the Heritage Area.

[SEC. 6. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.

[(a) AUTHORITIES.—For the purposes of developing and implementing the management plan and otherwise carrying out this Act, the local coordinating entity may—

[(1) make grants to, and enter into cooperative agreements with, the State, units of local government, and private organizations;

[(2) hire and compensate staff; and

[(3) enter into contracts for goods and services.

[(b) DUTIES.—The local coordinating entity shall—

[(1) submit to the Secretary for approval a management plan;

[(2) implement the management plan, including providing assistance to units of government and others in—

[(A) carrying out programs that recognize important resource values within the Heritage Area;

[(B) encouraging sustainable economic development within the Heritage Area;

[(C) establishing and maintaining interpretive sites within the Heritage Area; and

[(D) increasing public awareness of, and appreciation for the natural, historic, and cultural resources of, the Heritage Area;

[(3) adopt bylaws governing the conduct of the local coordinating entity; and

[(4) for any year for which Federal funds are received under this Act, submit to the Secretary a report that describes, for the year—

[(A) the accomplishments of the local coordinating entity; and

[(B) the expenses and income of the local coordinating entity.

[(c) ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds received under this Act to acquire real property or an interest in real property.

[(d) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly.

[SEC. 7. MANAGEMENT PLAN.

[(a) IN GENERAL.—The local coordinating entity shall develop a management plan for the Heritage Area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, scenic, cultural, historic, and recreational resources of the Heritage Area.

[(b) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the local coordinating entity shall—

[(1) take into consideration State and local plans; and

[(2) invite the participation of residents, public agencies, and private organizations in the Heritage Area.

[(c) CONTENTS.—The management plan shall include—

[(1) an inventory of the resources in the Heritage Area, including—

[(A) a list of property in the Heritage Area that—

[(i) relates to the purposes of the Heritage Area; and

[(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

[(B) an assessment of cultural landscapes within the Heritage Area;

[(2) provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with this Act;

[(3) an interpretation plan for the Heritage Area; and

[(4) a program for implementation of the management plan that includes—

[(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the Heritage Area; and

[(B) the identification of existing and potential sources of funding for implementing the plan.

[(d) SUBMISSION TO SECRETARY FOR APPROVAL.—

[(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit the management plan to the Secretary for approval.

[(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this Act until a management plan for the Heritage Area is submitted to the Secretary.

[(e) APPROVAL.—

[(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (d)(1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

[(2) ACTION FOLLOWING DISAPPROVAL.—

[(A) IN GENERAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

[(i) advise the local coordinating entity in writing of the reasons for the disapproval;

[(ii) make recommendations for revisions to the management plan; and

[(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

[(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

[(f) REVISION.—

[(1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

[(A) review the management plan; and

[(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

[(2) EXPENDITURE OF FUNDS.—No funds made available under this Act shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

[SEC. 8. EFFECT OF ACT.

[Nothing in this Act or in establishment of the Heritage Area—

[(1) grants any Federal agency regulatory authority over any interest in the Heritage Area, unless cooperatively agreed on by all involved parties;

[(2) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act;

[(3) grants any power of zoning or land use to the local coordinating entity;

[(4) imposes any environmental, occupational, safety, or other rule, standard, or permitting process that is different from those in effect on the date of enactment of this Act that would be applicable had the Heritage Area not been established;

[(5)(A) imposes any change in Federal environmental quality standards; or

[(B) authorizes designation of any portion of the Heritage Area that is subject to part C of title I of the Clean Air Act (42 U.S.C. 7470 et seq.) as class 1 for the purposes of that part solely by reason of the establishment of the Heritage Area;

[(6) authorizes any Federal or State agency to impose more restrictive water use designations, or water quality standards on uses of or discharges to, waters of the United States or waters of the State within or adjacent to the Heritage Area solely by reason of the establishment of the Heritage Area;

[(7) abridges, restricts, or alters any applicable rule, standard, or review procedure for permitting of facilities within or adjacent to the Heritage Area; or

[(8) affects the continuing use and operation, where located on the date of enactment of this Act, of any public utility or common carrier.

[SEC. 9. REPORTS.

[For any year in which Federal funds have been made available under this Act, the local coordinating entity shall submit to the Secretary a report that describes—

[(1) the accomplishments of the local coordinating entity; and

[(2) the expenses and income of the local coordinating entity.

[SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

[There is authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 shall be made available for any fiscal year.

[SEC. 11. TERMINATION OF AUTHORITY.

[The Secretary shall not provide any assistance under this Act after September 30, 2017.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Atchafalaya National Heritage Area Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Atchafalaya National Heritage Area established by section 3(a).

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the Heritage Area designated by section 3(c).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area developed under section 5.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of Louisiana.

SEC. 3. ATCHAFALAYA NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Atchafalaya National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall consist of the whole of the following parishes in the State: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, and East Baton Rouge.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The Atchafalaya Trace Commission shall be the local coordinating entity for the Heritage Area.

(2) COMPOSITION.—The local coordinating entity shall be composed of 13 members appointed by the governing authority of each parish within the Heritage Area.

SEC. 4. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—For the purposes of developing and implementing the management plan and otherwise carrying out this Act, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, units of local government, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—The local coordinating entity shall—

(1) submit to the Secretary for approval a management plan;

(2) implement the management plan, including providing assistance to units of government and others in—

(A) carrying out programs that recognize important resource values within the Heritage Area;

(B) encouraging sustainable economic development within the Heritage Area;

(C) establishing and maintaining interpretive sites within the Heritage Area; and

(D) increasing public awareness of, and appreciation for the natural, historic, and cultural resources of, the Heritage Area;

(3) adopt bylaws governing the conduct of the local coordinating entity; and

(4) for any year for which Federal funds are received under this Act, submit to the Secretary a report that describes, for the year—

(A) the accomplishments of the local coordinating entity; and

(B) the expenses and income of the local coordinating entity.

(c) ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds received under this Act to acquire real property or an interest in real property.

(d) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly.

SEC. 5. MANAGEMENT PLAN.

(a) IN GENERAL.—The local coordinating entity shall develop a management plan for the Heritage Area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, scenic, cultural, historic, and recreational resources of the Heritage Area.

(b) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the local coordinating entity shall—

(1) take into consideration State and local plans; and

(2) invite the participation of residents, public agencies, and private organizations in the Heritage Area.

(c) CONTENTS.—The management plan shall include—

(1) an inventory of the resources in the Heritage Area, including—

(A) a list of property in the Heritage Area that—

(i) relates to the purposes of the Heritage Area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the Heritage Area;

(2) provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with this Act;

(3) an interpretation plan for the Heritage Area; and

(4) a program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the Heritage Area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(d) SUBMISSION TO SECRETARY FOR APPROVAL.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this Act until a management plan for the Heritage Area is submitted to the Secretary.

(e) APPROVAL.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (d)(1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(f) REVISION.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

(2) EXPENDITURE OF FUNDS.—No funds made available under this Act shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 6. EFFECT OF ACT.

Nothing in this Act or in establishment of the Heritage Area—

(1) grants any Federal agency regulatory authority over any interest in the Heritage Area, unless cooperatively agreed on by all involved parties;

(2) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act;

(3) grants any power of zoning or land use to the local coordinating entity;

(4) imposes any environmental, occupational, safety, or other rule, standard, or permitting process that is different from those in effect on the date of enactment of this Act that would be applicable had the Heritage Area not been established;

(5)(A) imposes any change in Federal environmental quality standards; or

(B) authorizes designation of any portion of the Heritage Area that is subject to part C of title I of the Clean Air Act (42 U.S.C. 7470 et seq.) as class 1 for the purposes of that part solely by reason of the establishment of the Heritage Area;

(6) authorizes any Federal or State agency to impose more restrictive water use designations, or water quality standards on uses of or discharges to, waters of the United States or waters of the State within or adjacent to the Heritage Area solely by reason of the establishment of the Heritage Area;

(7) abridges, restricts, or alters any applicable rule, standard, or review procedure for permitting of facilities within or adjacent to the Heritage Area; or

(8) affects the continuing use and operation, where located on the date of enactment of this Act, of any public utility or common carrier.

SEC. 7. REPORTS.

For any year in which Federal funds have been made available under this Act, the local coordinating entity shall submit to the Secretary a report that describes—

(1) the accomplishments of the local coordinating entity; and

(2) the expenses and income of the local coordinating entity.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 shall be made available for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this Act shall be not more than 50 percent.

SEC. 9. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance to the local coordinating entity under this Act terminates on the date that is 15 years after the date of enactment of this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 323), as amended, was read the third time and passed.

KATE MULLANY NATIONAL HISTORIC SITE ACT

The Senate proceeded to consider the bill (S. 1241) to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1241

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Kate Mullany National Historic Site Act''.

[SEC. 2. FINDINGS AND PURPOSES.

[(a) FINDINGS.—Congress finds that—

[(1) the Kate Mullany House in Troy, New York, is listed on the National Register of Historic Places and has been designated as a National Historic Landmark;

[(2) the National Historic Landmark Theme Study on American Labor History concluded that the Kate Mullany House appears to meet the criteria of national significance, suitability, and feasibility for inclusion in the National Park System;

[(3) the city of Troy, New York—

[(A) played an important role in the development of the collar and cuff industry and the iron industry in the 19th century, and in the development of early men's and women's worker and cooperative organizations; and

[(B) was the home of the first women's labor union, led by Irish immigrant Kate Mullany;

[(4) the city of Troy, New York, has entered into a cooperative arrangement with 6 neighboring cities, towns, and villages to create the Hudson-Mohawk Urban Cultural Park Commission to manage the valuable historic resources in the area, and the area within those municipalities has been designated by the State of New York as a heritage area to represent industrial development and labor themes in the development of the State;

[(5) the area, known as the ''Hudson-Mohawk Urban Cultural Park'' or ''RiverSpark'', has been a pioneer in the development of partnership parks in which intergovernmental and public and private partnerships bring about the conservation of the area's heritage and the attainment of goals for preservation, education, recreation, and economic development; and

[(6) establishment of the Kate Mullany National Historic Site and cooperative efforts between the National Park Service and the Hudson-Mohawk Urban Cultural Park Commission will—

[(A) provide opportunities for the illustration and interpretation of important themes of the heritage of the United States; and

[(B) provide unique opportunities for education, public use, and enjoyment.

[(b) PURPOSES.—The purposes of this Act are—

[(1) to preserve and interpret the nationally significant home of Kate Mullany for the benefit, inspiration, and education of the people of the United States; and

[(2) to interpret the connection between immigration and the industrialization of the United States (including the history of Irish immigration, women's history, and worker history).

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) HISTORIC SITE.—The term ''historic site'' means the Kate Mullany National Historic Site established by section 4.

[(2) PLAN.—The term ''plan'' means the general management plan developed under section 6(d).

[(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

[SEC. 4. ESTABLISHMENT OF KATE MULLANY NATIONAL HISTORIC SITE.

[(a) ESTABLISHMENT.—There is established as a unit of the National Park System the Kate Mullany National Historic Site in the State of New York.

[(b) DESCRIPTION.—The historic site shall consist of the home of Kate Mullany, comprising approximately .05739 acre, located at 350 Eighth Street in Troy, New York, as generally depicted on the map entitled _____ and dated _____.

[SEC. 5. ACQUISITION OF PROPERTY.

[(a) REAL PROPERTY.—The Secretary may acquire land and interests in land within the boundaries of the historic site and ancillary real property for parking or interpretation, as necessary and appropriate for management of the historic site.

[(b) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, the interpretation of the historic site.

[(c) MEANS.—An acquisition of real property or personal property may be made by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

[SEC. 6. ADMINISTRATION OF HISTORIC SITE.

[(a) IN GENERAL.—The Secretary shall administer the historic site in accordance with this Act and the law generally applicable to units of the National Park System, including—

[(1) the Act of August 25, 1916 (16 U.S.C. 1 et seq.); and

[(2) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

[(b) COOPERATIVE AGREEMENTS.—In carrying out this Act, the Secretary may consult with and enter into cooperative agreements with the State of New York, the Hudson-Mohawk Urban Cultural Park Commission, and other public and private entities to facilitate public understanding and enjoyment of the life and work of Kate Mullany through the development, presentation, and funding of exhibits and other appropriate activities related to the preservation, interpretation, and use of the historic site and related historic resources.

[(c) EXHIBITS.—The Secretary may display, and accept for the purposes of display, items associated with Kate Mullany, as may be necessary for the interpretation of the historic site.

[(d) GENERAL MANAGEMENT PLAN.—

[(1) IN GENERAL.—Not later than 2 full fiscal years after the date of enactment of this Act, the Secretary shall—

[(A) develop a general management plan for the historic site; and

[(B) submit the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

[(2) CONTENTS.—The plan shall include recommendations for regional wayside exhibits to be carried out through cooperative agreements with the State of New York and other public and private entities.

[(3) REQUIREMENTS.—The plan shall be prepared in accordance with section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a–7(b)).]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Kate Mullany National Historic Site Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CENTER.—The term ''Center'' means the American Labor Studies Center.

(2) HISTORIC SITE.—The term ''historic site'' means the Kate Mullany National Historic Site established by section 3(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. KATE MULLANY NATIONAL HISTORIC SITE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established as an affiliated area of the National Park System the Kate Mullany National Historic Site in the State of New York.

(2) COMPONENTS.—The historic site shall consist of the home of Kate Mullany, located at 350 Eighth Street in Troy, New York.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Center shall own, administer, and operate the historic site.

(2) APPLICABILITY OF NATIONAL PARK SYSTEM LAWS.—The historic site shall be administered in accordance with—

(A) this Act; and

(B) the laws generally applicable to units of the National Park System, including—

(i) the Act of August 25, 1916 (commonly known as the ''National Park Service Organic Act'') (16 U.S.C. 1 et seq.); and

(ii) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(c) COOPERATIVE AGREEMENTS.—(1) The Secretary may enter into cooperative agreements with the Center under which the Secretary may provide to the Center technical, planning, interpretive, construction, and preservation assistance for—

(A) the preservation of the historic site; and

(B) educational, interpretive, and research activities relating to the historic site and any related sites.

(2) The Secretary may provide to the Center financial assistance in an amount equal to not more than $500,000 to assist the Center in acquiring from a willing seller the structure adjacent to the historic site, located at 352 Eighth Street in Troy, New York. On acquisition of the structure, the Secretary shall revise the boundary of the historic site to reflect the acquisition. The non-Federal share of the total cost of acquiring the structure shall be at least 50 percent.

(d) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 full fiscal years after the date on which funds are made available to carry out this Act, the Secretary, in cooperation with the Center, shall develop a general management plan for the historic site.

(2) CONTENTS.—The general management plan shall define the role and responsibilities of the Secretary with respect to the interpretation and preservation of the historic site.

(3) APPLICABLE LAW.—The general management plan shall be prepared in accordance with section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a–7(b)).

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1241), as amended, was read the third time and passed.

ADDITIONAL APPROPRIATIONS FOR THE RECLAMATION SAFETY OF DAMS ACT OF 1978

The Senate proceeded to consider the bill (S. 1727) to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1727

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

[SECTION 1. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR THE RECLAMATION SAFETY OF DAMS ACT OF 1978.

[(a) REIMBURSEMENT OF CERTAIN MODIFICATION COSTS.—Section 4(c) of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 508(c)) is amended by striking ''(c) With respect to'' and all that follows through ''2001'' and inserting the following:

[''(c) REIMBURSEMENT OF CERTAIN MODIFICATION COSTS.—With respect to the additional amounts authorized to be appropriated by section 5''.

[(b) AUTHORIZATION OF APPROPRIATIONS.—Section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is amended in the first sentence—

[(1) by striking ''and effective October 1, 2001'' and inserting ''effective October 1, 2001'';

[(2) by inserting ''and, effective October 1, 2003, not to exceed an additional $540,000,000 (October 1, 2003, price levels),'' after ''(October 1, 2001, price levels),''; and

[(3) by striking ''$750,000'' and inserting ''$1,250,000 (October 1, 2003, price levels), as adjusted to reflect any ordinary fluctuations in construction costs indicated by applicable engineering cost indexes,''.]

SECTION 1. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR THE RECLAMATION SAFETY OF DAMS ACT OF 1978.

(a) REIMBURSEMENT OF CERTAIN MODIFICATION COSTS.—Section 4(c) of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 508(c)) is amended by striking ''(c) With respect to'' and all that follows through ''2001'' and inserting the following:

''(c) REIMBURSEMENT OF CERTAIN MODIFICATION COSTS.—With respect to the additional amounts authorized to be appropriated by section 5''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is amended in the first sentence—

(1) by inserting ''and, effective October 1, 2003, not to exceed an additional $540,000,000 (October 1, 2003, price levels),'' after ''(October 1, 2001, price levels),''; and

(2) by striking ''$750,000'' and inserting ''$1,250,000 (October 1, 2003, price levels), as adjusted to reflect any ordinary fluctuations in construction costs indicated by applicable engineering cost indexes,''.

SEC. 2. PARTICIPATION BY PROJECT BENEFICIARIES.

(a) COST CONTAINMENT; MODIFICATION STATUS.—Section 4 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 508) is amended by adding at the end the following:

''(e)(1) During the construction of the modification, the Secretary shall consider cost containment measures recommended by a project beneficiary that has elected to consult with the Bureau of Reclamation on a modification.

''(2) The Secretary shall provide to project beneficiaries on a periodic basis notice regarding the costs and status of the modification.''.

(b) PROJECT BENEFICIARIES.—The Reclamation Safety of Dams Act of 1978 is amended by inserting after section 5 (43 U.S.C. 509) the following:

''SEC. 5A. (a) On identifying a Bureau of Reclamation facility for modification, the Secretary shall provide to the project beneficiaries written notice—

''(1) describing the need for the modification and the process for identifying and implementing the modification; and

''(2) summarizing the administrative and legal requirements relating to the modification.

''(b) The Secretary shall—

''(1) provide project beneficiaries an opportunity to consult with the Bureau of Reclamation on the planning, design, and construction of the proposed modification; and

''(2) in consultation with project beneficiaries, develop and provide timeframes for the consultation described in paragraph (1).

''(c)(1) Prior to submitting the reports required under section 5, the Secretary shall consider any alternative submitted in writing, in accordance with the timeframes established under subsection (b), by a project beneficiary that has elected to consult with the Bureau of Reclamation on a modification.

''(2) The Secretary shall provide to the project beneficiary a timely written response describing proposed actions, if any, to address the recommendation.

''(3) The response of the Secretary shall be included in the reports required by section 5.

''(d) The Secretary may waive 1 or more of the requirements of subsections (a), (b), and (c), if the Secretary determines that implementation of the requirement could have an adverse impact on dam safety or security.''.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1727), as amended, was read the third time and passed.

UNITED STATES-MEXICO TRANSBOUNDARY AQUIFER ASSESSMENT ACT

The Senate proceeded to consider the bill (S. 1957) to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1957

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''United States-Mexico Transboundary Aquifer Assessment Act''.

[SEC. 2. FINDINGS AND PURPOSE.

[(a) FINDINGS.—Congress finds that—

[(1) rapid population growth in the United States-Mexico border region over the last decade has placed major strains on limited water supplies in the region;

[(2) water quantity and quality issues are likely to be the determining and limiting factors affecting future economic development, population growth, and human health in the border region;

[(3) increasing use of groundwater resources in the border region by municipal and other water users has raised serious questions concerning the long-term availability of the water supply;

[(4) cooperation between the United States and Mexico in assessing and understanding transboundary aquifers is necessary for the successful management of shared groundwater resources by State and local authorities in the United States and appropriate authorities in Mexico, including management that avoids conflict between the United States and Mexico;

[(5) while there have been some studies of binational groundwater resources along the United States-Mexico border, additional data and analyses are needed to develop an accurate understanding of the long-term availability of useable water supplies from transboundary aquifers; and

[(6) the Border States—

[(A) are primarily responsible for the management and allocation of groundwater resources within the respective boundaries of the Border States; and

[(B) should have a cooperative role in the analysis and characterization of transboundary aquifers.

[(b) PURPOSE.—The purpose of this Act is to direct the Secretary of the Interior to establish a United States-Mexico transboundary aquifer assessment program to—

[(1) systematically assess priority transboundary aquifers; and

[(2) provide the scientific foundation necessary for State and local officials to address pressing water resource challenges in the United States-Mexico border region.

[SEC. 3. DEFINITIONS.

[In this Act:

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

[(2) BORDER STATE.—The term ''Border State'' means each of the States of Arizona, California, New Mexico, and Texas.

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

[(A) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

[(B) the reservation of which includes a transboundary aquifer within the exterior boundaries of the reservation.

[(4) PRIORITY TRANSBOUNDARY AQUIFER.—The term ''priority transboundary aquifer'' means a transboundary aquifer that has been designated for study and analysis under the program.

[(5) PROGRAM.—The term ''program'' means the United States-Mexico transboundary aquifer assessment program established under section 4(a).

[(6) RESERVATION.—The term ''reservation'' means land that has been set aside or that has been acknowledged as having been set aside by the United States for the use of an Indian tribe, the exterior boundaries of which are more particularly defined in a final tribal treaty, agreement, executive order, Federal statute, secretarial order, or judicial determination.

[(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

[(8) TRANSBOUNDARY AQUIFER.—The term ''transboundary aquifer'' means an aquifer that underlies the boundary between the United States and Mexico.

[(9) TRI-REGIONAL PLANNING GROUP.—The term ''Tri-Regional Planning Group'' means the binational planning group comprised of—

[(A) the Junta Municipal de Aqua y Saneamiento de Ciudad Juarez;

[(B) the El Paso Water Utilities Public Service Board; and

[(C) the Lower Rio Grande Water Users Organization.

[(10) WATER RESOURCES RESEARCH INSTITUTES.—The term ''water resources research institutes'' means the institutes within the Border States established under section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303).

[SEC. 4. ESTABLISHMENT OF PROGRAM.

[(a) IN GENERAL.—The Secretary, in consultation and cooperation with the Border States, the Water Resources Research Institutes, Sandia National Laboratories, and other appropriate entities in the United States and Mexico, shall carry out the United States-Mexico transboundary aquifer assessment program to characterize, map, and model transboundary groundwater resources along the United States-Mexico border at a level of detail determined to be appropriate for the particular aquifer.

[(b) OBJECTIVES.—The objectives of the program are to—

[(1) develop and implement an integrated scientific approach to assess transboundary groundwater resources, including—

[(A)(i) identifying fresh and saline transboundary aquifers; and

[(ii) prioritizing the transboundary aquifers for further analysis by assessing—

[(I) the proximity of the transboundary aquifer to areas of high population density;

[(II) the extent to which the transboundary aquifer is used; and

[(III) the susceptibility of the transboundary aquifer to contamination;

[(B) evaluating all available data and publications as part of the development of study plans for each priority transboundary aquifer;

[(C) creating a geographic information system database to characterize the spatial and temporal aspects of each priority transboundary aquifer; and

[(D) using field studies, including support for and expansion of ongoing monitoring and metering efforts, to develop any additional data that are needed to define aquifer characteristics to the extent necessary to enable the development of groundwater flow models to assess sustainable water yields for each priority transboundary aquifer;

[(2) expand existing agreements, as appropriate, between the United States Geological Survey, the Border States, the Water Resources Research Institutes, and appropriate authorities in the United States and Mexico, to—

[(A) conduct joint scientific investigations;

[(B) archive and share relevant data; and

[(C) carry out any other activities consistent with the program; and

[(3) produce scientific products for each priority transboundary aquifer to provide the scientific information needed by water managers and natural resource agencies on both sides of the United States-Mexico border to effectively accomplish the missions of the managers and agencies.

[(c) DESIGNATION OF CERTAIN AQUIFERS.—For purposes of the program, the Secretary shall designate the Hueco Bolson and Mesilla aquifers underlying parts of Texas, New Mexico, and Mexico as priority transboundary aquifers.

[(d) COOPERATION WITH MEXICO.—To ensure a comprehensive assessment of transboundary aquifers, the Secretary shall, to the maximum extent practicable, work with appropriate Federal agencies and other organizations to develop partnerships with, and receive input from, relevant organizations in Mexico to carry out the program.

[(e) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants or enter into cooperative agreements and

other agreements with the Water Resource Research Institutes and other Border State entities to carry out the program.

[SEC. 5. STATE AND TRIBAL ROLE.

[(a) COORDINATION.—The Secretary shall coordinate the activities carried out under the program with—

[(1) the appropriate water resource agencies in the Border States; and

[(2) any affected Indian tribes.

[(b) NEW ACTIVITY.—After the date of enactment of this Act, the Secretary shall not initiate any field studies to develop data or develop any groundwater flow models for a priority transboundary aquifer under the program before consulting with, and coordinating the activity with, the Border State water resource agency that has jurisdiction over the aquifer.

[SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $50,000,000 for the period of fiscal years 2005 through 2014.

[(b) DISTRIBUTION OF FUNDS.—Of the amounts made available under subsection (a), 50 percent shall be made available to the Water Resource Research Institutes to provide funding to appropriate entities in the Border States (including Sandia National Laboratories, State agencies, universities, the Tri-Regional Planning Group, and other relevant organizations) and Mexico to conduct activities under the program, including the binational collection and exchange of scientific data.

[SEC. 7. REPORTS.

[Not later than 5 years after the date of enactment of this Act, and on completion of the program in fiscal year 2014, the Secretary shall submit to the appropriate water resource agency in the Border States, an interim and final report, respectively, that describes—

[(1) any activities carried out under the program;

[(2) any conclusions of the Secretary relating to the status of transboundary aquifers; and

[(3) the level of participation in the program of entities in Mexico.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States-Mexico Transboundary Aquifer Assessment Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to direct the Secretary of the Interior to establish a United States-Mexico transboundary aquifer assessment program to—

(1) systematically assess priority transboundary aquifers; and

(2) provide the scientific foundation necessary for State and local officials to address pressing water resource challenges in the United States-Mexico border region.

SEC. 3. DEFINITIONS.

In this Act:

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

(2) BORDER STATE.—The term ''Border State'' means each of the States of Arizona, California, New Mexico, and Texas.

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

(A) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

(B) the reservation of which includes a transboundary aquifer within the exterior boundaries of the reservation.

(4) PRIORITY TRANSBOUNDARY AQUIFER.—The term ''priority transboundary aquifer'' means a transboundary aquifer that has been designated for study and analysis under the program.

(5) PROGRAM.—The term ''program'' means the United States-Mexico transboundary aquifer assessment program established under section 4(a).

(6) RESERVATION.—The term ''reservation'' means land that has been set aside or that has been acknowledged as having been set aside by the United States for the use of an Indian tribe, the exterior boundaries of which are more particularly defined in a final tribal treaty, agreement, executive order, Federal statute, secretarial order, or judicial determination.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(8) TRANSBOUNDARY AQUIFER.—The term ''transboundary aquifer'' means an aquifer that underlies the boundary between the United States and Mexico.

(9) TRI-REGIONAL PLANNING GROUP.—The term ''Tri-Regional Planning Group'' means the binational planning group comprised of—

(A) the Junta Municipal de Aqua y Saneamiento de Ciudad Juarez;

(B) the El Paso Water Utilities Public Service Board; and

(C) the Lower Rio Grande Water Users Organization.

(10) WATER RESOURCES RESEARCH INSTITUTES.—The term ''water resources research institutes'' means the institutes within the Border States established under section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303).

SEC. 4. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation and cooperation with the Border States, the water resources research institutes, Sandia National Laboratories, and other appropriate entities in the United States and Mexico, shall carry out the United States-Mexico transboundary aquifer assessment program to characterize, map, and model transboundary groundwater resources along the United States-Mexico border at a level of detail determined to be appropriate for the particular aquifer.

(b) OBJECTIVES.—The objectives of the program are to—

(1) develop and implement an integrated scientific approach to assess transboundary groundwater resources, including—

(A)(i) identifying fresh and saline transboundary aquifers; and

(ii) prioritizing the transboundary aquifers for further analysis by assessing—

(I) the proximity of the transboundary aquifer to areas of high population density;

(II) the extent to which the transboundary aquifer is used;

(III) the susceptibility of the transboundary aquifer to contamination; and

(IV) any other relevant criteria;

(B) evaluating all available data and publications as part of the development of study plans for each priority transboundary aquifer;

(C) creating a new, or enhancing an existing, geographic information system database to characterize the spatial and temporal aspects of each priority transboundary aquifer; and

(D) using field studies, including support for and expansion of ongoing monitoring and metering efforts, to develop—

(i) the additional data necessary to adequately define aquifer characteristics; and

(ii) scientifically sound groundwater flow models to assist with State and local water management and administration, including modeling of relevant groundwater and surface water interactions;

(2) expand existing agreements, as appropriate, between the United States Geological Survey, the Border States, the water resources research institutes, and appropriate authorities in the United States and Mexico, to—

(A) conduct joint scientific investigations;

(B) archive and share relevant data; and

(C) carry out any other activities consistent with the program; and

(3) produce scientific products for each priority transboundary aquifer that—

(A) are capable of being broadly distributed; and

(B) provide the scientific information needed by water managers and natural resource agencies on both sides of the United States-Mexico border to effectively accomplish the missions of the managers and agencies.

(c) DESIGNATION OF PRIORITY TRANSBOUNDARY AQUIFERS.—

(1) IN GENERAL.—For purposes of the program, the Secretary shall designate as priority transboundary aquifers—

(A) the Hueco Bolson and Mesilla aquifers underlying parts of Texas, New Mexico, and Mexico; and

(B) the Santa Cruz River Valley aquifers underlying Arizona and Sonora, Mexico.

(2) ADDITIONAL AQUIFERS.—The Secretary shall, using the criteria under subsection (b)(1)(A)(ii), evaluate and designate additional priority transboundary aquifers.

(d) COOPERATION WITH MEXICO.—To ensure a comprehensive assessment of transboundary aquifers, the Secretary shall, to the maximum extent practicable, work with appropriate Federal agencies and other organizations to develop partnerships with, and receive input from, relevant organizations in Mexico to carry out the program.

(e) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants or enter into cooperative agreements and other agreements with the water resources research institutes and other Border State entities to carry out the program.

SEC. 5. IMPLEMENTATION OF PROGRAM.

(a) COORDINATION WITH STATES, TRIBES, AND OTHER ENTITIES.—The Secretary shall coordinate the activities carried out under the program with—

(1) the appropriate water resource agencies in the Border States;

(2) any affected Indian tribes; and

(3) any other appropriate entities that are conducting monitoring and metering activity with respect to a priority transboundary aquifer.

(b) NEW ACTIVITY.—After the date of enactment of this Act, the Secretary shall not initiate any new field studies or analyses under the program before consulting with, and coordinating the activity with, any Border State water resource agencies that have jurisdiction over the aquifer.

(c) STUDY PLANS; COST ESTIMATES.—

(1) IN GENERAL.—The Secretary shall work closely with appropriate Border State water resource agencies, water resources research institutes, and other relevant entities to develop a study plan, timeline, and cost estimate for each priority transboundary aquifer to be studied under the program.

(2) REQUIREMENTS.—A study plan developed under paragraph (1) shall, to the maximum extent practicable—

(A) integrate existing data collection and analyses conducted with respect to the priority transboundary aquifer;

(B) if applicable, improve and strengthen existing groundwater flow models developed for the priority transboundary aquifer; and

(C) be consistent with appropriate State guidelines and goals.

SEC. 6. EFFECT.

Nothing in this Act affects—

(1) the jurisdiction or responsibility of a Border State with respect to managing surface or groundwater resources in the Border State; or

(2) the water rights of any person or entity using water from a transboundary aquifer.

SEC. 7. REPORTS.

Not later than 5 years after the date of enactment of this Act, and on completion of the program in fiscal year 2014, the Secretary shall submit to the appropriate water resource agency in

the Border States, an interim and final report, respectively, that describes—

(1) any activities carried out under the program;

(2) any conclusions of the Secretary relating to the status of transboundary aquifers; and

(3) the level of participation in the program of entities in Mexico.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $50,000,000 for the period of fiscal years 2005 through 2014.

(b) DISTRIBUTION OF FUNDS.—Of the amounts made available under subsection (a), 50 percent shall be made available to the water resources research institutes to provide funding to appropriate entities in the Border States (including Sandia National Laboratories, State agencies, universities, the Tri-Regional Planning Group, and other relevant organizations) and Mexico to conduct activities under the program, including the binational collection and exchange of scientific data.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1957), as amended, was read the third time and passed.

LAND EXCHANGE IN EVERGLADES NATIONAL PARK

The Senate proceeded to consider the bill (S. 2046) to authorize the exchange of certain land in Everglades National Park, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 2046

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

[SECTION 1. EVERGLADES NATIONAL PARK LAND EXCHANGE.

[Section 102 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–6) is amended by adding at the end the following:

[''(h) LAND EXCHANGE.—

[''(1) DEFINITIONS.—In this subsection:

[''(A) DISTRICT.—The term 'District' means the South Florida Water Management District.

[''(B) FEDERAL LAND.—The term 'Federal land' means the approximately 1,054 acres of land located in the Rocky Glades area of the park and identified on the map as 'NPS Exchange Lands'.

[''(C) MAP.—The term 'map' means the map entitled 'Boundary Modification for C–111 Project, Everglades National Park', numbered 160/80,007, and dated April 30, 2002.

[''(D) NON-FEDERAL LAND.—The term 'non-Federal land' means the approximately 1,054 acres of District land located in the Southern Glades Wildlife and Environmental Area and identified on the map as 'South Florida Water Management District Exchange Lands'.

[''(2) EXCHANGE.—The Secretary shall convey to the District the fee title to the Federal land in exchange for the fee title to the non-Federal land.

[''(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

[''(4) USE OF FEDERAL LAND.—The Federal land conveyed to the District shall be used by the District compatible with the purposes of the C–111 project, including restoration of the Everglades natural system.

[''(5) BOUNDARY ADJUSTMENT.—On completion of the land exchange under paragraph (2), the Secretary shall modify the boundary of the park to reflect the exchange of the Federal land and non-Federal land.''.]

SECTION 1. EVERGLADES NATIONAL PARK.

Section 102 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–6) is amended—

(1) in subsection (a)—

(A) by striking ''The park boundary'' and inserting the following:

''(1) IN GENERAL.—The park boundary'';

(B) by striking ''The map'' and inserting the following:

''(2) AVAILABILITY OF MAP.—The map''; and

(C) by adding at the end the following:

''(3) ACQUISITION OF ADDITIONAL LAND.—

''(A) IN GENERAL.—The Secretary may acquire from 1 or more willing sellers not more than 10 acres of land located outside the boundary of the park and adjacent to or near the East Everglades area of the park for the development of administrative, housing, maintenance, or other park purposes.

''(B) ADMINISTRATION; APPLICABLE LAW.—On acquisition of the land under subparagraph (A), the land shall be administered as part of the park in accordance with the laws (including regulations) applicable to the park.''; and

(2) by adding at the end the following:

''(h) LAND EXCHANGES.—

''(1) DEFINITIONS.—In this subsection:

''(A) ADMINISTRATOR.—The term 'Administrator' means the Administrator of General Services.

''(B) COUNTY.—The term 'County' means Miami-Dade County, Florida.

''(C) COUNTY LAND.—The term 'County land' means the 2 parcels of land owned by the County totaling approximately 152.93 acres that are designated as 'Tract 605–01' and 'Tract 605–03'.

''(D) DISTRICT.—The term 'District' means the South Florida Water Management District.

''(E) DISTRICT LAND.—The term 'District land' means the approximately 1,054 acres of District land located in the Southern Glades Wildlife and Environmental Area and identified on the map as 'South Florida Water Management District Exchange Lands'.

''(F) GENERAL SERVICES ADMINISTRATION LAND.—The term 'General Services Administration land' means the approximately 595.28 acres of land designated as 'Site Alpha' that is declared by the Department of the Navy to be excess land.

''(G) MAP.—The term 'map' means the map entitled 'Boundary Modification for C–111 Project, Everglades National Park', numbered 160/80,007A, and dated May 18, 2004.

''(H) NATIONAL PARK SERVICE LAND.—The term 'National Park Service land' means the approximately 1,054 acres of land located in the Rocky Glades area of the park and identified on the map as 'NPS Exchange Lands'.

''(2) EXCHANGE OF GENERAL SERVICES ADMINISTRATION LAND AND COUNTY LAND.—The Administrator shall convey to the County fee title to the General Services Administration land in exchange for the conveyance by the County to the Secretary of fee title to the County land.

''(3) EXCHANGE OF NATIONAL PARK SERVICE LAND AND DISTRICT LAND.—

''(A) IN GENERAL.—As soon as practicable after the completion of the exchange under paragraph (2), the Secretary shall convey to the District fee title to the National Park Service land in exchange for fee title to the District land.

''(B) USE OF NATIONAL PARK SERVICE LAND.—The National Park Service land conveyed to the District shall be used by the District for the purposes of the C–111 project, including restoration of the Everglades natural system.

''(C) BOUNDARY ADJUSTMENT.—On completion of the land exchange under subparagraph (A), the Secretary shall modify the boundary of the park to reflect the exchange of the National Park Service land and the District land.

''(4) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.''.

SEC. 2. BIG CYPRESS NATIONAL PRESERVE.

Subsection (d)(3) of the first section of Public Law 93–440 (16 U.S.C. 698f) is amended by striking ''The amount described in paragraph (1)'' and inserting ''The amount described in paragraph (2)''.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2046), as amended, was read the third time and passed.

TAPOCO PROJECT LICENSING ACT OF 2004

The Senate proceeded to consider the bill (S. 2319) to authorize and facilitate hydroelectric power licensing of the Tapoco Project, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 2319

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Tapoco Project Licensing Act of 2004''.

[SEC. 2. PURPOSE.

[The purpose of this Act is to resolve jurisdictional issues regarding hydroelectric power licensing of FERC Project No. 2169 (the Tapoco Project or Project) by authorizing—

[(1) the Secretary of the Interior to complete, as soon as practicable after the date of enactment of this Act, an exchange of certain land; and

[(2) after the exchange of land is completed, the Federal Energy Regulatory Commission to license the Project.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) APGI.—The term ''APGI'' means Alcoa Power Generating Inc. (including its successors and assigns).

[(2) ATTORNEY GENERAL.—The term ''Attorney General'' means the Attorney General of the United States.

[(3) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

[(4) PARK.—The term ''Park'' means the Great Smoky Mountains National Park.

[(5) PROJECT.—The term ''Project'' means FERC Project No. 2169 (the Tapoco Project or Project), including the Chilhowee Dam and reservoir in the State.

[(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

[(7) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the agreement filed with the Commission among the settling parties reached in the licensing of the Project that describes the operational and protection, mitigation, and enhancement measures for operation of the Project.

[(8) STATE.—The term ''State'' means the State of Tennessee.

[SEC. 4. LAND EXCHANGE.

[(a) IN GENERAL.—The Secretary shall offer to acquire from APGI—

[(1) subject to any encumbrances existing before February 21, 2003, approximately 186

acres of land (within the authorized boundary of the Park) located northeast of United States Highway 129 and southwest of the Tennessee Valley Authority power line; in exchange for

[(2) approximately 100 acres of land within the Park that are—

[(A) adjacent to or flooded by the Chilhowee Reservoir;

[(B) within the boundary of the Tapoco Project as of February 21, 2003; and

[(C) shown on the map entitled ''Tapoco Hydroelectric Project, P–2169, Settlement Agreement, Appendix C–5, Proposed Land Swap Areas, National Park Service and APGI'', numbered TP514, Issue No. 8, and dated March 11, 2004.

[(b) CONSERVATION EASEMENT.—The Secretary shall reserve a conservation easement over any land transferred to APGI that shall—

[(1) specifically prohibit any development of the land by APGI, other than any development that is—

[(A) necessary for the continued operation and maintenance of the Chilhowee Reservoir; or

[(B) required by the Commission;

[(2) authorize public access to the easement area subject to Park regulations and the terms and restrictions imposed by the Commission in any license the Commission may issue for the project; and

[(3) authorize the National Park Service to enforce Park regulations on the land and in and on the waters of Chilhowee Reservoir lying on the land, to the extent not inconsistent with any license conditions considered necessary by the Commission.

[(c) REVERSION.—The deed from the Secretary to APGI shall contain a provision that requires the fee simple title for the Chilhowee Dam to revert to the United States if the Dam is breached or removed.

[(d) UNSUITABLE LAND.—

[(1) IN GENERAL.—If the Secretary determines that all or part of a tract of land acquired under subsection (a) is unsuitable for the Park, the Secretary shall provide APGI with an opportunity to make the tract suitable for inclusion in the Park.

[(2) LAND NOT SUITABLE.—If APGI is unable to make the tract suitable for inclusion in the Park (as determined by the Secretary) or elects not to make the tract suitable for inclusion—

[(A) the transfer of the land is voided, on written notice from the Secretary to APGI; and

[(B) the Secretary shall negotiate an acquisition for inclusion in the Park of suitable land that is—

[(i) of approximately equal value to the land acquired by APGI for inclusion in the Park; and

[(ii) within or adjacent to the boundary of the Park.

[(e) ACTION FOR FAIR MARKET VALUE OF LAND.—

[(1) IN GENERAL.—If the Secretary determines that negotiations for substitute land described in subsection (d)(2)(B) are at an impasse, the Secretary shall request the Attorney General to seek compensation for—

[(A) the fair market value of the land or interests in land that would have been transferred to the Park had the land not been affected by the encumbrances or defects that made the land unsuitable for inclusion in the Park; and

[(B) the costs and litigation expenses of the United States, including attorney fees.

[(2) FUNDS.—All funds recovered from any action under paragraph (1) shall—

[(A) be immediately available, without further appropriation from the Treasury, for use by the Secretary for acquisition of land within or adjacent to the boundaries of the Park from willing sellers; and

[(B) remain available until expended.

[(3) EFFECT ON CONVEYANCE.—Nothing in this subsection affects a conveyance by the United States to APGI under subsection (a).

[(f) BOUNDARY ADJUSTMENT.—

[(1) IN GENERAL.—On completion of an exchange authorized under this section, the Secretary shall—

[(A) adjust the boundary of the Park to reflect the exchange; and

[(B) administer any acquired land as part of the Park in accordance with applicable law (including regulations).

[(2) PUBLIC NOTICE.—The Secretary shall publish in the Federal Register notice of any boundary revised under this subsection.

[(g) COMPLIANCE WITH OTHER LAWS.—An exchange of land under this section is deemed to meet the requirements of—

[(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

[(2) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

[(3) the land exchange provisions of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.).

[SEC. 5. LICENSING.

[Notwithstanding any other provision of law, on completion of the land exchange or acquisition of equivalent land under section 4, the Commission shall have jurisdiction to license the Project .

[SEC. 6. LAND ACQUISITION.

[(a) SECRETARY OF THE INTERIOR.—

[(1) IN GENERAL.—The Secretary may acquire, for the United States, title to land in the State that may be transferred by APGI to any nongovernmental organization (as shown on the map entitled ''Tapoco Hydroelectric Project, P–2169, Settlement Agreement, Appendix C–5, Proposed Land Conveyances in Tennessee'', numbered TP616, Issue No. 15, and dated March 11, 2004) pursuant to the Settlement Agreement.

[(2) BOUNDARY ADJUSTMENT.—The Secretary shall—

[(A) adjust the boundary of the Park to include any land acquired under paragraph (1); and

[(B) publish notice of the adjustment in the Federal Register.

[(b) SECRETARY OF AGRICULTURE.—

[(1) IN GENERAL.—The Secretary of Agriculture may acquire, for the United States, title to land in the State that may be transferred to any nongovernmental organization pursuant to the Settlement Agreement described in subsection (a)(1).

[(2) BOUNDARY ADJUSTMENT.—The Secretary of Agriculture shall—

[(A) adjust the boundary of the Cherokee National Forest to include any land acquired under paragraph (1); and

[(B) publish notice of the adjustment in the Federal Register.

[(3) MANAGEMENT.—The Secretary of Agriculture shall evaluate whether it is feasible and practicable to manage any land acquired for the Cherokee National Forest under paragraph (1) in a manner that retains the primitive, back-country character of the land.

[SEC. 7. AUTHORIZATION FOR APPROPRIATIONS.

[There are authorized to be appropriated such sums as are necessary for the United States to acquire interests in land and to otherwise effectuate the purposes and terms of the land transfer provisions of the Settlement Agreement.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tapoco Project Licensing Act of 2004''.

SEC. 2. DEFINITIONS.

In this Act:

(1) APGI.—The term ''APGI'' means Alcoa Power Generating Inc. (including its successors and assigns).

(2) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(3) MAP.—The term ''map'' means the map entitled ''Tapoco Hydroelectric Project, P–2169, Settlement Agreement, Appendix B, Proposed Land Swap Areas, National Park Service and APGI'', numbered TP514, Issue No. 9, and dated June 8, 2004.

(4) PARK.—The term ''Park'' means Great Smoky Mountains National Park.

(5) PROJECT.—The term ''Project'' means the Tapoco Hydroelectric Project, FERC Project No. 2169, including the Chilhowee Dam and Reservoir in the State of Tennessee.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. LAND EXCHANGE.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Upon the conveyance by APGI of title acceptable to the Secretary of the land identified in paragraph (2), the Secretary shall simultaneously convey to APGI title to the land identified in paragraph (3).

(2) DESCRIPTION OF LAND TO BE CONVEYED BY APGI.—The land to be conveyed by APGI to the Secretary is the approximately 186 acres of land, subject to any encumbrances existing before February 21, 2003—

(A) within the authorized boundary of the Park, located northeast of United States Highway 129 and adjacent to the APGI power line; and

(B) as generally depicted on the map as ''Proposed Property Transfer from APGI to National Park Service''.

(3) DESCRIPTION OF LAND TO BE CONVEYED BY THE SECRETARY.—The land to be conveyed by the Secretary to APGI are the approximately 110 acres of land within the Park that are—

(A) adjacent to or flooded by the Chilhowee Reservoir;

(B) within the boundary of the Project as of February 21, 2003; and

(C) as generally depicted on the map as ''Proposed Property Transfer from National Park Service to APGI''.

(b) MINOR ADJUSTMENTS TO CONVEYED LAND.—The Secretary and APGI may mutually agree to make minor boundary or acreage adjustments to the land identified in paragraphs (2) and (3) of subsection (a).

(c) OPPORTUNITY TO MITIGATE.—If the Secretary determines that all or part of the land to be conveyed to the Park under subsection (a) is unsuitable for inclusion in the Park, APGI shall have the opportunity to make the land suitable for inclusion in the Park.

(d) CONSERVATION EASEMENT.—The Secretary shall reserve a conservation easement over any land transferred to APGI under subsection (a)(3) that, subject to any terms and conditions imposed by the Commission in any license that the Commission may issue for the Project, shall—

(1) specifically prohibit any development of the land by APGI, other than any development that is necessary for the continued operation and maintenance of the Chilhowee Reservoir;

(2) authorize public access to the easement area, subject to National Park Service regulations; and

(3) authorize the National Park Service to enforce Park regulations on the land and in and on the waters of Chilhowee Reservoir lying on the land, to the extent not inconsistent with any license condition considered necessary by the Commission.

(e) APPLICABILITY OF CERTAIN LAWS.—Section 5(b) of Public Law 90–401 (16 U.S.C. 460l–22(b)), shall not apply to the land exchange authorized under this section.

(f) REVERSION.—

(1) IN GENERAL.—The deed from the Secretary to APGI shall contain a provision that requires the land described in subsection (a)(3) to revert to the United States if—

(A) the Chilhowee Reservoir ceases to exist; or

(B) the Commission issues a final order decommissioning the Project from which no further appeal may be taken.

(2) APPLICABLE LAW.—A reversion under this subsection shall not eliminate APGI's responsibility to comply with all applicable provisions of the Federal Power Act (16 U.S.C. 791a et seq.), including regulations.

(g) BOUNDARY ADJUSTMENT.—

(1) IN GENERAL.—On completion of the land exchange authorized under this section, the Secretary shall—

(A) adjust the boundary of the Park to include the land described in subsection (a)(2); and

(B) administer any acquired land as part of the Park in accordance with applicable law (including regulations).

(2) NATIONAL PARK SERVICE LAND.—Notwithstanding the exchange of land under this section, the land described in subsection (a)(3) shall remain in the boundary of the Park.

(3) PUBLIC NOTICE.—The Secretary shall publish in the Federal Register notice of any boundary revised under paragraph (1).

SEC. 4. PROJECT LICENSING.

Notwithstanding the continued inclusion of the land described in section 3(a)(3) in the boundary of the Park (including any modification made pursuant to section 3(b)) on completion of the land exchange, the Commission shall have jurisdiction to license the Project.

SEC. 5. LAND ACQUISITION.

(a) IN GENERAL.—The Secretary or the Secretary of Agriculture may acquire, by purchase, donation, or exchange, any land or interest in land that—

(1) may be transferred by APGI to any nongovernmental organization; and

(2) is identified as ''Permanent Easement'' or ''Term Easement'' on the map entitled ''Tapoco Hydroelectric Project, P–2169, Settlement Agreement, Appendix B, Proposed Land Conveyances in Tennessee'', numbered TP616, Issue No. 15, and dated March 11, 2004.

(b) LAND ACQUIRED BY THE SECRETARY OF THE INTERIOR.—The Secretary shall—

(1) adjust the boundary of the Park to include any land or interest in land acquired by the Secretary under subsection (a);

(2) administer any acquired land or interest in land as part of the Park in accordance with applicable law (including regulations); and

(3) publish notice of the adjustment in the Federal Register.

(c) LAND ACQUIRED BY THE SECRETARY OF AGRICULTURE.—

(1) BOUNDARY ADJUSTMENT.—The Secretary of Agriculture shall—

(A) adjust the boundary of the Cherokee National Forest to include any land acquired under subsection (a);

(B) administer any acquired land or interest in land as part of the Cherokee National Forest in accordance with applicable law (including regulations); and

(C) publish notice of the adjustment in the Federal Register.

(2) MANAGEMENT.—The Secretary of Agriculture shall evaluate the feasibility of managing any land acquired by the Secretary of Agriculture under subsection (a) in a manner that retains the primitive, back-country character of the land.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2319), as amended, was read the third time and passed.

FRANNIE, WYOMING LAND CONVEYANCE

The Senate proceeded to consider the bill (S. 155) to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Insert the part shown in italic.]

S. 155

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

SECTION 1. CONVEYANCE OF LAND TO THE TOWN OF FRANNIE, WYOMING.

(a) CONVEYANCE.—Subject to valid existing rights, the Secretary of the Interior shall convey *by quitclaim deed*, without consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (b) to the town of Frannie, Wyoming.

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is the parcel of land withdrawn by the Commissioner of Reclamation—

(1) consisting of approximately 37,500 square feet;

(2) located in the town of Frannie, Wyoming; and

(3) more particularly described in the approved Plat of Survey of Frannie Townsite, Wyoming, as the North ½ of Block 26, T. 58 N, R. 97 W.

(c) RESERVATION OF MINERAL RIGHTS.—The conveyance under subsection (a) shall be subject to the reservation by the United States of any oil and gas rights.

(d) REVOCATIONS.—

(1) SPECIAL USE PERMIT.—The special use permit issued by the Commissioner of Reclamation, numbered O–LM–60–L1413, and dated April 20, 1990, is revoked with respect to the land described in subsection (b).

(2) SECRETARIAL ORDERS.—The following Secretarial Orders issued by the Commissioner of Reclamation are revoked with respect to the land described in subsection (b):

(A) The Secretarial Order for the withdrawal of land for the Shoshone Reclamation Project dated October 21, 1913, as amended.

(B) The Secretarial Order for the withdrawal of land for the Frannie Townsite Reservation dated April 19, 1920.

The committee amendment was agreed to.

The bill (S. 155), as amended, was read the third time and passed.

RIO GRANDE NATURAL AREA ACT

The Senate proceeded to consider the bill (S. 1467) to establish the Rio Grande Outstanding Natural Area in the State of Colorado, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1467

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Rio Grande Outstanding Natural Area Act''.

[SEC. 2. FINDINGS AND PURPOSES.

[(a) FINDINGS.—Congress finds as follows:

[(1) Preservation and restoration of the land in the Area are required to preserve the Area's unique scientific, scenic beauty, educational, and environmental values, including unique land forms, scenic beauty, cultural sites, and habitats used by various species of raptors and other birds, mammals, reptiles, and amphibians.

[(2) There are archaeological and historic sites in the Area resulting from at least 10,000 years of use for subsistence and commerce.

[(3) The archaeological sites represent regional ancestry, including Paleo-Indian and nomadic bands of Ute and Apache.

[(4) The Area contains exceptional scenic values and opportunities for wildlife viewing.

[(5) Approximately 2,771 acres of land within the Area are owned by the United States and administered by the Secretary, acting through the Director of the Bureau of Land Management, and approximately 7,885 acres of land within the Area are owned by private landowners.

[(6) The Area is located downstream from areas in Colorado of significant and longstanding water development and use.

[(7) The availability of water for use in Colorado is governed, in significant part, by the Compact, which obligates the State of Colorado to deliver certain quantities of water to the Colorado-New Mexico State line for the benefit of the States of New Mexico and Texas in accordance with the terms of the Compact.

[(8) Because of the allocations of water made by the Compact to downstream States, the levels of use and development of water in Colorado, and the unpredictable and seasonal nature of the water supply, the Secretary shall manage the land within the Area to accomplish the purposes of this Act without asserting reserved water rights for instream flows or appropriating or acquiring water rights for that purpose.

[(b) PURPOSES.—The purposes of this Act are to conserve, restore, and protect for future generations the natural, ecological, historic, scenic, recreational, wildlife, and environmental resources of the Area.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) AREA.—The term ''Area'' means the Rio Grande Outstanding Natural Area established under section 4.

[(2) AREA MANAGEMENT PLAN.—The term ''Area Management Plan'' means the plan developed by the Commission in cooperation with Federal, State, and local agencies and approved by the Secretary.

[(3) COMMISSION.—The term ''Commission'' means the Rio Grande Outstanding Natural Area Commission as established in this Act.

[(4) COMPACT.—The term ''Compact'' means the Rio Grande Compact, consented to by Congress in the Act of May 31, 1939 (53 Stat. 785, chapter 155).

[(5) MAP.—The term ''Map'' means the map entitled ''____'', dated ____, and numbered ____.

[(6) PUBLIC LANDS.—The term ''public lands'' has the meaning given that term in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

[(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

[(8) STATE.—The term ''State'' means the State of Colorado.

[SEC. 4. ESTABLISHMENT OF AREA.

[(a) IN GENERAL.—There is established the Rio Grande Outstanding Natural Area.

[(b) BOUNDARIES.—The Area shall consist of approximately 10,656 acres extending for a distance of 33.3 miles along the Rio Grande River in southern Colorado from the southern boundary of the Alamosa National Wildlife Refuge to the Colorado-New Mexico State line, encompassing the Rio Grande River and its adjacent riparian areas extending not more than 1,320 feet on either side of the river.

[(c) MAP AND LEGAL DESCRIPTION.—

[(1) LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a legal description of the Area in the office of the Director of the Bureau of Land Management, Department of the Interior, in Washington, District of Columbia, and the Office of the Colorado State Director of the Bureau of Land Management.

[(2) FORCE AND EFFECT.—The Map and legal description of the Area shall have the same force and effect as if they were included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description as they may appear from time to time.

[(3) PUBLIC AVAILABILITY.—The Map and legal description of the Area shall be available for public inspection in the office of the Colorado State Director of the Bureau of Land Management, Department of the Interior in Denver, Colorado.

[SEC. 5. COMMISSION.

[(a) ESTABLISHMENT.—There is hereby established the Rio Grande Outstanding Natural Area Commission.

[(b) PURPOSE.—The Commission shall assist appropriate Federal, State, and local authorities in the development and implementation of an integrated resource management plan for the Area called the Area Management Plan.

[(c) MEMBERSHIP.—The Commission shall be composed of 9 members, designated or appointed not later than 6 months after the date of the enactment of this Act as follows:

[(1) 2 officials of Department of the Interior designated by the Secretary, 1 of whom shall represent the Federal agency responsible for the management of the Area and 1 of whom shall be the manager of the Alamosa National Wildlife Refuge.

[(2) 2 individuals appointed by the Secretary, 1 of whom shall be based on the recommendation of the State Governor, representing the Colorado Division of Wildlife, and 1 representing the Colorado Division of Water Resources responsible for the Rio Grande drainage.

[(3) 1 representative of the Rio Grande Water Conservation District appointed by the Secretary based on the recommendation of the State Governor, representing the local region in which the Area is established.

[(4) 4 individuals appointed by the Secretary based on recommendations of the State Governor, representing the general public who are citizens of the State and of the local region in which the Area is established, who have knowledge and experience in the appropriate fields of interest relating to the preservation and restoration and use of the Area. 2 appointees from the local area shall represent nongovernmental agricultural interests and 2 appointees from the local area shall represent nonprofit nongovernmental environmental interests.

[(d) TERMS.—Members shall be appointed for terms of 5 years and may be reappointed.

[(e) COMPENSATION.—Members of the Commission shall receive no pay on account of their service on the Commission.

[(f) CHAIRPERSON.—The chairperson of the Commission shall be elected by the members of the Commission.

[(g) MEETINGS.—The Commission shall hold its first meeting not later than 90 days after the date on which the last of its initial members is appointed, and shall meet at least quarterly at the call of the chairperson.

[SEC. 6. POWERS OF THE COMMISSION.

[(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

[(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission, if so authorized by the Commission, may take any action which the Commission is authorized to take by this Act.

[(c) ACQUISITION OF REAL PROPERTY.—Except as provided in section 12, the Commission may not acquire any real property or interest in real property.

[(d) COOPERATIVE AGREEMENTS.—For purposes of carrying out the Area Management Plan, the Commission may enter into cooperative agreements with the State, with any political subdivision of the State, or with any person. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action proposed by the State, a political subdivision, or a person which may affect the implementation of the Area Management Plan.

[SEC. 7. DUTIES OF THE COMMISSION.

[(a) PREPARATION OF PLAN.—Not later than 2 years after the Commission conducts its first meeting, it shall submit to the Secretary an Area Management Plan. The Area Management Plan shall be—

[(1) based on existing Federal, State, and local plans, but shall coordinate those plans and present a unified preservation, restoration, and conservation plan for the Area;

[(2) developed in accordance with the provisions of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); and

[(3) consistent, to the extent possible, with the management plans adopted by the Director of the Bureau of Land Management for adjacent properties in Colorado and New Mexico.

[(b) CONTENTS.—The Area Management Plan shall include the following:

[(1) An inventory which includes any property in the Area which should be preserved, restored, managed, developed, maintained, or acquired because of its natural, scientific, scenic, or environmental significance.

[(2) Recommended policies for resource management which consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements, that will protect the Area's natural, scenic, and wildlife resources and environment.

[(3) Recommended policies for resource management to provide for protection of the Area for solitude, quiet use, and pristine natural values.

[(c) IMPLEMENTATION OF THE PLAN.—Upon approval of the Area Management Plan by the Secretary, as provided in section 9, the Commission shall assist the Secretary in implementing the Area Management Plan by taking appropriate steps to preserve and interpret the natural resources of the Area and its surrounding area. These steps may include the following:

[(1) Assisting the State in preserving the Area.

[(2) Assisting the State and local governments, and political subdivisions of the State in increasing public awareness of and appreciation for the natural, historical, and wildlife resources in the Area.

[(3) Encouraging local governments and political subdivisions of the State to adopt land use policies consistent with the management of the Area and the goals of the Area Management Plan, and to take actions to implement those policies.

[(4) Encouraging and assisting private landowners within the Area in understanding and accepting the provisions of the Area Management Plan and cooperating in its implementation.

[SEC. 8. TERMINATION OF THE COMMISSION.

[(a) TERMINATION.—Except as provided in subsection (b), the Commission shall terminate 10 years and 6 months after the date of the enactment of this Act.

[(b) EXTENSIONS.—The Commission may be extended for a period of not more than 5 years beginning on the day of termination specified in subsection (a) if, not later than 180 days before that day, the Commission—

[(1) determines that such an extension is necessary in order to carry out the purpose of this Act; and

[(2) submits such proposed extension to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

[SEC. 9. ADMINISTRATION BY SECRETARY.

[(a) PLAN APPROVAL; PUBLICATION.—Not later than 60 days after the Secretary receives a proposed management plan from the Commission, the Secretary, with the assistance of the Commission, shall initiate the environmental compliance activities which the Secretary determines to be appropriate in order to allow the review of the proposed plan and any alternatives thereto and to allow public participation in the environmental compliance activities. Thereafter, the Secretary shall approve an Area Management Plan for the Area consistent with the Commission's proposed plan to the extent possible, that reflects the results of the environmental compliance activities undertaken. Not later than 18 months after the Secretary receives the proposed management plan, the Secretary shall publish the Area Management Plan in the Federal Register.

[(b) ADMINISTRATION.—The Secretary shall administer the lands owned by the United States within the Area in accordance with the laws and regulations applicable to public lands and the Area Management Plan in such a manner as shall provide for the following:

[(1) The conservation, restoration, and protection of the Area's unique scientific, scenic, educational, recreational, and wildlife values.

[(2) The continued use of the Area for purposes of education, scientific study, and limited public recreation in a manner that does not substantially impair the purposes for which the Area is established.

[(3) The protection of the wildlife habitat of the Area.

[(4) The elimination of opportunities to construct water storage facilities within the Area.

[(5) The reduction or elimination of roads and motorized vehicles from the public lands to the greatest extent possible within the Area.

[(6) The elimination of roads and motorized use on the public lands within the area on the western side of the river from Lobatos Bridge south to the State line.

[(c) NO RESERVATION OF WATER RIGHTS.—Public lands affected by this Act shall not be subject to reserved water rights for any Federal purpose.

[(d) CHANGES IN STREAMFLOW REGIME.—To the extent that changes to the streamflow regime beneficial to the Area can be accommodated through negotiation with the State of Colorado, the Rio Grande Water Conservation District, and water users within Colorado, such changes should be encouraged, but may not be imposed as a requirement.

[(e) PRIVATE LANDS.—Private lands within the Area will be affected by the designation and management of the Area only to the extent that the private landowner agrees in writing to be bound by the Area Management Plan.

[SEC. 10. MANAGEMENT.

[(a) AREA MANAGEMENT PLAN.—

[(1) IN GENERAL.—The Secretary shall implement the Area Management Plan for all

of the land within the Area that accomplishes the purposes of and is consistent with the provisions of this Act.

[(2) NON-FEDERAL LAND.—The Area Management Plan shall apply to all land within the Area owned by the United States and may be made to apply to non-Federal land within the Area only when written acceptance of the Area Management Plan is given by the owners of such land.

[(b) COORDINATION WITH STATE AND LOCAL GOVERNMENTS.—The Area Management Plan shall be developed and adopted in coordination with the appropriate State agencies and local governments in Colorado.

[(c) COOPERATION BY PRIVATE LANDOWNERS.—In implementing the Area Management Plan, the Secretary shall encourage full public participation and seek the cooperation of all private landowners within the Area, regardless of whether the landowners are directly or indirectly affected by the Area Management Plan. If accepted by private landowners, in writing, the provisions of the Area Management Plan may be applied to the individual parcels of private land.

[(d) NEW IMPOUNDMENTS.—In managing the Area, neither the Secretary nor any other Federal agency or officer may approve or issue any permit for, or provide any assistance for, the construction of any new dam, reservoir, or impoundment on any segment of the Rio Grande River or its tributaries within the exterior boundaries of the Area.

[SEC. 11. RESTORATION TO PUBLIC LANDS STATUS.

[(a) EXISTING RESERVATIONS.—All reservations of public lands within the Area for Federal purposes that have been made by an Act of Congress or Executive order prior to the date of enactment of this Act are revoked.

[(b) PUBLIC LANDS.—Subject to subsection (c), public lands within the Area that were subject to a reservation described in subsection (a)—

[(1) are restored to the status of public lands; and

[(2) shall be administered in accordance with the Area Management Plan.

[(c) WITHDRAWAL.—All public lands within the Area are withdrawn from settlement, sale, location, entry, or disposal under the laws applicable to public lands, including the following:

[(1) Sections 910, 2318 through 2340, and 2343 through 2346 of the Revised Statutes (commonly known as the ''General Mining Law, of 1872'') (30 U.S.C. 21, 22, 23, 24, 26 through 30, 33 through 43, 46 through 48, 50 through 53).

[(2) The Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a).

[(3) The Act of April 26, 1882 (22 Stat. 49, chapter 106; 30 U.S.C. 25, 31).

[(4) Public Law 85–876 (30 U.S.C. 28–1, 28–2).

[(5) The Act of June 21, 1949 (63 Stat. 214, chapter 232; 30 U.S.C. 28b through 28e, 54).

[(6) The Act of March 3, 1991 (21 Stat. 505, chapter 140; 30 U.S.C. 32).

[(7) The Act of May 5, 1876 (19 Stat. 52, chapter 91; 30 U.S.C. 49).

[(8) Sections 15, 16, and 26 of the Act of June 6, 1990 (31 Stat. 327, 328, 329, chapter 786; 30 U.S.C. 49a, 49c, 49d).

[(9) Section 2 of the Act of May 4, 1934 (48 Stat. 1243, chapter 2559; 30 U.S.C. 49e, 49f).

[(10) The Act entitled ''An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain'', approved February 25, 1920 (commonly known as the ''Mineral Lands Leasing Act of 1920''; 30 U.S.C. 181 et seq.).

[(11) The Act entitled ''An Act to provide for the disposal of materials on public lands of the United States'', approved July 31, 1947 (commonly known as the ''Materials Act of 1947''; 30 U.S.C. 601 et seq.).

[(d) WILD AND SCENIC RIVERS.—No land or water within the Area shall be designated as a wild, scenic, or recreational river under section 2 of the Wild and Scenic Rivers Act (16 U.S.C. 1273).

[SEC. 12. ACQUISITION OF NON-FEDERAL LANDS.

[(a) ACQUISITION OF LANDS NOT CURRENTLY IN FEDERAL OWNERSHIP.—The Secretary, with the cooperation and assistance of the Commission, may acquire by purchase, exchange, or donation all or any part of the land and interests in land, including conservation easements, within the Area from willing sellers only.

[(b) ADMINISTRATION.—Any lands and interests in lands acquired under this section—

[(1) shall be administered in accordance with the Area Management Plan;

[(2) shall not be subject to reserved water rights for any Federal purpose, nor shall the acquisition of the land authorize the Secretary or any Federal agency to acquire instream flows in the Rio Grande River at any place within the Area;

[(3) shall become public lands; and

[(4) shall upon acquisition be immediately withdrawn as provided in section 11.

[SEC. 13. STATE INSTREAM FLOW PROTECTION AUTHORIZED.

[Nothing in this Act shall be construed to prevent the State from acquiring an instream flow through the Area pursuant to the terms, conditions, and limitations of Colorado law to assist in protecting the natural environment to the extent and for the purposes authorized by Colorado law.

[SEC. 14. RULE OF CONSTRUCTION.

[Nothing in this Act shall be construed to—

[(1) authorize, expressly or by implication, the appropriation or reservation of water by any Federal agency, or any other entity or individual other than the State of Colorado, for any instream flow purpose associated with the Area;

[(2) affect the rights or jurisdiction of the United States, a State, or any other entity over waters of any river or stream or over any ground water resource;

[(3) alter, amend, repeal, interpret, modify, or be in conflict with the Compact;

[(4) alter or establish the respective rights of any State, the United States, or any person with respect to any water or water-related right;

[(5) impede the maintenance of the free-flowing nature of the waters in the Area so as to protect—

[(A) the ability of the State of Colorado to fulfill its obligations under the Compact; or

[(B) the riparian habitat within the Area;

[(6) allow the conditioning of Federal permits, permissions, licenses, or approvals to require the bypass or release of waters appropriated pursuant to State law to protect, enhance, or alter the water flows through the Area;

[(7) affect the continuing use and operation, repair, rehabilitation, expansion, or new construction of water supply facilities, water and wastewater treatment facilities, stormwater facilities, public utilities, and common carriers along the Rio Grande River and its tributaries upstream of the Area;

[(8) impose any Federal or State water use designation or water quality standard upon uses of, or discharges to, waters of the State or waters of the United States, within or upstream of the Area, that is more restrictive than those that would be applicable had the Area not been established; or

[(9) modify, alter, or amend title I of the Reclamation Project Authorizing Act of 1972, as amended (Public Law 92–514, 86 Stat. 964; Public Law 96–375, 94 Stat. 1507; Public Law 98–570, 98 Stat. 2941; and Public Law 100–516, 100 Stat. 257), or to authorize the Secretary to acquire water from other sources for delivery to the Rio Grande River pursuant to section 102(c) of such title.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rio Grande Natural Area Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Rio Grande Natural Area Commission established by section 4(a).

(2) NATURAL AREA.—The term ''Natural Area'' means the Rio Grande Natural Area established by section 3(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. ESTABLISHMENT OF RIO GRANDE NATURAL AREA.

(a) IN GENERAL.—There is established the Rio Grande Natural Area in the State of Colorado to conserve, restore, and protect the natural, historic, cultural, scientific, scenic, wildlife, and recreational resources of the Natural Area.

(b) BOUNDARIES.—The Natural Area shall include the Rio Grande River from the southern boundary of the Alamosa National Wildlife Refuge to the New Mexico State border, extending ¼ mile on either side of the bank of the River.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a map and legal description of the Natural Area.

(2) EFFECT.—The map and legal description of the Natural Area shall have the same force and effect as if included in this Act, except that the Secretary may correct any minor errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description of the Natural Area shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 4. ESTABLISHMENT OF THE COMMISSION.

(a) ESTABLISHMENT.—There is established the Rio Grande Natural Area Commission.

(b) PURPOSE.—The Commission shall—

(1) advise the Secretary with respect to the Natural Area; and

(2) prepare a management plan relating to non-Federal land in the Natural Area under section 6(b)(2)(A).

(c) MEMBERSHIP.—The Commission shall be composed of 9 members appointed by the Secretary, of whom—

(1) 1 member shall represent the Colorado State Director of the Bureau of Land Management;

(2) 1 member shall be the manager of the Alamosa National Wildlife Refuge, ex officio;

(3) 3 members shall be appointed based on the recommendation of the Governor of Colorado, of whom—

(A) 1 member shall represent the Colorado Division of Wildlife;

(B) 1 member shall represent the Colorado Division of Water Resources; and

(C) 1 member shall represent the Rio Grande Water Conservation District; and

(4) 4 members shall—

(A) represent the general public;

(B) be citizens of the local region in which the Natural Area is established; and

(C) have knowledge and experience in the fields of interest relating to the preservation, restoration, and use of the Natural Area.

(d) TERMS OF OFFICE.—

(1) IN GENERAL.—Except for the manager of the Alamosa National Wildlife Refuge, the term of office of a member of the Commission shall be 5 years.

(2) REAPPOINTMENT.—A member may be reappointed to the Commission on completion of the term of office of the member.

(e) COMPENSATION.—A member of the Commission shall serve without compensation for service on the Commission.

(f) CHAIRPERSON.—The Commission shall elect a chairperson of the Commission.

(g) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at least quarterly at the call of the chairperson.

(2) PUBLIC MEETINGS.—A meeting of the Commission shall be open to the public.

(3) NOTICE.—Notice of any meeting of the Commission shall be published in advance of the meeting.

(h) TECHNICAL ASSISTANCE.—The Secretary and the heads of other Federal agencies shall, to the maximum extent practicable, provide any information and technical services requested by the Commission to assist in carrying out the duties of the Commission.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—For purposes of carrying out the management plan on non-Federal land in the Natural Area, the Commission may enter into a cooperative agreement with the State of Colorado, a political subdivision of the State, or any person.

(2) REQUIREMENTS.—A cooperative agreement entered into under paragraph (1) shall establish procedures for providing notice to the Commission of any action proposed by the State of Colorado, a political subdivision of the State, or any person that may affect the implementation of the management plan on non-Federal land in the Natural Area.

(3) EFFECT.—A cooperative agreement entered into under paragraph (1) shall not enlarge or diminish any right or duty of a Federal agency under Federal law.

(c) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The Commission may not acquire any real property or interest in real property.

(d) IMPLEMENTATION OF MANAGEMENT PLAN.—

(1) IN GENERAL.—The Commission shall assist the Secretary in implementing the management plan by carrying out the activities described in paragraph (2) to preserve and interpret the natural, historic, cultural, scientific, scenic, wildlife, and recreational resources of the Natural Area.

(2) AUTHORIZED ACTIVITIES.—In assisting with the implementation of the management plan under paragraph (1), the Commission may—

(A) assist the State of Colorado in preserving State land and wildlife within the Natural Area;

(B) assist the State of Colorado and political subdivisions of the State in increasing public awareness of, and appreciation for, the natural, historic, scientific, scenic, wildlife, and recreational resources in the Natural Area;

(C) encourage political subdivisions of the State of Colorado to adopt and implement land use policies that are consistent with—

(i) the management of the Natural Area; and

(ii) the management plan; and

(D) encourage and assist private landowners in the Natural Area in the implementation of the management plan.

SEC. 6. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary and the Commission, in coordination with appropriate agencies in the State of Colorado, political subdivisions of the State, and private landowners in the Natural Area, shall prepare management plans for the Natural Area as provided in subsection (b).

(b) DUTIES OF SECRETARY AND COMMISSION.—

(1) SECRETARY.—The Secretary shall prepare a management plan relating to the management of Federal land in the Natural Area.

(2) COMMISSION.—

(A) IN GENERAL.—The Commission shall prepare a management plan relating to the management of the non-Federal land in the Natural Area.

(B) APPROVAL OR DISAPPROVAL.—

(i) IN GENERAL.—The Commission shall submit to the Secretary the management plan prepared under subparagraph (A) for approval or disapproval.

(ii) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan submitted under clause (i), the Secretary shall—

(I) notify the Commission of the reasons for the disapproval; and

(II) allow the Commission to submit to the Secretary revisions to the management plan submitted under clause (i).

(3) COOPERATION.—The Secretary and the Commission shall cooperate to ensure that the management plans relating to the management of Federal land and non-Federal land are consistent.

(c) REQUIREMENTS.—The management plans shall—

(1) take into consideration Federal, State, and local plans in existence on the date of enactment of this Act to present a unified preservation, restoration, and conservation plan for the Natural Area;

(2) with respect to Federal land in the Natural Area—

(A) be developed in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712);

(B) be consistent, to the maximum extent practicable, with the management plans adopted by the Director of the Bureau of Land Management for land adjacent to the Natural Area; and

(C) be considered to be an amendment to the San Luis Resource Management Plan of the Bureau of Land Management; and

(3) include—

(A) an inventory of the resources contained in the Natural Area (including a list of property in the Natural Area that should be preserved, restored, managed, developed, maintained, or acquired to further the purposes of the Natural Area); and

(B) a recommendation of policies for resource management, including the use of intergovernmental cooperative agreements, that—

(i) protect the resources of the Natural Area; and

(ii) provide for solitude, quiet use, and pristine natural values of the Natural Area.

(d) PUBLICATION.—The Secretary shall publish notice of the management plans in the Federal Register.

SEC. 7. ADMINISTRATION OF NATURAL AREA.

(a) IN GENERAL.—The Secretary shall administer the Federal land in the Natural Area—

(1) in accordance with—

(A) the laws (including regulations) applicable to public land; and

(B) the management plan; and

(2) in a manner that provides for—

(A) the conservation, restoration, and protection of the natural, historic, scientific, scenic, wildlife, and recreational resources of the Natural Area;

(B) the continued use of the Natural Area for purposes of education, scientific study, and limited public recreation in a manner that does not substantially impair the purposes for which the Natural Area is established;

(C) the protection of the wildlife habitat of the Natural Area;

(D) a prohibition on the construction of water storage facilities in the Natural Area; and

(E) the reduction in the use of or removal of roads in the Natural Area and, to the maximum extent practicable, the reduction in or prohibition against the use of motorized vehicles in the Natural Area (including the removal of roads and a prohibition against motorized use on Federal land in the area on the western side of the Rio Grande River from Lobatos Bridge south to the New Mexico State line).

(b) CHANGES IN STREAMFLOW.—The Secretary is encouraged to negotiate with the State of Colorado, the Rio Grande Water Conservation District, and affected water users in the State to determine if changes in the streamflow that are beneficial to the Natural Area may be accommodated.

(c) PRIVATE LAND.—The management plan prepared under section 6(b)(2)(A) shall apply to private land in the Natural Area only to the extent that the private landowner agrees in writing to be bound by the management plan.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the Natural Area is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing laws (including geothermal leasing laws).

(e) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire from willing sellers by purchase, exchange, or donation land or an interest in land in the Natural Area.

(2) ADMINISTRATION.—Any land or interest in land acquired under paragraph (1) shall be administered in accordance with the management plan and this Act.

(f) APPLICABLE LAW.—Section 5(d)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(d)(1)) shall not apply to the Natural Area.

SEC. 8. EFFECT.

Nothing in this Act—

(1) amends, modifies, or is in conflict with the Rio Grande Compact, consented to by Congress in the Act of May 31, 1939 (53 Stat. 785, ch. 155);

(2) authorizes the regulation of private land in the Natural Area;

(3) authorizes the imposition of any mandatory streamflow requirements;

(4) creates an express or implied Federal reserved water right;

(5) imposes any Federal water quality standard within or upstream of the Natural Area that is more restrictive than would be applicable had the Natural Area not been established; or

(6) prevents the State of Colorado from acquiring an instream flow through the Natural Area under the terms, conditions, and limitations of State law to assist in protecting the natural environment to the extent and for the purposes authorized by State law.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 10. TERMINATION OF COMMISSION.

The Commission shall terminate on the date that is 10 years after the date of enactment of this Act.

The committee amendment in the nature of a substitute was greed to.

The bill (S. 1467), as amended was read the third time and passed.

The title was amended so as to read:

''A bill to establish the Rio Grande Natural Area in the State of Colorado, and for other purposes.''.

EDWARD H. McDANIEL AMERICAN LEGION POST NO. 22 LAND CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 1521) to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1521

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Edward H. McDaniel American Legion Post No. 22 Land Conveyance Act''.

[SEC. 2. FINDINGS.

[Congress finds that—

[(1) the membership of the American Legion and other nonprofit organizations that represent the veterans' community in Pahrump, Nevada, has grown immensely in the last 10 years;

[(2) the existing facility used by the veterans community in Pahrump, which was constructed in the 1960's, is too small and is inappropriate for the needs of the veterans community;

[(3) the nearest veterans facility that can accommodate the veterans community in Pahrump is located more than 60 miles away in the city of Las Vegas;

[(4) the tracts of land that are available for consideration as potential sites for the location of a new veterans facility are not suitable for the facility;

[(5) conveyance of a suitable parcel of land for the facility, which consists of an odd, triangular tract of land bounded on 2 sides by private land and cut off from other public land by a major highway, conforms with the objective of the Bureau of Land Management, Las Vegas District 1998 Resource Management Plan by simplifying the land management responsibilities of the Bureau of Land Management; and

[(6) because the intent of the American Legion is to make the facility available to other veterans organizations and the public for community activities and events at no cost, it would be in the best interests of the United States to convey the land to the Edward H. McDaniel American Legion Post No. 22.

[SEC. 3. DEFINITIONS.]

SEC. 2. DEFINITIONS.

In this Act:

(1) POST NO. 22.—The term ''Post No. 22'' means the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

[SEC. 4. CONVEYANCE OF LAND TO EDWARD H. MCDANIEL AMERICAN LEGION POST NO. 22.]

SEC. 3. CONVEYANCE OF LAND TO EDWARD H. MCDANIEL AMERICAN LEGION POST NO. 22.

(a) CONVEYANCE ON CONDITION SUBSEQUENT.—Not later than [120] *180* days after the date of enactment of this Act, subject to valid existing rights and the condition stated in subsection (c) and in accordance with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.), the Secretary shall convey to Post No. 22, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of Bureau of Land Management land that—

(1) is bounded by Route 160, Bride Street, and Dandelion Road in Nye County, Nevada;

(2) consists of approximately 4.5 acres of land; and

(3) is more particularly described as a portion of the S ¼ of section 29, T. 20 S., R. 54 E., Mount Diablo and Base Meridian.

(c) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—Post No. 22 and any successors of Post No. 22 shall use the parcel of land described in section (b) for the construction and operation of a post building and memorial park for use by Post No. 22, other veterans groups, and the local community for events and activities.

(2) REVERSION.—Except as provided in paragraph (3), if the Secretary, after notice to Post No. 22 and an opportunity for a hearing, makes a finding that Post No. 22 has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1) and Post No. 22 fails to discontinue that use, title to the parcel shall revert to the United States, to be administered by the Secretary.

(3) WAIVER.—The Secretary may waive the requirements of paragraph (2) if the Secretary determines that a waiver would be in the best interests of the United States.

The committee amendments were agreed to.

The bill (S. 1521), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

RAILROAD RIGHT-OF-WAY CONVEYANCE VALIDATION ACT OF 2003

The Senate proceeded to consider the bill (H.R. 1658) to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of right-of-way granted by the United States to facilitate the construction of the transcontinental railway, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

[Strike the part shown in black brackets and insert the part shown in italic.]

H.R. 1658

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Railroad Right-of-Way Conveyance Validation Act of 2003''.

SEC. 2. VALIDATION OF ADDITIONAL RAILROAD CONVEYANCES, SAN JOAQUIN COUNTY, CALIFORNIA.

Section 4 of the Railroad Right-of-Way Conveyance Validation Act (Private Law 103–2; 108 Stat. 5061) is amended by adding at the end the following new paragraphs:

''(9) The conveyance entered into between the Central Pacific Railway Company and the Southern Pacific Transportation Company and the Bank of America, as trustee of the last will and testament of Aaron Herschel, recorded September 27, 1945, in volume 942 at page [104] *401* of the official records of the county of San Joaquin.

''(10) The conveyance entered into between the Central Pacific Railway Company and the Southern Pacific Transportation Company and the Tri-Valley Packing Association, recorded November 13, 1957, in volume 2016 at page 149 of the official records of the county of San Joaquin.''.

The committee amendment was agreed to.

The bill (H.R. 1658), as amended, was read the third time and passed.

BIG HORN BENTONITE ACT

The Senate proceeded to consider the bill (S. 203) to open certain withdrawn land in Big Horn County, Wyoming, to locatable mineral development for bentonite mining, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 203

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

[SECTION 1. OPENING OF CERTAIN WITHDRAWN LAND IN WYOMING TO LOCATABLE MINERAL DEVELOPMENT FOR BENTONITE MINING.

[(a) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (c), the land described in subsection (b) shall be open to locatable mineral development for bentonite mining.

[(b) COVERED LAND.—The land referred to in subsection (a) is approximately 40 acres of previously withdrawn land located in Big Horn County, Wyoming, at the sixth principal meridian, T. 56 N., R. 95 W., Sec. 32. E½E½SE¼, adjacent to Pit No. 144L covered by State of Wyoming Mining Permit No. 321C.

[(c) CLOSURE.—The Secretary of the Army may close the land opened by subsection (a) at any time if the Secretary determines that the closure of the land is required by reason of a national emergency or for the purpose of national defense or security.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Big Horn Bentonite Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COVERED LAND.—The term ''covered land'' means the approximately 20 acres of previously withdrawn land located in the E½ NE¼ SE¼ of sec. 32, T. 56N., R. 95W., sixth principal meridian, Big Horn County, Wyoming.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. AUTHORIZATION OF MINING AND REMOVAL OF BENTONITE.

(a) IN GENERAL.—Notwithstanding the withdrawal of the covered land for military purposes, the Secretary may, with the consent of the Secretary of the Army, permit the mining and removal of bentonite on the covered land.

(b) SOLE-SOURCE CONTRACT.—The Secretary shall enter into a sole-source contract for the mining and removal of the bentonite from the covered land that provides for the payment to the Secretary of $1.00 per ton of bentonite removed from the covered land.

(c) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Mining and removal of bentonite under this Act shall be subject to such terms and conditions as the Secretary may prescribe for—

(A) the prevention of unnecessary or undue degradation of the covered land; and

(B) the reclamation of the covered land after the bentonite is removed.

(2) REQUIREMENTS.—The terms and conditions prescribed under paragraph (1) shall be at least as protective of the covered land as the terms and conditions established for Pit No. 144L (BLM Case File WYW136110).

(3) LAND USE PLAN.—In carrying out the provisions of this Act, the Secretary is not required to amend any land use plan under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(4) TERMINATION OF INTEREST.—On completion of the mining and reclamation authorized under this Act, any party that has entered into the sole-source contract with the Secretary under subsection (b) shall have no remaining interest in the covered land.

SEC. 4. CLOSURE.

(a) IN GENERAL.—If the Secretary of the Army notifies the Secretary that closure of the covered land is required because of a national emergency or for the purpose of national defense or national security, the Secretary shall—

(1) order the suspension of any activity authorized by this Act on the covered land; and

(2) close the covered land until the Secretary of the Army notifies the Secretary that the closure is no longer necessary.

(b) LIABILITY.—Neither the Secretary nor the Secretary of the Army shall be liable for damages from a closure of the covered land under subsection (a).

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 203), as amended, was read the third time and passed.

(b) LIABILITY.—Neither the Secretary nor the Secretary of the Army shall be liable for damages from a closure of the covered land under subsection (a).

The title was amended so as to read:

''A bill to provide for the sale of bentonite in Big Horn County, Wyoming.''.

FEDERAL LAND RECREATIONAL VISITOR PROTECTION ACT OF 2004

The Senate proceeded to consider the bill (S. 931) to direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on visitors to units of the National Park System and on other recreational users of public land, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 931

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Federal Land Recreational Visitor Protection Act of 2003''.

[SEC. 2. DEFINITIONS.

[In this Act:

[(1) PROGRAM.—The term ''program'' means the avalanche protection program established under section 3(a).

[(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

[SEC. 3. AVALANCHE PROTECTION PROGRAM.

[(a) ESTABLISHMENT.—The Secretary shall establish a coordinated avalanche protection program—

[(1) to provide early identification of the potential for avalanches that could endanger the safety of visitors to units of the National Park System and recreational users of public land, including skiers, backpackers, snowboarders, and campers; and

[(2) to reduce the risks and mitigate the effects of avalanches on visitors, recreational users, neighboring communities, and transportation corridors.

[(b) COORDINATION.—

[(1) IN GENERAL.—In developing and implementing the program, the Secretary shall consult with the Secretary of Agriculture, and coordinate the program, to ensure adequate levels of protection for recreational users of public land and forests under the jurisdiction of the Secretary of Agriculture, including National Recreation Areas, wilderness and backcountry areas, components of the National Wild and Scenic Rivers System, and other areas that are subject to the potential threat of avalanches.

[(2) RESOURCES.—In carrying out this section, the Secretary and the Secretary of Agriculture—

[(A) shall, to the maximum extent practicable, use the resources of the National Avalanche Center of the Forest Service; and

[(B) may use such other resources as the Secretary has available in the development and implementation of the program.

[(c) ADVISORY COMMITTEE.—

[(1) IN GENERAL.—The Secretary and the Secretary of Agriculture shall jointly establish an advisory committee to assist in the development and implementation of the program.

[(2) MEMBERSHIP.—

[(A) IN GENERAL.—The Advisory Committee shall consist of 11 members, appointed by the Secretaries, who represent authorized users of artillery, other military weapons, or weapons alternatives used for avalanche control.

[(B) REPRESENTATIVES.—The membership of the Advisory Committee shall include representatives of—

[(i) Federal land management agencies and concessionaires or permittees that are exposed to the threat of avalanches;

[(ii) State departments of transportation that have experience in dealing with the effects of avalanches; and

[(iii) Federal- or State-owned railroads that have experience in dealing with the effects of avalanches.

[(d) CENTRAL DEPOSITORY.—The Secretary, the Secretary of Agriculture, and the Secretary of the Army shall establish a central depository for weapons, ammunition, and parts for avalanche control purposes, including an inventory that can be made available to Federal and non-Federal entities for avalanche control purposes under the program.

[(e) GRANTS.—

[(1) IN GENERAL.—The Secretary and the Secretary of Agriculture may make grants to carry out projects and activities under the program—

[(A) to assist in the prevention, forecasting, detection, and mitigation of avalanches for the safety and protection of persons, property, and at-risk communities;

[(B) to maintain essential transportation and communications affected or potentially affected by avalanches;

[(C) to assist avalanche artillery users to ensure the availability of adequate supplies of artillery and other unique explosives required for avalanche control in or affecting—

[(i) units of the National Park System; and

[(ii) other Federal land used for recreation purposes; and

[(iii) adjacent communities, and essential transportation corridors, that are at risk of avalanches; and

[(D) to assist public or private persons and entities in conducting research and development activities for cost-effective and reliable alternatives to minimize reliance on military weapons for avalanche control.

[(2) APPORTIONMENT OF FUNDS.—

[(A) IN GENERAL.—Subject to subparagraph (B), for each fiscal year for which funds are made available under section 4, the Secretary shall apportion the amount of funds made available for the fiscal year among States with avalanche zones based on the ratio that the total area of avalanche zones located in each State bears to the total area of all avalanche zones in all States.

[(B) PRIORITY.—In providing grants under this subsection, the Secretary shall give priority to projects and activities carried out in avalanche zones—

[(i) with a high frequency or severity of avalanches; or

[(ii) in which deaths or serious injuries to individuals, or loss or damage to public facilities and communities, have occurred or are likely to occur.

[(f) SURPLUS ORDINANCE.—Section 549(c)(3) of title 40, United States Code, is amended—

[(1) in subparagraph (A), by striking ''or'' after the semicolon at the end;

[(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

[(3) by adding at the end the following:

[''(C) in the case of surplus artillery ordinance that is suitable for avalanche control purposes, to a user of such ordinance.''.

[SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated such sums as are necessary to carry out this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Land Recreational Visitor Protection Act of 2004''.

SEC. 2. DEFINITIONS.

In this Act:

(1) PROGRAM.—The term ''program'' means the avalanche protection program established under section 3(a).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. AVALANCHE PROTECTION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a coordinated avalanche protection program—

(1) to provide early identification of the potential for avalanches that could endanger the safety of recreational users of public land, including skiers, backpackers, snowboarders, and campers and visitors to units of the National Park System; and

(2) to reduce the risks and mitigate the effects of avalanches on visitors, recreational users, neighboring communities, and transportation corridors.

(b) COORDINATION.—

(1) IN GENERAL.—In developing and implementing the program, the Secretary shall consult with the Secretary of the Interior, and coordinate the program, to ensure adequate levels of protection for recreational users of public land under the jurisdiction of the Secretary of the Interior, including units of the National Park System, National Recreation Areas, wilderness and backcountry areas, components of the National Wild and Scenic Rivers System, and other areas that are subject to the potential threat of avalanches.

(2) RESOURCES.—In carrying out this section, the Secretary and the Secretary of the Interior—

(A) shall, to the maximum extent practicable, use the resources of the National Avalanche Center of the Forest Service; and

(B) may use such other resources as the Secretary has available in the development and implementation of the program.

(c) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Secretary and the Secretary of the Interior shall jointly establish an advisory committee to assist in the development and implementation of the program.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Advisory Committee shall consist of 11 members, appointed by the Secretaries, who represent authorized users of artillery, other military weapons, or weapons alternatives used for avalanche control.

(B) REPRESENTATIVES.—The membership of the Advisory Committee shall include representatives of—

(i) Federal land management agencies and concessionaires or permittees that are exposed to the threat of avalanches;

(ii) State departments of transportation that have experience in dealing with the effects of avalanches; and

(iii) Federal- or State-owned railroads that have experience in dealing with the effects of avalanches.

(d) CENTRAL DEPOSITORY.—The Secretary, the Secretary of the Interior, and the Secretary of

the Army shall establish a central depository for weapons, ammunition, and parts for avalanche control purposes, including an inventory that can be made available to Federal and non-Federal entities for avalanche control purposes under the program.

(e) GRANTS.—

(1) IN GENERAL.—The Secretary and the Secretary of the Interior may make grants to carry out projects and activities under the program—

(A) to assist in the prevention, forecasting, detection, and mitigation of avalanches for the safety and protection of persons, property, and at-risk communities;

(B) to maintain essential transportation and communications affected or potentially affected by avalanches;

(C) to assist avalanche artillery users to ensure the availability of adequate supplies of artillery and other unique explosives required for avalanche control in or affecting—

(i) units of the National Park System; and

(ii) other Federal land used for recreation purposes; and

(iii) adjacent communities, and essential transportation corridors, that are at risk of avalanches; and

(D) to assist public or private persons and entities in conducting research and development activities for cost-effective and reliable alternatives to minimize reliance on military weapons for avalanche control.

(2) PRIORITY.—For each fiscal year for which funds are made available under section 4, the Secretary shall give priority to projects and activities carried out in avalanche zones—

(A) with a high frequency or severity of avalanches; or

(B) in which deaths or serious injuries to individuals, or loss or damage to public facilities and communities, have occurred or are likely to occur.

(f) SURPLUS ORDINANCE.—Section 549(c)(3) of title 40, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) in the case of surplus artillery ordinance that is suitable for avalanche control purposes, to a user of such ordinance.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $15,000,000 for each of fiscal years 2005 through 2009.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 931), as amended, was read the third time and passed.

The title was amended so as read:

''A bill to direct the Secretary of Agriculture to undertake a program to reduce the risks from and mitigate the effects of avalanches on recreational users of public land.''.

EL CAMINO REAL DE LOS TEJAS NATIONAL HISTORIC TRAIL ACT

The Senate proceeded to consider the bill (S. 2052) to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 2052

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''El Camino Real de los Tejas National Historic Trail Act of 2004''.

[SEC. 2. AUTHORIZATION AND ADMINISTRATION.

[Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

[''(23) EL CAMINO REAL DE LOS TEJAS.—

[''(A) IN GENERAL.—Subject to subparagraph (B), El Camino Real de los Tejas (The Royal Road of historic Tejas) National Historic Trail, a combination of historic routes totaling 2,580 miles in length from the Rio Grande near Eagle Pass and Laredo, Texas, to Natchitoches, Louisiana, and including the Old San Antonio Road, as generally depicted on the maps entitled 'El Camino Real de los Tejas', contained in the report prepared pursuant to subsection (b) entitled 'National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de los Tejas, Texas-Louisiana', dated July 1998. The National Park Service is authorized to administer designated portions of this trail system as a national historic trail as set forth in this paragraph.

[''(B) ESTABLISHMENT.—

[''(i) PUBLICLY OWNED LANDS.—Congress authorizes the establishment of El Camino Real de los Tejas national historic trail and the respective administration on those portions of the historic trail routes and related historic sites within publicly owned lands when such trail related resources meet the purposes of this Act or certification criteria set by the Secretary of the Interior per section 3(a)(3) of this Act.

[''(ii) PRIVATELY OWNED LANDS.—Congress authorizes the establishment of El Camino Real de los Tejas national historic trail and the respective administration on those portions of the historic trail routes and related historic sites within privately owned lands only through the voluntary and expressed consent of the owner and when such trails and sites qualify for certification as officially established components of the national historic trail. The owner's approval of a certification agreement satisfies the consent requirement. Certification agreements are not legally binding and may be terminated at any time. Should land ownership change at a certified site, the certification will cease to be valid unless the new owner consents to a new agreement.

[''(C) PRIVATE PROPERTY RIGHTS PROTECTION.—Nothing in this Act or in the establishment of any portion of the national historic trail authorizes any person to enter private property without the consent of the owner. Nothing in this Act or in the establishment of any portion of the national historic trail will authorize the Federal Government to restrict private property owner's use or enjoyment of their property subject to other laws or regulations. Authorization of El Camino Real de los Tejas National Historic Trail under this Act does not itself confer any additional authority to apply other Federal laws and regulations on non-Federal lands along the trail. Laws or regulations requiring public entities and agencies to take into consideration a national historic trail shall continue to apply notwithstanding the foregoing. Notwithstanding section 7(g) of this Act, the United States is authorized to acquire privately owned real property or an interest in such property for purposes of the national historic trail only with the consent of the owner of such property and shall have no authority to condemn or otherwise appropriate privately owned real property or an interest in such property for the purposes of El Camino Real de los Tejas National Historic Trail.

[''(D) COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with United States and Mexican public and nongovernmental organizations, academic institutions, and, in consultation with the Secretary of State, the Government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.

[''(E) CONSULTATION.—The Secretary of the Interior shall consult with appropriate State agencies in the the planning, development, and maintenance of El Camino Real de los Tejas National Historic Trail.''.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''El Camino Real de los Tejas National Historic Trail Act''.

SEC. 2. DESIGNATION OF EL CAMINO REAL DE LOS TEJAS NATIONAL HISTORIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

''(24) EL CAMINO REAL DE LOS TEJAS NATIONAL HISTORIC TRAIL.—

''(A) IN GENERAL.—El Camino Real de los Tejas (the Royal Road to the Tejas) National Historic Trail, a combination of historic routes (including the Old San Antonio Road) totaling approximately 2,580 miles, extending from the Rio Grande near Eagle Pass and Laredo, Texas, to Natchitoches, Louisiana, as generally depicted on the map entitled 'El Camino Real de los Tejas' contained in the report entitled 'National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de los Tejas, Texas-Louisiana', dated July 1998.

''(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the appropriate offices of the National Park Service.

''(C) ADMINISTRATION.—(i) The Secretary of the Interior (referred to in this paragraph as 'the Secretary') shall administer the trail.

''(ii) The Secretary shall administer those portions of the trail on non-Federal land only with the consent of the owner of such land and when such trail portion qualifies for certification as an officially established component of the trail, consistent with section 3(a)(3). An owner's approval of a certification agreement shall satisfy the consent requirement. A certification agreement may be terminated at any time.

''(iii) The designation of the trail does not authorize any person to enter private property without the consent of the owner.

''(D) CONSULTATION.—The Secretary shall consult with appropriate State and local agencies in the planning and development of the trail.

''(E) COORDINATION OF ACTIVITIES.—The Secretary may coordinate with United States and Mexican public and nongovernmental organizations, academic institutions, and, in consultation with the Secretary of State, the Government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.

''(F) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-administered area without the consent of the owner of the land or interest in land.''.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2052), as amended, was read the third time and passed.

LEWIS AND CLARK NATIONAL HISTORICAL PARK ACT OF 2004

The Senate proceeded to consider the bill (S. 2167) to establish the Lewis and Clark National Historical Park in the States of Washington and Oregon, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 2167

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lewis and Clark National Historical Park Act of 2004''.

SEC. 2. PURPOSE.

The purpose of this Act is to establish the Lewis and Clark National Historical Park to—

(1) preserve for the benefit of the people of the United States the historic, cultural, scenic, and natural resources associated with the arrival of the Lewis and Clark Expedition in the lower Columbia River area; and

(2) commemorate the winter encampment of the Lewis and Clark Expedition in the winter of 1805–1806 following the successful crossing of the North American Continent.

SEC. 3. DEFINITIONS.

In this Act:

(1) MAP.—The term ''map'' means the map entitled ''Lewis and Clark National Historical Park, Boundary Map'', numbered 405/80027, and dated December, 2003.

(2) MEMORIAL.—The term ''Memorial'' means the Fort Clatsop National Memorial established under section 1 of Public Law 85–435 (16 U.S.C. 450mm).

(3) PARK.—The term ''Park'' means the Lewis and Clark National Historical Park established by section 4(a).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. LEWIS AND CLARK NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—There is established as a unit of the National Park System the Lewis and Clark National Historical Park in the States of Washington and Oregon, as depicted on the map.

(b) COMPONENTS.—The Park shall consist of—

(1) the Memorial, including—

(A) the site of the salt cairn (lot number 18, block 1, Cartwright Park Addition of Seaside, Oregon) used by the Lewis and Clark Expedition; and

(B) portions of the trail used by the Lewis and Clark Expedition that led overland from Fort Clatsop to the Pacific Ocean;

(2) the parcels of land identified on the map as ''Fort Clatsop 2002 Addition Lands''; and

(3) the parcels of land located along the lower Columbia River in the State of Washington that are associated with the arrival of the Lewis and Clark Expedition at the Pacific Ocean in 1805 and that are identified on the map as—

(A) ''Station Camp'';

(B) ''Clark's Dismal Nitch''; and

[(C) ''Memorial to Thomas Jefferson''.]

(C) ''Cape Disappointment''.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire land, an interest in land, and any improvements to land located within the boundary of the Park.

(2) MEANS.—Subject to paragraph (3), an acquisition of land under paragraph (1) may be made by donation, purchase with donated or appropriated funds, exchange, transfer from any Federal agency, or by any other means that the Secretary determines to be in the public interest.

(3) CONSENT OF OWNER.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no land, interest in land, or improvement to land to may be acquired under paragraph (1) without the consent of the owner.

(B) EXCEPTION.—The corporately-owned timberland in the area described in subsection (b)(2) may be acquired without the consent of the owner.

(4) MEMORANDUM OF UNDERSTANDING.—If the owner of the timberland described in paragraph (2)(B) agrees to sell the timberland to the Secretary either as a result of a condemnation proceeding or without any condemnation proceeding, the Secretary shall enter into a memorandum of understanding with the owner with respect to the manner in which the timberland is to be managed after acquisition of the timberland by the Secretary.

[(5) ACQUISITION OF ADDITIONAL LAND.—

[(A) IN GENERAL.—In addition to the land authorized to be acquired under paragraph (1), the National Park Service is authorized to acquire by transfer Federal land at Cape Disappointment, Washington.

[(B) MANAGEMENT.—The National Park Service shall enter into a cooperative management agreement with the State of Washington under section 5(c) to provide for the management of the land acquired under subparagraph (A) as a State park.]

(5) CAPE DISAPPOINTMENT.—

(A) TRANSFER.—

(i) IN GENERAL.—Subject to valid rights (including withdrawals), the Secretary shall transfer to the Director of the National Park Service management of any Federal land at Cape Disappointment, Washington, that is within the boundary of the Park.

(ii) WITHDRAWN LAND.—

(I) NOTICE.—The head of any Federal agency that has administrative jurisdiction over withdrawn land at Cape Disappointment, Washington, within the boundary of the Park shall notify the Secretary in writing if the head of the Federal agency does not need the withdrawn land.

(II) TRANSFER.—On receipt of a notice under subclause (I), the withdrawn land shall be transferred to the administrative jurisdiction of the Secretary, to be administered as part of the Park.

(B) MEMORIAL TO THOMAS JEFFERSON.—

(i) IN GENERAL.—All withdrawals of the 20–acre parcel depicted on the map as ''Memorial to Thomas Jefferson'' are revoked.

(ii) ESTABLISHMENT.—The Secretary shall establish a memorial to Thomas Jefferson on the parcel referred to in clause (i).

(C) MANAGEMENT OF CAPE DISAPPOINTMENT STATE PARK LAND.—The Secretary may enter into an agreement with the State of Washington providing for the administration by the State of the land within the boundary of the Park known as ''Cape Disappointment State Park''.

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the Park in accordance with—

(1) this Act; and

(2) the laws generally applicable to units of the National Park System, including—

(A) the Act of August 25, 1916 (16 U.S.C. 1 et seq.); and

(B) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(b) MANAGEMENT PLAN.—Not later than 3 years after funds are made available to carry out this Act, the Secretary shall prepare an amendment to the general management plan for the Memorial to address the management of the Park.

(c) COOPERATIVE MANAGEMENT AGREEMENTS.—To facilitate the presentation of a comprehensive picture of the experiences of the Lewis and Clark Expedition in the lower Columbia River area and to promote more efficient administration of the sites associated with those experiences, the Secretary may, in accordance with section 3(l) of Public Law 91–383 (16 U.S.C. 1a–2(l)), enter into cooperative management agreements with appropriate officials in the States of Washington and Oregon.

SEC. 6. REPEALS; REFERENCES.

(a) IN GENERAL.—Public Law 85–435 (72 Stat. 153; 16 U.S.C. 450mm et seq.) is repealed.

(b) REFERENCES.—Any reference to Fort Clatsop National Memorial in a law (including regulations), map, document, paper, or other record shall be considered to be a reference to the Lewis and Clark National Historical Park.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendments were agreed to.

The bill (S. 2167), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

SAND CREEK MASSACRE NATIONAL HISTORIC SITE TRUST ACT OF 2004

The Senate proceeded to consider the bill (S. 2173) to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 2173

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Sand Creek Massacre National Historic Site Trust Act of 2004''.

[SEC. 2. DECLARATION OF POLICY.

[To further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106–465), this Act authorizes the United States to take certain land in Kiowa County, Colorado, owned by the Cheyenne and Arapaho Tribes of Oklahoma, into trust.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

[(2) TRIBE.—The term ''Tribe'' means the Cheyenne and Arapaho Tribes of Oklahoma, a federally recognized Indian tribe.

[(3) TRUST PROPERTY.—The term ''trust property'' means the property described in section 4(b).

[SEC. 4. TRANSFER OF LAND HELD IN TRUST FOR THE CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA.

[(a) LAND HELD IN TRUST FOR THE CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA.—

[(1) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act, the Tribe shall convey title to the trust property to the United States.

[(2) TRUST.—All right, title, and interest of the United States in and to the trust property, including all improvement on the trust property and appurtenances to the trust property and rights to all minerals, are declared to be held by the United States in trust for the Tribe.

[(b) LAND DESCRIPTION.—The trust property is the property formerly known as the ''Dawson Ranch'', consisting of approximately 1,465 total acres presently under the jurisdiction of the Tribe, situated within Kiowa County, Colorado, and more particularly described as follows:

[(1) The portion of sec. 24, T. 17 S., R. 46 W., Colorado Principal Meridian, that is the Eastern half of the NW quarter, the SW quarter of the NE quarter, the NW quarter of the SE quarter, Colorado Principal Meridian.

[(2) All of sec. 25, T. 17 S., R. 46 W., Colorado Principal Meridian.

[(3) All of sec. 30, T. 17 S., R. 45 W., Colorado Principal Meridian.

[SEC. 5. SURVEY OF BOUNDARY LINE; PUBLICATION OF DESCRIPTION.

[(a) SURVEY OF BOUNDARY LINE.—To accurately establish the boundary of the trust property, the Secretary shall, not later than 180 days after the date of enactment of this Act, cause a survey to be conducted by the Office of Cadastral Survey of the Bureau of Land Management of the boundary lines described in section 4(b).

[(b) PUBLICATION OF LAND DESCRIPTION.—

[(1) IN GENERAL.—On completion of the survey under subsection (a), and acceptance of the survey by the representatives of the Tribe, the Secretary shall cause the full metes and bounds description of the lines, with a full and accurate description of the trust property, to be published in the Federal Register.

[(2) EFFECT.—The descriptions shall, on publication, constitute the official descriptions of the trust property.

[SEC. 6. ADMINISTRATION OF TRUST PROPERTY.

[(a) IN GENERAL.—The trust property is declared to be part of the Indian reservation of the Tribe.

[(b) ADMINISTRATION.—The trust property shall be administered in perpetuity by the Secretary in accordance with the law generally applicable to property held in trust by the United States for the benefit of Indian tribes and in accordance with the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106–465).

[SEC. 7. RELIGIOUS AND CULTURAL USES.

[(a) IN GENERAL.—The trust property shall be used only for historic, religious, or cultural uses that are compatible with the use of the land as a national historic site.

[(b) DUTY OF THE SECRETARY.—The Secretary shall take such action as is necessary to ensure that the trust property is used only in accordance with this section.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sand Creek Massacre National Historic Site Trust Act of 2004''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) FACILITY.—The term ''facility'' means any structure, utility, road, or sign constructed on the trust property on or after the date of enactment of this Act.

(3) IMPROVEMENT.—The term ''improvement'' means—

(A) a 1,625 square foot 1-story ranch house, built in 1952, located in the SW quarter of sec. 30, T. 17 S., R. 45 W., sixth principal meridian;

(B) a 3,600 square foot metal-constructed shop building, built in 1975, located in the SW quarter of sec. 30, T. 17 S., R. 45 W., sixth principal meridian;

(C) a livestock corral and shelter; and

(D) a water system and wastewater system with all associated utility connections.

(4) TRIBE.—The term ''Tribe'' means the Cheyenne and Arapaho Tribes of Oklahoma, a federally recognized Indian tribe.

(5) TRUST PROPERTY.—The term ''trust property'' means the real property, including rights to all minerals, and excluding the improvements, formerly known as the ''Dawson Ranch'', consisting of approximately 1,465 total acres presently under the jurisdiction of the Tribe, situated within Kiowa County, Colorado, and more particularly described as follows:

(A) The portion of sec. 24, T. 17 S., R. 46W., sixth principal meridian, that is the Eastern half of the NW quarter, the SW quarter of the NE quarter, the NW quarter of the SE quarter, sixth principal meridian.

(B) All of sec. 25, T. 17 S., R. 46 W., sixth principal meridian.

(C) All of sec. 30, T. 17 S., R. 45 W., sixth principal meridian.

SEC. 3. CONVEYANCE OF LAND TO BE HELD IN TRUST FOR THE CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA.

(a) LAND HELD IN TRUST FOR THE CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA.—Immediately upon conveyance of title to the trust property by the Tribe to the United States, without any further action by the Secretary, the trust property shall be held in trust for the benefit of the Tribe.

(b) TRUST.—All right, title, and interest of the United States in and to the trust property, except any facilities constructed under section 4(b), are declared to be held by the United States in trust for the Tribe.

SEC. 4. IMPROVEMENTS AND FACILITIES.

(a) IMPROVEMENTS.—The Secretary may acquire by donation the improvements in fee.

(b) FACILITIES.—

(1) IN GENERAL.—The Secretary may construct a facility on the trust property only after consulting with, soliciting advice from, and obtaining the agreement of, the Tribe, the Northern Cheyenne Tribe, and the Northern Arapaho Tribe.

(2) OWNERSHIP.—Facilities constructed with Federal funds or funds donated to the United States shall be owned in fee by the United States.

(c) FEDERAL FUNDS.—For the purposes of the construction, maintenance, or demolition of improvements or facilities, Federal funds shall be expended only on improvements or facilities that are owned in fee by the United States.

SEC. 5. SURVEY OF BOUNDARY LINE; PUBLICATION OF DESCRIPTION.

(a) SURVEY OF BOUNDARY LINE.—To accurately establish the boundary of the trust property, not later than 180 days after the date of enactment of this Act, the Secretary shall cause a survey to be conducted by the Office of Cadastral Survey of the Bureau of Land Management of the boundary lines described in section 2(5).

(b) PUBLICATION OF LAND DESCRIPTION.—

(1) IN GENERAL.—On completion of the survey under subsection (a), and acceptance of the survey by the representatives of the Tribe, the Secretary shall cause the full metes and bounds description of the lines, with a full and accurate description of the trust property, to be published in the Federal Register.

(2) EFFECT.—The description shall, on publication, constitute the official description of the trust property.

SEC. 6. ADMINISTRATION OF TRUST PROPERTY.

(a) IN GENERAL.—The trust property shall be administered in perpetuity by the Secretary as part of the Sand Creek Massacre National Historic Site, only for historical, traditional, cultural, and other uses in accordance with the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106–465).

(b) ACCESS FOR ADMINISTRATION.—For purposes of administration, the Secretary shall have access to the trust property, improvements, and facilities as necessary for management of the Sand Creek Massacre National Historic Site in accordance with the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106–465).

(c) DUTY OF THE SECRETARY.—The Secretary shall take such action as is necessary to ensure that the trust property is used only in accordance with this section.

(d) SAVINGS PROVISION.—Nothing in this Act supersedes the laws and policies governing units of the National Park System.

SEC. 7. ACQUISITION OF PROPERTY.

Section 6(a)(2) of the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106–465) is amended by inserting ''or exchange'' after ''only by donation''.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2173), as amended, was read the third time and passed.

CONVEYANCE TO BEAVER COUNTY, UTAH

The Senate proceeded to consider the bill (S. 2285) to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 2285

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

[SECTION 1. CONVEYANCE TO BEAVER COUNTY, UTAH.

[(a) IN GENERAL.—As soon as practicable after the enactment of this Act, the Secretary of the Interior shall, without consideration and subject to valid existing rights, convey to Beaver County, Utah, all right, title, and interest of the United States in and to the approximately 200 acres depicted as ''Parcel A'' on the map entitled ''Minersville Reservoir Conveyance'' and dated February 15, 2003, for use for public recreation.

[(b) RECONVEYANCE BY BEAVER COUNTY.—Notwithstanding subsections (a) and (c), Beaver County may sell, for not less than fair market value, a portion of the property conveyed to it under this section, if the proceeds of such sale are used by Beaver County solely for maintenance of public recreation facilities located on the remainder of the property conveyed to it under this section.

[(c) REVERSION.—

[(1) IN GENERAL.—All property conveyed under subsection (a), except any portion of the property that is sold by Beaver County under subsection (c), shall revert to the United States upon—

[(A) use of the property by Beaver County for any purpose other than public recreation or sale under subsection (b); or

[(B) use of any proceeds of a sale under subsection (b) other than for maintenance in accordance with subsection (b).

[(2) REPAYMENT OF PROCEEDS.—Upon any reversion under this subsection, Beaver County shall pay to the United States the

proceeds of any sale of property by Beaver County under subsection (b).]

SECTION 1. CONVEYANCE TO BEAVER COUNTY, UTAH.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall, without consideration and subject to valid existing rights, convey to Beaver County, Utah (referred to in this Act as the ''County''), all right, title, and interest of the United States in and to the approximately 200 acres depicted as ''Minersville State Park'' on the map entitled ''S. 2285, Minersville State Park'' and dated April 30, 2004, for use for public recreation.

(b) RECONVEYANCE BY BEAVER COUNTY.—

(1) IN GENERAL.—Notwithstanding subsection (a), Beaver County may sell, for not less than fair market value, a portion of the property conveyed to the County under this section, if the proceeds of such sale are used by the County solely for maintenance of public recreation facilities located on the remainder of the property conveyed to the County under this section.

(2) LIMITATION.—If the County does not comply with the requirements of paragraph (1) in the conveyance of the property under that paragraph—

(A) the County shall pay to the United States the proceeds of the conveyance; and

(B) the Secretary of the Interior may require that all property conveyed under subsection (a) (other than the property sold by the County under paragraph (1)) revert to the United States.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2285), as amended, was read the third time and passed.

JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT ACT OF 2004

The Senate proceeded to consider the bill (S. 2287) to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(Strike the part shown in black brackets and insert the part shown in the italic.)

S. 2287

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act of 2004''.

SEC. 2. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) is amended in the second sentence by striking ''twenty thousand acres generally depicted on the map entitled 'Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve' numbered 90,000B and dated April 1978,'' and inserting ''23,000 acres generally depicted on the map entitled 'Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve', numbered 467/[81000] *80100*, and dated August 2002,''.

(b) ACQUISITION OF LAND.—Section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230a) is amended—

(1) in subsection (a)—

(A) by striking ''(a) Within the'' and all that follows through the first sentence and inserting the following:

''(a) IN GENERAL.—

''(1) BARATARIA PRESERVE UNIT.—

''(A) IN GENERAL.—The Secretary may acquire any land, water, and interests in land and water within the boundary of the Barataria Preserve Unit, as depicted on the map described in section 901, by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

''[(B) LIMITATIONS.—With respect to the areas on the map identified as 'Bayou aux Carpes Addition' and 'CIT Tract Addition'—

''[(i) any Federal land acquired in the areas shall be transferred to the administrative jurisdiction of the National Park Service; and

''[(ii) any private land in the areas may be acquired by the Secretary only with the consent of the owner of the land.'';]

''(B) LIMITATIONS.—

''(i) IN GENERAL.—With respect to the areas on the map identified as 'Bayou aux Carpes Addition' and 'CIT Tract Addition'—

''(I) any Federal land acquired in the areas shall be transferred without consideration to the administrative jurisdiction of the National Park Service; and

''(II) any private land in the areas may be acquired by the Secretary only with the consent of the owner of the land.

''(ii) EASEMENTS.—Any Federal land in the area identified on the map as 'CIT Tract Addition' that is transferred under clause (i)(I) shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.'';

(B) in the second sentence, by striking ''The Secretary may also'' and inserting the following:

''(2) FRENCH QUARTER.—The Secretary may'';

(C) in the third sentence, by striking ''Lands, waters, and interests therein'' and inserting the following:

''(3) ACQUISITION OF STATE LAND.—Land, water, and interests in land and water''; and

(D) in the fourth sentence, by striking ''In acquiring'' and inserting the following:

''(4) ACQUISITION OF OIL AND GAS RIGHTS.—In acquiring'';

(2) by striking subsections (b) through (f) and inserting the following:

''(b) RESOURCE PROTECTION.—With respect to the land, water, and interests in land and water of the Barataria Preserve Unit, the Secretary shall preserve and protect—

''(1) fresh water drainage patterns;

''(2) vegetative cover;

''(3) the integrity of ecological and biological systems; and

''(4) water and air quality.''; and

(3) by redesignating subsection (g) as subsection (c).

(c) HUNTING, FISHING, AND TRAPPING.—Section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended in the first sentence by striking ''within the core area and on those lands acquired by the Secretary pursuant to section 902(c) of this title, he'' and inserting ''the Secretary''.

(d) ADMINISTRATION.—Section 906 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking ''Pending such establishment and thereafter the'' and inserting ''The''.

SEC. 3. REFERENCES IN LAW.

(a) IN GENERAL.—Any reference in a law (including regulations), map, document, paper, or other record of the United States—

(1) to the Barataria Marsh Unit shall be considered to be a reference to the Barataria Preserve Unit; or

(2) to the Jean Lafitte National Historical Park shall be considered to be a reference to the Jean Lafitte National Historical Park and Preserve.

(b) CONFORMING AMENDMENTS.—Title IX of the National Parks and Recreation Act of 1978 (16 U.S.C. 230 et seq.) is amended—

(1) by striking ''Barataria Marsh Unit'' each place it appears and inserting ''Barataria Preserve Unit''; and

(2) by striking ''Jean Lafitte National Historical Park'' each place it appears and inserting ''Jean Lafitte National Historical Park and Preserve''.

The committee amendments were agreed to.

The bill (S. 2287), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

NEW MEXICO WATER PLANNING ASSISTANCE ACT

The Senate proceeded to consider the bill (S. 2460) to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 2460

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''New Mexico Water Planning Assistance Act''.

[SEC. 2. DEFINITIONS.

[In this Act:

[(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey.

[(2) STATE.—The term ''State'' means the State of New Mexico.

[SEC. 3. COMPREHENSIVE WATER PLAN ASSISTANCE.

[(a) IN GENERAL.—On the request of the Governor of the State and subject to subsections (b) through (e), the Secretary shall—

[(1) provide to the State technical assistance and grants for the development of comprehensive State water plans;

[(2) conduct water resources mapping in the State; and

[(3) conduct a comprehensive study of groundwater resources (including potable, brackish, and saline water resources) in the State to assess the quantity, quality, and interaction of groundwater and surface water resources.

[(b) TECHNICAL ASSISTANCE.—Technical assistance provided under subsection (a) may include—

[(1) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

[(2) expansion of climate, surface water, and groundwater monitoring networks;

[(3) assessment of existing water resources, surface water storage, and groundwater storage potential;

[(4) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

[(5) participation in State planning forums and planning groups;

[(6) coordination of Federal water management planning efforts;

[(7) technical review of data, models, planning scenarios, and water plans developed by the State; and

[(8) provision of scientific and technical specialists to support State and local activities.

[(c) ALLOCATION.—In providing grants under subsection (a), the Secretary shall, subject to the availability of appropriations, allocate—

[(1) $5,000,000 to develop hydrologic models and acquire associated equipment for the New Mexico Rio Grande main stem sections and Rio Taos and Hondo, Rios Nambe, Pojoaque and Teseque, Rio Chama, and Lower Rio Grande tributaries;

[(2) $1,500,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for the San Juan River and tributaries;

[(3) $1,000,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for Southwest New Mexico, including the Animas Basin, the Gila River, and tributaries;

[(4) $4,500,000 for statewide digital orthophotography mapping; and

[(5) such sums as are necessary to carry out additional projects consistent with subsection (b).

[(d) NON-REIMBURSABLE AND NO COST-SHARING.—Any assistance or grants provided to the State under this Act shall be made on a non-reimbursable basis and without a cost-sharing requirement.

[(e) AUTHORIZED TRANSFERS.—On request of the State, the Secretary shall directly transfer to 1 or more Federal agencies any amounts made available to the State to carry out this Act.

[SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

[There is authorized to be appropriated to carry out this Act $2,500,000 for each of fiscal years 2005 through 2009.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''New Mexico Water Planning Assistance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey.

(2) STATE.—The term ''State'' means the State of New Mexico.

SEC. 3. COMPREHENSIVE WATER PLAN ASSISTANCE.

(a) IN GENERAL.—Upon the request of the Governor of the State and subject to subsections (b) through (f), the Secretary shall—

(1) provide to the State technical assistance and grants for the development of comprehensive State water plans;

(2) conduct water resources mapping in the State; and

(3) conduct a comprehensive study of groundwater resources (including potable, brackish, and saline water resources) in the State to assess the quantity, quality, and interaction of groundwater and surface water resources.

(b) TECHNICAL ASSISTANCE.—Technical assistance provided under subsection (a) may include—

(1) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

(2) expansion of climate, surface water, and groundwater monitoring networks;

(3) assessment of existing water resources, surface water storage, and groundwater storage potential;

(4) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

(5) participation in State planning forums and planning groups;

(6) coordination of Federal water management planning efforts;

(7) technical review of data, models, planning scenarios, and water plans developed by the State; and

(8) provision of scientific and technical specialists to support State and local activities.

(c) ALLOCATION.—In providing grants under subsection (a), the Secretary shall, subject to the availability of appropriations, allocate—

(1) $5,000,000 to develop hydrologic models and acquire associated equipment for the New Mexico Rio Grande main stem sections and Rios Pueblo de Taos and Hondo, Rios Nambe, Pojoaque and Teseque, Rio Chama, and Lower Rio Grande tributaries;

(2) $1,500,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for the San Juan River and tributaries;

(3) $1,000,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for Southwest New Mexico, including the Animas Basin, the Gila River, and tributaries;

(4) $4,500,000 for statewide digital orthophotography mapping; and

(5) such sums as are necessary to carry out additional projects consistent with subsection (b).

(d) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the total cost of any activity carried out using a grant provided under subsection (a) shall be 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the activity assisted.

(e) NON-REIMBURSABLE BASIS.—Any assistance or grants provided to the State under this Act shall be made on a non-reimbursable basis.

(f) AUTHORIZED TRANSFERS.—On request of the State, the Secretary shall directly transfer to 1 or more Federal agencies any amounts made available to the State to carry out this Act.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $3,000,000 for each of fiscal years 2005 through 2009.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2460), as amended, was read the third time and passed.

LAKE NIGHTHORSE

The Senate proceeded to consider the bill (S. 2508) to redesignate the Ridges Basin Reservoir, Colorado, as Lake Nighthorse, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

(Insert the part shown in italic.)

S. 2508

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

SECTION 1. RENAMING OF RESERVOIR.

The reservoir known as the ''Ridges Basin Reservoir'' located on *Basin Creek, a tributary of* the Animas River in Colorado, constructed under section 6(a) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (102 Stat. 2975; 114 Stat. 2763A–260), shall be known and designated as ''Lake Nighthorse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the reservoir referred to in section 1 shall be deemed to be a reference to Lake Nighthorse.

The committee amendment was agreed to.

The bill (S. 2508), as amended, was read the third time and passed.

CHIMAYO WATER SUPPLY SYSTEM AND ESPANOLA FILTRATION FACILITY ACT OF 2004

The Senate proceeded to consider the bill (S. 2511) to direct the Secretary of the Interior to conduct a feasibility study of a Chimayo water supply system, to provide for the planning, design, and construction of a water supply, reclamation, and filtration facility for Espanola, New Mexico, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 2511

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

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Chimayo Water Supply System and Espanola Filtration Facility Act of 2004''.

[TITLE I—CHIMAYO WATER SUPPLY SYSTEM

[SEC. 101. DEFINITIONS.

[In this title:

[(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

[(2) STUDY AREA.—The term ''study area'' means the Santa Cruz River Valley in the eastern margin of the Espanola Basin.

[(3) SYSTEM.—The term ''system'' means a water supply system described in section 102(a).

[(4) TOWN.—The term ''Town'' means the town of Chimayo, New Mexico, located in Rio Arriba County and Santa Fe County, New Mexico.

[SEC. 102. CHIMAYO WATER SUPPLY SYSTEM FEASIBILITY STUDY.

[(a) IN GENERAL.—The Secretary, in cooperation with appropriate State and local authorities, shall conduct a study to determine the feasibility of constructing a water supply system for the Town in the study area that includes potable water transmission lines, pump stations, and storage reservoirs.

[(b) SCOPE OF STUDY.—In conducting the study under subsection (a), the Secretary shall—

[(1) consider operating the system in connection with the Espanola Water Filtration Facility;

[(2) consider various options for supplying water to the Town, including connection to a regional water source, local sources, sources distributed throughout the Town, and sources located on adjacent Bureau of Land Management land;

[(3) consider reusing or recycling water from local or regional sources;

[(4) consider using alternative water supplies such as surface water, brackish water, nonpotable water, or deep aquifer groundwater; and

[(5) determine the total lifecycle costs of the system, including—

[(A) long-term operation, maintenance, replacement, and treatment costs of the system; and

[(B) management costs (including personnel costs).

[(c) DEADLINE FOR STUDY.—As soon as practicable after the date of enactment of this Act, but not later than 3 years after the date of the enactment of this Act, the Secretary shall complete the study.

[(d) COST SHARING.—The Federal share of the cost of the study shall be 75 percent.

[(e) EASEMENTS; DRILLING.—

[(1) EASEMENTS.—The Secretary may reserve any easements on Bureau of Land Management land adjacent to the study area that are necessary to carry out this section.

[(2) DRILLING.—The Secretary, in cooperation with the Director of the United States Geological Survey, may drill any exploratory wells on Bureau of Land Management land adjacent to the study area that are necessary to determine water resources available for the Town.

[(f) REPORT.—The Secretary shall submit to Congress a report on the results of the feasibility study as soon as practicable after the date of enactment of this Act, but not later than the earlier of—

[(1) the date that is 1 year after the date of completion of the feasibility study; or

[(2) the date that is 4 years after the date of enactment of this Act.

[SEC. 103. EMERGENCY WATER SUPPLY DEVELOPMENT ASSISTANCE.

[(a) IN GENERAL.—The Secretary may enter into contracts with water authorities in the study area to provide emergency water supply development assistance to any eligible person or entity, as the Secretary determines to be appropriate.

[(b) ELIGIBLE ACTIVITIES.—The Secretary may provide assistance under subsection (a) for—

[(1) hauling water;

[(2) the installation of water purification technology at the community wells or individual point-of-use;

[(3) the drilling of wells;

[(4) the installation of pump stations and storage reservoirs;

[(5) the installation of transmission and distribution pipelines to bring water to individual residential service connections;

[(6) the engineering, design, and installation of an emergency water supply system; and

[(7) any other eligible activity, as the Secretary determines to be appropriate.

[(c) COST SHARING.—The Federal share of the cost of any activity assisted under this section shall be 75 percent.

[SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—There is authorized to be appropriated—

[(1) to carry out section 102, $2,000,000 for the period of fiscal years 2005 through 2008; and

[(2) to carry out section 103, $3,000,000 for the period of fiscal years 2005 through 2010.

[(b) LIMITATION.—Amounts made available under subsection (a)(1) shall not be available for the construction of water infrastructure for the system.

[TITLE II—ESPANOLA WATER FILTRATION FACILITY

[SEC. 201. DEFINITIONS.

[In this title:

[(1) COMPONENT.—The term ''component'' means a water delivery resource or infrastructure development described in section 202(b).

[(2) FACILITY.—The term ''facility'' means the Espanola water filtration facility described in section 202(a).

[(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

[SEC. 202. ESPANOLA WATER FILTRATION FACILITY.

[(a) IN GENERAL.—The Secretary shall provide financial assistance to the city of Espanola, New Mexico, for the construction of an Espanola water filtration facility consisting of projects—

[(1) to divert and fully use imported water to meet future demands in the greater Espanola, New Mexico region, including construction of—

[(A) presedimentation basins for removal of sediments;

[(B) an influent pump station to supply water into treatment facilities;

[(C) a pretreatment facility;

[(D) filtration facilities;

[(E) finished water storage facilities;

[(F) a finished water booster pump station;

[(G) sludge dewatering facilities; and

[(H) potable water transmission lines to connect into the water distribution facilities of the city of Espanola, New Mexico; and

[(2) to use reclaimed water to enhance groundwater resources and surface water supplies.

[(b) PARTICIPATION.—The Secretary may provide financial assistance to the Santa Clara and San Juan Pueblos of New Mexico and the non-Federal sponsors of the facility for the study, planning, design, and construction of a water delivery resource and infrastructure development for the Santa Clara and San Juan Pueblos as a component of the facility.

[(c) COST SHARING.—The Federal share of the total cost of the facility and the component shall not exceed 25 percent.

[(d) LIMITATION ON USE OF FUNDS.—Funds provided by the Secretary may not be used for the operation or maintenance of the facility or the component.

[SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

[There is authorized to be appropriated for the construction of the facility $3,000,000 for the period of fiscal years 2005 through 2009.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Chimayo Water Supply System and Espanola Filtration Facility Act of 2004''.

TITLE I—CHIMAYO WATER SUPPLY SYSTEM

SEC. 101. DEFINITIONS.

In this title:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STUDY AREA.—The term ''study area'' means the Santa Cruz River Valley in the eastern margin of the Espanola Basin.

(3) SYSTEM.—The term ''system'' means a water supply system described in section 102(a).

(4) TOWN.—The term ''Town'' means the town of Chimayo, New Mexico, located in Rio Arriba County and Santa Fe County, New Mexico.

SEC. 102. CHIMAYO WATER SUPPLY SYSTEM FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in cooperation with appropriate State and local authorities, shall conduct a study to determine the feasibility of constructing a water supply system for the Town in the study area that includes potable water transmission lines, pump stations, and storage reservoirs.

(b) SCOPE OF STUDY.—In conducting the study under subsection (a), the Secretary shall—

(1) consider operating the system in connection with the Espanola Water Filtration Facility;

(2) consider various options for supplying water to the Town, including connection to a regional water source, local sources, sources distributed throughout the Town, and sources located on adjacent Bureau of Land Management land;

(3) consider reusing or recycling water from local or regional sources;

(4) consider using alternative water supplies such as surface water, brackish water, nonpotable water, or deep aquifer groundwater; and

(5) determine the total lifecycle costs of the system, including—

(A) long-term operation, maintenance, replacement, and treatment costs of the system; and

(B) management costs (including personnel costs).

(c) DEADLINE FOR STUDY.—As soon as practicable, but not later than 3 years after the date of enactment of this Act, the Secretary shall complete the study.

(d) COST SHARING.—The Federal share of the cost of the study shall be 75 percent.

(e) COORDINATION.—The Secretary shall coordinate activities of the Bureau of Reclamation, the Bureau of Land Management, and the United States Geological Survey in the furtherance of the study, including—

(1) accessing any Bureau of Land Management land adjacent to the study area that is necessary to carry out this section; and

(2) the drilling of any exploratory wells on Bureau of Land Management land adjacent to the study area that are necessary to determine water resources available for the Town.

(f) REPORT.—The Secretary shall submit to Congress a report on the results of the feasibility study not later than the earlier of—

(1) the date that is 1 year after the date of completion of the feasibility study; or

(2) the date that is 4 years after the date of enactment of this Act.

SEC. 103. EMERGENCY WATER SUPPLY DEVELOPMENT ASSISTANCE.

(a) IN GENERAL.—The Secretary may enter into contracts with water authorities in the study area to provide emergency water supply development assistance to any eligible person or entity, as the Secretary determines to be appropriate.

(b) ELIGIBLE ACTIVITIES.—The Secretary may provide assistance under subsection (a) for—

(1) hauling water;

(2) the installation of water purification technology at the community wells or individual point-of-use;

(3) the drilling of wells;

(4) the installation of pump stations and storage reservoirs;

(5) the installation of transmission and distribution pipelines to bring water to individual residential service connections;

(6) the engineering, design, and installation of an emergency water supply system; and

(7) any other eligible activity, as the Secretary determines to be appropriate.

(c) COST SHARING.—The Federal share of the cost of any activity under this section shall be 75 percent.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated—

(1) to carry out section 102, $2,000,000 for the period of fiscal years 2005 through 2008; and

(2) to carry out section 103, $3,000,000 for the period of fiscal years 2005 through 2010.

(b) LIMITATION.—Amounts made available under subsection (a)(1) shall not be available for the construction of water infrastructure for the system.

TITLE II—ESPANOLA WATER FILTRATION FACILITY

SEC. 201. DEFINITIONS.

In this title:

(1) COMPONENT.—The term ''component'' means a water delivery infrastructure development described in section 202(b).

(2) FACILITY.—The term ''facility'' means the Espanola water filtration facility described in section 202(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

SEC. 202. ESPANOLA WATER FILTRATION FACILITY.

(a) IN GENERAL.—The Secretary shall provide financial assistance to the city of Espanola,

New Mexico, for the construction of an Espanola water filtration facility consisting of projects—

(1) to divert and fully use imported water to meet future demands in the greater Espanola, New Mexico region, including construction of—

(A) presedimentation basins for removal of sediments;

(B) an influent pump station to supply water into treatment facilities;

(C) a pretreatment facility;

(D) filtration facilities;

(E) finished water storage facilities;

(F) a finished water booster pump station;

(G) sludge dewatering facilities; and

(H) potable water transmission lines to connect into the water distribution facilities of the city of Espanola, New Mexico; and

(2) to use reclaimed water to enhance groundwater resources and surface water supplies.

(b) PARTICIPATION.—The Secretary may provide financial assistance to the Santa Clara and San Juan Pueblos of New Mexico and the non-Federal sponsors of the facility for the study, planning, design, and construction of a water delivery infrastructure development for the Santa Clara and San Juan Pueblos as a component of the facility.

(c) COST SHARING.—The Federal share of the total cost of the facility and the component shall not exceed 25 percent.

(d) LIMITATION ON USE OF FUNDS.—Funds provided by the Secretary may not be used for the operation or maintenance of the facility or the component.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the construction of the facility $3,000,000 for the period of fiscal years 2005 through 2009.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2511), as amended, was read the third time and passed.

NATIONAL HERITAGE PARTNERSHIP ACT

The Senate proceeded to consider the bill (S. 2543) to establish a program and criteria for National Heritage Areas in the United States, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 2543

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

[SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

[(a) SHORT TITLE.—This Act may be cited as the ''National Heritage Partnership Act''.

[(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

[Sec. 1. Short title; table of contents.
[Sec. 2. Definitions.
[Sec. 3. National Heritage Areas program.
[Sec. 4. Suitability-feasibility studies.
[Sec. 5. Management plans.
[Sec. 6. Local coordinating entities.
[Sec. 7. Relationship to other Federal agencies.
[Sec. 8. Private property and regulatory protections.
[Sec. 9. Authorization of appropriations.

[SEC. 2. DEFINITIONS.

[In this Act:

[(1) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the entity designated by Congress—

[(A) to develop, in partnership with others, the management plan for a National Heritage Area; and

[(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

[(2) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for a National Heritage Area designated by Congress that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with section 5.

[(3) NATIONAL HERITAGE AREA.—The term ''National Heritage Area'' means an area designated by Congress that is nationally significant to the heritage of the United States and meets the criteria established under section 4(a).

[(4) NATIONAL SIGNIFICANCE.—The term ''national significance'' means possession of—

[(A) unique natural, historical, cultural, educational, scenic, or recreational resources of exceptional value or quality; and

[(B) a high degree of integrity of location, setting, or association in illustrating or interpreting the heritage of the United States.

[(5) PROGRAM.—The term ''program'' means the National Heritage Areas program established under section 3(a).

[(6) PROPOSED NATIONAL HERITAGE AREA.—The term ''proposed National Heritage Area'' means an area under study by the Secretary or other parties for potential designation by Congress as a National Heritage Area.

[(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

[(8) SUITABILITY-FEASIBILITY STUDY.—The term ''suitability-feasibility study'' means a study conducted by the Secretary, or conducted by 1 or more other interested parties and reviewed by the Secretary, in accordance with the criteria and processes established under section 4, to determine whether an area meets the criteria to be designated as a National Heritage Area by Congress.

[SEC. 3. NATIONAL HERITAGE AREAS PROGRAM.

[(a) IN GENERAL.—Subject to the availability of funds, the Secretary shall establish a National Heritage Areas program under which the Secretary shall provide technical and financial assistance to local coordinating entities to support the establishment of National Heritage Areas.

[(b) DUTIES.—Under the program, the Secretary shall—

[(1)(A) conduct suitability-feasibility studies, as directed by Congress, to assess the suitability and feasibility of designating proposed National Heritage Areas; or

[(B) review and comment on suitability-feasibility studies undertaken by other parties to make such assessment;

[(2) provide technical assistance, on a reimbursable or non-reimbursable basis (as determined by the Secretary), for the development and implementation of management plans for designated National Heritage Areas;

[(3) enter into cooperative agreements with interested parties to carry out this Act;

[(4) provide information, promote understanding, and encourage research on National Heritage Areas in partnership with local coordinating entities;

[(5) provide national oversight, analysis, coordination, and technical assistance and support to ensure consistency and accountability under the program; and

[(6) submit annually to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the allocation and expenditure of funds for activities conducted with respect to National Heritage Areas under this Act.

[SEC. 4. SUITABILITY-FEASIBILITY STUDIES.

[(a) CRITERIA.—In conducting or reviewing a suitability-feasibility study, the Secretary shall apply the following criteria to determine the suitability and feasibility of designating a proposed National Heritage Area:

[(1) An area—

[(A) has an assemblage of natural, historic, cultural, educational, scenic, or recreational resources that together are nationally significant to the heritage of the United States;

[(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;

[(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

[(D) reflects traditions, customs, beliefs, and folklife that are a valuable part of the heritage of the United States;

[(E) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

[(F) provides outstanding recreational or educational opportunities; and

[(G) has resources and traditional uses that have national significance.

[(2) Residents, business interests, nonprofit organizations, and governments (including relevant Federal land management agencies) within the proposed area are involved in the planning and have demonstrated significant support through letters and other means for National Heritage Area designation and management.

[(3) The local coordinating entity responsible for preparing and implementing the management plan is identified.

[(4) The proposed local coordinating entity and units of government supporting the designation are willing and have documented a significant commitment to work in partnership to protect, enhance, interpret, fund, manage, and develop resources within the National Heritage Area.

[(5) The proposed local coordinating entity has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the National Heritage Area.

[(6) The proposal is consistent with continued economic activity within the area.

[(7) A conceptual boundary map has been developed and is supported by the public and participating Federal agencies.

[(b) CONSULTATION.—In conducting or reviewing a suitability-feasibility study, the Secretary shall consult with the managers of any Federal land within the proposed National Heritage Area and secure the concurrence of the managers with the findings of the suitability-feasibility study before making a determination for designation.

[(c) TRANSMITTAL.—On completion or receipt of a suitability-feasibility study for a National Heritage Area, the Secretary shall—

[(1) review, comment, and make findings (in accordance with the criteria specified in subsection (a)) on the feasibility of designating the National Heritage Area;

[(2) consult with the Governor of each State in which the proposed National Heritage Area is located; and

[(3) transmit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, the suitability-feasibility study, including—

[(A) any comments received from the Governor of each State in which the proposed National Heritage Area is located; and

[(B) a finding as to whether the proposed National Heritage Area meets the criteria for designation.

[(d) DISAPPROVAL.—

[(1) IN GENERAL.—If the Secretary determines that any proposed National Heritage Area does not meet the criteria for designation, the Secretary shall include within the suitability-feasibility study submitted under subsection (c)(3) a description of the reasons for the determination.

[(2) OTHER FACTORS.—A finding by the Secretary that a proposed National Heritage Area meets the criteria for designation shall not preclude the Secretary from recommending against designation of the proposed National Heritage Area based on the budgetary impact of the designation or any other factor unrelated to the criteria.

[(e) DESIGNATION.—The designation of a National Heritage Area shall be—

[(1) by Act of Congress; and

[(2) contingent on the prior completion of a suitability-feasibility study and an affirmative determination by the Secretary that the area meets the criteria established under subsection (a).

[SEC. 5. MANAGEMENT PLANS.

[(a) REQUIREMENTS.—The management plan for any National Heritage Area shall—

[(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

[(2) include a description of actions and commitments that governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

[(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

[(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national significance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

[(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

[(6) describe a program for implementation for the management plan, including—

[(A) performance goals;

[(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

[(C) specific commitments for implementation that have been made by the local coordinating entity or any government agency, organization, business, or individual;

[(7) include an analysis of, and recommendations for, means by which Federal, State, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this Act; and

[(8) include a business plan that—

[(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

[(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

[(b) DEADLINE.—

[(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

[(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this Act until such time as the management plan is submitted to and approved by the Secretary.

[(c) APPROVAL OF MANAGEMENT PLAN.—

[(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

[(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

[(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

[(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

[(B) the local coordinating entity—

[(i) has afforded adequate opportunity for public and governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

[(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

[(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

[(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

[(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

[(F) the Secretary has received adequate assurances from the appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local elements of the management plan; and

[(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

[(4) DISAPPROVAL.—

[(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

[(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

[(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

[(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

[(5) AMENDMENTS.—

[(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

[(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this Act to implement an amendment to the management plan until the Secretary approves the amendment.

[SEC. 6. LOCAL COORDINATING ENTITIES.

[(a) DUTIES.—To further the purposes of the National Heritage Area, the local coordinating entity shall—

[(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with section 5;

[(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating committee receives Federal funds under this Act, specifying—

[(A) the specific performance goals and accomplishments of the local coordinating committee;

[(B) the expenses and income of the local coordinating committee;

[(C) the amounts and sources of matching funds;

[(D) the amounts leveraged with Federal funds and sources of the leveraging; and

[(E) grants made to any other entities during the fiscal year;

[(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this Act, all information pertaining to the expenditure of the funds and any matching funds; and

[(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

[(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this Act to—

[(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

[(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

[(3) hire and compensate staff, including individuals with expertise in—

[(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

[(B) economic and community development; and

[(C) heritage planning;

[(4) obtain funds or services from any source, including other Federal laws or programs;

[(5) contract for goods or services; and

[(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

[(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this Act to acquire any interest in real property.

[SEC. 7. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

[(a) IN GENERAL.—Nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.

[(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to

conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

[(c) OTHER FEDERAL AGENCIES.—Nothing in this Act—

[(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

[(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

[(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

[SEC. 8. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

[Nothing in this Act—

[(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

[(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

[(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to any local coordinating entity;

[(4) authorizes or implies the reservation or appropriation of water or water rights;

[(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

[(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

[SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

[(a) SUITABILITY-FEASIBILITY STUDIES.—There is authorized to be appropriated to conduct and review suitability-feasibility studies under section 4 $750,000 for each fiscal year, of which not more than $250,000 for any fiscal year may be used for any individual suitability-feasibility study for a proposed National Heritage Area.

[(b) LOCAL COORDINATING ENTITIES.—

[(1) IN GENERAL.—There is authorized to be appropriated to carry out section 6 $15,000,000 for each fiscal year, of which not more than—

[(A) $1,000,000 may be made available for any fiscal year for any individual National Heritage Area, to remain available until expended; and

[(B) a total of $10,000,000 may be made available for all such fiscal years for any individual National Heritage Area.

[(2) TERMINATION DATE.—

[(A) IN GENERAL.—The authority of the Secretary to provide financial assistance to an individual local coordinating entity under this Act (excluding technical assistance and administrative oversight) shall terminate on the date that is 15 years after the date of the initial receipt of the assistance by the local coordinating committee.

[(B) DESIGNATION.—A National Heritage Area shall retain the designation as a National Heritage Area after the termination date prescribed in subparagraph (A).

[(3) ADMINISTRATION.—Not more than 5 percent of the amount of funds made available under paragraph (1) for a fiscal year may be used by the Secretary for technical assistance, oversight, and administrative purposes.

[(c) MATCHING FUNDS.—

[(1) IN GENERAL.—As a condition of receiving a grant under this Act, the recipient of the grant shall provide matching funds in an amount that is equal to the amount of the grant.

[(2) ADMINISTRATION.—The recipient matching funds—

[(A) shall be derived from non-Federal sources; and

[(B) may be made in the form of in-kind contributions of goods or services fairly valued.]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Heritage Partnership Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. National Heritage Areas program.
Sec. 4. Studies.
Sec. 5. Management plans.
Sec. 6. Local coordinating entities.
Sec. 7. Relationship to other Federal agencies.
Sec. 8. Private property and regulatory protections.
Sec. 9. Authorization of appropriations.

SEC. 2. DEFINITIONS.

In this Act:

(1) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the entity designated by Congress—

(A) to develop, in partnership with others, the management plan for a National Heritage Area; and

(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

(2) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for a National Heritage Area designated by Congress that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with section 5.

(3) NATIONAL HERITAGE AREA.—The term ''National Heritage Area'' means an area designated by Congress that is nationally significant to the heritage of the United States and meets the criteria established under section 4(a).

(4) NATIONAL IMPORTANCE.—The term ''national importance'' means possession of—

(A) unique natural, historical, cultural, educational, scenic, or recreational resources of exceptional value or quality; and

(B) a high degree of integrity of location, setting, or association in illustrating or interpreting the heritage of the United States.

(5) PROGRAM.—The term ''program'' means the National Heritage Areas program established under section 3(a).

(6) PROPOSED NATIONAL HERITAGE AREA.—The term ''proposed National Heritage Area'' means an area under study by the Secretary or other parties for potential designation by Congress as a National Heritage Area.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) STUDY.—The term ''study'' means a study conducted by the Secretary, or conducted by 1 or more other interested parties and reviewed by the Secretary, in accordance with the criteria and processes established under section 4, to determine whether an area meets the criteria to be designated as a National Heritage Area by Congress.

SEC. 3. NATIONAL HERITAGE AREAS PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a National Heritage Areas program under which the Secretary shall provide technical and financial assistance to local coordinating entities to support the establishment of National Heritage Areas.

(b) DUTIES.—Under the program, the Secretary shall—

(1)(A) conduct studies, as directed by Congress, to assess the suitability and feasibility of designating proposed National Heritage Areas; or

(B) review and comment on studies undertaken by other parties to make such assessment;

(2) provide technical assistance, on a reimbursable or non-reimbursable basis (as determined by the Secretary), for the development and implementation of management plans for designated National Heritage Areas;

(3) enter into cooperative agreements with interested parties to carry out this Act;

(4) provide information, promote understanding, and encourage research on National Heritage Areas in partnership with local coordinating entities;

(5) provide national oversight, analysis, coordination, and technical assistance and support to ensure consistency and accountability under the program; and

(6) submit annually to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the allocation and expenditure of funds for activities conducted with respect to National Heritage Areas under this Act.

SEC. 4. STUDIES.

(a) CRITERIA.—In conducting or reviewing a study, the Secretary shall apply the following criteria to determine the suitability and feasibility of designating a proposed National Heritage Area:

(1) An area—

(A) has an assemblage of natural, historic, cultural, educational, scenic, or recreational resources that together are nationally important to the heritage of the United States;

(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;

(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

(D) reflects traditions, customs, beliefs, and folklife that are a valuable part of the heritage of the United States;

(E) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(F) provides outstanding recreational or educational opportunities; and

(G) has resources and traditional uses that have national importance.

(2) Residents, business interests, nonprofit organizations, and governments (including relevant Federal land management agencies) within the proposed area are involved in the planning and have demonstrated significant support through letters and other means for National Heritage Area designation and management.

(3) The local coordinating entity responsible for preparing and implementing the management plan is identified.

(4) The proposed local coordinating entity and units of government supporting the designation are willing and have documented a significant commitment to work in partnership to protect, enhance, interpret, fund, manage, and develop resources within the National Heritage Area.

(5) The proposed local coordinating entity has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the National Heritage Area.

(6) The proposal is consistent with continued economic activity within the area.

(7) A conceptual boundary map has been developed and is supported by the public and participating Federal agencies.

(b) CONSULTATION.—In conducting or reviewing a study, the Secretary shall consult with the managers of any Federal land within the proposed National Heritage Area and secure the concurrence of the managers with the findings

of the study before making a determination for designation.

(c) TRANSMITTAL.—On completion or receipt of a study for a National Heritage Area, the Secretary shall—

(1) review, comment, and make findings (in accordance with the criteria specified in subsection (a)) on the feasibility of designating the National Heritage Area;

(2) consult with the Governor of each State in which the proposed National Heritage Area is located; and

(3) transmit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, the study, including—

(A) any comments received from the Governor of each State in which the proposed National Heritage Area is located; and

(B) a finding as to whether the proposed National Heritage Area meets the criteria for designation.

(d) DISAPPROVAL.—If the Secretary determines that any proposed National Heritage Area does not meet the criteria for designation, the Secretary shall include within the study submitted under subsection (c)(3) a description of the reasons for the determination.

(e) DESIGNATION.—The designation of a National Heritage Area shall be—

(1) by Act of Congress; and

(2) contingent on the prior completion of a study and an affirmative determination by the Secretary that the area meets the criteria established under subsection (a).

SEC. 5. MANAGEMENT PLANS.

(a) REQUIREMENTS.—The management plan for any National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, means by which Federal, State, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this Act; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this Act until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

(i) has afforded adequate opportunity for public and governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) the Secretary has received adequate assurances from the appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local elements of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this Act to implement an amendment to the management plan until the Secretary approves the amendment.

SEC. 6. LOCAL COORDINATING ENTITIES.

(a) DUTIES.—To further the purposes of the National Heritage Area, the local coordinating entity shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with section 5;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating committee receives Federal funds under this Act, specifying—

(A) the specific performance goals and accomplishments of the local coordinating committee;

(B) the expenses and income of the local coordinating committee;

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this Act, all information pertaining to the expenditure of the funds and any matching funds; and

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this Act to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal laws or programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this Act to acquire any interest in real property.

SEC. 7. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this Act—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 8. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this Act—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to any local coordinating entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) STUDIES.—There is authorized to be appropriated to conduct and review studies under section 4 $750,000 for each fiscal year, of which not more than $250,000 for any fiscal year may be used for any individual study for a proposed National Heritage Area.

(b) LOCAL COORDINATING ENTITIES.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out section 6 $15,000,000 for each fiscal year, of which not more than—

(A) $1,000,000 may be made available for any fiscal year for any individual National Heritage Area, to remain available until expended; and

(B) a total of $10,000,000 may be made available for all such fiscal years for any individual National Heritage Area.

(2) TERMINATION DATE.—

(A) IN GENERAL.—The authority of the Secretary to provide financial assistance to an individual local coordinating entity under this Act (excluding technical assistance and administrative oversight) shall terminate on the date that is 15 years after the date of the initial receipt of the assistance by the local coordinating committee.

(B) DESIGNATION.—A National Heritage Area shall retain the designation as a National Heritage Area after the termination date prescribed in subparagraph (A).

(3) ADMINISTRATION.—Not more than 5 percent of the amount of funds made available under paragraph (1) for a fiscal year may be used by the Secretary for technical assistance, oversight, and administrative purposes.

(c) MATCHING FUNDS.—

(1) IN GENERAL.—As a condition of receiving a grant under this Act, the recipient of the grant shall provide matching funds in an amount that is equal to the amount of the grant.

(2) ADMINISTRATION.—The recipient matching funds—

(A) shall be derived from non-Federal sources; and

(B) may be made in the form of in-kind contributions of goods or services fairly valued.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2543), as amended, was read the third time and passed.

MOUNT RAINIER NATIONAL PARK BOUNDARY ADJUSTMENT ACT OF 2004

The bill (H.R. 265) to provide for an adjustment of the boundaries of Mount Rainier National Park, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

AMENDMENTS TO THE RECLAMATION PROJECTS AUTHORIZATION AND ADJUSTMENT ACT OF 1992

The Senate proceeded to consider the bill (H.R. 1284) to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 1284

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

SECTION 1. INCREASE IN FEDERAL SHARE OF SAN GABRIEL BASIN DEMONSTRATION PROJECT.

Section 1631(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–13) is amended—

(1) by striking ''In the case'' and inserting ''(A) Subject to subparagraph (B), in the case''; and

(2) by adding at the end the following:

''(B) In the case of the San Gabriel Basin demonstration project authorized by section 1614, the Federal share of the cost of such project may not exceed the sum determined by adding—

''(i) the amount that applies to that project under subparagraph (A); and

''(ii) **[**$12,500,000**]** *$6,500,000*.''.

The committee amendment was agreed to.

The bill (H.R. 1284), as amended, was read the third time and passed.

MARTIN LUTHER KING, JR., NATIONAL HISTORIC SITE LAND EXCHANGE ACT

The bill (H.R. 1616) to authorize the exchange of certain lands within the Martin Luther King, Jr., National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

TIMUCUAN ECOLOGICAL AND HISTORIC PRESERVE BOUNDARY REVISION ACT OF 2004

The bill (H.R. 3768) to expand the Timucuan Ecological and Historic Preserve, Florida, was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the energy committee, Senators DOMENICI and BINGAMAN, are to be congratulated. I say that because usually the committee waits until the very last minute, and then we have a load of bills that can't be lifted. There are scores of them. This was a large number of bills, and they did them now.

Being from a public lands State where 87 percent of the land is owned by the Federal Government, the committee did the right thing. When we get ready to recess, there will be another big batch we will have to take a look at. But it will lessen the burden that we have in the waning hours of getting out of here trying to work through all of these bills. I didn't add them up, but there are probably over 40 bills we needed to dispose of to send them to the House tonight. The number is 44, I am told.

This is good work. The committee should be congratulated, and that is what I am doing now.

Mr. FRIST. Mr. President, I hold my breath right before all these are going through. But it is 43, 44 bills just done. These bills reflect a huge amount of work. To see it come together is sort of the privilege that the Democratic leadership and the Republican leadership have, to see it come together at a late hour like this afternoon. It is gratifying. As I say, I hold my breath to make sure it finally gets done each time.

CALIFORNIA WATER SECURITY AND ENVIRONMENTAL ENHANCEMENT ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of Calendar No. 640, H.R. 2828.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2828) to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to; the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3663) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (H.R. 2828), as amended, was read the third time and passed.

ORDERS FOR THURSDAY, SEPTEMBER 16, 2004, AND MONDAY, SEPTEMBER 20, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, September 16, for a pro forma session only. I further ask that immediately after convening, the Senate then adjourn over until 2 p.m. on Monday, September 20; provided further that on Monday, following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and there then be a period of morning business for debate only with Senators to speak for up to 10 minutes each; I further ask consent that the vote on passage of the Military Construction appropriations bill occur at 5:30 p.m. on Monday, with the 10 minutes prior to the vote equally divided for closing remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I personally appreciate the distinguished Republican leader having a pro forma session tomorrow and our being out on Friday. We don't recognize often enough publicly the great work that the staff does. These people around here work so hard, work such long hours. After we go, many of them are still around here making sure the journals are correct, and there are many other things they do. In addition, because of the terrorism threat, we have all these security people here. I personally appreciate the distinguished Republican leader not having a full-blown session tomorrow.

PROGRAM

Mr. FRIST. Mr. President, let me take a minute to review the schedule for the next couple of days and next week. In observance of the Rosh Hashanah holiday, we will not be voting tomorrow. In addition, we are in a pro forma session which will allow people to appropriately use that time for themselves to work, to catch up with families, to see constituents, to get back to their States.

We were able to reach agreement to complete two additional appropriations bills with short time limits which allows us to be in a pro forma session tomorrow. We will not be conducting business on the floor tomorrow.

Earlier today, we completed debate on the Military Construction appropriations bill with the vote on final passage which will occur, as just mentioned, at 5:30 on Monday. For the information of my colleagues, that will be the next rollcall vote. Today we also reached agreement on the Legislative Branch appropriations bill, and that will be scheduled for consideration early next week with the vote likely to be Tuesday morning.

Next week we may be able to reach additional agreements on appropriations bills, and we will continue to pursue those in the same spirit that the assistant Democratic leader just mentioned.

In addition, we have the Goss nomination that, in all likelihood, will become available for full Senate consideration. We will certainly schedule that nomination to come to the floor just as soon as we possibly can, as soon as it is ready. I expect that to be in the early to mid part of next week.

We also have discussions continuing on the expiring family tax provisions. If possible, we would like to be able to pull that package together and bring it to the floor just as soon as it is ready as well.

Next week, on Thursday, September 23, Prime Minister Allawi of Iraq, who is also a physician and doctor, will be addressing a joint meeting of Congress. That address will be on that Thursday at 10 a.m. in the Hall of the House of Representatives. Members will gather in the Senate Chamber and will proceed as a body to the House at approximately 9:30 that morning.

We will have a very full schedule next week. I know that quite often, as the galleries watch what is occurring in the Senate Chamber or view on C–SPAN II what happens in the Senate, when we have days like tomorrow or the rest of this afternoon, things seem to be slow. In truth, there is all sorts of work going on, especially now as we are working toward that October 8 adjournment date. People are busy in committee hearings and working on various issues that we must address and negotiate through this legislative process.

A perfect example is with the bills that the assistant Democratic leader just referred to—the 44 bills that he held up and that we were able to pass quickly. A huge amount of work goes into bringing those to the floor and having them prepared appropriately. These bills had to do with land, water conservation, park measures, and a whole range of energy issues. It took about a minute on the Senate floor to pass them, but literally hundreds of hours were involved in getting that legislation available and ready for consideration.

I only mention that as another example of what is going on and what the challenge is and the huge demands on all of us to accomplish what we must before October 8.

I opened this morning by thanking Senator THAD COCHRAN for his tremendous leadership over the course of the week on Homeland Security appropriations. We were here very late last night and we were able to complete that bill. Members showed a lot of patience during the day and into the evening as we pushed through to final passage. I thank everybody for their tremendous efforts.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:29 p.m., adjourned until Thursday, September 16, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 15, 2004:

DEPARTMENT OF AGRICULTURE

MICHAEL J. HARRISON, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE LOU GALLEGOS, RESIGNED.

DEPARTMENT OF DEFENSE

FRANCIS J. HARVEY, OF CALIFORNIA, TO BE SECRETARY OF THE ARMY, VICE THOMAS E. WHITE, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PAMELA HUGHES PATENAUDE, OF NEW HAMPSHIRE, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE ROMOLO A. BERNARDI.

NATIONAL SCIENCE FOUNDATION

ARDEN BEMENT, JR., OF INDIANA, TO BE DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION FOR A TERM OF SIX YEARS, VICE RITA R. COLWELL, RESIGNED.

THE JUDICIARY

J. MICHAEL SEABRIGHT, OF HAWAII, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII, VICE ALAN C. KAY, RETIRED.

WITHDRAWAL

Executive message transmitted by the President to the Senate on September 15, 2004, withdrawing from further Senate consideration the following nomination:

FRANCIS J. HARVEY, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, WHICH WAS SENT TO THE SENATE ON NOVEMBER 6, 2003.